

CHAPTER 914
Sewer Use and Rates

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914.00 DEFINITIONS.

The following definitions will apply to all Sections of this Ordinance:

"Authorized person" means a person duly authorized by the Director of Public Safety-Service to act on his/her behalf in fulfilling the provisions of this Ordinance.

"BOD" means the biochemical oxygen demand, the quantity of oxygen, expressed as milligrams per liter, utilized in the biochemical oxidation of organic matter for a five (5) day time period at twenty (20) degrees C., further explained in the current edition of Standard Methods for Water and Wastewater Analysis, published by the American Public Health Association.

"COD" means chemical oxygen demand, the quantity of oxygen, expressed as milligrams per liter used in the chemical oxidation of organic matter to carbon dioxide and water, further explained in Standard Methods for Water and Wastewater Analysis.

"Combined sewer" means a sewer which is designed to carry sanitary sewage, industrial wastes and stormwater.

"Debt service" means the bond retirement which is incurred in the payment of capital costs for the construction and/or capital improvement of wastewater collection and treatment facilities.

"Domestic sewage" means sanitary sewer which does not exceed normal wastewater concentrations.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business, as distinct from domestic sewage.

"mg/l" means milligrams per liter.

"Non-domestic" means any wastes exceeding normal wastewater concentrations.

"Normal wastewater concentrations" is for the purposes of the extra strength surcharge system, normal wastewater concentrations are defined as a five (5) day biochemical oxygen demand of two hundred fifty (250) milligrams per liter, suspended solids of two hundred fifty (250) milligrams per liter, phosphorous of twenty (20) milligrams per liter and oil and grease of fifty (50) milligrams per liter.

"NPDES permit" means the National Pollutant Discharge Elimination System Permit, the permit issued by the U.S. EPA or the State of Ohio EPA under the Clean Water Act regulating the discharge of water to navigable waters.

"OM&R" means operation, maintenance and replacement.

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

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in gram moles per liter of solution.

"Phosphorus" means compounds of orthophosphates, polyphosphates and organic phosphorus.

"ppm" means parts per million.

"Replacement charge" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain capacity and performance for which such works were designed and constructed.

"Sanitary sewage" means a combination of the liquid and water-carried wastes from the sanitary convenience of residences, business buildings, institutions and commercial and industrial establishments.

"Sanitary sewer" means a sewer which carries sanitary sewage and industrial wastes and to which storm, surface and ground wastes are not intentionally admitted.

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

"Storm sewer" means a sewer which carries storm, surface waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than polluted cooling water.

"Storm water" storm water shall include rain, surface and other water which is ordinarily discharged into public storm sewers in contrast to such other liquids and solids which are ordinarily discharged into public sanitary sewers.

"Subsurface drainage" means any water collected by footer drains or other devices below the ground.

"Suspended solids (SS)" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

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

914.01 CLEAR WATER CONNECTIONS.

(a)(1) No person, firm, or corporation shall discharge or cause to be discharged, either directly or indirectly, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Any connections made either before or after the effective date of this Ordinance shall be considered illegal and shall be subject to immediate removal by the owner of the premise so connected and at such owner's expense.

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

(4) Should the owner of an illegally connected premise fail to remove the connection within ninety (90) days, the City shall cause the connection to be removed, charging the owner the full costs of such removal.

(b) Stormwater and all other unpolluted drainage shall be discharged into sewers which are specifically designed and designated as storm sewers or to a combined sewer or a natural outlet approved by the City.

(c) No person, firm, or corporation, or municipality constructing a sanitary sewer, building or house connection, shall leave same open, unsealed, or incomplete in such a fashion as to permit storm, surface or subsurface water to enter the sewers.

(d) No person shall open, enter, or allow to remain open, any manhole in any public sewer without a permit from the Director of Public Safety-Service.

914.02 LIMITATIONS OF CONNECTIONS.

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

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

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

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

(e) When, in the opinion of the Director of Public Safety-Service, it is necessary to connect a house connection sewer to a public sewer at a point

where no connection facility has been provided, application for the public sewer tap shall be submitted and a separate fee for each tap shall be paid by the applicant before the permit is issued for the construction of the house connection sewer.

(f) All tapping of public sewers shall be made by City employees, or by a licensed sewer contractor, in the presence and to the satisfaction of an inspector acting under the authority of the Director of Public Safety-Service. Sewer tappers shall be licensed by the City in accordance with the Plumbing Code.

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

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

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

914.03 SEWER DESIGN AND PERMITS.

(a) No person shall make, construct, alter or repair any house connection sewer, special house connection sewer, industrial waste sewer connection, industrial waste storm drain connection, storm drain connection, or special drainage connection, or any portion of any such sewer or storm drain connections, including sampling manholes, or connect any house sewer, soil pipe, or plumbing to any sewer or storm drain connection or to a sewer or storm drain under the jurisdiction of the City without obtaining a written permit from the City.

(b) Persons desiring to obtain a permit for any of the purposes enumerated in this Section shall file with the Director of Public Safety-Service a written application on printed forms furnished for that purpose signed by the applicant. The applications shall contain such information as the City Engineer may require. If it appears from the application that the work to be performed thereunder is to be done according to the regulations contained or referred to in this Chapter governing the execution of such work, a permit shall be issued upon payment of the applicable permit charges required.

(c) The Director of Public Safety-Service before granting any permit, in accordance with the provisions of this Chapter, which will necessitate any excavation in, upon, or under any State highway in the City, or the making of a connection to a sewer or house connection sewer for which a permit is also required from a County sanitation district or a political subdivision other than the City, shall require such permit to be presented for inspection.

(d) Nothing in this Section shall be deemed or construed to require the application for or the issuance of a permit for the purpose of removing stoppages in any house connection sewer, except when it is necessary to replace any part or all of the sewer connection or to excavate in any street or sidewalk or sewer easement in connection therewith.

(e) A permit under which an excavation, tunnel, or the laying of sewer or storm drain pipe in any public street is contemplated will be issued only to other departments of the City, other governmental agencies, or qualified contractors.

(f) A permit for making sewer connections at the property line may be issued to any responsible person when, in the opinion of the Director of Public Safety-Service, the granting of the permit will not endanger public property or jeopardize the public's interest.

(g) The provisions of (a) through (f) above shall not be construed to apply to contractors constructing house connection sewers under contracts entered into under proceedings had or taken pursuant to any of the procedure ordinances of the City, the County, or the State statutes, or other contracts authorized by the City Council, providing for the construction of house connection sewers.

(h) Before granting any permit pursuant to the provisions of this Chapter, except applications filed by a department of the City, the City shall require the payment by the applicant therefor of a fee for each permit issued. Fees shall be as delineated in Chapter 1321 of the Codified Ordinances of the City of Rocky River, Ohio.

(i)(1) No person having obtained a permit from the City shall construct, alter or repair any house connection sewer or any portion of any house connection sewer, or make a connection to any public sewer or house connection, pursuant to any permit, at any place other than that designated thereon. Neither shall the person fail, refuse, or neglect to comply with any requirement contained or referred to in this Section.

(2) At all times, while the work under any such permit is in progress, the original of the permit must be kept at the place of the work and must, on demand, be exhibited to the City or to any of its inspectors, agents, or representatives, or to any police officer.

(j) The construction of all sewers, and all repairs to sewers, shall be in accordance with the Uniform Standard for Sewerage Improvements of the combined agencies of the City of Cleveland, Northeast Ohio Regional Sewer District, Cuyahoga County Sanitary Engineer and Cuyahoga County Municipal Engineer's Association.

(k) The provisions of this Chapter are supplementary to the provisions of the City Building Code.

914.04 SEWERS IN NEW SUBDIVISIONS.

(a) Upon completion of all street improvements as required by the ordinance by virtue of which the plat of a newly created subdivision is conditionally accepted by the City, except the installation of public sidewalks, and after the City Engineer has so certified to the Director of Public Safety-Service, the Director shall cause the street sewers in the subdivision to be inspected by a City inspector to ascertain whether such sewers or any of them are blocked or partially blocked by dirt, lumber, bricks, or other foreign material, or damaged, and report the result of his inspection to the Director of Public Safety-Service. The Director of Public Safety-Service shall then order the Sewers Division to clean all sewers which the report shows blocked or partially blocked, to remove the cause of such blocking, therefrom and to repair any part of such sewers which have been damaged.

(b) Deposit Required Prior to Recording.

The cost of making the sewer inspection and the cleaning and repairing of such sewers by the City as provided in Section 914.04 shall be paid by the owner of the subdivision, who shall deposit with the Finance Director an amount of money sufficient, in the estimate of the City Engineer, to defray the cost of the inspection and possible cleaning and repairing.

The deposit shall be made before the Clerk of Council shall proceed to record the plat of the subdivision with the County Recorder, as provided in the plat acceptance ordinance.

(c) Work Rates; Charges Deducted from Deposits.

The cost of the City inspection as set forth herein shall be computed on the same basis as is charged for inspection of the street improvements as they are being installed. The rate charged for such inspection and the cleaning and removing of obstruction from the sewers and any repairs shall be as set forth in Section 1321.03 and 1321.05 of the Codified Ordinances. Charges shall be deducted from the required deposit. If insufficient to pay any such charges, the subdivision owner shall immediately pay such additional amount as is necessary to

to pay all costs involved.

(d) Photographing of Sewers.

The Director of Public Safety-Service is hereby directed to, prior to final approval of any newly installed sewer system and/or reconstructed sewer, require that any and all contractors cause to be made two (2) sets of photographs of the entire sewer system installed, both sanitary and storm, one (1) set at the completion of all mains and the second set at the completion of all home laterals, showing thereby, that the sewer system has been constructed upon sound engineering standards and that the system is free of any and all accumulations of foreign substance and nature and that the passage and flow of sewage and storm water are free and clear.

Upon inspection of such photographs, and if satisfied that such sewer is free and clear of all foreign substance, is of sound workmanship and that there is nothing present to prevent the free flow of sewage and storm waters, the Director of Public Safety-Service is hereby authorized to approve same as a final inspection, placing in safekeeping all photographs for future reference.

The cost of such photographing and photographs shall be entirely paid for by the contractor or developer of such land and/or sewer system, and such photographs shall remain the property of the City.

914.05 SANITARY SEWER DISCHARGE STANDARDS.

(a)(1) Except as provided in (b) below, no person shall place, throw, or deposit, or cause or permit to be placed, thrown or deposited in any public sewer, drain, catch basin, water closet, privy, any dead animal, offal, or garbage, fish, fruit, vegetable waste, or any other solid matter or material of any kind whatsoever, of such a nature or in such quantities as will, or will be likely to clog or obstruct any public sewer, drain, or catch basin, or which will or will be likely to interfere with or prevent the effective or efficient use of the operation of any of the same.

(2) No person shall cause or permit to be deposited or discharged into any public sewer, drain, or catch basin, water or sewage, or liquid waste of any kind, containing chemicals, greases, oil, tar, or other matter or material which would by reason of precipitation or settlement of such matter or materials be likely to clog or obstruct any of the same, or which by reason thereof will be likely to interfere with or prevent the effective or efficient use of any of same, or which will be likely to necessitate or require frequent repair, cleaning out, or flushing of any sewer, drain or catch basin.

(b) Garbage resulting from the preparation of any food or drink prepared on premises where they are served or proposed to be served for consumption, properly ground to such fineness and by such methods as may be from time to time approved by the City, may be discharged into a public sewer by such methods as may be from time to time approved by the City.

(c) No person shall intentionally allow sanitary sewage to flow into a sanitary sewer of the City which flows into the Rocky River Sewage Treatment Plant, which does not meet the following requirements:

- (1) Shall have a temperature of not more than one hundred fifty (150) degrees
- (2) Shall contain no gasoline, benzine, naphtha, fuel, oil or gases, or other flammable or explosive liquid, solid, or gas, except as may be found in normal domestic sanitary sewage.
- (3) Shall contain no unground garbage.
- (4) Shall have a pH of more than 6.0 but less than 9.0.
- (5) Shall contain no toxic, poisonous, noxious or malodorous substances in sufficient quantities to cause a public nuisance, hazard to humans or animals or interference with any sewage treatment process
- (6) Shall contain no cooling water.
- (7) Shall contain no more than ten (10) milligrams per liter of the following gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.
- (8) Shall contain no phenols excess of 0.5 milligrams per liter by weight. These limits may be modified at the discretion of the City if the aggregate of contributions throughout the area of service create treatment difficulties, or produce a plant effluent discharge to receiving waters, which may be prohibitive.
- (9) Shall have no corrosive properties either acid or alkaline capable of causing damage or hazard to structures, equipment, or personnel of the Department of Sewers.
- (10) Shall not contain a toxic or poisonous substance of high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard to the receiving waters or stormwater overflows or the effluent of the wastewater treatment plant. The following list is not intended to be a complete list of forbidden toxic

materials. Additional restrictions may also be placed on other compounds when it is shown that the concentration of these materials at a treatment plant is sufficient to adversely affect any portion of the treatment process. The average concentration of toxic substances into the sewage system from any one establishment shall be the magnitude of the stated concentrations with peak concentrations not greater than twice this amount (unless otherwise stated). However, where low downstream dilution might be expected, the requirements may be modified at the discretion of the City. The following list of toxic substances is to be used as a guide indicating limits of concentration not to be exceeded in the sanitary sewer to which discharges are made:

SUBSTANCE	CONCENTRATION (mg/l)	EXPRESSED AS
Arsenic	0.5	As
Cadmium	0.1	Cd
Chromium (Hexavalent)	0.37	Cr
Copper	2.1	Cu
Cyanide	0.1	HCN
Lead	0.5	Pb
Mercury	0.06	Mercury Compounds
Nickel	1.59	N
Silver	0.5	Ag
Zinc	10.0	Zn

(Ord. No. 118-05. Passed 9/12/05.)

These limits may be modified as necessary to comply with Federal toxic waste discharge standards.

(11) Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

(12) Any long half-life ((over one hundred (100) days)) of toxic radioactive isotopes, without special permit from the City. The radioactive isotopes such as I131 and P32 used at hospitals are not prohibited, if properly diluted at the source and discharged in accordance with Atomic Energy Commission recommendations.

(13) Any waters containing suspended solids of such character and quantity that unusual provisions, attention, or expense is required to handle such materials at the wastewater treatment plant.

(14) Any waste exerting excessive or unusual chlorine demand in such quantities as to constitute a load greater than twenty (20) percent the normal average demand at the wastewater treatment plant.

(15) Any waste or water containing excessive amounts of phosphorus so as to constitute a load greater than twenty (20) percent the normal average load at the wastewater treatment plant.

(16) Any waste which would cause the City to violate the pretreatment standards established by U.S. Environmental Protection Agency.

(d) Any wastes which are highly colored or wastes which are of unusual volume, concentration of solids, or composition, as for example in total suspended solids of inert nature (such as fuller's earth) or in total dissolved solids (such as sodium chloride, calcium chloride or sodium sulfate) or unusual in BOD, shall not be discharged into the sanitary sewer without special review by the City.

(e) Any water or wastes which by interaction with other water or wastes in the public sewer system, releases obnoxious gases; develops color of undesirable intensity (greater than twenty (20) color units); forms suspended solids in objectionable concentration (greater than twenty-five hundred (2500) mg/l); or creates any other conditions deleterious to structures and treatment processes, shall be subject to control or shall be debarred from the system as determined by the City.

(f) No person shall deposit cesspool effluent or any waste or sewage into any manhole without a permit from the Director of Public Safety-Service. The Director of Public Safety-Service may permit operators of cesspool pump trucks holding valid certificates of registration issued by the County Health Officer to dispose of cesspool effluent into manholes designated by him upon payment of a disposal fee (as defined under 914.15) for each truckload; provided the effluent does not contact any substance which, in his opinion, is deleterious.

(g) Every person is hereby expressly prohibited from introducing into the sewage system of the City any wastes which exceed the standards herein provided. Introduction of such wastes into the City sewage system in excess of such standards is hereby declared to be a public nuisance which can be abated by Court action on the part of the City.

(h) If waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the City may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or cause a violation of the NPDES permit, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rate of discharge.
- (4) Require payment to cover added cost of handling and treatment of such wastes consistent with the user charge system and to generate revenue in proportion to cost incurred.

914.06 NPDES PERMIT LIMITS.

The Rocky River Wastewater Treatment Plant is operated under conditions set forth in its current NPDES permit issued by the Ohio Environmental Protection Agency. Required pretreatment of wastes will be in accordance with the NPDES permit conditions and Chapter 915, the Pretreatment Ordinance to be passed after completion of Pretreatment Studies.

914.07 SURCHARGE FOR INDUSTRIAL WASTES.

(a)(1) Every person, firm or corporation whose premises are served by a sewer connection which discharges sanitary sewage, industrial wastes, water, or other liquids, other than domestic sewage, either directly or indirectly into the sewerage system under the jurisdiction of the City, shall be charged and shall pay a sewerage surcharge in addition to the sewerage service charge for normal sewage.

(2) Through the collection and analysis of wastewater samples from the sewer user and a review of water consumption, the City will calculate the extra-strength surcharge for these sewer users, and transmit these charges to the City of Rocky River, Director of Finance. The Director of Finance will add the amount of the extra-strength surcharge to the normal user charge for that sewer user. All extra-strength surcharge revenue which is collected within a given user class will be credited to that user class and not co-mingled among other user classes. The extra-strength surcharge revenue will be credited to its particular user class prior to calculating the user charge for the user class for the upcoming year.

(b) Constituents discharged into the system other than the constituents of normal sewage which will affect the biological treatment process in such a manner as to increase treatment costs or increase sewer maintenance cost shall be subject to a surcharge other than as described in this Section. The amount of surcharge shall be determined by the Director of Public Safety-Service and Council.

914.08 INSPECTION AND ENFORCEMENT.

(a) In enforcing the provisions of this Chapter, the Director of Public Safety-Service, or his duly authorized representative, bearing proper credentials and identification, may at any reasonable hour enter upon any premises. No person shall obstruct, hamper, or interfere with him while performing these duties. The Director of Public Safety-Service may enter public property to:

- (1) Determine the size and depth, and location of any connection with a public sewer or public storm drain.
- (2) Determine the quantity and nature of industrial waste being discharged into any public sewer, public storm drain, or watercourse.
- (3) Inspect, test, and sample the discharge of any device used to prevent the discharge into any sewer, storm drain, or watercourse of waste prohibited by this Section.
- (4) Determine the location of roof, swimming pool, and surface drains, and whether they are connected to a street gutter, storm drain, or sewers.
- (5) Determine the nature and quantity of flow in any open watercourse or storm drain.
- (6) Determine whether there is a violation of the provisions of this Section.
- (7) Exercise any other powers vested in him by this Section.

(b) On entering any lot or parcel of land for any of the above-mentioned purposes, the Director of Public Safety-Service or any employee designated by him may make the excavation and do such other work as may be necessary to make the tests herein authorized. Upon completion of the tests, the Director of Public Safety-Service shall cause the premises to be restored as nearly as practicable to their condition before such tests were made.

(c) The City shall reserve the right to inspect any sewer contributing flow to the City collection system suspected of being in violation of this Chapter. The inspection shall be made after proper notification to the potential violating entity. If the subject entity is determined to be in violation of proper maintenance, the cost of the inspection shall be borne by the violating entity. The City shall notify the subject entity that they are in violation of proper maintenance and shall further stipulate a reasonable time period for correcting the violation.

(d) The Director of Public Safety-Service may inspect, as often as he may deem necessary, every public sewer, sewage pumping plant, sewage or industrial waste treatment plant or facility, industrial connection sewer, interceptor, dilution basin, neutralization basin, or other similar appurtenance to ascertain whether the facilities are maintained and operated in accordance with the provisions of this Chapter.

(e) The Director of Public Safety-Service may require the installation of a manhole for the purpose of measuring the flow of sewage or for making periodic tests of the wastes from the sewer connection at the owner's expense.

(f) No person shall install, construct, or place any permanent or temporary object or structure where it will interfere with ready and easy access to any pretreatment or treatment facility, sampling compartment, manhole, flow metering device, or any instrumentality for which a permit is required by this Section. Any obstruction shall be removed upon order of the Director of Public Safety-Service by the person responsible for it and at no expense to the City.

(g) When the Director of Public Safety-Service is satisfied that all work done under a permit issued pursuant to this Chapter has been constructed according to and meets the requirements of this Chapter and such other provisions of law as may be applicable, and that all fees have been paid, he shall, upon request thereof, issue to the permittee constructing such work a certificate of final inspection. The permit shall recite that the work covered by the permit has been constructed according to this Section and is approved.

(h) When the Director of Public Safety-Service is satisfied that all work done to rectify a violation is completed, he shall reserve the right to inspect the work to see that it conforms to the requirements of this Chapter and other such provisions of law as may be applicable.

(i) All fees received by the City under this Section shall be deposited in a sewer fund to be maintained by the Director of Finance.

914.09 TEST PROCEDURES FOR ANALYSIS OF POLLUTANTS.

All measurements, tests and analysis shall be made in conformance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association and "Guidelines Establishing Test Procedures for the Analysis of Pollutants". (40 CFR 136)

914.10 PENALTIES.

Any entity in violation of this Chapter who does not rectify the violation within a reasonable time period shall be penalized as provided in the State statute or as determined by the Director of Public Safety-Service and Council and shall not be less than the damage incurred to the collection system or the treatment system. Each day shall constitute a separate violation subject to penalty.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

914.11 INDUSTRIAL PERMITS REPORTING.

The Director of Public Safety-Service and City Engineer may require periodic discharge reports from any industry as a condition of issuing a sewer permit under this Chapter. Costs of any such testing and reporting will be paid by the industry.

914.12 APPEAL PROCEDURES.

Any person or entity receiving services under this Chapter has the right to express grievances and/or appeal decisions to the Director of Public Safety-Service and the City Council. Additional appeal procedures may be available.

914.13 INTENT AND PURPOSE OF SANITARY SEWER CHARGES.

It is hereby determined and declared to be necessary for the due protection of the public health, safety and welfare of the City of Rocky River and of its residents to establish and collect the charges herein provided for the services of the sanitary sewer system upon all lots, lands and premises having connection with the system. It is hereby further found and determined that the terms and provisions of this Chapter, included but not limited to, the amounts of such rates and charges, the user classifications established hereby and the billing and collection procedures provided herein, are just and equitable.

914.14 SEWER REVENUE FUNDS.

The funds received from the collection of the rates and charges hereinafter provided for shall be deposited as received with the Director of Finance who shall keep the same in a separate fund designated as the Sewer Revenue Fund. Monies in such Fund shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the sanitary sewer system and for the payment for sewage treatment services.

914.15 CHARGES AND RATES.

(a) There is hereby levied and charged upon each lot, parcel of land or premises having a connection with the sanitary sewer system or otherwise discharging sewage, industrial waste, or other liquids, either directly or indirectly into the system, sanitary sewer charges payable as hereinafter provided and in the amounts to be determined as follow:

User Class	User Charge \$/MCF	Fixed Fee \$/Quarter
Single Family		
O, M & R	5.16	36.50
Capital	- -	25.00
Total	5.16	61.50
Multi-Family		
O, M & R	5.16	23.81
Capital	- -	25.00
Total	5.16	48.81
Businesses, Churches and Schools		
O, M & R	14.51	- -
Capital	- -	25.00
Total	14.51	25.00

NOTE: 1. The businesses, churches and schools rate will be \$14.51 per unit of water consumption, but not less than \$36.50 per quarter.

NOTE: 2. A unit of water consumption shall be deemed to be one thousand (1,000) cubic feet of water.

That the rates as herein described captioned "Capital" shall be deposited to the credit of the Sewer Rehabilitation Fund to be used for the defined purposes of said Sewer Rehabilitation Fund.

(Ord. 138-07. Passed 12/17/07)

(b) For extra strength wastes, the following surcharges shall be assessed in accordance with Section 914.07:

BOD \$0.27; SS \$0.20; P \$0.81; O/G \$0.12

The proportionality of the above user charges will be reviewed at least every two (2) years to insure sufficient revenue and that each user pays its proportionate share of OM&R costs. Adjustments will be made with the changes in water consumption by user classes. The review will be the responsibility of the Mayor

or official designee. Each user will receive annual notification of the rate and portion of sewer service charge attributable to OM&R costs of wastewater treatment services.

(c) The surcharge based on water consumption shall be determined on the basis of the records of the Water Department by the City of Cleveland, where the premises obtain water service from that source. On premises using water supplied from sources other than the Water Department of Cleveland, the quantity of water consumed shall be measured by a meter installed and maintained for such purpose at the expense of the owner or other interested party and acceptable to the Director of Public Safety-Service, or the owner or other interested party may, at his option, request the Director of Public Safety-Service to determine the amount of water consumed on such premises which shall be so measured by such meter or so determined by the Director of Public Safety-Service.

(d) If the Director of Public Safety-Service is satisfied, that that portion of the water from any source consumed upon any premises does not enter or is not capable of entering the sanitary sewer system, then in such case the owner or other interested party may, at his expense, install and maintain such separate metering devices, or provide such data in conformity with accepted engineering practices, as shall demonstrate to the satisfaction of the Director of Public Safety-Service that portion of the water so consumed which is or is to be discharged into the system, and such portion shall be the basis for measuring the sewer charge under this Section.

(Ord. No. 22-03. Passed 3/24/03.)

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

<u>SOURCE</u>	<u>TAP-IN FEE</u>
Residential	
Per dwelling unit	\$750.00
Commercial	
(excluding restaurant and laundromat)	
Less than 2,000 sq.ft.	\$750.00
Each additional square foot	0.25
Restaurant	
Less than 2,000 sq.ft.	\$2,000.00
Each additional square foot	0.50
Laundromat	
Less than 2,000 sq.ft.	\$3,000.00
Each additional square foot	1.00

Office	
Less than 2,000 sq.ft.	\$750.00
Each additional square foot	0.25
Manufacturing/Industrial	
Less than 2,000 sq.ft.	\$750.00
	0.50
Church/Institutional	
Less than 2,000 sq.ft.	\$750.00
Each additional square foot	0.25

The Building Commissioner will be responsible for determination of the tap-in fee calculation and approved by the Director of Economic & Community Development. Existing uses that are being demolished/removed from service due to re-development will be used in the calculation. For example, if a re-development project proposes 30 units of residential and 5 existing units are being demolished, the tap-in fee will be based on 25 units. Other re-development projects will also take into account demolition of existing buildings. Any appeal regarding the calculation will be presented to the Board of Zoning & Building Appeals for resolution.

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

The Director of Finance is hereby authorized and directed to deposit and apply all fees collected hereunder in the Sanitary Sewer Fund for the sewer system. Expenditures from this Fund shall include, but not be limited to, expenditures for the improvement, modification or expansion of the Wastewater Treatment Plant or sewer collection system.
(Ord. No. 21-05. Passed 2/14/05.)

914.16 ADJUSTMENTS.

(a) If an owner has completed all the necessary preparatory plumbing to install a separate metering device as provided under Section 914.15(e) but thereafter the placement of such meter is delayed for a period of more than thirty (30) days for reasons beyond the control of the owner, then such owner shall be entitled to the following estimated payment and final adjustment provisions:

1. The period subject to estimated payment shall commence on the thirty-first (31) day after either the completion of the preparatory plumbing or the placement of the order for a separate meter, whichever date is the later, and shall continue until the final installation of the separate meter is completed as verified by the City Inspector.
2. Such estimated payment shall be based upon the average quarterly consumption during the immediate preceding annual period as shown by the four (4) quarterly bills of the Cleveland Water Department for such annual period.
3. After the separate meter has been installed, the sewer charge for the estimated period shall be recomputed based upon the water consumption that is subject to the sewer charge herein during the next four (4) quarterly bills of the Cleveland Water Department immediately following the installation of such meter, and the necessary adjustment shall thereafter be made with the owner.

(b) If for any reason, the City of Rocky River is unable to procure meter readings from the City of Cleveland, the Director of Public Safety-Service shall cause said meter readings to be taken in any manner he deems necessary to continue said quarterly billings, as outlined in this Section.

(c) Adjustments in an owner's sewer charge shall be reported to Council twice each year in January and July. Such report shall state the original sewer charge and the amount of the adjustment therein.
(Ordinance No. 21-98. Passed 2-9-98)

(d) A credit will be given for once a year filling of a resident owned swimming pool. Credit will be calculated over four (4) quarters.
(Ordinance No. 188-97. Passed 12-22-97)

914.17 COLLECTION AND BILLING PROCEDURE.

(a) The sewer charge levied at the rates established by this Chapter shall be billed quarterly. The billing of such charge shall be determined on the basis of water consumption for the premises during the next preceding quarterly billing of the Cleveland Water Department. All bills shall be payable within thirty (30) days after billing.

(b) In case of failure to pay any bill for sewer charges when due and payable, a penalty of ten percent (10%) of the balance owing shall be added, accumulatively and carried as a balance due until paid.

914.18 EFFECTIVE DATE.

The sewer charges established in Section 914.15 shall commence on March 1, 1998, except that charges for new connections shall commence when the building,

structure or other facility is connected to the sanitary sewer system, or as of a date six (6) months following the date on which a sanitary sewer was available for making such connection, whichever date first occurs.

914.19. CHARGES A LIEN.

Each sewer charge levied pursuant to this Chapter, is hereby made a lien upon the premises charged therewith, and if the same is not paid within sixty (60) days after billing, it shall be certified to the Auditor of Cuyahoga County, who shall place the same on the tax duplicate with the interest and penalties allowed by law, and the same shall be collected as other municipal taxes are collected. The City shall also have the right, in event of non-payment as aforesaid, to proceed to collect such delinquent charges in a civil action or to discontinue sewer service to such premises.

914.20 LIABILITY FOR PAYMENT; LESSOR AND LESSEE.

In the case of leased lots, parcels of land or premises having a connection with the system, the lessor and lessee shall both be liable for the payment of the sewer charges herein provided to the lessor or the lessee or it may certify delinquent charges to the Auditor of Cuyahoga County as provided in Section 914.19.

914.21 PAYMENT THROUGH BANKS.

The Director of Finance shall have the authority to make provisions for the payment of the sewer charges levied pursuant to this Chapter through conveniently located branches of such banks which have been designated as depositories for public funds of the City as the Director of Finance may designate, pursuant to agreement with such depository banks.

914.22 ANNEXATION NOT A PREREQUISITE FOR SERVICE.

Property receiving services under this Chapter shall not require annexation as a prerequisite for receiving such services.

914.23 NO FREE SERVICES.

Every person, firm, or corporation whose premises are served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into sewerage facilities under the jurisdiction of the City, will be charged for the use of such facilities and for the treatment of such sewage and wastes at the rates established by this Chapter.
(Ordinance No. 38-84. Passed 6-4-84.)

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