

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, OCTOBER 16, 2012  
7:30 P.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION**

National Planning Month in the City of Piqua

**PROCLAMATION**

Manufacturing Month in the City of Piqua

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**

Approval of the minutes from the October 2, 2012 Regular City Commission Meeting

**OLD BUSINESS**

2. **ORD. NO. 18-12 (3rd Reading)**

An Ordinance amending Sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list a Bed and Breakfast use type as a Special Use in the R-1AA and R-1A One-Family Residential Zoning Districts

**NEW BUSINESS**

3. **ORD. NO. 19-12 (1<sup>st</sup> Reading)**

An Ordinance amending Sections 154.005, 154.096, 154.097, 154.101 and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other sign types

4. **ORD. NO. 20-12 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 53 of the Piqua Municipal Code, Sections 53.03 Rates Outside City, 53.07 New Service, 53.40 Definitions, 53.42 Emergency Limitations and 53.49 Water Main Extensions

5. **ORD. NO. 21-12 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 51 of the Piqua Municipal Code, Sections 51.02 Definitions, 51.81 Wastewater Service Fees, 51.47 Responsibility for Cost and 51.87 Review of Rates

6. **ORD. NO. 22-12 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 30 Commission; City Officials of the Piqua Municipal Code

7. RES. NO. R-136-12  
A Resolution approving the purchase of excess liability insurance
8. RES. NO. R-137-12  
A Resolution of Appreciation for the public service of James R. Taylor as a City Employee
9. RES. NO. R-138-12  
A Resolution acquiring the services of SSOE Group to provide Engineering Services associated with the Power Plant Clean Ohio Revitalization Fund Grant
10. RES. NO. R-139-12  
A Resolution of authorization to submit applications for Federal Map-21 Funds through the Miami Valley Regional Planning Commission
11. RES. NO. R-140-12  
A Resolution authorizing and supporting an application to the Clean Ohio Conservation Fund for a project at Forest Hill Cemetery

**OTHER**

Monthly Reports – August 2012

**PUBLIC COMMENT**

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

**CITY MANAGER'S REPORT**

**COMMISSIONERS COMMENT**

**ADJOURNMENT**

**MINUTES**  
**PIQUA CITY COMMISSION**  
**Tuesday October 2, 2012**  
**7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

**PROCLAMATION**

Business Appreciation Week in the City of Piqua

City Manager Huff read the names of the Piqua Business that are being honored for their length of service in the City of Piqua, and asked if they were present to come forward.

Mayor Fess read the Proclamation declaring the week of October 1-7 as Business Appreciation Week in the City of Piqua and presented it to Piqua Area Chamber of Commerce President Kathy Sherman. Mayor Fess stated she wanted all of the businesses in the community to know how much they are appreciated. A poster size copy of the Business Appreciation Proclamation was presented to Ms. Sherman to display in the Chamber of Commerce Office and one will be displayed in the Municipal Government Complex lobby. Ms. Sherman thanked the City of Piqua and all of the businesses, stating it is amazing all of the milestone anniversaries being celebrated by these businesses. We hope to continue to add many more years to the businesses celebrating these anniversaries, stated Ms. Sherman.

**PRESENTATION**

Certificate of Achievement for Excellence in Financial Reporting – Award by the Government Finance Officers Association

City Manager Huff provided information on the criteria for receiving this award noting this is the 21<sup>st</sup> consecutive year the City of Piqua Finance Department has received this award.

Mayor Fess stated it gives her a great deal of pleasure on behalf of the City to present this to Ms. Holtzapple and her staff. Mayor Fess read the award and presented it to Assistant City Manager/Finance Director Cynthia Holtzapple.

Ms. Holtzapple thanked the Mayor stating it is a true honor to accept this award on behalf of the City and she truly appreciates all of the ongoing support that they have received from the City Manager, the Commissioners, and all of the Directors and Departments throughout the City. This is truly an achievement that she would like to share and thank most with the Finance Department as they are very many talented people, and without the dedication and strive they put in each day this would not have been possible, stated Ms. Holtzapple.

Mayor Fess asked Ms. Holtzapple to relay the Commissions congratulations to the Finance Department Staff.

**PROCLAMATION**

National Preparedness Month in the City of Piqua

Mayor Fess mentioned that this Proclamation was for the month of September but the way the Commission Meetings fell we were unable to get it in. Mayor Fess read the proclamation.

## **RESIDENCE PRIDE AWARDS**

Piqua Battery Corporate Office  
Keith & Kathy Jessup  
Larry & Donna Wilberding  
Larry & Deb Cantrell  
Jeffrey & Chelsea Applegate

128 S. Main Street  
516 Orr Street  
723 W. Greene Street  
433 Glenwood Avenue  
909 Boone Street

Mayor Fess read the list of the Residence Pride Award winners as photos of the properties were shown. Mayor Fess extended congratulations to all of the Residence Pride Award winners, and reminded citizens to look around their neighborhoods and nominate a neighbor who is taking pride in their home.

## **REGULAR CITY COMMISSION MEETING**

### **Consent Agenda**

Approval of the minutes from the September 18, 2012 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Minutes from the September 18, 2012 City Commission Meeting. Voice vote, Aye: Wilson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

### **ORD. NO. 17-12 (3rd Reading)**

An Ordinance amending Sections 154.005, 154.025, 154.026 and 154.027 of the City of Piqua Code of Ordinance to define commercial recreation, indoor, and commercial entertainment, indoor use types and list the use types as special uses in the general business, light industrial, and heavy industrial zoning districts

City Planner Chris Schmiesing stated this is the third reading for this ordinance. This was presented to the Planning Commission who reviewed the proposals to amending the code, and recommended it be forward to the City Commission for approval. We have not received any additional comments or concerns regarding the changes, and the applicant is ready to move forward at this time stated Mr. Schmiesing.

### **Public Comment**

No one came forward to speak for or against Ordinance No. 17-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry to approve Ordinance No. 17-12. Roll call, Aye: Terry, Fess, Martin, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 17-12 adopted.

### **ORD. NO. 18-12 (2nd Reading)**

An Ordinance amending Sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list a Bed and Breakfast use type as a Special Use in the R-11 and R-1A One-Family Residential Zoning District

City Planner Chris Schmiesing explained this item was presented to the Planning Commission in response to a request to amend the zoning code to include a Bed and Breakfast use type as a special use option in the R1AA and R1A One –Family Residential Zoning District.

After a brief discussion Ordinance No. 18-12 was given a second reading.

**RES. NO. R-132-12**

A Resolution of authorization to submit an application for Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Program(s) and to execute contracts as required for the County Road 25-A Phase II Reconstruction Project

City Engineer Amy Havenar stated Resolution No. R-132-12 allows the City to file an application with the Ohio Public Works Commission (OPWC) for funding in the amount of \$950,000 for the County Road 25-A Phase II Reconstruction Project. The project would consist of reconstruction of County Road 25-A from Country Club Road to Looney Road, and will include a new base, asphalt pavement, concrete curb & gutter, sidewalks and new storm sewer. The project is in the design process and is scheduled to bid in June of 2013. This is an extension of the last Phase constructed in 2008, stated Ms. Havenar.

**Public Comment**

No one came forward to speak for or against Resolution No. R-132-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution 132-12 be adopted. Roll call, Aye: Vogt, Wilson, Martin, Terry and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-132-12 adopted

**RES. NO. R-133-12**

A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance

Law Director Stacy Wall explained this is a resolution to renew the city's property and liability insurance through MVRMA. This year's premium is lower than last year's, and in addition MVRMA returns any funds available that Piqua paid in when a loss year is closed. Piqua continues to receive this benefit as a loss year closed this year and another return is expected next year.

**Public Comment**

No one came forward to speak for or against Resolution No. R-133-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to approve Resolution No. R-128-12. Roll call, Aye: Martin, Terry, Vogt, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-133-12 adopted.

**RES. NO. R-134-12**

A Resolution authorizing the City Manager to enter into a Collective Bargaining Agreement with the Fraternal Order of Police (Civilians), Ohio Labor Council, Inc.

Law Director Wall explained the FOP Civilian unit has a collective bargaining agreement in effect from January 1, 2011 through December 31, 2013. This is the third year of the contract and includes a reopener for health insurance only. The FOP has agreed to keep the benefit the same at 75% HAS funding and 15% premium share. All of the city employees, Union and nonunion are at 75% funding and a majority are at the 15% premium share and there are no changes to the benefit.

**Public Comment**

No one came forward to speak for or against Resolution No. R-134-12.

Moved by Commissioner Terry, seconded by Commissioner Martin, to approve Resolution No. R-134-12. Roll call, Aye: Terry, Fess, Vogt, Wilson, and Martin. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-134-12 adopted.

**RES NO. R-135-12 (Added – October 1, 2012)**

A Resolution entering into an agreement with Piqua City Schools to provide project management services for the design, bidding, and construction phases of the new water main construction to the Springcreek School site

City Engineer Amy Havenar explained as part of the new school construction at the Springcreek School site on US Rt. 36, the Piqua City Schools (PCS) made the decision to service the new school building with City water, rather than to continue utilizing the existing well system. The PCS are going to undertake a project that will extend an existing 10' water main located within the City of Piqua to the west property line of the Springcreek School Site. The PCS has asked the City of Piqua to provide Project Management services to assist in the design, bidding, and construction of the water main. The services of the City Engineer as Project Manager will be provided as an in kind contribution to the project. It is anticipated that all of the design work will be completed by December 31, 2012 with construction on the water main scheduled to begin in early 2013, stated City Engineer Havenar.

Mayor Fess asked City Manager Huff to explain the reason for the request by the PCS since it is located outside the City limits. City Manager Huff explained further stating the City of Piqua will pay the contractor(s) for the design and the construction of the water main and the PCS will reimburse the City at 100% for all of the costs related to the design, permitting, inspections and construction. Questions were raised concerning if the 10" water main would accommodate future growth as they become available. City Engineer Havenar stated yes and explained. City Manager Huff explained the water main will be provided by the City of Piqua to the PCS and then turned over to the city after completion.

**Public Comment**

No one came forward to speak for or against Resolution No. R-13512.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-135-12. Roll call, Aye: Fess, Vogt, Wilson, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-135-12 adopted.

**Public Comment**

This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.

Jeff Lange, St. Rt. 66 came forward and thanked all who participated in the July 21, 2012 River Sweep Clean Up. In all the 142 volunteers cleaned up 13, 500 pounds of trash this year. Mr. Lange gave a brief overview of all of the articles collected and read the list of names of the numerous individuals, organizations, and companies who participated or provided services. Mr. Lange also thanked the City of Piqua for their continued help.

Mayor Fess expressed appreciation to Mr. Lange for his leadership, further stating this is truly a City and regional project, and Mr. Lange's leadership is second to none.

## **City Manager's Report**

### **Public Safety Referendum**

City Manager Huff shared information on the Public Safety Referendum scheduled for November 6, 2012 ballot. City Manager Huff provided slides breaking down the costs that are needed for safety services and further stating the city needs to address these critical issues at this time. A flyer was provided with information to help answer questions regarding the 2012 Public Safety Services Levy.

City Engineer Havenar gave a brief update on the Wayne Street Streetscape Project.

Mayor Fess stated most of the work being done is being paid for by Grant money. Ms. Havenar stated about \$60,000 is through the Community Development Block Grant Fund and the remainder is coming out of the Street Fund.

City Manager Huff stated the City of Piqua /Grow Piqua Now received the Silver in Excellence Award in Economic Development for the 2012 State of Economic Development Report in the category of Annual Report for communities with populations of less than 25,000 from the International Economic Development Council (IEDIC).

City Manager Huff also extended congratulations to the Engineering Department, specifically City Engineer Amy Havenar, and Project Manager Bob Graeser for helping to get the East Ash Street Reconstruction Project completed on time and providing great management of the project.

City Manager Huff stated two City employees Tim Risner and Brian Crawford have safely returned home from military tours of duty and will be returning to their jobs with the Fire and Public Works Departments in the very near future. We are all very appreciative of their dedicated service to our country, said City Manager Huff.

City Manager Huff stated leaf collection will begin the third week of October continuing through the middle of December, and asked citizens to rake their leaves to the curb for pick up. Citizens can also take their leaves down to the City Compost Facility on Piqua Troy Road for disposal.

### **Commissioner Comments**

Commissioner Wilson stated he has been hearing there is nothing happening in the City of Piqua. There is a lot going on beginning with the completion of the Ash Street Reconstruction Project, the Hospital is in the process of being demolished, the Skate Board Park is almost completed, the Piqua Power Building is almost done, the Beautification Project in the Canal Place, demolition has started on some of the abandoned houses,, and expansions of several business to name a few things going on now. Commissioner Wilson encouraged citizens to get out and check out the things happening in Piqua. Next year will also be a busy year with the new schools being built and the Piqua Power Plant will be coming down.

Commissioner Terry congratulated all of the Award winners, stating the Residence Pride winners are a shining example to their neighborhoods, and encouraged citizens to get out and complete their projects on their homes before winter comes.

Commissioner Terry also congratulated the Finance Department on receiving the Certificate of Achievement for Excellence Award. Further stating this is not the first time this award has been given to them, and we know there is a great trend toward excellence in financial reporting by our Finance Department.

Commissioner Terry stated the Ash Street Corridor is open now, further commenting on how easy it is going to be again to get out to the mall and the interstate. People are certainly going to appreciate the new corridor and the ease of travel now, stated Commissioner Terry.

Commissioner Vogt congratulated the local businesses, stating he feels the City doesn't show them enough appreciation as they are very generous to the City and help with many local projects.

Commissioner Vogt congratulated the Residence Pride Winners stating he has driven by all of the properties and they certainly deserve their award, and the neighborhoods where they are located are also very nice. Commissioner Vogt believes all of the neighborhoods are stepping up and keeping their properties well maintained, and thanked everyone for making the effort.

Mayor Fess stated there are a lot of things happening in the City of Piqua, and it is a very exciting time to be in Piqua. The new City Manager is a go getter and we certainly appreciate all he is doing as we are changing the face of Piqua. Mayor Fess stated the Ash Street Corridor is open and looks great, expressing the Commissions appreciation to City Engineer Amy Havenar and her staff for doing such a wonderful job on the project.

Mayor Fess stated the volunteers in the City of Piqua are a wonderful asset and are making a lot of things possible. There are so many groups and organizations coming together to make things happen in the city every day, and we appreciate each and every one very much, said Mayor Fess.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:30 P.M. Voice vote, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

**ORDINANCE NO. 18-12**

**AN ORDINANCE AMENDING SECTIONS 154.020 and 154.021 OF THE CITY OF PIQUA CODE OF ORDINANCES TO LIST A BED AND BREAKFAST USE TYPE AS A SPECIAL USE IN THE R-1AA AND R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICTS**

WHEREAS, the City of Piqua Charter Section 154.141 directs the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning code amending sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list the Bed and Breakfast use type as a special use, as set forth in Exhibit A included herewith; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SEC. 1. That the City of Piqua hereby amends sections 154.020 and 154.021 of the City of Piqua Code of Ordinances as set forth in Exhibit A included herewith (deleted text lined through and proposed text bold and underlined):

SEC. 2. All other sections of Chapter 154 of the City of Piqua Code of Ordinances not amended herein shall remain in effect as is.

SEC. 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**1<sup>st</sup> Reading 9-18-2012**

**2<sup>nd</sup> Reading 10-02-2012**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 2, 2012 (2 <sup>nd</sup> Reading), October 16, 2012 (3 <sup>rd</sup> Reading)			
<b>REPORT TITLE</b> (Match resolution/ordinance title)	AN ORDINANCE AMENDING SECTIONS 154.020 and 154.021 OF THE CITY OF PIQUA CODE OF ORDINANCES TO LIST A BED AND BREAKFAST USE TYPE AS A SPECIAL USE IN THE R-1AA AND R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICTS			
<b>SUBMITTED BY</b>	Chris Schmiesing, City Planner			
	Development Department			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Planning Commission	
<b>BACKGROUND</b> (Description, background, justification)	<p>This item was presented to the Planning Commission in response to a request from Dr. Norman Armstrong and Georgia Armstrong to amend the zoning code to include a Bed and Breakfast use type as a special use option in the R-1AA and R-1A One-family Residential zoning districts. Dr. and Mrs. Armstrong desire the amendment to the zoning code to facilitate their interest in pursuing zoning approval to conduct a Bed and Breakfast use at their residence located at 1220 Park Avenue.</p> <p>In reviewing this request the Planning Commission concluded that the inclusion of the Bed and Breakfast use as a special use in the affected zoning districts would permit the opportunity to allow a use type no more intense than the Day Care and Sports Club use types already included as special use options in the subject zoning districts. The Planning Commission also recognized that zoning standards applicable to a Bed and Breakfast use are already in place to ensure the use is not detrimental to the surrounding properties or the neighborhood in general. The Planning Commission further recognized that by including the use type as a special use the Planning Commission would have an opportunity to consider each request based upon its own merit, and have the ability to impose any special conditions deemed necessary to protect and preserve the character of the surrounding neighborhood, or if the use is deemed incompatible with the location or the surrounding neighborhood, have the option of denying the special use request. With reference to the similarity of the Bed and Breakfast use type with other use types already included as special uses in these districts, and noting that the special use process allows for review and consideration of each request on a case by case basis, the Planning Commission unanimously</p>			

	recommend approval of the proposed amendment.	
<b>BUDGET/FINANCIAL IMPACT</b> (Project costs and funding sources)	Budgeted \$:	0
	Expenditure \$:	0
	Source of Funds:	N/A
	Narrative:	Bed and Breakfast uses typical accommodate out of town guest who may frequent local businesses while visiting, therefore, making a positive contribution to the local economy.
<b>OPTIONS</b> (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed amendment to include the Bed and Breakfast use types as special use options in the designated zoning districts.
	2.	Defeat the ordinance and deny the proposed amendment to include the Bed and Breakfast use types as special use options in the designated zoning districts.
<b>PROJECT TIMELINE</b>	September 11, 2012 – Planning Commission September 18, 2012 – City Commission – 1 <sup>st</sup> Reading October 2, 2012 – City Commission – 2 <sup>nd</sup> Reading October 16, 2012 – City Commission – 3 <sup>rd</sup> Reading	
<b>STAFF RECOMMENDATION</b>	Approve the proposed amendment to allow the use types as stated.	
<b>ATTACHMENTS</b>	Ordinance, Exhibit A	

Thursday, August 16, 2012

To: Chris Schmiesing

City Planner

201 West Water Street

Piqua, OH 45356

Subject: Bed and Breakfast

1220 Park Avenue

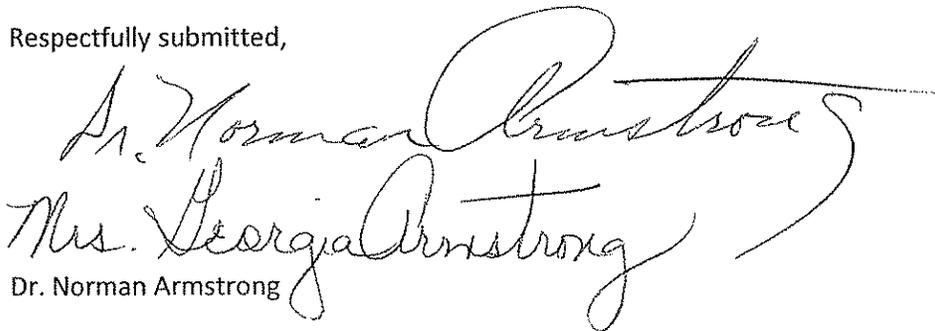
Piqua, OH 45356

Dear Mr. Schmiesing,

We are writing in hopes to consider amending the zoning code to provide an opportunity for a Bed and Breakfast to be operated at our residence. Per our conversations, we concur with your desire to amend the code to allow for us to achieve this request.

We will appreciate your assistance with this matter. We can be reached at our residence at 937-778-8012, if you should have any questions regarding our lovely historical home on Park Avenue.

Respectfully submitted,

Handwritten signatures of Dr. Norman Armstrong and Mrs. Georgia Armstrong. The signature of Dr. Norman Armstrong is written in a cursive style with a large, sweeping flourish. The signature of Mrs. Georgia Armstrong is also in cursive, appearing below the first signature.

Dr. Norman Armstrong

Mrs. Georgia Armstrong

## EXHIBIT A

### § 154.020 R-1AA ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide low-density one-family dwellings in predominately undeveloped areas of the city, plus those public and private facilities serving the residents of the area.

(‘97 Code, § 150.311)

(B) *Principal permitted uses.*

(1) *Residential uses.* One-family detached dwellings.

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

(‘97 Code, § 150.312)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

(3) Essential services.

(‘97 Code, § 150.313)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-1AA One-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) **Residential uses.**

**(a) Bed and breakfast inn**

**(2) Institutional and public recreational uses.**

## EXHIBIT A

- (a) Child day care centers.
- (b) Cemeteries.
- (c) Public offices, public buildings, public utilities.
- (d) Membership sports and recreation clubs.

('97 Code, § 150.314)

(2) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(3) *Accessory uses.*

(a) Private garages (not necessary to a principal use).

(E) *Parking regulations.* Parking within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.315)

(F) *Sign regulations.* Signs within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.316)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the R-1AA One-Family Residential District shall be as follows.

(1) *General requirements for dwellings.*

Minimum lot area	20,000 square feet
Minimum lot frontage	100 feet
Minimum front yard setback	50 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet

(2) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

(3) *Side yard.* There shall be a required front yard setback on each street side of a corner lot.

## EXHIBIT A

(4) *Accessory buildings.* Accessory buildings within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

(‘97 Code, § 150.317) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08) Penalty, see § 154.999

### § 154.021 R-1A ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide low density one-family dwellings in a predominantly developed and stable area of the city, plus those public and private facilities serving the residents of the area.

(‘97 Code, § 150.321)

(B) *Principal permitted uses.*

(1) *Residential uses.* One-family detached dwellings.

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

(‘97 Code, § 150.322)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

(3) Essential services.

(‘97 Code, § 150.323)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-1A One-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) **Residential uses.**

## EXHIBIT A

### **(a) Bed and breakfast inn**

#### **(2) Institutional and public recreational uses.**

- (a) Child day care centers.
- (b) Cemeteries.
- (c) Public offices, public buildings, public utilities.
- (d) Membership sports and recreation clubs.

#### **(2) Accessory uses.**

- (a) Private garages (not accessory to a principal use).

(‘97 Code, § 150.324)

**(3) Planned Unit Developments.** Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

**(E) Parking regulations.** Parking within the R-1A One-family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

(‘97 Code, § 150.325)

**(F) Sign regulations.** Signs within the R-1A One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

(‘97 Code, § 150.326)

**(G) Height and area regulations.** The maximum height and minimum lot requirements within the R-1A One-Family Residential District shall be as follows.

#### ***(1) General requirements for dwellings.***

Minimum lot area	10,000 square feet
Minimum lot frontage	75 feet
Minimum front yard setback	30 feet
Minimum side yard setback	8 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

## EXHIBIT A

(2) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

(3) *Side yard.* There shall be a required front yard setback on each street side of a corner lot.

(4) *Accessory buildings.* Accessory buildings within the R-1A One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

(‘97 Code, § 150.327) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08) Penalty, see § 154.999

**ORDINANCE NO. 19-12**

**AN ORDINANCE AMENDING SECTIONS 154.005, 154.096, 154.097, 154.101 AND 154.104 OF THE CITY OF PIQUA CODE OF ORDINANCES TO MODIFY DEFINITIONS, STANDARDS AND OTHER GENERAL PROVISIONS APPLICABLE TO HIGH-RISE/HIGHWAY ORIENTED AND OTHER SIGN TYPES**

WHEREAS, the City of Piqua Charter Section 154.141 directs the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning code amending sections 154.005, 154.096, 154.097, 154.101, and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other signs, as set forth in Exhibit A included herewith; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SEC. 1. That the City of Piqua hereby amends sections 154.005, 154.096, 154.097, 154.101, and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other signs, as set forth in Exhibit A included herewith (deleted text lined through and proposed text bold and underlined):

SEC. 2. All other sections of Chapter 154 of the City of Piqua Code of Ordinances not amended herein shall remain in effect as is.

SEC. 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Match resolution/ordinance title)	AN ORDINANCE AMENDING SECTIONS 154.005, 154.096, 154.097, 154.101 and 154.104 OF THE CITY OF PIQUA CODE OF ORDINANCES TO MODIFY DEFINITIONS, STANDARDS AND OTHER GENERAL PROVISIONS APPLICABLE TO HIGH-RISE/HIGHWAY ORIENTED AND OTHER SIGN TYPES		
<b>SUBMITTED BY</b>	Chris Schmiesing, City Planner		
	Development Department		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Planning Commission
<b>BACKGROUND</b> (Description, background, justification)	<p>This item was presented to the Planning Commission in response to a request from the City Commission to amend the sign standards to allow Paul Sherry RV Jeep Chrysler Dodge to construct and maintain a 600 square foot 90 foot tall high rise/highway oriented sign. The high-rise/highway oriented sign amendments proposed will affect on-premises signs located in business and industrial zoning districts along interstate 75. The amendments as presented to the Planning Commission define a high-rise/highway sign as a specific sign type and modify the standards to allow for a the sign type, size, and location proposed by the Paul Sherry automobile and RV dealership. Additional housekeeping amendments reducing appearance and electronic changeable copy message standards, and height and area computation provisions, were also included.</p> <p>The Planning Commission held a public hearing concerning this item on October 9, 2012. At the hearing there was much discussion about the public input that went into the rewrite of the sign code provisions adopted in 2006. It was also noted that the current sign standards are consistent with the stated goals and objectives of the community as adopted in the <i>Plan It Piqua 2007 Comprehensive Plan Update</i>. Testimony was provided by the chairman of the Board of Zoning Appeals indicating that since 2007 several variance requests by applicants asking for a larger sign area than what is permissible by the adopted standards have been denied because no peculiar or unusual circumstances that would provide justification for the exception were found to exist. The petitioner requesting the changes to the current code provisions also spoke at the meeting stating that he wants to install the 600 square foot sign because that is what he</p>		

	<p>believes his business needs to effectively market the products he has available.</p> <p>The Planning Commission reviewed each of the proposed amendments item by item and carefully considered the consequences of each proposed change. Ultimately the four members of the Planning Commission present at the meeting unanimously supported all but one of the proposed changes to the code language. Concerning the proposed maximum sign area allowance the Planning Commission found that the existing 200 square foot area allowance is consistent with most of the existing high rise/highway oriented signs in the community and suggested that this be the base allowance for this sign type. The Planning Commission went on to recommend an amended escalator provision that would allow the sign area of a high rise/highway oriented signs on exceptionally large lots to increase by 10 square feet in area per acre of lot area in excess of 10 acres, with a maximum sign area allowance of 400 square feet. It was noted that the 400 square foot allowance is twice the size that is currently allowed.</p>	
<b>BUDGET/FINANCIAL IMPACT</b> (Project costs and funding sources)	Budgeted \$:	0
	Expenditure \$:	0
	Source of Funds:	N/A
	Narrative:	The proposed amendment will allow highway oriented businesses to erect larger high-rise signage along interstate 75 on lots located in business and industrial zoning districts.
<b>OPTIONS</b> (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
	2.	Amend and adopt the ordinance and approve the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
	3.	Defeat the ordinance and deny the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
<b>PROJECT TIMELINE</b>	<p>October 9, 2012 – Planning Commission</p> <p>October 16, 2012 – City Commission – 1<sup>st</sup> Reading</p> <p>November 6, 2012 – City Commission – 2<sup>nd</sup> Reading</p> <p>November 20, 2012 – City Commission – 3<sup>rd</sup> Reading</p>	
<b>STAFF RECOMMENDATION</b>	Approve the proposed amendment.	
<b>ATTACHMENTS</b>	Ordinance, Exhibit A	

## EXHIBIT A KEY

Code amendments proposed by city staff

~~Existing code text stricken~~

**Proposed code text amendment**

Code amendments proposed by Planning Commission

~~Proposed code text amendment stricken~~

**Proposed code text amendment**

## EXHIBIT A

### § 154.005 DEFINITIONS.

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

*ACCESSORY BUILDING.* An open or enclosed accessory structure with a roof system supported by columns or walls.

*ACCESSORY STRUCTURE.* Any structure detached from the principal building on the same lot and serving a purpose incidental and subordinate to the principle building or use. See Exhibit C at the end of this section.

*ACCESSORY USE.* Any use of land or of a building or portion thereof serving a purpose incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

*AGRICULTURE.* The use of land for the purpose of raising and harvesting crops; or for raising, breeding or management of livestock, poultry or honeybees; or for dairying, truck farming, forestry, nurseries or orchards; for the noncommercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use.

*ALLEY.* Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

*ALTERATION.* Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

*ANIMAL GROOMING.* An activity where the principal business is domestic pet hygiene, including washing, brushing, shearing and nail cutting.

*ANIMAL HOSPITAL.* Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

*ARCHITECTURAL PROJECTION.* A building facade feature that is not intended for occupancy and extends beyond the face of the exterior wall of a building.

*AUTO SERVICE STATION.* A place where gasoline or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

*AUTOMOBILE REPAIR, PAINTING AND BODY SHOPS.* The repair or maintenance of automobiles or any part thereof, including engine or transmission rebuilding or overhauls, rebuilding or reconditioning of parts, body, frame or fender straightening, painting or

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undercoating, and the minor repair or maintenance of automobiles or any part thereof, including the changing of oil, adding fluids, replacing wiper blades, and any other activities similar in nature to those described which can be performed by the average automobile owner in his or her own driveway, and be completed on the same calendar day as the calendar date upon which the work commenced. This shall not include the storage of any junk or abandoned vehicles as defined in § 91.01 through § 91.10 of the City of Piqua Ohio Code of Ordinances.

*AUTOMOBILE WASHING FACILITIES.* Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

*AUTOMOTIVE APPEARANCE AND RUST PROTECTION SERVICES.* Rust protection, paint protection (except painting), fabric protection, trim sales/installation, accessory sales and installation.

*AVERAGE LOT WIDTH.* The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

*AWNING.* An architectural projection of shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

*BARS, TAVERNS AND NIGHTCLUBS.* Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

*BASEMENT.* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A *BASEMENT* shall not be counted as a story, except as provided in the definition of story.

*BED AND BREAKFAST INN.* A residential structure, which is owner-occupied, that has, as a secondary use of the structure, one to five guestrooms for rent. Development standards shall be as follows.

- (1) Maximum number of guests per day shall be ten.
- (2) Only breakfast shall be served, and the kitchen shall not be remodeled into a commercial kitchen.
- (3) Only one non-illuminated sign of four square feet may be erected on the property.
- (4) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

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- (5) Guests shall not stay longer than 15 consecutive days.
- (6) Facility shall be located in an existing structure and a structure cannot be built for this purpose.
- (7) Tandem parking is permitted, but the area shall be screened from adjacent uses.
- (8) The operator of the inn shall live on the premises or in adjacent premises.

*BLOCK.* Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the municipality.

*BOARDING OR LODGING HOUSES.* A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided.

*BUILDING.* A structure designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

*BUILDING SERVICES.* Building supply and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, glass repair shops and similar uses.

*BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES.* Uses that include but are not limited to corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services. Development standards for professional offices in R-3 District are as follows.

- (1) The building, including accessory buildings and uses, shall occupy no more than 25% of the lot area.
- (2) A new building shall not exceed two stories in height.

*CANOPY.* A multisided overhead structure or architectural projection, including the following types:

- (1) *CANOPY (ATTACHED).* A canopy with a flat or low slope roof that is supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. A marquee.
- (2) *CANOPY (DETACHED).* A canopy with a flat or low slope roof tht is supported by columns, but not enclosed by walls.

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*CAR WASH.* See *AUTOMOBILE WASHING FACILITIES*, as defined in this section.

*CARRY-OUT.* A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-in windows.

*CEMETERIES.* Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of a cemetery. Cemeteries may be allowed by special use permit subject to the following conditions.

- (1) Cemeteries shall be permitted only if they are adjoining or an extension of existing cemeteries and if they have access to an arterial street.
- (2) All structures shall be located no closer than 25 feet away from any property line.

*CHILD DAY CARE CENTER.* A place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to 12 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted. Development standards for a day care center in any approved business or industrial district shall be in compliance with the minimum standards as established by the State of Ohio. When said districts abut a residential district, the development shall be subject to the screening requirements described for the given district. Development standards in any approved residential district shall be as follows.

- (1) Child day care centers for seven or more children shall have a minimum lot area of 500 square feet per child.
- (2) There shall be provided a minimum of 100 square feet of fenced outdoor play area per child for the maximum number of children in the play area at any one time.
- (3) Access, loading and unloading requirements shall be as follows.
  - (a) The Public Works Director may require an on-site drop-off area be provided sufficient to accommodate automobiles for facilities.
  - (b) The Public Works Director may require sites adjoin and have access from an arterial or collector street.
- (4) All outdoor play areas shall be enclosed by a six-foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screening.
- (5) Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

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(6) When the child day care center is the principal use, the exterior appearance shall be similar to that of the eight most proximate residential structures on the same street in regard to height, bulk, width, setback landscaping, and off-street parking visible from the street.

(7) Child day care centers shall not include overnight accommodations.

*CLINIC.* See *MEDICAL OFFICES AND CLINICS* as defined in this section.

*CLUB.* A building or facility owned or operated by an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

*COMMERCIAL ENTERTAINMENT, OUTDOOR.* These facilities include drive-in theaters, amusement parks, fairgrounds, golf driving ranges, miniature golf courses, race tracks, skating rinks and sports arenas.

*COMMERCIAL RECREATION FACILITIES, INDOOR.* Include skating rinks and tennis, racquetball and handball courts and health clubs operated for profit as distinguished from public indoor recreation facilities and community recreation centers.

*COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY* or *GROUP HOME.* A state licensed or authorized home for children or adults which is operated by the state or a political subdivision, or pursuant to a license issued by or to a contract with the state or a political subdivision. *COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES* include agency group homes for children or adults; residential homes for children or adults; residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

*COMPREHENSIVE PLAN.* The long-range growth and development plan, and any amendments and supplements thereto, for the city and its environs, as approved by the City Commission.

*CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS.* These activities include heavy construction, building, cement, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

*CONVALESCENT HOME.* See *NURSING HOME* as defined in this section.

*CONVENIENCE STORE.* Retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, pre-packaged foods and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze and similar products and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

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*CORNER LOT.* A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.

*DAY CARE CENTER.* See *CHILD DAY CARE CENTER* as defined in this section.

*DEPTH OF LOT.* An average horizontal distance between the front and rear lot lines. See Exhibit C at the end of this section.

*DISTRICT.* A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

*DORMITORIES, CONVENTS AND MONASTERIES.* Buildings used as group living quarters for a student body or religious order or as an accessory use to a university, boarding school, orphanage, hospital, church or other similar institutional use.

*DRIVEWAY.* Private access to a premises, the use of which is limited to the persons residing, employed, or otherwise authorized to use or visit the parcel on which it is located and designed to serve.

*DRIVE-IN.* A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the *DRIVE-IN* service.

*DWELLING.*

(1) Dwelling types shall be as follows.

(a) *MULTI-FAMILY DWELLING.* A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

(b) *ONE-FAMILY ATTACHED DWELLING (ROW OR TOWNHOUSES).* One of two or more single-family residential dwellings having a common wall separating dwelling units. The building may also include an attached garage.

(c) *ONE-FAMILY DETACHED DWELLING.* A building designed exclusively for and occupied exclusively by one family.

(d) *TWO-FAMILY DWELLING.* A building designed exclusively for occupancy by two families living independently of each other.

(2) Development standards for dwellings in the B Business District and the CBD Central Business District shall be as follows.

(a) Dwellings may be permitted on the first story of a building.

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(b) A portion of the first story shall be used for a non-dwelling use permitted in the district.

(c) The non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.

(d) Parking requirements shall be the same as those for multi-family dwellings, except in the CBD Central Business District all or part of the parking requirements may be provided on a separate and non-adjointing lot determined by the Planning Commission to be suitable therefor and convenient thereto. Parking requirements shall not be considered provided unless they are readily available without charge to the residents of the dwelling.

(e) Prior to the granting of a special use permit, an inspection of the dwelling unit and the structure within which it is to be located shall be made by qualified personnel to determine that the dwelling unit and structure conform to all applicable fire and safety codes.

(3) Height and area requirements shall be as follows.

(a) Minimum lot area: 2,000 square feet per unit.

(b) Minimum lot frontage: None.

(c) Minimum front yard setback: None, except abutting or across the street from a Residential District, then same as Residential District front yard setback.

(d) Minimum side yard setback: 10 feet of abutting Residential District.

(e) Minimum rear yard setback: Less of 30 feet or 20% of lot depth.

(f) Maximum height: 35 feet.

*DWELLING UNIT.* A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping and sanitation facilities.

*ELDERLY HOUSING FACILITIES.* Residential developments specially designed to house retired and elderly persons, and which may include a mixture of living options, including apartments, group quarters and nursing care facilities.

*ELEMENTARY, JUNIOR HIGH AND HIGH SCHOOLS.* Public, private and/or religious schools including grades K through 12. Development standards shall be as follows.

(1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

(2) Access shall be provided by an arterial or collector street.

(3) Side yard requirements shall be 20 feet.

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(4) An educational institution shall have a minimum lot area of 20,000 square feet.

*EMPLOYEE.* A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business, or any form of remuneration, tips of any kind or gratuities from the operator or customers of said business.

*ERECTED.* Includes the terms built or constructed, altered, or reconstructed. *ERECTED* also includes the moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

*ESSENTIAL SERVICES.* The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare. *ESSENTIAL SERVICES* shall be allowed in the district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an *ESSENTIAL SERVICE* may be permitted in the district when approved by the Planning Commission. In granting this permission the Planning Commission shall take into consideration the location, size, use, and effect the building will have on adjacent land and buildings.

*ESTABLISHED* includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- (3) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
- (4) The relocation of any such sexually oriented business.

*FACADE.* See *BUILDING ELEVATION*.

*FAMILY.* An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single domestic housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other

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individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

*FENCE.* Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

*FINANCIAL ESTABLISHMENTS.* These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices and safe deposit companies.

*FLOODPLAIN.* Those lands designated by the U.S. Department of Housing and Urban Development and Miami Conservancy District which are subject to a 1% or greater chance of flooding in any given year.

*FLOOR AREA.* For the purpose of computing parking, that area used for or intended for the sale of merchandise or services, or the use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage of processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of *FLOOR AREA*. Measurements of usable *FLOOR AREA* shall be the sum of the horizontal areas of the several floors or the building measured from the interior faces of exterior walls.

*FLOOR AREA, GROSS.* See *GROSS FLOOR AREA* as defined in this section.

*FRATERNAL AND SOCIAL ASSOCIATION FACILITY.* A meeting place for people formally organized for a common interest, usually public service, cultural, religious or entertainment, with regular meetings, rituals and formal, written membership requirements, and where food and alcohol may be served.

*FRONT LOT LINE.* See *LOT LINE* as defined in this section.

*FRONT SETBACK LINE.* A line formed by the face of the building. For the purposes of this chapter, a *FRONT SETBACK LINE* is the same as a building line. See Exhibit C at the end of this section.

*FRONT YARD.* See *YARD* as defined in this section.

*FUNERAL HOME.* A building or part thereof used for human funeral services. The building may contain space and facilities for embalming, refrigeration, cremation, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

*GARAGE, PRIVATE.* An accessory building or portion of a main building with a connecting driveway providing access to or from a street or alley improvement, designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or

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other personal property owned by, licensed to, or used by the owner of the lot or the occupants of the building to which it is accessory.

*GARAGE SALE, YARD SALE, AND PORCH SALE.* A temporary accessory use of a lot or premises for the sale of new or used goods and/or secondhand materials.

*GARAGE, SERVICE.* Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

*GAS STATION.* See *AUTO SERVICE STATION* as defined in this section.

*GENERAL MERCHANDISE STORES.* These facilities include department stores, variety stores, discount stores, grocery stores and drug stores.

*GRADE* or *GROUND LEVEL.* The average of the finished *GROUND LEVEL* at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above *GROUND LEVEL* shall be measured at the sidewalk, unless otherwise defined herein.

*GROSS FLOOR AREA.* The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The *GROSS FLOOR AREA* of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

*GROUP HOME.* See *COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY* or *GROUP HOME* as defined in this section.

*HEAVY EQUIPMENT RENTAL, SALES, SERVICE AND STORAGE.* These facilities include rental, sales, service and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

*HEAVY INDUSTRY.* A use engaged in the basic processing of and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that produce commonly recognized offensive conditions.

*HOME FURNISHINGS, HOME IMPROVEMENTS AND MISCELLANEOUS MATERIALS AND EQUIPMENT STORES.* These facilities include appliance and appliance sales and repair stores; auto accessory stores with no on-premises installation; bicycle shops; business machine shops; carpeting and floor covering stores; curtain and drapery stores; fabric stores; furniture stores; hardware stores; lawnmower and snow blower sales; music, record and musical instrument; paint, glass and wallpaper stores; sporting goods stores; stereo, radio and television stores. This category does not include lumberyards or building materials sales.

*HOME OCCUPATION.* A lawful activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling provided the development standards are adhered to as follows.

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(1) No person other than members of the family residing on the premises shall be engaged in the occupation.

(2) The use of the dwelling unit for the *HOME OCCUPATION* shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the *HOME OCCUPATION*.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one foot in area, non-illuminated and mounted flat against the wall of the principal building.

(4) There shall be no alteration or construction except that which is customarily found in a dwelling.

(5) There shall be no home occupation conducted in any accessory building.

(6) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood.

(7) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

*HOSPITAL.* An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided the institution is operated by, or treatment is given under direct supervision of a licensed physician. Development standards shall be as follows.

(1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.

(2) Whenever a facility abuts a Residential District, the yard requirements shall be ten feet greater than those of the abutting Residential District, plus an additional one foot for each foot of building height over 20 feet.

(3) Buildings shall not occupy over 35% of the total land area upon which they are located.

*HOTEL.* A building occupied as the temporary abode of individuals who are lodged with or without meals, in which there are ten or more sleeping rooms, and which shall have no provision

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made for cooking in any individual room or apartment. A *HOTEL* may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

*INDEPENDENT CONTRACTOR.* A person who contracts with a sexually oriented business establishment to provide services on behalf of the sexually oriented business to the patrons of such business whether or not the individual receives any remuneration, gratuity or tips of any kind, or pays the owner or operator for the right to perform or entertain in the sexually oriented business. The intention of this definition is to exclude those persons who are not employees and who are not reasonably expected to have contact with customers or patrons of the sexually oriented business, including, but not limited to, persons on the premises of a sexually oriented business performing repair or maintenance services or delivering goods to the premises of a sexually oriented business.

*INDUSTRIAL CRAFT SHOPS.* These facilities include carpentry, cabinet making and furniture making, refinishing and upholstering.

*INTERIOR LOT.* Any lot other than a corner lot. See Exhibit B at the end of this section.

*JUNK YARD or SALVAGE YARD.* An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A *JUNK YARD* includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. An open area containing two or more inoperative or unlicensed vehicles shall be construed to be a *JUNK YARD*.

*KENNEL.* Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. *KENNEL* shall also mean the keeping on or in any lot or building of three or more dogs, cats, or other household pets which are over the age of six months.

*LANDSCAPING.* The design and arrangement of natural scenery, including trees, flowers, shrubs, and grass, or of non-living materials or objects, over a tract of land, taking into account the use to which the land is to be put.

*LAUNDRIES AND DRY CLEANING PLANTS.* A building or premises that serves more than one laundry and/or dry cleaning outlet, including linen supply and diaper services.

*LIBRARY.* A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference. Development standards shall be as follows.

(1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

(2) Access shall be provided by an arterial or collector street.

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(3) Side yard requirements shall be 20 feet.

(4) The minimum lot area shall be 20,000 square feet.

*LIGHT MANUFACTURING.* A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of those products, but excluding basic industrial processing.

*LOADING SPACE.* An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*LOT.* A parcel of land, **or any configuration of adjoining parcels of land owned by one owner that is required to support the principal use or uses and the accessory uses thereto, that is owned or leased by the owner and or lessee of the use or uses occupying the lot** ~~occupied or to be occupied by a main building or a group of buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with any open spaces as are required under provisions of this chapter. Every LOT shall abut upon and have permanent access to a public street.~~

(1) *CORNER LOT.* A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.

(2) *INTERIOR LOT.* Any lot other than a corner lot. See Exhibit B at the end of this section.

(3) *THROUGH LOT.* An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

*LOT AREA.* The total horizontal area within the lot lines of the lot.

*LOT COVERAGE.* The part or percentage of the lot occupied by buildings, including accessory buildings.

*LOT DEPTH.* The average horizontal distance between the front and rear lot lines.

*LOT LINE.* Shall be as follows:

(1) *FRONT LOT LINE.* In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or through lot, that line separating the lot from either street. In the case of a lot with alley frontage and no street frontage, that line separating the lot from the alley. See Exhibit C at the end of this section.

(2) *REAR LOT LINE.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the *REAR LOT LINE* shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a

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corner lot, the *REAR LOT LINE* is established based upon the orientation of the house. See Exhibit C at the end of this section.

(3) *SIDE LOT LINE*. Any lot line other than the front lot line or rear lot line. A *SIDE LOT LINE* separating a lot from a street is a side street lot line. A *SIDE LOT LINE* separating a lot from another lot or lots is an interior *SIDE LOT LINE*. See Exhibit C at the end of this section.

*LOT OF RECORD*. A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by city or county officials, and which actually exists as so shown, or any part of that parcel held in a record ownership separate from that of the remainder thereof.

*LOT WIDTH, AVERAGE*. The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

*LUMBERYARDS* and *BUILDING MATERIALS SALE AND STORAGE*. Buildings or premises used for the storage and sale of lumber and building materials.

*MEDICAL OFFICES AND CLINICS*. Include the offices of physicians, dentists and other health practitioners and medical and dental laboratories. Establishments primarily engaged in out-patient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

*MEMBERSHIP SPORTS AND RECREATION USES*. Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere. Development standards shall be as follows.

- (1) The principal recreational building or use is a minimum of 200 feet from any land in residential use.
- (2) The recreational use shall have a minimum lot area of one acre.
- (3) The recreational use shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facility is operated.
- (4) Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral parts of the principal building, and there is no display of goods or advertising visible, off the premises.
- (5) Loudspeakers, public address systems and electric amplifiers may be permitted in recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.

## EXHIBIT A

(6) Any outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six feet in height and maintained in good condition to prevent uncontrolled access by children.

(7) Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.

(8) Access to the recreation use shall be only from an arterial or collector street.

*MEZZANINE.* An intermediate floor in any story occupying not more than two-thirds of the floor area of the story.

*MINI-WAREHOUSE.* See *SELF-SERVICE STORAGE FACILITY* as defined in this section.

*MOBILE HOME.* Any detached single-family living quarters to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels, or detachable wheels.

*MOBILE HOME COURT.* Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located. Development standards shall be as follows.

(1) The mobile home court shall have a minimum site area of five acres.

(2) The average area per mobile home space within the court shall not be less than the lot area per dwelling unit in the district in which the mobile home court is located.

(3) No mobile home shall be located closer than 50 feet to any exterior lot line, except when the mobile home is adjacent to another mobile home court. A distance of 25 feet shall be maintained between mobile home and buildings, in all horizontal directions.

(4) A detailed landscaping and screening plan shall be approved by the Planning Commission.

*MOBILE SERVICE AND RETAIL OPERATIONS.* A self contained service or retail operation that is operated from a movable vehicle or portable structure that routinely changes location, and is operated as a temporary use, including mobile food service operations and mobile retail food establishments as defined by section 3717-1-01 of the Ohio Administrative Code, and also including mobile operations and entities exempted from the food license requirements by R.C. § 3717.22.

*MOTEL.* A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. It may include all facilities specified under the definition of hotel.

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*MULTI-FAMILY DWELLING.* A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

*NEIGHBORHOOD BUSINESS.* These facilities include barber and beauty shops, pharmacies, grocery stores, bakeries, specialty food stores, laundry and dry cleaning pick-up service and self-service washing and dry-cleaning facilities, florists and bait and tackle shops. Neighborhood businesses may be permitted only in the R-1, R-2, and R-3 Residential Districts upon issuance of a special use permit. Development standards shall be as follows.

- (1) No structure or use qualifying as a neighborhood business may exceed 3,000 square feet of gross floor area.
- (2) Hours of business operation shall be between the hours of 7:00 a.m. and 10:00 p.m.
- (3) The maximum number of employees during business hours may not exceed five employees.
- (4) Minimum lot area shall be 5,000 square feet.
- (5) Minimum lot frontage shall be 50 feet.
- (6) Minimum front yard setback shall be 25 feet.
- (7) Minimum side yard setback shall be 10 feet if abutting a residential district.
- (8) Minimum rear yard setback shall be the less of 30 feet or 20% of lot depth if abutting a Residential District.
- (9) Maximum height shall be 35 feet.
- (10) A plot plan shall be submitted indicating the location and type of screening to be used.
- (11) A finding shall be made that the proposed screening will do the following.
  - (a) Provide a visual barrier of no less than six feet in height to partially or completely block out the view of unattractive structures or activities.
  - (b) Provide an acoustic screen, of no less than 15 feet, of dense plantings or a solid masonry wall in combination with decorative plantings, to aid in absorbing and deflecting noise.
  - (c) Provide for the containment of litter and debris.
- (12) Screening may be one or more of the following or other similar materials.
  - (a) A solid masonry wall.
  - (b) A solidly constructed decorative fence.

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(c) Louvered fence.

(d) Dense evergreen plantings.

(e) Deciduous trees and shrubs.

*NIGHTCLUB.* See *BARS, TAVERNS AND NIGHTCLUBS* as defined in this section.

*NONCONFORMING USE.* The use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this chapter and which does not conform with the provisions of this chapter, as set forth in §§ 154.060 through 154.066, Nonconforming and Nonstandard Uses.

*NONSTANDARD USE.* Those lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this chapter which fail to comply with minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set forth in §§ 154.060 through 154.066, Nonconforming and Nonstandard Uses.

*NUDE, NUDITY or STATE OF NUDITY.* A live person exhibiting: (1) the anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover the anus, male or female genitals, pubic region or areola or nipple of the female breast.

*NURSERIES and GARDEN SUPPLY STORES.* A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

*NURSING HOME.* An establishment which specializes in providing necessary health and related services to those unable to care for themselves. Development standards shall be as follows.

(1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.

(2) Whenever a facility abuts a residential district, the yard requirements shall be ten feet greater than those of the abutting residential district, plus an additional one foot for each foot of building height over 20 feet.

(3) Buildings shall not occupy over 35% of the total land area upon which they are located.

*OFF-STREET PARKING.* The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

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*OFFICES OF BUSINESS AND PROFESSIONAL ASSOCIATIONS.* These uses include labor unions and civic, political, religious and social service organizations, but not including social and fraternal associations.

*ONE-FAMILY DWELLING.* A building designed exclusively for and occupied exclusively by one family.

*OPEN SPACE.* That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

*OUTDOOR FESTIVAL, EXHIBITION, OR GATHERING.* An assembly or crowd attending a celebration, event, fair, circus, carnival, public display of items of special interest or demonstration of a particular skill or craft at an open air or tented location.

*PARAPET.* The extension of the building facade above the line of the structural roof.

*PARKING LOT.* An area providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

*PARKING SPACE.* A minimum area as defined in § 154.081(O), other than on a street or alley, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the storage of parking of one motor vehicle.

*PERSONAL SERVICES.* Services of a personal nature, including beauty and barber shops and massage therapy; individual laundry and dry-cleaning establishments; laundromats; photo studios and photo finishing; shoe repair; tailoring; watch, clock and jewelry repair; clothing rental; and other services performed for persons or their apparel.

*PET SHOPS.* Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

*PLACES OF WORSHIP.* Establishments of recognized religious organizations operated for worship or for promotion of religious activities. Development standards shall be as follows.

(1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

(2) Access is provided by primary collector streets.

(3) Side yard requirements shall be 20 feet.

(4) The minimum lot area shall be one acre.

*PLANNED UNIT DEVELOPMENT.* Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building

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sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. Further provisions are as set forth in §§ 154.040 through 154.047, Planned Unit Development.

*PLANNING COMMISSION.* The Planning Commission of the city.

*POOL, SWIMMING.* See *SWIMMING POOL* as defined in this section.

*PORTABLE STORAGE UNIT.* Any enclosed unit constructed of metal or other durable material that is designed to be transported by vehicle and used to provide storage.

*PREEXISTING USE.* An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this chapter, without the prior issuance of a special use permit, as set forth in § 154.140(C).

*PRINCIPAL USE.* The primary or predominant use of any land or improvement on it.

*PRIVATE CLUBS.* Private, civic, cultural, educational, labor, professional, and trade membership organizations, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business.

*PRIVATE SCHOOLS.* Private schools, including but not limited to business or commercial schools, dance or music academies, kindergarten, nursery, play and special schools, when not otherwise permitted, may be allowed by the issuance of a special use permit.

*PROFESSIONAL OFFICES.* See *BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES* as defined in this section.

*PUBLIC OFFICES* and *PUBLIC BUILDINGS.* Establishments housing activities of local, county, regional, state or federal government agencies, but not including public service garages.

*PUBLIC PARK.* A public land which has been designated for park or recreational activities including, but not limited to, a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of any governmental entity.

*PUBLIC RECREATION FACILITIES.* Parks, playgrounds, golf courses, sports arenas, gymnasiums, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, out lots, and wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this chapter.

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*PUBLIC SERVICE YARDS AND GARAGE.* Premises used for the storage, service and repair of publicly-owned vehicle fleets.

*PUBLIC UTILITIES.* Publicly-owned or leased buildings, public utility buildings, telephone exchanges, and transformer stations may be allowed upon issuance of a special use permit.

*REAR LOT LINE.* See *LOT LINE* as defined in this section.

*REAR YARD.* See *YARD* as defined in this section.

*RECONSTRUCTED.* Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered.

*RECREATION VEHICLE.* Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

*RESIDENTIAL DISTRICT OR USE.* Any zoning district set forth in Chapter 154 that contains the word "residential" in its title, or any individual residential dwelling located within the city.

*RESTAURANT, FAST FOOD.* An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order, and whose principal method of operation includes food and/or beverages usually served in edible containers or in paper, plastic or other disposable containers.

*RESTAURANT, STANDARD.* An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

*ROOMING HOUSE.* A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons.

*SALVAGE YARD.* See *JUNK YARD* or *SALVAGE YARD* as defined in this section.

*SCREENING.* The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

*SEASONAL/TEMPORARY SERVICE AND RETAIL ESTABLISHMENTS.* A self contained service or retail operation, other than a mobile service or retail operation, that temporarily or routinely operates at a set location from a portable structure or an area with a defined boundary delineated by a fence, tent, or other similar feature, and is operated as a temporary use, including seasonal and temporary food service operations, and seasonal and temporary retail food establishments as defined by section 3717-1-01 of the Ohio Administrative Code, and also including seasonal and temporary operations and entities exempted from the food license requirements by R.C. § 3717.22.

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*SELF-SERVICE STORAGE FACILITY.* A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or materials, the gross floor area of each unit not to exceed 500 square feet.

*SERVICE GARAGE.* Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

*SERVICE STATION.* See *AUTO SERVICE STATION* as defined in this section.

*SETBACK.* The minimum required distance between the property line and the structure line.

*SEXUALLY ORIENTED BUSINESSES.* Those businesses defined as follows:

(1) *ADULT ARCADE.* An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) *ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE.* A commercial establishment which has as a significant or substantial (such as 50% or more) portion of its stock-in-trade or derives a significant or substantial (such as 50% or more) portion of revenues or devotes a significant or substantial (such as 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) *ADULT CABARET.* A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by

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"specified sexual activities;" or, (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private club" means an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

(4) *ADULT MOTEL*. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

(5) *ADULT MOTION PICTURE THEATER*. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(6) *ADULT THEATER*. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) *ESCORT AGENCY*. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) *MASSAGE PARLOR*. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons

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in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the state to perform massages.

(9) *SEMI-NUDE MODEL STUDIO*. Any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a *SEMI-NUDE MODEL STUDIO*. *SEMI-NUDE MODEL STUDIO* shall not include any school, college, or university licensed by the state.

(10) *SEXUAL ENCOUNTER ESTABLISHMENT*. A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas;" or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

*SIDE LOT LINE*. See *LOT LINE* as defined in this section.

*SIDE YARD*. See *YARD* as defined in this section.

*SIGN*. See § 154.096.

*SIMULATED*. To assume the mere appearance of something, without the reality; to imitate or pretend.

*SINGLE-FAMILY DWELLING*. See *ONE-FAMILY DWELLING* as defined in this section.

*SPECIAL USE*. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and subject to special requirements, different from those usual requirements for the district in which the special use may be located. Further set forth in § 154.140, Special Use Permits.

*SPECIALTY FOOD STORES*. These include stores specializing in a specific type or class of food, including but not limited to bakeries; candy, nut and cheese shops; confectionery stores; coffee and tea shops; dairy and ice cream stores; delicatessens; fruit and vegetable stores; international food stores; liquor stores; meat and fish markets; and wine shops. These uses do not include restaurants or carry-outs or convenience food stores.

*SPECIALTY RETAIL COMMERCIAL ESTABLISHMENTS* and *BOUTIQUES*. These include antique stores; apparel stores; art galleries; art supplies; book and magazine stores; card and stationery shops; cosmetics stores; craft and hobby shops; camera and photo supply stores; florists; gift shops; interior decorating accessories; leather goods stores; jewelry stores; kitchen, bath and bedroom accessory stores; office supply stores; picture framing shops; tobacco shops

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and toy stores. These uses do not include stores with drive-in or drive-through facilities or general merchandise stores.

*SPECIFIED ANATOMICAL AREAS.* Includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breasts; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*SPECIFIED SEXUAL ACTIVITIES.* Includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulations, arousal or tumescence; or
- (5) Excretory functions as part of or in connection with any of the following activities set forth in subsections (1) through (4).

*STORY.* That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, the basement shall be considered a story.

*STORY, HALF.* An uppermost story lying under a sloping roof, having an area of at least 190 square feet with a clear height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling

*STREET.* A public thoroughfare which affords the principal means of access to abutting property.

*STRUCTURE.* Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

*STRUCTURE ELEVATION.* The entire side of a structure, from ground level to the roofline, as viewed perpendicular to that side of the structure.

*STRUCTURE FACE.* That portion of the exterior surface of a structure on a common plane.

## EXHIBIT A

*STRUCTURE HEIGHT.* The vertical dimension measured from the average grade to the highest point of the structure, or in the case of a building, the mid-point of the roof system (see § 154.005 Exhibit A). The height of a stepped or terraced structure shall be the maximum height of any segment of the structure.

*STRUCTURE LINE.* The perimeter of that portion of a structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental feature projecting from the structure face of the structure.

*STRUCTURE WIDTH.* The dimension measured along an exterior structure elevation, or structure face, from the outermost exterior surfaces that are opposite and parallel to one another, and perpendicular to the structure face being measured.

*SWIMMING POOLS, SPAS, AND HOT TUBS.* Any structure, chamber, or tank containing a body of water intended for swimming, diving, or bathing.

(1) *PRIVATE RESIDENTIAL SWIMMING POOL, SPA OR HOT TUB.* A swimming pool, spa, or hot tub intended to serve a residential structure containing not more than three dwelling units and used exclusively by the residents and their nonpaying guests.

(2) *PUBLIC SWIMMING POOL, SPA, OR HOT TUB.* A swimming pool, spa, or hot tub intended to be used collectively and operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, not including any public bathing areas or private residential swimming pools.

*TAVERN.* See *BARS, TAVERNS AND NIGHTCLUBS* as defined in this section.

*TEMPORARY USE.* The use of land, a building, or a premises for a duration not exceeding 180 consecutive days and permitted by the provisions set forth in § 154.126.

*TENT.* Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and which shall include shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

*THOROUGHFARE.* An arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and which may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term in order to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 80 feet, shall be considered a major thoroughfare.

*THOROUGHFARE PLAN.* That part of the comprehensive plan of the city which includes the major highway and street plan for the city, including any amendments or supplements thereto.

*THROUGH LOT.* An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

## EXHIBIT A

*TOWNHOUSE.* One of a group or row of no less than three single-family dwellings having common walls and built as a single structure.

*TRAILER PARK.* See *MOBILE HOME COURT* as defined in this section.

*TRANSPORTATION TERMINALS.* Trucking and motor freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

*TWO-FAMILY DWELLING.* A building designed exclusively for occupancy by two families living independently of each other.

*USE.* The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

*USE, CATEGORIES.* The heading under which a particular principal use, special use, or nonconforming use type is listed within this chapter, said use categories including the following:

- (1) Agricultural uses.
- (2) Residential uses.
- (3) Institutional and public recreation uses.
- (4) Business and professional office uses.
- (5) Retail commercial and service uses.
- (6) Road service and commercial entertainment uses.
- (7) Light industrial uses.
- (8) Heavy industrial uses.
- (9) Transportation and utility uses.
- (10) Other uses.

*USE, CHANGE OF.* The conversion of an existing principal use, accessory use or special use to a use in a different use category, or when the change necessitates improvements to the structure or premises to support the intended use in accordance with the provisions set forth in Chapter 150 (Building Regulations) and Chapter 154 (Zoning).

*VARIANCE.* The relaxation of strict and literal enforcement of any of the provisions of this chapter to allow the reasonable use of property and land, provided the use is in the best public interest and does not jeopardize the general health, safety, and welfare of the city, as set forth in § 154.142(D)(2).

## EXHIBIT A

*VEHICLE SALES, RENTAL AND SERVICE.* The sales, service and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles and boats. This does not include semi-tractor trailers, farm equipment and construction equipment.

*VETERINARY CLINIC.* See *ANIMAL HOSPITAL* as defined in this section.

*WAREHOUSE.* A building used principally for the storage of goods and materials.

*WHEELCHAIR RAMP.* A fabricated or constructed sloping surface designed and installed to provide access from one level to a higher or lower level.

*YARD.* An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this chapter. See Exhibit C at the end of this section.

(1) *FRONT YARD.* An open space extending in full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) *REAR YARD.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. See Exhibit C at the end of this section.

(3) *SIDE YARD.* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. See Exhibit C at the end of this section.

### § 154.096 DEFINITIONS AND EXHIBITS.

For the purpose of §§ 154.097 through 154.107 of this code, the following definitions and those definitions included in § 154.005, shall apply, unless the context clearly indicates or requires a different meaning.

*ABANDONED SIGN.* A sign or sign structure associated with an abandoned use, or a sign or sign structure that has ceased to be used or remains after the original design of the structure is no longer being fully utilized.

*AERIAL SIGN.* A sign displayed on a balloon or other airborne flotation device.

*ANIMATED SIGN.* A sign employing motion or the illusion of motion, whose message or content changes more frequently than every ~~60~~ **30** seconds, are differentiated from changeable copy signs as defined and regulated by this code, including the following types:

## EXHIBIT A

(1) *ELECTRONICALLY ACTIVATED*. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(a) *FLASHING*. Animated signs or animated portions of signs whose illumination is characterized by a cycle of illumination and non-illumination.

(b) *PATTERNED ILLUSIONARY MOVEMENT*. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing light patterns designed to appear in some form of motion.

(2) *ENVIRONMENTALLY ACTIVATED*. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(3) *MECHANICALLY ACTIVATED*. Animated signs characterized by motion and/or rotation activated by a mechanical means.

*ATTACHED SIGN*. A sign that is any manner affixed to any exterior surface of a building or architectural projection of a building.

*AWNING SIGN*. A sign displayed on or attached flat against the surface or surfaces of an awning. See *ATTACHED SIGN*. See also, *WALL OR FASCIA SIGN*.

*BANNER*. A flexible substrate on which copy or graphics may be displayed.

*BANNER SIGN*. A sign utilizing a banner as its display face.

*BENCH SIGN*. A sign utilizing a banner as its sign face without a cabinet or frame encompassing the sign face as an integral component of the sign structure.

*BILLBOARD*. An off-premise sign with a display area larger than the display area allowed for an off-premise sign listed as an authorized accessory use in a particular use group.

*CANOPY SIGN*. A sign that is mounted, painted, or otherwise applied on, attached to, or affixed to a detached or attached canopy.

*CHANGEABLE COPY*. A portion of a sign's display with characters, letters, or illustrations that can be changed or rearranged by electronic or mechanical means without altering the face or surface of the sign.

*CHANGEABLE COPY SIGN*. A sign with changeable copy, whose message or content changes not more frequently than every ~~60~~ **30** seconds, including the following types:

## EXHIBIT A

(1) *ELECTRONICALLY ACTIVATED*. A changeable copy sign whose message copy or content can be changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, *ELECTRONIC MESSAGE SIGN OR CENTER*.

(2) *MANUALLY ACTIVATED*. A changeable copy sign whose message or copy or content can be changed manually.

*COPY*. Those letters, numbers, figures, symbols, logos and graphic elements comprising the content of a sign.

*DETACHED SIGN*. A sign principally supported by a sign structure affixed to the ground, and not supported by a building or a structure intended for another purpose. See *FREESTANDING SIGN*.

*DOUBLE FACED SIGN*. A sign with two faces, back to back.

*ELECTRONIC SIGN*. A sign activated or illuminated by means of electrical energy.

*ELECTRONIC MESSAGE SIGN OR CENTER*. See *CHANGEABLE COPY SIGN*, *ELECTRONICALLY ACTIVATED*.

*EXTERIOR SIGN*. A sign placed outside a building or structure.

*FASCIA SIGN*. See *ATTACHED SIGN*. See also, *WALL OR FASCIA SIGN*.

*FLAG*. A fabric or bunting displayed from a flagpole, building or structure.

*FLASHING SIGN*. See *ANIMATED SIGN*, *ELECTRONICALLY ACTIVATED*.

*FREESTANDING SIGN*. See *DETACHED SIGN*.

*FUEL PUMP SIGN*. A changeable copy sign mounted on the top of a fuel pump.

*GOVERNMENTAL SIGN*. A sign erected and maintained pursuant to and/or in discharge of any government functions, or required by law, ordinance, or other governmental regulations.

*GROUND SIGN*. A detached sign with no more than 30 inches clearance from the bottom of the sign face to the ground below.

**HIGH-RISE/HIGHWAY ORIENTED SIGN. An on-premise ground sign located on a lot, as defined by §154.005, as an accessory use to the principal use of the property, and displayed mainly with the objective of attracting interstate highway travelers.**

## EXHIBIT A

*ILLEGAL SIGN.* A prohibited sign or a sign that is without a valid permit, is not a nonconforming use, and is not expressly permitted and/or exempt from the provisions of this zoning code.

*ILLUMINATED SIGN.* A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

*IMAGE.* The individual elements of the sign copy that form the message.

~~(1) *IMAGE (PRIMARY).* The elements of the sign copy essential to forming the message occupying the majority of the sign area.~~

~~(2) *IMAGE (SECONDARY).* The elements of the sign copy not essential to forming the message occupying the majority of the sign.~~

*INTERIOR SIGN.* A sign that is more than three feet inside any window, door or exterior elevation of the building, and not be legible from a distance of more than five feet beyond the lot line of the parcel on which such sign is located; not intended to be viewed from outside the property; is located so as not to be visible from any public right-of-way or from any adjacent property; is located in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature.

*JOINT IDENTIFICATION SIGN.* A sign, which by means of multiple messages displayed in individual sign face areas contiguous to one another, identifies a multiple-occupancy structure or development on a single lot, such as a shopping center, office building, or other similar development.

*MANSARD/PENT EAVE.* An inclined decorative roof-like projection that is attached to an exterior building facade.

*MESSAGE.* The meaning of the sign copy.

(1) *MESSAGE (COMMERCIAL).* Any message that advertises goods or services for economic gain.

(2) *MESSAGE (NONCOMMERCIAL).* Any message that communicates ideological beliefs (such as a political or religious message) or information that does not advertise goods or services for economic gain.

*MONUMENT SIGN.* See *GROUND SIGN.*

*MULTIPLE-FACED SIGN.* A sign containing three or more faces.

*OBSCENE SIGN.* A sign including obscene or indecent copy.

## EXHIBIT A

*OBSOLETE SIGN.* A sign that no longer advertises or identifies a bona fide business conducted on the property or product sold, or a sign that includes context clearly indicating or requiring a different meaning than that which would customarily be associated with the use of, products sold on, or the sale or lease of, the property on which it is displayed, or the event or purpose for which the sign was originally posted.

*OFF/ON-PREMISE SIGN.* A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial messages that include content both appurtenant and not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed (e.g., real estate signs, auction signs, and development complex signs).

*OFF-PREMISE SIGN.* A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

*ON-PREMISE SIGN.* A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

*OUTDOOR ADVERTISING SIGN.* See *BILLBOARD*.

*PERMANENT SIGN.* A sign made of materials that are intended to last for more than a short period of time, intended for more than short term use, and embedded in the ground or affixed to a building or sign structure that is embedded in the ground.

*POLE SIGN.* A detached sign suspended or supported by one or more uprights or braces anchored in the ground with more than 30 inches of clearance from the bottom of the sign face to the ground below. See also, *PYLON SIGN*.

*PORTABLE SIGN.* A sign that is not a temporary sign, is moveable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated by a single person of ordinary strength without involving any structural or support changes.

*PROJECTING SIGN.* An attached sign which extends more than 24 inches from the building or structure face with a sign face perpendicular to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

*PUBLIC RIGHT-OF-WAY.* A portion of land dedicated for the purpose of constructing and maintaining the infrastructure necessary to provide public transportation and utility systems.

*PYLON SIGN.* See *MONUMENT SIGN* or *POLE SIGN*.

*REFACING.* An alteration to the face of a sign involving the replacement of materials or parts. *REFACING* does not refer to replacing the entire sign structure, the removal of the sign, or the replacement of structural components.

## EXHIBIT A

*REVOLVING SIGN.* A sign that revolves 360 degrees about an axis. See also, *ANIMATED SIGN*, *MECHANICALLY ACTIVATED*.

*ROOF SIGN.* Any sign erected upon, displayed upon or supported by the roof of a building or structure.

*SIGN.* Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(1) *SIGN (PRIMARY).* A sign exceeding the secondary sign limitations, as described in the provisions stated in §§ 154.099 through 154.103.

(2) *SIGN (SECONDARY).* A sign not exceeding the secondary sign limitations, as described in the provisions stated in §§ 154.099 through 154.103.

*SIGN AREA.* The *SIGN AREA* includes the face of the entire display area not including the bracing, framing, and structural supports of the sign, unless such support members are made part of the message or face of the sign. When a sign has two or more display faces, the area of all faces shall be included in determining the area of the sign, unless the two faces are joined back to back, and are parallel to each other with no separation, and are identical to each other in appearance, size and shape, in which case the area of one display face constitutes the total area of the sign.

*SIGN COPY.* Those letters, numbers, figures, symbols, logos and graphic elements comprising the content or message of a sign.

*SIGN FACE.* The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(1) In case of panel or cabinet type signs, the sign face includes the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

(2) In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or contrasting surface or color.

(3) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy of the same building or structure.

## EXHIBIT A

(4) In the case of sign copy enclosed within a painted or illustrated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

*SIGN STRUCTURE.* The supporting unit of a sign face, including but not limited to frames, braces, poles, and foundations, the primary design purpose of which, is to support a sign.

*SPECIAL SIGN.* A sign that, owing to some unique characteristics attendant to its installation or function, is not a temporary or permanent sign.

*STREAMER.* A ribbon-shaped or cord-like rope with pennants attached, which is stretched or hung between two or more supports.

*TEMPORARY SIGN.* A sign that is not permanently embedded in the ground, or permanently affixed to a building or a sign structure that is permanently embedded in the ground.

*TRAFFIC CONTROL SIGNS.* Official governmental signs and/or devices for traffic control purposes, including railroad crossing signs and signals, and traffic control signs on private property, which meet the Ohio Department of Transportation Manual of Uniform Traffic Control Devices standards for size, shape, color, location, and placement of such a sign, and which contain no commercial message of any sort.

*TRAILER SIGN.* Any sign, which is attached to, supported by or part of a structure, which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle parked and visible from the public right-of-way, unless the vehicle is used for transporting people, equipment, or materials in the normal day-to-day operations of the lawfully established principal, special or nonconforming use conducted on the premise on which the sign is located.

*TREE LAWN.* That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk.

*UNDER CANOPY SIGN OR UNDER MARQUEE SIGN.* A sign attached to the underside of a canopy or marquee perpendicular to the structure face to which the canopy or marquee is attached.

*V SIGN.* A sign with two faces, approximately equal in size, not parallel to one another, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 24 inches at their closest point.

*VEHICLE SIGN.* Any sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless the vehicle is used for transporting people, equipment, or materials in the normal day-to-day operations of the lawfully established principal, special or nonconforming use conducted on the premise on which the sign is located.

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*WALL OR FASCIA SIGN.* An attached sign which extends not more than 24 inches from the building or structure face with a sign face on a parallel with the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

*WINDOW SIGN.* A sign affixed to the surface of, displayed from, or installed on a window for purpose of viewing from outside the premises. This definitions does not include merchandise and other temporary displays located inside a window.

*WINDOW SURFACE.* A pane of glass.

### § 154.097 GENERAL REQUIREMENTS.

The regulations contained in this section shall apply to all signs and all zoning districts.

(A) *Traffic safety.* All signs shall be designed, constructed, and located in accordance with the following standards:

(1) *Sight-distance hazard prohibited.* No sign shall be erected at or near any intersection of any streets, or any railway and any street, or any sidewalk and any street or railway, in such a manner as to obstruct free and clear vision of vehicular and pedestrian traffic.

(2) *Resemblance of traffic control sign or device prohibited.* No sign shall be of a shape or color that may be confused with any authorized traffic sign, signal, or device, or which makes use of the words “stop,” “look,” “danger,” or other words, phrases, or symbols in such manner as to interfere with, mislead, or confuse traffic.

(3) *Resemblance of emergency light prohibited.* Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(4) *Public nuisance.* No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices or employ any parts, or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention if the use of such materials is determined to create a traffic hazard. No signs shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.

(B) *Design and construction.* All signs shall be designed with the highest degree of craftsmanship and constructed in accordance with the following standards:

(1) *Conformance with building and electrical codes.* All signs shall comply at all times with the appropriate detailed provisions of the applicable building and electrical codes adopted by the City of Piqua.

## EXHIBIT A

(2) *Construction materials.* Internally illuminated exterior signs shall be constructed entirely of noncombustible materials, except that faces may be made of approved combustible plastic if the remainder of the sign and supporting structure are made of noncombustible materials. All sign face display areas encased by a sign frame, shall extend to the frame of the sign. In no case shall a sign hang inside of a frame with a visible separation between the sign frame and the sign face.

(3) *Wind pressure.* All signs and supporting structures shall be of sufficient strength and bracing to withstand wind pressure of 30 pounds per square foot of surface exposed. The exposed area subjected to wind pressure shall be the total area of all parts of the sign, including structural framing on a plane perpendicular to the direction of the wind. In determining the stress in any member, the wind shall be assumed to flow from the horizontal and from that compass direction which produces the maximum stress in that member.

(4) *Sign supports and braces.* All permanent signs shall be supported by sign structures that are made of steel or other metal, concrete, or wood, and designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate detailed provisions of the Building Code. All sign supports shall be an integral part of the sign design. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the enforcing officer, proceed at once to put the sign in a safe and secure condition or remove the sign.

(5) *Anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. All signs shall be securely anchored to their supporting structures to prevent any lateral movement that would cause wear on supporting members or connections.

(6) *Pole cap required.* A freestanding sign shall have a pole cap, unless the pole is an integral part of the sign design.

(7) *External lighting.* External light sources shall be an integrated architectural component of the sign display, or screened from view by site grading or evergreen shrubs when physically located separate from the sign.

(8) *Appearance of display.* ~~No sign, or in the case of a joint identification sign no single sign panel, shall incorporate more than one background color, nor more than a total of four different colors used in the primary and/or secondary image.~~ Any multi-faced sign shall consistently display the same name, message and graphics on all faces. Reverse sides of signs shall be unobtrusive and blend with the surroundings. Reverse sides of all permanent signs and structural supports must be completely enclosed. In no case shall the **margins at the outermost limits of the sign face area be less than** height of the primary or secondary image exceed two-thirds **one-eighth** of the total height ~~or length~~ of the sign face area available.

(C) *Location.* All signs shall be located in accordance with the following standards:

(1) *Maintenance of ingress and egress.* No sign shall cover any part of any window unless specifically permitted under this zoning code. No sign shall cover any door, or hinder or prevent free ingress to or free egress from any door, window, fire escape, or any other required exit way.

## EXHIBIT A

(2) *Maintenance of ventilation.* No sign shall be attached in any form, shape, or manner that will interfere with any opening required for ventilation.

(3) *Required clearance from utility wires.* No sign shall be located nearer than ten feet horizontally or vertically from any overhead electric wires or conductors or public utility guy wires.

(4) *Prohibited within public right-of-way.* Signs shall not be erected within nor project into any public right-of-way, unless otherwise specified within this code.

(5) *Prohibited on a vacant lot.* No sign shall be located on a vacant lot, except for an off/on-premise sign advertising the lot for sale or lease **or a temporary non-commercial message.**

(6) *Prohibited within utility easement.* Permanent signs shall not be erected within nor project into any utility easement, unless otherwise specified within this code.

(7) Banner signs prohibited in Central Business District. Banner signs shall not be located on property within the boundaries of the Central Business District, unless otherwise specified within this code.

(D) *Illumination.* All signs shall be in accordance with the following standards:

(1) *Brightness.* Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists, and no more than two foot-candles of light, nor more than one-tenth foot-candle of light on residential properties, and shall be shielded so as not to cast illumination on contiguous properties.

(2) *Flashing.* Intermittent illumination, or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited, unless otherwise specified within this code.

(3) *Colored lights.* No colored lights shall be used in a location or manner in which they may be confused with traffic control devices or vehicular traffic.

(E) *Maintenance and repair.* All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this zoning code at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign is not made to comply with adequate safety standards, the enforcing officer shall require its removal.

(F) *Protection of property.* Signs shall not be posted in any manner destructive to public property. Signs shall also not be attached or otherwise applied to trees, utility poles, transit shelters, benches, trash receptacles, or boxes, unless otherwise specified within this code.

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(G) *Property owner permission required.* Signs shall not be erected, placed, or located upon any property or building without the written consent of the owner(s) of such property or an authorized representative.

(H) *Obscene signs prohibited.* No sign shall contain words, statements, images, or graphic descriptions or illustrations of an obscene or indecent nature.

### § 154.101 PERMANENT; DETACHED SIGNS.

(A) *Intent.* The intent of this section is to recognize the rights of an individual to display noncommercial messages protected by the First Amendment, to recognize the individual or entity who desires to display a permanent commercial message in conjunction with a permitted land use, and to provide the time, place, and manner limitations allowing certain detached sign types for this purpose. It is further intended to recognize the negative affect oversized and misplaced permanent signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter freestanding signs contribute to the landscape, the distractions and obstructions this sign type may cause to motorist, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow permanent detached signs without their becoming a nuisance to the community.

(B) *Permitted permanent detached sign types.* Any of the detached sign types indicated, with a message type the same as the message type heading under which the sign type is listed, shall be permitted as an accessory use to a lawfully established principal, special or nonconforming use conducted on the premise, subject to the limitations included in this code.

(1) *Noncommercial message.*

(a) *On-premise.*

1. Canopy sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.

(2) *Commercial message.*

(a) *On-premise.*

1. Canopy (freestanding) sign.
2. Ground sign.

## EXHIBIT A

3. Monument sign.

4. Pole sign.

(b) *Off/on-premise.*

1. Ground sign.

2. Monument sign.

(C) *Height, area, and setback regulations.*

(1) General requirements for primary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Canopy (detached) sign	20 feet	1 sq. foot per lineal foot of the width of the canopy face to which the sign will be attached, not to exceed 50 sq. feet	N/A	10 feet	5 feet
Ground sign; monument sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Ground sign; monument sign	12 feet	50 sq. feet	1 acre or more	10 feet	5 feet
Pole sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Pole sign	20 feet	50 sq. feet	1 acre or more	10 feet	5 feet
<b><u>High Rise/Highway Oriented Sign</u></b>	<b><u>90 feet</u></b>	<b><u>300 sq. feet</u></b>	<b><u>Less than 10 acres</u></b>	<b><u>20 feet</u></b>	<b><u>20 feet</u></b>
<b><u>High Rise/Highway Oriented Sign</u></b>	<b><u>90 feet</u></b>	<b><u>300 200 sq. feet plus 10 sq. feet for each acre of lot area greater than 10 acres, not to exceed 600 400 sq. feet</u></b>	<b><u>10 acres or more</u></b> <b><u>N/A</u></b>	<b><u>20 feet</u></b>	<b><u>20 feet</u></b>

## EXHIBIT A

(2) General requirements for primary secondary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Ground sign; monument sign; pole sign	4 feet	6 sq. feet	N/A	2 feet	5 feet

(D) *Other regulations.*

(1) *Location.*

(a) Primary and secondary permanent detached signs shall be permitted in any yard fronting a street, or a parking lot, drive through lane, or service drive on the same lot, subject to the general requirements established by this section of the code and provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

(b) Primary and secondary permanent detached signs shall be accessible by maintenance vehicles from the lot occupied by the use to which the sign is accessory.

(2) *Number of signs.*

(a) The maximum allowable number of primary permanent detached signs shall be as follows:

1. Each lot shall be permitted one ground sign or monument sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided no other primary detached sign type as described by § 154.101(D)(2)(a)(2), exist on the same lot.

2. Each lot shall be permitted one pole sign per lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided no other primary detached sign type as described by § 154.101(D)(2)(a)(1), exist on the same lot.

3. Each lot with multiple business establishments shall be permitted to utilize each ground sign, monument sign, or pole sign permitted in accordance with § 154.101(D)(2)(a)(1) or (2), as a joint identification sign, and may increase the total sign area by 10 square feet for each primary message added to the sign, provided no sign area shall exceed 100 square feet.

4. Each lot shall be permitted one canopy (detached) sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

## EXHIBIT A

5. ~~In addition to, but not in lieu of, the permanent detached sign allowance provided by § 154.101(D)(2)(a)(1) and (2) of this code, e~~ **Each** lot within 1,500 feet of the centerline of Interstate 75 shall be permitted one pole **high-rise/highway oriented** sign per lot or lots occupied by the same **business or industrial** principal, special, or nonconforming use to which the sign is accessory, ~~provided the sign face area does not exceed 200 square feet, the sign height does not exceed 80 feet, and the minimum setback to all lot lines is 20 feet. This sign may be used as a joint identification sign.~~

6. Each lot shall be permitted two ground signs or monuments signs for each drive through lane located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided the sign face area of each sign does not exceed 32 square feet and the height of the signs do not exceed eight feet.

7. Each subdivision shall be permitted two ground signs or monument signs per entrance street to the subdivision, provided the signs are located on a lot contiguous to the lot or lots occupied by the subdivision to which the sign is accessory, and provided no other primary detached sign type exist on the same lot.

8. When a structure or business location to be advertised for sale or lease or rental has an obsolete detached sign on the same lot as and accessory to the structure or business for sale or lease or rental, one obsolete detached sign shall be permitted to be used to advertise the business for sale or lease or rental, and no temporary off/on-premise commercial message sign shall be permitted for this purpose.

(b) The maximum allowable number of secondary permanent detached signs shall be as follows:

1. Each lot shall be permitted one ground sign, monument sign, or pole sign for each drive opening from a street frontage, service drive, or parking lot facility located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

2. Each lot shall be permitted two ground signs, monument signs, or pole signs per drive through lane located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

(3) *Landscaping.* Each freestanding sign permitted, shall be effectively landscaped with living plant material to be maintained in good condition at all times. The minimum landscaped area shall include the base of all freestanding signs, and extend in all directions at least three feet beyond all sign faces and supporting structures. Exposed foundations and pole supports must be constructed or encased with a finished material such as brick, stone, or wood, or be screened with evergreen plantings.

### § 154.104 COMPUTATION OF HEIGHT AND AREA.

(A) *Computation of Area.* The sign area shall be calculated as follows:

## EXHIBIT A

(1) The total area of a sign shall be computed by calculating the area of the smallest single rectangle that will encompass all of the letters, and/or symbols, and/or the sign display face, to their outermost limits. The area of a sphere is computed as the area of a circle.

~~(2) All sign faces shall display as the primary image no more than two components. Any additional text, graphic, or image, displayed on the sign face will be considered secondary image and shall not exceed 25% of the maximum permitted area of the sign face. The area of the secondary image shall be calculated in accordance with § 154.104(A)(1).~~

(B) *Computation of Height.* The height of all signs shall be measured from the established grade line to the top of the sign.

**ORDINANCE NO. 20-12**

**AN ORDINANCE AMENDING CHAPTER 53 OF THE PIQUA MUNICIPAL CODE,  
SECTIONS 53.03 RATES OUTSIDE CITY, 53.07 NEW SERVICE, 53.40  
DEFINITIONS, 53.42 EMERGENCY LIMITATIONS AND  
53.49 WATER MAIN EXTENSIONS**

WHEREAS, the City of Piqua Chapter 53 defines that there are water rates for those customer's within the City limits and there is a different water rate for those customers outside the City limits; and

WHEREAS, the City of Piqua has entered into an Agreement for Services as approved by Resolution No. R-135-12 for the purpose of the City Engineer serving as the Project Manager for a new water main that will be built as part of the Piqua City Schools new construction of schools and eliminating the well currently used at the Springcreek site; and

WHEREAS, as part of the Agreement with Piqua City Schools, PCS has agreed to annex the Springcreek site upon it becoming contiguous to the City and that upon completion of the water main, the City will own the water main servicing the area; and

WHEREAS, PCS is a governmental entity reliant on State funding and taxpayer dollars and it is in the interest of all citizens of Piqua to serve the PCS with City water and thus needs to amend Chapter 53 to allow for City water rates at the Springcreek site, noting that it being the only site of all PCS buildings that is not within City limits; and

WHEREAS, to encourage and assist with future development costs, a prorated reimbursement formula is established; and

WHEREAS, Section 53.07 was amended by Ordinance 12-12, which adopted new water rates, however, one section had the numbers transposed and thus an amendment is necessary to reflect the correct water rate; and

WHEREAS, the City no longer has a Public Works Director due to reorganization, which does not include water and utilities under the division of Public Works and therefore an amendment is necessary to Chapter 53.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 53 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

# WATER SERVICE RATES

## § 53.01 RATES WITHIN CITY.

(A) *Water rates.* The following rates are available to residential, commercial, and industrial water consumers in the city, for brackets one through six, and apply to single establishments or dwellings. For these rates the available meter sizes are 5/8-inch, 3/4-inch, 1-inch, 1½-inch, 2-inch, 3-inch, 4-inch, 6-inch, 8-inch, 10-inch, and 12-inch.

(1) *Bracket One.* The first 1,000 gallons, or any part thereof, consumed per month.

<b>Size of Meter</b>	<b>Monthly Meter Charge</b>	<b>Effective 1/1/2013</b>	<b>Effective 1/1/2014</b>	<b>Effective 1/1/2015</b>	<b>Effective 1/1/2016</b>
5/8-inch	13.49	16.19	17.16	18.19	19.28
¾-inch	18.30	21.96	23.28	24.67	26.15
1-inch	24.01	28.81	30.54	32.38	34.32
1½-inch	33.95	40.74	43.18	45.77	48.52
2-inch	84.86	101.84	107.95	114.42	121.29
3-inch	124.06	148.87	157.80	167.27	177.30
4-inch	206.78	248.14	263.03	278.81	295.54
6-inch	401.58	481.90	510.81	541.46	573.95
8-inch	703.46	844.16	894.81	948.49	1005.40
10-inch	1005.54	1206.65	1279.05	1355.79	1437.14
12-inch	1307.52	1569.02	1663.17	1762.96	1868.73

(2) *Bracket Two.* Monthly charge for water in excess of 1,000 gallons, but not exceeding 25,000 gallons shall be \$4.97 per 1,000 gallons.

2012	2013	2014	2015	2016
4.97	5.96	6.32	6.70	7.10

(3) *Bracket Three.* Monthly charge for water in excess of 25,000 gallons, but not exceeding 250,000 gallons shall be \$3.50 per 1,000 gallons.

2012	2013	2014	2015	2015
3.50	4.20	4.46	4.72	5.01

(4) *Bracket Four.* Monthly charge for water in excess of 250,000 gallons, but not exceeding 1,000,000 gallons shall be \$3.11 per 1,000 gallons.

2012	2013	2014	2015	2015
3.11	3.73	3.95	4.19	4.44

(5) *Bracket Five.* Monthly charge for water in excess of 1,000,000 gallons, but not exceeding 3,000,000 gallons shall be \$2.75 per 1,000 gallons.

2012	2013	2014	2015	2015
2.75	3.30	3.50	3.71	3.93

(6) *Bracket Six.* Monthly charge for all water in excess of 3,000,000 gallons shall be \$2.47 per 1,000 gallons.

2012	2013	2014	2015	2015
2.47	2.97	3.14	3.33	3.53

(B) *Temporary water service charge.* A charge of \$48 will be made for installation and removal of metering equipment for temporary service.

(C) *Private fire service maintenance fees.*

<b>Size of Tap</b>	<b>Monthly Fee</b>	2013	2014	2015	2016
4-inch or less	14.89	17.87	18.94	20.08	21.28
6-inch	33.49	40.19	42.60	45.16	47.87
8-inch	46.81	56.17	59.54	63.12	66.90
10-inch	61.00	73.20	77.59	82.24	87.18
12-inch	74.30	89.16	94.51	100.19	106.20

(D) *Municipal golf course.* The rate charged to the Echo Hills Municipal Golf Course shall be 75% of the otherwise applicable rate.

### § 53.02 MULTIPLE ESTABLISHMENTS.

Bills rendered to water customers who have multiple establishments or multi-unit residential establishments in the city shall be billed at the indicated meter reading, but a rate beyond Bracket Two shall not be utilized.

### § 53.03 RATES OUTSIDE CITY.

The prices to be charged for water furnished by the Municipal Water System to all consumers outside the corporate limits of the city (except for city departments) are fixed at 115% of the rate charged to consumers situated in the city.

Customers who are located outside of the City corporate limits will receive City water rates if all of the following are satisfied:

1. The customer is a government entity legally created under the State of Ohio;
2. The customer has signed an annexation agreement at the City's request that it will annex immediately on becoming contiguous to the City; and
3. 75% of the primary business of the Customer is physically located within the City limits at the time the Customer commences using City water.

#### § 53.04 LATE CHARGES.

Five percent shall be added to the net bill if payment is not made on or before 15 calendar days after the billing date of the statement.

#### § 53.05 DISCOUNT FOR SENIOR CITIZENS.

All charges for residential water consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), shall receive a 5% discount on the electric portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

#### § 53.06 WATER SERVICE AND METER INSPECTION FEES.

(A) No reconnection of water service for new accounts, seasonal accounts, previously delinquent accounts or for accounts with new meters shall be made until the following fees are paid (in addition to full payment of any balance due on previous accounts).

(1) *Service fees (including seasonal accounts).*

Water - Residential \$20

Water - Commercial and Industrial \$40

(2) *Meter inspection fees.*

Water - Residential \$25

Water - Commercial and Industrial \$50

(B) *Service call.* For all service calls outside the normal duty hours, a charge of \$60 may be made. For all service calls within normal duty hours, a charge of \$25 may be made. For non-routine service calls outside the normal duty hours, the city will bill the customer the full cost if not the responsibility of the city.

(C) *Meter test fee.* If a meter registers within the accuracy limits, a \$50 fee will be charged.

(D) *Missing or broken meter seal.* For a location where there is a missing or broken meter seal, the customer will be charged a \$100 tampering fee.

(E) *Missing or broken water meter.* For a location where there is a missing or broken water meter, the customer will be charged the total cost of the replacement meter.

(F) Annual backflow recertification fee will be \$20 per device.

**§ 53.07 NEW SERVICE.**

The following charges are established for the installation of new water services.

(A) The tap-in charge for new ¾-inch water services with 5/8-inch x ¾-inch meters shall be according to the following schedule.

2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016
\$420	\$504	\$534	\$566	\$600

(B) The tap-in charges for new services larger than ¾-inch shall be according to the following schedule plus labor and material.

		Effective 1/1/2013	Effective 1/1/2014	Effective 1/1/2015	Effective 1/1/2016
1-inch tap	\$480	\$576	611	648	686
2-inch tap	\$1200 plus labor & material	\$1440	1526	1618	1715
4-inch tap	\$3600 plus labor & material	\$4320	4579	4854	5145
6-inch tap	\$4800 plus labor & material	\$5760	6106	6472	6860
8-inch tap	\$6000 plus labor & material	\$7200	7632	8090	8575
10-inch tap	\$7200 plus labor & material	<del>\$6840</del> <b>\$8640</b>	9158	9708	10290

(C) New water service charges shall be billed by and payable at the utilities collection office.

(D) The tap-in charge for fire service only shall be as follows.

4-inch tap or less	labor & material
6-inch tap	labor & material
8-inch tap	labor & material

10-inch tap	labor & material
-------------	------------------

(E) If a service is used for both domestic and fire and is metered with an FMCT meter, the tap-in charge shall be based upon the smaller service meter according to the following schedule plus labor and material.

		Effective 1/1/2013	Effective 1/1/2014	Effective 1/1/2015	Effective 1/1/2016
2-inch meter	\$1200 plus labor & material	\$1440	1526	1618	1715
3-inch meter	\$2400 plus labor & material	\$2880	3053	3236	3430
4-inch meter	\$3600 plus labor & material	\$4320	4579	4854	5145
6-inch meter	\$4800 plus labor & material	\$5760	6106	6472	6860
8-inch meter	\$6000 plus labor & material	\$7200	7632	8090	8575

## METERS

### § 53.20 FROZEN WATER LINES AND METERS.

(A) The city will thaw a frozen water service through the water meter box or curb box, whichever is located nearest the property line, no more than once each winter season at any one location. Additional freeze-ups will be thawed by the city at the customer's expense.

(B) Thawing frozen water services from the water meter box or curb box, whichever is located nearest the property line, to the points of use is the responsibility of the customer. The customer shall contact the city water system before attempting to thaw any water service lines by electrical means.

(C) The city will thaw or replace a frozen meter in an outside setting at any one location no more than once each winter season. Additional frozen meters will be thawed or replaced by the city at the customer's expense.

(D) All frozen meters in inside settings will be thawed or replaced by the city at the customer's expense.

(E) All expenses incurred by customers shall be billed at then prevailing labor equipment and material costs.

## § 53.21 METERS REQUIRED.

(A) All water meters shall remain the property of the city. The customer shall be responsible for all damages to or loss of the Water Department's property located upon his or her premises, unless occasioned by the department's negligence. Requests to turn on or off water at the meter shall be made by the customer to the utilities collection office.

(B) It shall be unlawful for any person other than a member of the division of fire in the performance of his or her duties, or an employee of the Water Department to turn a curb stopcock, fire hydrant, or valve, or turn water on or off at a water meter without permission from the Water Department. This division is not to be construed as prohibiting licensed plumbing contractors from operating valves at meters or curbs, but merely to insure notification of the Water Department of the intent to perform these actions.

(C) It shall be unlawful for any person to connect a pipe or other appliance to a water line which carries water to a meter so that the water may be obtained without it passing through the meter.

(D) It shall be unlawful for any person, firm, or corporation to knowingly use any water which is not passed through the meter when the premises from which water is used purchases its water from meter measurement.

(E) It shall be unlawful for any person to connect into a line, pipe, or main belonging to the city unless the tap or connection is made in accordance with the rules of the Water Department.

(F) It shall be unlawful for any person, firm, or corporation to disobey the orders of the City Manager, the Director of Utilities, the Water Works Superintendent, or the Fire Chief directing the limitation of or discontinuance of the use of water at the time of a serious fire or water shortage.

## §53.22 METER SPECIFICATIONS.

(A) (1) Meter sizing for each location shall be at the discretion of the water system. The water system reserves the right to change the size of any meter from time to time when, in its judgment, more efficient service or metering will result. Whenever a meter change results in a lower monthly meter charge, the customer shall be responsible for paying costs of materials and labor for the change.

(2) Any building or group of buildings under common ownership shall be metered by one common meter. Where this is impractical or where special use requirements prevail, multiple meters may be installed at the discretion of the water system.

(B) All services two inches or larger shall be valved at both inlet and outlet of the meter, and shall have a valved and sealed, full sized bypass around the meter to permit repair and testing without service interruption.

(C) All meter pits and vaults shall be constructed and installed to the current specifications of the water system, and at no cost to the water system.

### § 53.23 LOCATION; ACCESSIBILITY.

(A) Each consumer shall provide, to the current specifications of and at no cost to the water system, a suitable location for the required meter or meters and all associated equipment. Meters for new service connections shall be located in a pit or vault at or as near the property line as practicable. The water system shall have the right to determine where a meter, meter pit or vault shall be located on the premises of the consumer.

(B) All meters and associated equipment must be so located as to be easily accessible to the water system's employees or agents. Meters will not be set nor allowed in a place where there is a likelihood that they may be damaged, hidden, or where access to them obstructed.

(C) Consumers requesting any additional meter, where the existing meter or meters are located inside a building, shall provide a meter pit or vault for all meters serving the premises in accordance with current specifications of and at no cost to the water system.

(D) The water system reserves the right to require a relocation of its meters due to inaccessibility, safety hazards, freezing, vandalism, damage to meters, additional services and such other reasons that are necessary to read and maintain the meters. The consumer shall provide for this relocation at his or her expense upon written request of the water system.

### § 53.24 INTERFERENCE WITH METERS PROHIBITED.

(A) No person who has in his or her possession or under his or her control a water meter or electric meter owned by the city shall, without the consent of the city, disconnect, change, alter, or interfere with the pipes or wires running into the meter, so as to divert water or current or prevent the meter from duly registering the quantity of water or electricity supplied.

(B) Where it appears that a water meter or electric meter located within the city has been bypassed, and the identity of the person bypassing the meter cannot be determined, the person who signed for the service shall be held prima facie responsible for the violation.

### § 53.25 METER DAMAGE.

Any meters or associated equipment damaged through negligence on the part of the consumer shall be repaired or replaced at the consumer's expense. This includes, but is not limited to, meters damaged by freezing or excessive heat.

### § 53.26 METERING FOR WATER OR WASTEWATER USE ONLY.

(A) *Water only.*

(1) Additional metering may be installed to measure water usage that does not enter the sanitary sewer system. All installation costs shall be paid by the consumer. All such meters shall be installed to water system specifications and located as near as practicable to the regular service meter.

(2) These meters will be treated as separate services with current water rates applied.

(B) *Wastewater only.*

(1) Additional metering shall be installed to measure water use for wastewater charges where water system service is not available to the property. All installation costs shall be paid by the consumer, and meters shall be installed to current water system specifications.

(2) These meters will be treated as a special service for determining current monthly wastewater charges.

## DETAIL SYSTEM REQUIREMENTS

### 📖 § 53.40 DEFINITIONS.

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

**CONSUMER.** The person, firm or corporation under whose name the water service account is listed in the city utility billing office.

~~**DIRECTOR OF PUBLIC WORKS.** The immediate supervisor of the Water System Superintendent.~~

**SPECIFICATIONS.** Specifications for construction, available in the office of the City Engineer.

~~**WATER SYSTEM.** The city's Director of Public Works, Water System Superintendent and/or their designated agents (unless specifically indicated otherwise) or, as the case may be, The~~ water system shall be defined as a water utility owned and operated by the city.

### 📖 § 53.41 OPERATION OF CURB STOPS AND HYDRANTS.

No one except a member of the Fire Department or any employee of the water system, in the performance of his or her duties, may turn water on or off at the curb stopcock, fire hydrant or valve, or at a water meter, without permission of the water system.

### 📖 § 53.42 EMERGENCY LIMITATIONS.

It is unlawful for the consumer to disobey the orders of the City Manager or his designee, ~~the Director of Public Works~~, the Water System Superintendent, Fire Chief or their authorized

representatives directing the limitation of, or discontinuance of, the use of water during an emergency.

### **§ 53.43 WATER SYSTEM AND CONSUMER RESPONSIBILITY.**

(A) The water system assumes responsibility for repair and maintenance of all water service lines and appurtenances, including fire services, from the main to the shut-off at or near the property line, beginning two years from the date of initial turn-on. For existing fire services without a shut-off at or near the property line, the city's responsibility shall end at or near the property line. This includes repair and maintenance of curb boxes and curb stops or meter installations and detector check valves when located on or near the property line. Maintenance and repair of sump pumps, jockey pumps, siamese connection and equipment necessary for their operation are the consumer's responsibility regardless of location. Repair and maintenance of water meters are the water system's responsibility regardless of the location of the installation.

(B) The consumer shall maintain, in good repair, that portion of the service line on the property side of the shut-off valve at or near the property line, and shall protect the same from frost or freezing.

(C) The consumer shall have installed and shall maintain his or her plumbing system where water meters are located inside a building, in such a manner that there shall be no tension, strain, or weight on the meter. Failure of the consumer or property owner to properly maintain plumbing systems, service lines, and appurtenances on the property side of the shut-off valve shall be cause for the water system to discontinue service or effect repairs at the owner's costs, whichever the water system deems appropriate.

### **§ 53.44 TAPS AND SERVICE LINES.**

(A) All services other than fire services shall be metered in accordance with the terms of this chapter. Fire services shall be metered or monitored with a detector check valve in accordance with provisions of § 53.48(A) and such other applicable sections of this chapter relating to meter installations.

(B) All taps into the city water mains shall be made by water system personnel or a contractor approved by the water system, and the location of the taps shall be at the discretion of the water system.

(C) Service line and meter setting installations and all associated costs, including all materials, permits, labor, excavation, equipment, and all meters two inches and larger, and detector check meters are the responsibility of the consumer.

(D) All meters and materials used in service installations shall be approved and meet the specifications of the water system.

(E) The consumer shall submit his or her plans, specifications, and schedules to the water system for review and approval in sufficient time for their review and approval by the water system

before making application for service connections. One copy of the approved plans and specifications shall be on the job site when any related work is being performed.

(F) No alterations or additions shall be made in any pipe between the water main and the meter, nor shall any change be made in meters or meter settings without written permission of the water system.

(G) Service connections may be obtained upon application, in writing and accompanied by the proper fee, at the City Engineer's office.

(H) Service connection fees are on file at the office of the City Engineer and Water System Superintendent and are available upon request.

### § 53.45 INSPECTION REQUIRED.

No service will be turned on for any installation until it has been inspected and approved by the appropriate city departments, including the water system.

### § 53.46 TEMPORARY SERVICE.

(A) Water will be furnished for construction purposes from the nearest practicable source to the construction site as determined by the water system. All water used for such purposes must be metered through meters furnished by the city.

(B) Application for temporary service must be made at the Utilities Business Office in writing, and by such application, persons requesting service assume full responsibility for the water system's property during the entire service period. A service charge will be made for the furnishing of the metering equipment. Water used and monthly meter charges will be billed at the current rates. Monthly meter charges will commence on the day the meter is furnished, and will be charged for each 30-day period or portion of a 30-day period thereafter, until the meter is returned to the water system.

### § 53.47 BACKFLOW AND CROSS-CONNECTION CONTROL.

(A) No person, firm or corporation shall establish or permit to be established, or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distributing system of the city. Any private, auxiliary or emergency supplies and the method of connection and use of the supply shall have the approval of the water system, the Ohio Environmental Protection Agency and the Ohio Department of Health.

(B) No person, firm, or corporation shall establish or permit to be established, or maintain or permit to be maintained any direct connection between the public water supply of the city and any potentially hazardous, toxic or injurious manufacturing process or any drainage or sewer system.

(C) The City Plumbing Inspector, Water System Superintendent, or their authorized representatives, after verbal or written notification, shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distributing system of the city for the purpose of inspecting the piping system or systems thereof. The owner, lessees or occupants of any property served shall furnish to the Plumbing Inspector or Water System Superintendent any information which they may request regarding the piping system or systems or water use on the property. The refusal of this information shall, within the discretion of the Plumbing Inspector or Water System Superintendent, be deemed evidence of improper connections as provided in these rules and regulations.

(D) The Water System Superintendent is hereby authorized and directed to discontinue, after reasonable written notice to the occupant thereof, the water service to any property wherein any connection in violation of these rules and regulations is known to exist, and to take any other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply. Water service to the property shall not be restored until these conditions shall have been eliminated or corrected in compliance with the provisions of these rules and regulations.

(E) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Plumbing Inspector or Water System Superintendent, actual or potential hazards to the public potable water system exist.

(F) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where any of the following conditions exist:

(1) Premises having an auxiliary water supply;

(2) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the Water System Superintendent;

(3) Premises having internal cross-connections that, in the judgment of the Plumbing Inspector or Water System Superintendent, are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey; or

(5) Premises having a repeated history of cross-connections being established or re-established.

(G) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities, unless the Plumbing Inspector and the Water System Superintendent determine that no actual or potential hazard to the public potable water system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes;
- (2) Laboratories;
- (3) Sewage treatment plants, sewage pumping stations or storm water pumping stations;
- (4) Food or beverage processing plants;
- (5) Chemical plants;
- (6) Metal plating industries;
- (7) Petroleum processing or storage plants;
- (8) Radioactive material processing plants or nuclear reactors;
- (9) Car washes; and
- (10) Others specified by the Plumbing Inspector or Water System Superintendent.

(H) The type of backflow protection required under these rules and regulations shall depend on the degree of hazard which exists as follows:

(1) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

(2) An approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.

(I) Backflow prevention devices required by these rules and regulations shall be installed to the specifications of, and at no cost to, the water system.

(J) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these rules and regulations are installed to have inspections, tests and overhaul made in accordance with the following schedule or more often when inspections indicate a need.

(1) Air separation shall be inspected at the time of installation and at least once every 12 months thereafter.

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every 30 months.

(K) Inspections, tests, and overhaul of backflow prevention devices shall be at the expense of the consumer, and shall be performed only by persons approved by the water system as qualified to inspect, test, and overhaul the devices.

(L) Backflow prevention devices found to be defective shall be repaired by the consumer without delay.

(M) The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This record shall include a comprehensive listing of all tests, inspections, and repairs. Records shall be submitted to the Plumbing Inspector or Water System Superintendent when requested.

(N) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without written authorization of the Water System Superintendent.

#### § 53.48 FIRE SERVICES.

(A) (1) When any consumer requires an additional line or requires additional water for fire protection in excess of that required for his or her normal domestic requirements, a meter or meters for such lines shall be installed to the current specifications of, and at no cost to, the city.

(2) All existing fire services which are unmetered or unmonitored with a detector check meter as of January 1, 1993, may continue to operate at their present level of service indefinitely. However, when any fire service which is unmetered or which is unmonitored, by means of a detector check, is changed by the addition of a riser, or by the extension of the fire system, or by replacement of the meter pit, a meter shall be installed in accordance with city specifications.

(B) (1) Plans and information pertaining to existing fire services shall be filed within 60 days of receipt of written request from the water system for such information. The information and plans shall be the same as required for installation of new fire services.

(2) At any time a fire service or system is found to be contrary to, or in violation of these rules and regulations or any ordinance of the city, any changes as are necessary to make the system compliant shall be made within 60 days after receipt of written notice from the water system.

(C) (1) Pipes intended for fire service only shall not be tapped or used for the general or domestic supply of the premises, unless provisions for backflow prevention and metering are in compliance with the water system specifications.

(2) (a) Pipes used for new fire services or fire services changed, altered or extended as in division (A)(1) of this section shall be furnished with a detector check metering device or MFM-MCT meter at the consumer's expense. The metering installed shall be acceptable to the city and shall

be able to accept a chart meter, which will show times of flow. Installation of the chart meter by the city shall be done at intervals set by the city.

(b) Detector meters will be read and recorded on a monthly basis and a permanent record maintained. Easy access shall be maintained by the consumer for the installation and reading of the meters. If the detector meter or chart meter shows unauthorized flow at any time, the water system shall serve written notice to the consumer to eliminate the unauthorized use. If, at any time thereafter, unauthorized use is evident, the city shall install a full flow metering system on the fire service at the expense of the consumer, and usage shall be billed to the consumer as provided by rates for water consumers.

(3) All tanks and cisterns maintained for fire purposes which receive supply in whole or in part from the water system, shall be supplied by metered water. Overflow pipes from fire service tanks or cisterns shall not be directly connected to drains or sewers, and they shall be open to inspection at all times.

(4) Jockey pumps used in fire protection systems shall take water from the metered domestic service.

(5) No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within the premises, unless the booster pump is equipped with low pressure cut-off designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less. It shall be the duty of the consumer to maintain the low pressure cut-off device in proper working order, and to certify to the water system at least once a year that the device is operable.

(6) No arrangements shall be permitted whereby there may be the slightest possibility of river, rain or polluted water entering into the public water supply.

(D) (1) Fire pipes, valves and metering shall be so installed as to be accessible for inspection at all times. No fire service pipes shall be supplied with water until all fixtures and appurtenances have been inspected and approved by the water system.

(2) Tests performed on private fire systems and apparatus conducted by the consumer or by insurance inspectors shall be subject to the following provision: At least 48-hours advance notice shall be given to the Water System Superintendent and Fire Department that tests are to be performed and the date and approximate time of the tests.

(E) No charge shall be made for water used to extinguish fires.

### § 53.49 WATER MAIN EXTENSIONS.

(A) Water mains will be extended within and outside the corporation limits according to the following minimum sizes.

- (1) Residential zoned areas: 8-inch
- (2) Commercial zoned areas: 10-inch
- (3) Industrial zoned areas: 12-inch

(B) Water main extensions, when constructed, shall be to the specifications of, and at no cost to the city. Waiver of the above minimum size requirements shall be considered by the City Commission upon request of the developer and recommendation of the ~~Public Works Director~~ City Manager or his designee.

(C) The developer or owners of benefitted property shall pay 100% of the cost of installation of the required minimum size water mains and appurtenances. Sizing required by the water system in excess of the minimums will be at the cost of the water system.

(1) Although the developer and/or owner is responsible for 100% of the cost for the construction of a new water main, the party who paid the construction costs may receive a prorated reimbursement for up to a ten year period commencing on the date the City accepts ownership of the water main. The reimbursement shall be from the new customer who will be serviced by the water main.

(2) The prorated reimbursement of the costs for the water main construction shall be based on lineal footage of only the property frontage based on the herein formula. The total cost of the water main construction shall be divided by the lineal frontage to determine the cost per lineal foot. Said cost for per lineal foot shall then be multiplied by the total lineal frontage for the amount of reimbursement.

Example: Total cost of water main: \$100,000

\_\_\_\_\_ Total L.F.:500

\$100,000 / 500 = \$200 per L.F.

\$200 x 75 L.F. (frontage) = \$15,000 prorated reimbursement

(3) The City shall not be held in any way responsible for any consumer's amount of prorated reimbursement should the reimbursement not be paid. Failure to pay would be subject to a civil action between the developer seeking reimbursement and the consumer who failed to pay.

(D) Water mains will be accepted into the water system, and ownership transferred to the city, ~~two years after the date they are approved and turned on by the water system after the project is complete, all inspections have been completed and passed, and the final punch-list has been satisfied by the City Engineer or his designee.~~ Upon the City officially accepting the completion of the water main project, the Maintenance Bond will be executed, providing a minimum of a one-year period to ensure there is no construction or other defaults with the water main.

(E) Service connection fees as listed in § 53.07 shall apply as each water service is connected.

### **§ 53.50 COMPLIANCE REQUIRED.**

Notwithstanding anything to the contrary, the failure of a consumer to fulfill any of the obligations imposed upon him or her by these detailed system requirements shall authorize the water system, at its option, to discontinue service and/or cause the satisfaction of those obligations at the consumer's expense, which shall be collected via the consumer's utility bill or certified to the county for assessment on the consumer's tax duplicate.

### **§ 53.51 MATERIAL SPECIFICATIONS.**

A list of those materials and equipment and construction details acceptable to the city will be kept current and made available to the public at the offices of the City Engineer and Water System Superintendent.

## **OTHER REGULATIONS**

### **§ 53.60 USE OF WATER TOWERS FOR CELLULAR COMMUNICATIONS.**

(A) *Generally.* The City of Piqua ("city") may enter into agreements with cellular phone service providers ("tenant") to place transmitting and receiving equipment for cellular phone service on municipal water towers. Lease agreements between the city and such tenants will be according to the policy established in this section.

(B) *Installation and maintenance of cellular phone equipment and facilities.*

(1) All installation and maintenance of cellular phone transmitting and receiving equipment, and accessory facilities, will be conducted totally at the expense of the tenant, and at no expense to the city.

(2) Tenant assumes full responsibility for the construction of any approved buildings and for being in compliance with all code requirements and regulations of governmental authorities having jurisdiction over the construction. The construction work shall proceed without any (or minimal) interference or disruption to the current operations of the Water Department and the other departments of the city. Tenant shall, upon reasonable notice, make all portions of the overhead tank of the city available for maintenance or repair by the city, including but not limited to reasonable repainting and related work, upon the request and at the direction of the city.

(3) All cable connections and antennae of tenant that are placed on or lead to the water tower shall be placed and secured in a manner safe to all. Tenant shall be solely responsible for securing and maintaining the antennae, cable and other equipment in a safe and secure manner.

Tenant's use shall be non-exclusive since the city reserves the right to lease water tower space to other cellular phone service providers.

(4) All modifications to the tower and city-owned property must be approved by the city prior to the commencement of any construction.

(5) Tenant will maintain all equipment and facilities in such a manner so as to provide an appearance acceptable to the city.

(C) *Rights and responsibilities of the city.*

(1) The city shall approve the exact location of all fixtures and equipment on the tower and all city-owned property.

(2) The city will determine how many tenants may occupy each water tower.

(D) *Sub-lease.* Tenant may not sub-lease or otherwise transfer its right to use a city water tower without the written consent of the city. Tenant will indemnify and hold the city harmless from all claims arising out of the leasehold. Tenant shall be liable for all property damage resulting from tenant's negligence.

(E) *Rental rate.* The monthly rental rate for 2000 is \$1,000 per tenant, per tower. The rental rate will be increased by 3% on January 1 of each year, unless otherwise revised by the City Commission.

(F) *Authorization of City Manager to enter into agreement.* The City Manager is authorized to enter into agreements with cellular phone service providers on behalf of the city in accordance with this policy.

(G) *Modification of provisions of this policy.* The City Commission may waive or modify any of the conditions to this policy at its discretion.

SECTION 2. All other sections of Chapter 53 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL, CITY COMMISSION CLERK



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>AN ORDINANCE AMENDING CHAPTER 53 OF THE PIQUA MUNICIPAL CODE, SECTIONS 53.03 RATES OUTSIDE CITY, 53.07 NEW SERVICE, 53.40 DEFINITIONS, 53.42 EMERGENCY LIMITATIONS AND 53.49 WATER MAIN EXTENSIONS</b>		
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall, Law Director		
	Department: Law		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The City entered into an agreement with Piqua City Schools to be the Project Manager for the construction of a water main. Based on that agreement, which was approved by Resolution R-135-12, two ordinance changes were required. First, because PCS is a governmental entity with all of its premises located within the City, except for the one building the new water main will serve, and because PCS is signing an annexation agreement, the City is amending the ordinance to allow City water rates to the one outlying building. The second amendment, although it stems from the PCS agreement, would allow any future developer paying for the construction of a water main to seek a prorated reimbursement of the construction cost based on lineal frontage.</p> <p>Amended water rates were adopted by Ordinance No. 12-12. However, two numbers were transposed so the ordinance is being amended to reflect the correct rate.</p> <p>The last change deals with the title of Public Works. There has been a reorganization where Public Works is only Streets and Parks and not water so the Chapter 53 is being amended to reflect those changes.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Adopt the Ordinance	
	2.	Reject the Ordinance and have consequences regarding the PCS agreement	
	3.	Amend the Ordinance	
	4.		
<b>PROJECT TIMELINE</b>	Construction will begin the beginning of 2013 so the ordinance changes would need to be in place by the time the construction was complete for PCS.		

<b>STAFF RECOMMENDATION</b>	Approve the Ordinance changes as it is a benefit to the partnership with PCS and allows future developers to seek a prorated reimbursement.
<b>ATTACHMENTS</b>	

## ORDINANCE NO. 21-12

### AN ORDINANCE AMENDING CHAPTER 51 OF THE PIQUA MUNICIPAL CODE, SECTIONS 51.02 DEFINITIONS, 51.81 WASTEWATER SERVICE FEES, 51.47 RESPONSIBILITY FOR COST AND 51.87 REVIEW OF RATES

WHEREAS, the City of Piqua Chapter 51 defines wastewater rates for those customer's within the City limits and there is a different wastewater rate for those customers outside the City limits; and

WHEREAS, the City of Piqua has entered into an Agreement for Services as approved by Resolution No. R-135-12 for the purpose of the City Engineer serving as the Project Manager for a new water main that will be built as part of the Piqua City Schools new construction of schools, in which upon completion, the City will take ownership; and

WHEREAS, as part of the Agreement with Piqua City Schools, PCS has agreed to annex the Springcreek site upon it becoming contiguous to the City; and

WHEREAS, PCS is a governmental entity reliant on State funding and taxpayer dollars and it is in the interest of all citizens of Piqua to serve the PCS with City utilities and thus needs to amend Chapter 53 to allow for City wastewater rates at the Springcreek site, noting that it being the only site of all PCS buildings that is not within City limits; and

WHEREAS, to encourage and assist with future development costs, a prorated reimbursement formula is established; and

WHEREAS, the City no longer has a Public Works Director due to reorganization, which does not include water and utilities under the division of Public Works and therefore an amendment is necessary to Chapter 53.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 51 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

#### § 51.01 PURPOSE.

These regulations set forth uniform requirements for users of the Piqua wastewater system and enable the city to protect public health, safety, and welfare. The objectives of these regulations are:

(A) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge; and

(B) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment, and which will pass through the system into the receiving waters.

## § 51.02 DEFINITIONS.

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

**BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed on Ohio Administrative Code (OAC) 3745-3-04. BMP's also include treatment requirements, operating procedures and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in mg/l, as determined by *Standard Methods*.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARDS.** Pretreatment standards promulgated by U.S. EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to the wastewater system by specific industrial users.

**CITY.** The City of Piqua, Ohio.

**CITY MANAGER.** The **CITY MANAGER** as provided for under the Charter of the city, or his or her duly authorized agent or representative.

**COMBINED SEWAGE.** A combination of sanitary sewage and storm water, with or without industrial wastes.

**COOLING WATER.** The water discharged from any system of condensation, air conditioning, cooling or refrigeration. It shall be free from odor and oil, and shall contain no polluting substances.

**CONTROL AUTHORITY.** (1) The POTW if it is under an approved pretreatment program; or (2) Ohio EPA if the POTW is not under an approved pretreatment program.

**DEBT SERVICE CHARGE.** The charge levied against the users of the sewage system for the retirement of and interest on bonds and/or notes authorized and issued by the city on construction of the sewage system facilities.

**~~DEPARTMENT OF PUBLIC WORKS~~ or DEPARTMENT.** The department established by the city for the purpose of managing and operating the wastewater system of the city.

**~~ENGINEER.~~** The ~~Public Works Director, who heads up the Department of Public Works~~ City Engineer.

**FEDERAL ACT.** The Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, (Pub. L. 95-217) 33 USC 1251 et seq.; as well as any guidelines, limitations and standards promulgated by the U.S. EPA pursuant to the Act.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of products.

**GARBAGE, PROPERLY SHREDED.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried under the flow conditions normally prevailing in public sewers.

**GOVERNMENTAL/INSTITUTION CLASS USER.** Hospitals, nursing homes, schools; city, county, state or federal building or facilities that discharge wastewater into public wastewater treatment system works and facility.

**HEALTH OFFICER.** The City Health Commissioner or his or her duly authorized agent or representative.

**HOLDING TANK WASTE.** Any sanitary waste from holding tanks or chambers used in connection with boats, chemical toilets, campers, trailers, or other facilities from which sanitary wastes emanate. The definition includes sanitary wastes from septic tanks and vacuum pump tank trucks.

**INDUSTRIAL USER or INDUSTRIAL DISCHARGER.** Any user who discharges to the wastewater system any liquid wastes resulting from processes employed in industry or manufacturing, or from development of any natural resource.

**INDUSTRIAL WASTES.** The solid, liquid or gaseous waste resulting from any industrial manufacturing, trade or business process; or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

**INTERFERENCE.** A discharge which (alone or in conjunction with a discharge or discharges from other sources) does both of the following:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal.

(2) Therefore is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations): Section 405 of the Clean Water Act, being 33 USC 1345; the Solid Waste Disposal Act (SWDA), being 42 USC 6901 et seq. (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, being 42 USC 6941 et seq., the Clean Air Act, being 42 USC 7401 et seq., and the Toxic Substance Control Act, being 15 USC 2601 et seq.

**MAY** is permissive.

**Mg/l.** Milligrams per liter.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NEW SOURCE.** Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act, being 33 USC 1317(c), which will be applicable to the source if these standards are therefore promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site which no other source is located;

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;

(3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

**NORMAL WASTEWATER.** Wastewater having an average concentration of not more than the following:

(1) BOD (biochemical oxygen demand): 200 mg/l

(2) SS (suspended solids): 250 mg/l

**NPDES.** National Pollutant Discharge Elimination System.

**OPERATION AND MAINTENANCE.** The cost incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of sewage in a good state of repair and functioning properly including the replacement of the facilities when necessary.

**OEPA.** The Ohio Environmental Protection Agency.

**PASSTHROUGH.** A discharge which exits the POTW into waters of the state in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. Low values indicate the presence of acids or acid-forming salts. High values indicate the presence of alkaline material. A pH of 7.0 is considered neutral.

**POTW or PUBLICLY OWNED TREATMENT WORKS.** That portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**PREMISES.** Any parcel of real estate or portion of real estate, including any improvements, determined by the engineer to be a single user for purposes of receiving, using and paying for services.

**PRETREATMENT.** The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging pollutants to the wastewater system.

**PRIVATE SEWER.** A sewer which is not controlled by a public authority.

**PUBLIC AUTHORITY.** Any governmental entity having jurisdiction by law.

**PUBLIC SEWER.** A sewer owned and operated by a public authority.

**REGULATIONS.** Any word, provision, paragraph or section of this chapter unless otherwise defined.

**RESIDENCE.** A building or house erected or constructed on any lot, parcel of land or premises and used primarily for dwelling purposes.

**SANITARY SEWER.** A sewer which carries sanitary wastewater and/or industrial waste, and to which storm, surface and groundwaters are not intentionally admitted.

**SANITARY WASTEWATER.** Water-carried wastes from domestic conveniences such as toilets, urinals and sinks.

**SEWER.** A pipe, conduit, ditch or other device for carrying wastewater or storm water.

**SHALL** is mandatory.

**SIGNIFICANT INDUSTRIAL USER.**

(1) Except as provided in division (2) below, the term **SIGNIFICANT INDUSTRIAL USER** includes:

(a) All industrial users subject to categorical pretreatment standards.

(b) Any other industrial user that discharges an average of 25,000 gpd or more of process wastewater to the POTW; contributes a process waste stream with makes up 5% or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

(2) The Director may at any time, on his or her own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a **SIGNIFICANT INDUSTRIAL USER** if the industrial user has no reasonable potential to adversely affect the POTW's operation for violating any pretreatment standard or requirement.

**SIGNIFICANT NONCOMPLIANCE.** A violation which meets one of the following criteria.

(1) Occurs in 66% or more of the samples of any magnitude taken over a six- month period.

(2) Exceeds the technical review criteria (TRC) for the same discharge limit in 33% or more of the samples taken over a six-month period.

(a) TRC = 1.4 (40% exceedance) for BOD, TSS, fats, oils, grease.

(b) TRC = 1.2 (20% exceedance) for all other pollutants.

(3) Causes alone or in combination with other discharges, interference or passthrough, including endangering POTW personnel or the public.

(4) Endangers human health or the environment, or results in the POTW's exercise of its emergency powers.

(5) A delay in meeting a compliance schedule milestone, such as failure to begin or complete construction or attain final compliance by 90 days or more.

(6) Failure to submit any required report within 30 days of due date.

(7) Failure to report noncompliance.

(8) Any other violation(s) which the POTW considers significant.

**SLUGLOAD.** A discharge of any pollutant at a flow rate and/or pollutant concentration of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference (as defined in this section) or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION** or **SIC.** The classification of users based on the 1972 *Standard Industrial Classification Manual*, as amended and supplemented, Office of Manpower and Budget of the United States of America.

**STANDARD METHODS.** The laboratory procedures specified in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

**STORM SEWER** or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sanitary wastewater and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT.** The superintendent of the wastewater system or known as the POTW.

**SUSPENDED SOLIDS** or **SS.** Solids that either float on the surface of, or are suspended in, water, wastewater or other liquids; and which are removable by laboratory filtering as determined by standard methods.

**TOXIC POLLUTANT.** Any pollutant designated by federal regulations pursuant to Section 307 of the Act, being 33 USC 1317, as amended.

**UNPOLLUTED WASTEWATERS** or **CLEAN WASTEWATERS.** Those liquid wastes which meet the criteria established by the OEPA for effluents discharged to city watercourses.

**U.S. EPA.** The United States Environmental Protection Agency.

**USER.** Any person that discharges, causes, or permits the discharge of wastewater into a public sewer.

**WASTES.** Wastewater and all other substances (liquid, solid, gaseous or radioactive) associated with human habitation or of human or animal origin; or from any producing, manufacturing or processing operation of any nature, including substances placed within containers of any nature prior to, and for purposes of, disposal.

**WASTEWATER.** A combination of water-carried industrial waste, sanitary wastewater or any other waste, together with any ground, surface and storm water that may be present.

**WASTEWATER SYSTEM.** All facilities for collecting, pumping, treating and disposing of sanitary wastewater and industrial wastes.

**WWTP - WASTEWATER TREATMENT PLANT.** An arrangement of devices and structures used for treating wastewater.

**WATERS OF THE STATE.** Any water, surface or underground, including waters, within the boundaries of the state.

## § 51.03 GENERAL PROHIBITIONS.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge, or cause to be discharged, to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary wastewater, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) (1) Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sanitary wastewater, except that all properly operating septic tanks and leaching fields in existence as of January 1, 1985, within 200 feet of a public sewer, may continue to be used until such time as they are in need of repair, replacement or in violation of division (A) of this section.

(2) No person, firm or corporation shall be permitted to connect to or discharge wastewater to the city sewage system unless it has been determined by the city that there is sufficient capacity in the system to collect, convey and treat the proposed wastewater discharge of that person, firm or corporation.

(3) Notwithstanding anything to the contrary, nothing in this chapter shall prohibit the use of temporary porta-john type toilet facilities used during construction or sporting events, festivals or such other events that are approved by the Health Department.

## **USE OF THE PUBLIC SEWERS**

### § 51.15 CONNECTION REQUIRED.

The owner of all houses, buildings or premises used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley, easement or right-of-way in which there is or may, in the future, be located a public sewer, is required, at his or her expense, to install suitable toilet facilities therein, connected directly with the proper public sewer, in accordance with the provisions of this chapter within 90 days after date of official notice of a violation of § 51.03(A) and (C), provided that the public sewer is within 200 feet of the property line.

## § 51.16 DISCHARGE OF SURFACE WATER.

(A) (1) No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, downspouts, subfoundation building drainage, unpolluted cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Subfoundation building drains connected to sanitary sewers before the effective date of these regulations shall be removed if it is established by the engineer that the connections are detrimental to the satisfactory operation of the wastewater system and that removal is cost-effective. The connections shall be prohibited after the effective date of these regulations and shall be considered illegal.

(B) Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the engineer. Unpolluted industrial cooling water or unpolluted process waters may be discharged, upon approval by the engineer, to a storm sewer or natural outlet.

## § 51.17 DISCHARGE PROHIBITIONS.

(A) *Prohibitions.* No person shall discharge, or cause to be discharged, any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor which causes the influent temperature at the treatment plant to exceed 104°F (40°C).

(2) Any water, wastes, discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, if discharged in amounts that can cause passthrough or interference, or which may contain more than 100 mg/l of fat, oil or grease.

(3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(4) Any garbage that has not been shredded to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer.

(5) Any water or wastes containing substances that will solidify or become discernibly viscous at temperatures between 30 and 150°F, including but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the operation of the wastewater system.

(6) Any water or wastes having a pH lower than 5.5 or higher than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and department personnel.

- (7) Any water or wastes containing toxic pollutants in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
- (8) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment plant.
- (9) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, or capable of creating a public nuisance, hazard to life, or sufficient to prevent entry into the sewers for maintenance and repair.
- (10) Any water or wastes which cause unsuitable sludge reclamation.
- (11) Any water or wastes which cause a detrimental environmental impact or a nuisance in the waters of the state, cause a condition unacceptable to any public authority having regulatory jurisdiction over the wastewater system, or cause the quality of the wastewater treatment plant effluent to violate the NPDES permit limitations.
- (12) Any water or wastes which cause discoloration, such that receiving water quality requirements, established by law, cannot be met.
- (13) Any radioactive waste, except when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials.
- (14) Wastewater containing concentrations for cadmium, cyanide, nickel, copper, lead, zinc, chromium, and mercury in excess of current local limits on record in the *Industrial Pretreatment Program Local Limits Document* available at the Wastewater Treatment Plant and in the office of the City Engineer.
- (15) Any water or wastes containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons.
- (16) Any water or wastes containing in excess of 1.0 mg/l phenolic compounds.
- (17) Pollutants which create a fire or explosion hazard to the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test method specified in 40 CFR 261.21.
- (18) Any trucked or hauled pollutants, including industrial and or septic wastes, into any location of the sewer systems or POTW at any time.
- (19) Any slugload, as defined in § 51.02, including oxygen demanding pollutants (e.g., BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference in the wastewater system as described in § 51.02 of this chapter.

(B) *National categorical pretreatment standards.*

(1) National categorical pretreatment standards, as promulgated by the U.S. EPA, pursuant to the Federal Act, as amended, are hereby adopted and shall be met by industrial users regulated by such standards. Where categorical pretreatment standards promulgated by the U.S. EPA, pursuant to the Federal Act, as amended, are more stringent than those specified in these regulations, the regulations shall be amended to adopt the more stringent standards. All users regulated by the more stringent standards shall be notified of any proposed regulation change prior to the effective date. Any change or new provision in these regulations shall include a reasonable time schedule for compliance.

(2) All users regulated by categorical standards shall be notified of any proposed regulation change prior to the effective date. Any change or new provision in these regulations shall include a reasonable time schedule for compliance.

(3) Where an industrial user subject to categorical pretreatment standards has not submitted a discharge report as required in § 51.48, he or she shall file a completed discharge report within six months after the promulgation of the applicable categorical pretreatment standards. Where the user has submitted an acceptable discharge report, he or she shall submit to the department any additional information required by the categorical pretreatment standards.

(C) *Dilution.* No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in these regulations.

(D) *Right of revision.* The city reserves the right to amend these regulations to provide for more or less stringent limitations or requirements on discharges to the wastewater system where deemed necessary to comply with the objectives set forth in § 51.01 of this chapter.

(E) *Review.* These regulations shall be reviewed annually by the engineer. If, in his or her opinion, changes or additions are required, he or she shall submit them to the City Manager for approval. Upon approval, the amendments shall be submitted to the City Commission for ratification as part of the codified ordinances of the city. There shall be a public notice of any proposed changes in these regulations.

 **§ 51.18 ENFORCEMENT.**

(A) *Discontinuation of service.* When an actual or threatened discharge presents a substantial danger to the health of persons or the environment, interferes with the operation of the wastewater system or violates any provision of these regulations, the department may discontinue wastewater treatment service or take any other lawful means to effect the abatement of any danger.

(B) *Notification of violation.* Whenever the department finds that any user has violated any provision of these regulations, the engineer shall notify the user stating the nature of the alleged violation. If a user who has been notified to cease wastewater discharges fails to comply within

the time specified by the engineer, the department shall discontinue wastewater treatment service by suspending water service or other appropriate means.

(C) *Show cause hearing.* After receipt of notification to cease wastewater discharges or to abate any substantial danger to the health of persons or the environment, the user has the right to request a hearing before the department. If a hearing is requested, the department shall serve the user with a written notice specifying the time and place of the hearing.

(D) *Right of appeal.*

(1) Any decision rendered by the department can be appealed in writing within 15 days to the Health Officer. The written request shall state the reasons for the appeal and specify what remedies are sought.

(2) The Health Officer shall, within ten days after receipt of the written appeal notice, hold a hearing and decide the question. The hearing shall include testimony from all concerned persons. The Health Officer shall render a written decision within five days after completion of the hearing.

(3) Within 15 days of receipt of the Health Officer's decision, the user may appeal to the Board of Health of the city. The written appeal notice shall be directed to the Health Officer who shall promptly transmit the appeal to the Board of Health. Upon giving not less than five business days' written notice to the appellant, a hearing shall be held before the Board of Health. After the hearing, the Board may, by a majority vote, affirm, reject or modify the decision of the Health Officer. The decision of the Board shall be made in writing within seven business days after the hearing and shall be final, except that further recourse may be had through statutory procedures.

(E) *Reinstatement of service.* Prior to reinstatement of wastewater treatment service, all cost and expense incident to the city's discontinuation of service shall be borne by the user. The department shall reinstate service upon proof acceptable to the city that the noncomplying discharge condition has been eliminated.

(F) *Termination of service.* The department may terminate wastewater treatment service to any user who fails to do the following:

(1) Report the wastewater constituents and characteristics of his or her discharge requested by the engineer.

(2) Permit reasonable access to his or her premises by department personnel for the purpose of inspection or monitoring.

(3) Comply with any provision of these regulations.

(4) Comply with the conditions of any order issued by city, state or federal officials with respect to these regulations.

(G) *Annual publication.* Annually the engineer shall publish a list of all dischargers or significant industrial users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements. For the purpose of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria.

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH). Chronic and technical review criteria apply to SIUs but other SNC criteria can be grounds for finding a non-SIU in SNC. The chronic and technical review criteria are clarified as being applicable to each of an SIU's permitted monitoring points. The chronic and technical review criteria apply to violations of instantaneous limits. Violations of instantaneous limits or narrative standards that cause pass-through or interference are SNC. SNC criterion for violations that adversely affect the operation or implementation of the pretreatment program include violations of BMPs.

(3) Any other violations of a pretreatment effluent limit (daily maximum or longer term average) that the engineer determines has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, Periodic Self-monitoring Reports and reports on compliance with compliance schedules.

(7) Failure to report noncompliance.

(8) Any other violation or group of violations which the engineer determines will or has adversely affected the operation or implementation of the city's pretreatment program.

(H) *Schedules of compliance.* When, in the opinion of the Superintendent, it is necessary for industrial users to install technology or provide additional operation and maintenance (O and M)

to meet any condition of this chapter, the Superintendent shall require the development of the shortest schedule by which the industrial user will provide this additional technology or O and M.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events. Under no circumstances shall any increment exceed nine months.

(2) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the engineer including, at a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay and the steps being taken by the industrial user to return to the schedule established.

## **PRIVATE SEWAGE SYSTEMS**

### **§ 51.30 PRIVATE SEWAGE SYSTEMS.**

Where a public sanitary sewer is not available under the provisions of § 51.15, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

### **§ 51.31 APPLICATION FOR CONSTRUCTION PERMIT.**

(A) Before beginning construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Health Officer.

(B) The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Health Officer.

### **§ 51.32 INSPECTION REQUIRED.**

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Health Officer. He or she shall be allowed to inspect the work at any state of construction, and, in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Health Officer.

### **§ 51.33 COMPLIANCE WITH RECOMMENDATIONS.**

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Ohio.

(A) *Minimum lot area.* No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than 1.5 acres. The foregoing area requirement may be altered by the Health Officer granting the permit when, in his or her judgment, the absorption characteristics of the soil on the lot justify such action. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet unless there is in connection therewith a proper leaching bed.

(B) *Holding tank wastes.* No person shall discharge holding tank, septic tank or cesspool wastes into a sanitary sewer unless a permit is secured from the Health Officer. This permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents. If a permit is granted for discharge of waste into a sanitary sewer, the person shall pay the applicable user charges and fees and shall meet any other conditions required by the Health Officer.

(C) *Sewer design.* The size, slope, alignment, construction materials, trench, excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

#### **§ 51.34 OPERATION AND MAINTENANCE AT OWNER'S EXPENSE.**

(A) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(B) No statement contained in this chapter shall be construed to interfere with any additional requirement that may be imposed by the Health Officer.

## **BUILDING SEWERS AND CONNECTIONS**

#### **§ 51.45 PERMIT REQUIRED FOR CONNECTION.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining the necessary city permits.

#### **§ 51.46 PERMIT APPLICATION; FEES.**

(A) The owner or his or her agent shall make application for a building sewer permit. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Health Officer or his or her designated representative.

(B) A permit and inspection fee of as noted in the chart below, for a building sewer permit shall be paid to the city at the time the application is filed, based upon the size of the water service.

Size	Fees
1-inch tap	\$350
1-1/2 inch tap	\$750
2-inch tap	\$1,400
3-inch tap	\$3,000
4-inch tap	\$5,000
6-inch tap	\$7,000
8-inch tap and above	\$10,000

**§ 51.47 RESPONSIBILITY FOR COST.**

- (A) All cost and expense incident to the installation and connection of the building sewer and lateral shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner of premises served by a sewer shall be responsible for the operation, cleaning, maintenance, repair and reconstruction of the building sewer from the building to the point of connection with the public sewer.
- (B) Sewer main extensions, when constructed, shall be to the specifications of, and at no cost to the City. Waiver of the above minimum size requirements shall be considered by the City Commission upon request of the developer and recommendation of the City Engineer or his designee.
- (C) The developer or owners of benefitted property shall pay 100% of the cost of installation of the required minimum size sewer mains and appurtenances. Sizing required by the wastewater system in excess of the minimums will be at the cost of the wastewater system.
- (D) (1) Although the developer and/or owner is responsible for 100% of the cost for the construction of a new sewer main, the party who paid the construction costs may receive a prorated reimbursement for up to a ten year period commencing on the date the City accepts ownership of the sewer main. The reimbursement shall be from the new customer who will be serviced by the sewer main.

(2) The prorated reimbursement of the costs for the sewer main construction shall be based on lineal footage of the property frontage based on the formula defined herein. The total cost of the sewer main construction shall be divided by the lineal frontage to determine the cost per lineal foot. Said cost for per lineal foot shall then be multiplied by the total lineal frontage for the amount of reimbursement.

Example: Total cost of sewer main: \$100,000

Total L.F.:500

\$100,000 / 500 = \$200 per L.F.

\$200 x 75 L.F. (frontage) = \$15,000 prorated reimbursement

(3) The City shall not be held in any way responsible for any consumer's amount of prorated reimbursement should the reimbursement not be paid. Failure to pay would be subject to a civil action between the developer seeking reimbursement and the consumer who failed to pay.

(E) Sewer mains will be accepted into the water system, and ownership transferred to the city, ~~two years after the date they are approved and turned on by the water system~~ after the project is complete, all inspections have been completed and passed, and the final punch-list has been satisfied by the City Engineer or his designee. Upon the City officially accepting the completion of the sewer main project, the Maintenance Bond will be executed, providing a minimum of a one-year period to ensure there is no construction or other defaults with the sewer main.

#### **§ 51.48 SEPARATE SEWER FOR EACH BUILDING; EXCEPTION.**

(A) (1) A separate and independent building sewer shall be provided for every building.

(2) Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Health Officer, to meet all the requirements of this chapter.

#### **§ 51.49 CONSTRUCTION STANDARDS AND SPECIFICATIONS.**

All construction standards, sewer specifications, connection regulations and inspections shall comply with the city's "Standard Drawings and Specifications for Construction" passed by Ordinance 41-81, July 6, 1981.

#### **§ 51.50 GREASE, OIL AND SAND INTERCEPTORS.**

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the Health Officer, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any inflammable wastes, sand and other harmful ingredients. However, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Health Officer and shall be located to be readily accessible for cleaning and inspection.

(B) Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial

construction, watertight and equipped with easily movable covers which shall be gastight and watertight when bolted in place.

(C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

#### **§ 51.51 WASTE EMITTED INTO PUBLIC SEWERS.**

(A) The admission into public sewers of any water or wastes having any of the following properties shall be subject to the review and approval of the engineer or his or her designated representative.

(1) A five-day BOD greater than 200 mg/l.

(2) More than 250 mg/l of suspended solids.

(3) Any quantity of substances having characteristics or constituents in violation of the regulations contained herein, except that approval may not be given for any waste in violation of federal regulations.

(B) Where necessary in the opinion of the engineer, the user shall provide, at his or her expense, such pretreatment as may be necessary to do the following.

(1) Reduce the BOD and suspended solids to levels denoted in divisions (A)(1) and (2) of this section.

(2) Reduce objectionable characteristics or constituents in violation of the regulations contained herein.

(3) Control the quantities and rates of discharge of such water or wastes.

(4) Adjust the pH to fall within the range of 5.5 to 11.0.

(C) Plans, specifications, operating procedures, a completion schedule and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the engineer. No construction of facilities shall commence until written approval by the engineer is obtained. Any subsequent changes in the pretreatment facilities or operating procedures shall be submitted to and be approved by the engineer before the changes are made.

(D) In the case of categorical industries, as defined in § 51.02, a compliance report must be submitted within 90 days after the final compliance date of the categorical standards (40 CFR 403.12 (d)). In the case of new source dischargers as defined in § 51.02, this report must be submitted within 90 days of commencing discharge. Baseline data reports for new source discharges must be submitted at least 90 days prior to discharging.

#### **§ 51.52 PRETREATMENT FACILITIES MAINTENANCE EXPENSE.**

Where pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense.

### § 51.53 CONTROL MANHOLE.

When required by the engineer, the owner of any premises served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the engineer. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

### § 51.54 MONITORING; REPORTS; TEST SITES.

#### (A) *Monitoring.*

(1) All measurements, tests and analysis of the characteristics of water and wastes referred to in this chapter shall be determined in accordance with 40 CFR 136 methodology, as stated in the general pretreatment regulations (40 CFR 403.14(g)). Where 40 CFR 136 does not include sampling or analytical techniques for the regulated pollutants, alternative procedures shall be approved by the Superintendent. All measurements, tests, and analysis of the characteristics of wastewater performed by an industrial user shall be at the user's expense.

(2) Where necessary, in the opinion of the engineer, a user shall provide, at his or her expense, all measurements, test and analysis of the characteristics of wastewater referred to in these regulations.

(3) The sampling requirements for initial compliance reports are the same as baseline monitoring report.

(4) Periodic compliance reports (IU self-monitoring reports) specifically require grab samples for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

(5) Except for those pollutants that are required to be measured by grab samples, all other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file. The industrial user shall bear the cost of any and all control authority sampling that is done for flow-proportional sampling requirements.

(6) Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; volatile organics and oil and grease samples may be composited in the laboratory. Protocols, including appropriate preservation, specified in 40 C.F.R. 136 and appropriate U.S. EPA guidelines shall be followed.

(7) The control authority may now require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary and the industrial user shall bear all costs of such requirements.

(8) If a violation is detected through sampling and analysis conducted by the control authority in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis within 30 days of becoming aware of the violation, unless it notifies the user of any violation and requires the user to perform the repeat sampling and analysis.

*(B) Discharge permit application.*

(1) It shall be unlawful to discharge industrial wastes into the POTW without first submitting a complete discharge permit application. Existing industrial users shall submit a discharge permit application within 90 days of the effective date of this chapter. New source dischargers shall file a discharge permit application at least 90 days before connecting to or commencing discharge to the POTW. The information on the application shall include the following:

(a) Name and address of applicant.

(b) A list of any environmental control permits held by the facility.

(c) A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicates the point(s) of discharge to the POTW.

(d) Measured average daily and maximum flows of regulated process streams and other non-regulated streams.

(e) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one 24-hour flow-proportional composite sample must be obtained. Samples shall be taken immediately downstream of pretreatment facilities if they exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operation.

(f) Raw materials utilized and their amounts.

(g) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period.

(h) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by

which the discharge will provide additional pretreatment according to the conditions in § 51.18(H).

(i) This report shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in division (D) of this section.

*(C) Compliance reports.*

(1) Any industrial user subject to categorical pretreatment standards shall submit a report indicating whether the user has achieved compliance. This report is to be submitted to the Superintendent within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source discharger following commencement of the introduction of wastewater into the POTW. This report shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in division (D) of this section. The following information shall be included.

(a) The average daily and maximum flows of regulated process streams and other non-regulated streams.

(b) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one 24-hour flow-proportional composite sample must be obtained. Samples shall be taken immediately downstream of pretreatment facilities if they exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operation.

(c) For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period.

(d) A statement indicating whether pretreatment standards are being met on a consistent basis, and if not, a statement indicating whether additional pretreatment or operation and maintenance will be required to meet the pretreatment standards.

(e) When determined to be necessary by the Superintendent the report shall also have attached all documentation establishing compliance with a BMP.

(2) (a) All industrial users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of reporting shall be prescribed in the industrial user's discharge permit.

(b) Results of sampling above the minimum required shall also be reported if analyses were conducted according to the methodology in divisions (A) of this section. Where the results of self-monitoring indicate a violation of pretreatment standards, the industrial user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also resample

for the pollutant(s) in violation, and report the results of resampling within 30 days of becoming aware of the initial violation.

(c) These reports shall include the certification statement and be signed by an authorized representative of the discharger as defined in division (D) of this section.

*(D) Reports to be signed by authorized representative.*

(1) Baseline Monitoring Reports, 90-Day Compliance Reports and Periodic Compliance Reports must all be signed by an authorized representative. All reports required under this section shall include the following certification statement.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) Additionally, all reports shall be signed by:

(a) A president, secretary, treasurer or vice-president of the corporation;

(b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or,

(c) A duly authorized representative of this section if the authorization is previously made in writing to the Superintendent.

(3) In order to be eligible to sign, a manager is required to be authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations. The signatory must also be responsible for ensuring that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements. The signatory must be assigned or delegated the authority to sign documents in accordance with corporate procedures and meet the rule specifications as described in OAC 3745-306-6 Signatory Requirements.

(E) For a violation of this section, see § 51.99 Penalty.

## § 51.55 SPECIAL AGREEMENTS OR ARRANGEMENTS.

No statement contained in this chapter shall prevent any special agreement or arrangement between the city and a user whereby a waste of unusual strength or character may be accepted by

the city for treatment, subject to payment by the user, except that in no case may any special agreement permit a violation of any federal regulation.

## **§ 51.56 PROTECTION FROM DAMAGE; ACCIDENTAL DISCHARGE; UPSETS.**

(A) *Protection from damage.* No unauthorized person shall maliciously, willfully or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater system.

(B) *Accidental discharge.* Each user, at his or her expense, shall provide protection from accidental discharge of prohibited materials. Users shall notify the superintendent immediately upon the occurrence of a slugload, or accidental discharge of prohibited materials. This notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the cause of the discharge and the remedial measures in effect. Notification shall not relieve the user of liability for any expense, loss or damage to the wastewater system. The cost of treating the discharge shall be paid by the user.

(C) *Operating upsets.*

(1) Any industrial user who finds his or her pretreatment processes temporarily in a state of noncompliance with these regulations, due to factors beyond his or her reasonable control, shall inform the department as soon as possible, but not later than 24 hours following the start of the operating upset. Where information is given orally, the user shall file a written follow-up report with the department within five days. The report shall:

(a) Describe the incident, its cause and its impact on the user's compliance status;

(b) Give the duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to occur;

(c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of the conditions of noncompliance.

(2) All industrial users shall promptly notify the city in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under 40 CFR 403.12 (p).

(3) Bypassing or diverting of wastewater from an industry is prohibited unless the following apply:

(a) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.

(b) There were no feasible alternatives to the bypass.

(c) The permittee shall submit notification of bypass as follows:

1. If the permittee knows in advance of the need to bypass, it shall submit prior notice, if possible, at least ten days in advance of the bypass.
2. The permittee shall submit notice of any unanticipated bypass within one hour of the bypass, to the POTW.

(d) That bypass is for essential maintenance to assure efficient operation.

(4) The director may approve the discharge if it is determined that no adverse effects will harm the wastewater system.

(5) The permittee may allow any bypass to occur which does not cause the effluent limitations to be exceeded.

### **§ 51.57 WASTEWATER DISCHARGE PERMITS.**

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(A) Limits on wastewater constituents and characteristics;

(B) Limits on the rate and time of discharge or requirements for flow regulations and equalization;

(C) Requirements for installation and maintenance of inspection and sampling facilities;

(D) Monitoring and reporting requirements;

(E) Schedule of compliance;

(F) Notification requirements for accidental discharges, upsets and substantial changes in discharge; and

(G) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(H) Provisions for Best Management Practices as an enforceable limit.

(I) Requirements to control slug discharges, if determined by the Superintendent to be necessary. If a slug load discharge control plan is determined to be required, the plan must be specifically referenced or otherwise incorporated into the IU's control mechanism permit. The review period for slug discharge control plans shall be once per permit cycle. If the POTW decides that a slug plan is needed, the plan shall, at a minimum, contain the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under paragraph (B) or rule 3745-3-04 of the Ohio Administrative Code, with procedures for follow-up written notification within five days; and
  - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.
- (J) Each user must notify the Superintendent of any significant changes to the user's operations or system that affects the potential of a slug discharge, which might alter the nature, quality, or volume of its wastewater at least 30 calendar days before the change.

## **INSPECTIONS; ORDERS**

### **§ 51.70 AUTHORITY OF INSPECTORS.**

- (A) The Health Officer, Engineer, Superintendent and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter upon all premises without advance notice to conduct inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- (B) POTW personnel shall have authority to inspect and copy industrial user records, as specified in the general pretreatment regulations, 40 CFR 403.8(f)(1)(v).

### **§ 51.71 ENFORCEMENT ORDERS.**

- (A) The city shall issue orders, through its authorized officials, to industrial users to convey industrial discharge requirements and reporting requirements.
- (B) The City Manager may issue orders to any industrial user to require compliance with any requirements under this chapter, including applicable categorical pretreatment standards, other discharge limits and reporting requirements.

## **RATES; METERS; ADMINISTRATION**

### **§ 51.80 WASTEWATER SERVICE CHARGE.**

- (A) There is hereby levied and assessed wastewater service charges on each lot, parcel of land, building or premises having any sewer connections with the sanitary sewer system of the city, or

otherwise discharging wastewater, industrial wastes, water or other liquids, either directly or indirectly into the city wastewater system. References in this chapter to the city shall mean the wastewater department, city manager, city engineer, finance director and their delegates. The wastewater service charges shall consist of the base charge, volume charge, strength surcharge and industrial waste surveillance charge as follows.

(1) *Base charge.* The flat rate fee charged to each account regardless of volume of wastewater. This includes the first 1,000 gallons.

(2) *Volume charge.*

(a) The service charge based on the volume of standard strength wastewater and charged to all accounts in addition to the base charge, for volume in excess of 1,000 gallons.

(b) Standard strength wastewater shall include the maximum strength as follows.

BOD (5 day): 200 mg/l

Suspended Solids: 250 mg/l

(3) *Strength surcharge.* The charge based on the pounds of BOD and suspended solids in excess of the amount in standards strength wastewater and charged to all industrial accounts in addition to all other charges.

(4) *Industrial waste surveillance charge.* The flat rate fee charged to each industrial class account in addition to all other charges.

(B) The classes of users shall be as follows. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. The city engineer shall have the authority to determine the class of each user.

(1) *Domestic class.* Shall include all single or multiple-unit residential accounts with domestic type wastewater only (defined as wastes from water closets, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, and other sources associated with domestic households). A residence which includes a commercial establishment shall be considered a domestic account if the wastewater produced is primarily domestic in nature, and the flow contributed by the commercial activities of the establishment is a secondary flow of the sewer connection, and does not exceed the standards for standard strength wastewater.

(2) *Commercial class.* Shall include all nonresidential accounts that are not required to be in the industrial class.

(3) *Industrial class.* Shall include all accounts with nondomestic-type wastewater, the account meeting the criteria of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500) as interpreted by the U.S. EPA Rules and Regulations published in the Federal Register (Vol. 38, No. 161) on Tuesday, August 21, 1973, as follows: Sec. 35.905-19, Industrial user. Any

nongovernmental user of publicly-owned treatment works identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions.

- (a) Division A: Agriculture, forestry and fishing.
  - (b) Division B: Mining.
  - (c) Division D: Manufacturing.
  - (d) Division E: Transportation, communications, electric gas and sanitary services.
  - (e) Division I: Services.
- (4) *Governmental/institutional class user.* Hospitals, nursing homes, schools, city, county, state or federal buildings or facilities that discharge wastewater into public wastewater treatment works or facilities.

**§ 51.81 WASTEWATER SERVICE FEES.**

(A) Base charge per month - includes first 1,000 gallons:

	Operation and Maintenance	Capital Cost	Effective 10-1-2007	Effective 1-1-2008	Effective 1-1-2009	Effective 1-1-2010
Base charge	\$2.31	\$7.35	\$10.63	\$11.69	\$12.75	\$13.89

(B) Volume charge (per 1,000 gallons):

	Operation and Maintenance	Capital Cost	Effective 10-1-2007	Effective 1-1-2008	Effective 1-1-2009	Effective 1-1-2010
Domestic Class	\$1.02	\$2.03	\$3.36	\$3.70	\$4.03	\$4.39
Commercial Class	\$1.19	\$1.70	\$3.18	\$3.50	\$3.81	\$4.16
Industrial Class						
First 1,000,000 gallons	\$0.98	\$1.47	\$2.70	\$2.97	\$3.24	\$3.53
Over 1,000,000 gallons	\$0.93	\$0.67	\$1.76	\$1.94	\$2.11	\$2.30
			Effective 10-1-2007	Effective 1-1-2008	Effective 1-1-2009	Effective 1-1-2010
Biochemical oxygen demand per 100 lbs			\$12.10	\$13.31	\$14.51	\$15.81

Suspended solids per 100 lbs	\$13.09	\$14.40	\$15.69	\$17.11
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(C) Industrial waste surveillance charge (per month):

2007	2008	2009	2010
\$93.50	\$102.85	\$112.11	\$122.20

(D) All charges for users situated outside the corporate limits of the city (except for city departments) shall be 115% of the above charges.

(1) Customers who are located outside of the City corporate limits will receive City rates if all of the following are satisfied:

1. The customer is a government entity legally created under the State of Ohio;
2. The customer has signed an annexation agreement at the City's request that it will annex immediately on becoming contiguous to the City; and
3. 75% of the primary business of the Customer is physically located within the City limits at the time the Customer commences using City water.

(E) Delayed payment charge. Five percent of the balance due shall be added if not paid within the net payable date for the service.

(F) *Service call.* For all service calls outside normal duty hours, a charge of \$60 may be made. For all service calls within normal duty hours, a charge of \$25 may be made. For non-routine service calls outside the normal duty hours, the city will bill the customer the full cost if not the responsibility of the city.

(G) Wastewater discharge from septic tank services, recreational vehicles, portable toilet services and other batch-type discharges to the wastewater treatment plant superintendent. Charges will be at a rate of \$0.15 per gallon, based on tank size.

(H) Each user is to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to OM&R costs of the wastewater treatment services.

(I) *Meter test fee.* If a meter registers within the accuracy limits, a \$50 fee will be charged.

**📖 § 51.82 EXTRA STRENGTH VOLUME.**

The standard strengths for BOD and suspended solids, as shown in § 51.80, shall be subtracted from the strengths measured by appropriate sampling to determine the extra strengths of each industrial class user for each strength surcharge billing period. These results shall be used to determine the weight in pounds for BOD and suspended solids to be charged for strength

surcharge. The extra strengths shall be determined by the wastewater treatment plant from tests by the city or such other tests as may be approved by the city.

### § 51.83 METERS.

(A) In the event a lot, parcel of land, building or premises discharging wastewater, industrial wastes, water or other liquids into the city's wastewater system either directly or indirectly is a user of water, the quantity of water used shall be measured by a water meter acceptable to the city. In each case, the quantity of water used, as measured by the meter, shall be used to determine the wastewater charge or rental as provided in this chapter.

(B) In the event a lot, parcel of land, building or premises discharging sanitary wastewater, industrial wastes, water or other liquids into the city's wastewater system, either directly or indirectly, is a user of water and the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the city, then, in each case, the owner or other interested party shall, at his or her own expense, install and maintain a water meter acceptable to the city. The quantity of water used, as measured by the meter, shall be used to determine the wastewater charge or rental as provided in this chapter.

(C) (1) Upon request, the city may determine that additional metering may be installed to measure water usage that does not enter the sanitary wastewater system. The cost of additional meters and all installation costs shall be paid by the user.

(2) All such meters shall be installed to city specifications and shall be located as near as practicable to the regular service meter. The water department may require relocation of the regular service meter for its convenience prior to approval of this type of installation.

(3) These meters shall be treated as separate services, with current published water rates applied. No charge for wastewater service will be made on water flowing only through the meters for water use.

### § 51.84 INDUSTRIAL EXEMPTIONS.

In the event a lot, parcel of land, building or premises discharging sanitary wastewater, industrial wastes, water or other liquids into the city's wastewater system, either directly or indirectly, is an industry and it can be shown, to the satisfaction of the city, that a portion of the water, as measured by the water meter or meters, does not and cannot enter the wastewater system, that portion not entering the city's wastewater system may be exempt from the wastewater charge or rental. The city shall make the final determination of any portion of water not entering the wastewater system and not subject to wastewater charge or rental.

### § 51.85 PAYMENT OF CHARGES.

(A) The wastewater charge or rental provided in this chapter shall be payable monthly at the office of billing and collections in the Finance Department upon statements rendered in the method, manner and form as may be provided by the office.

(B) Each charge or rental levied by or pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by a connection to the sanitary wastewater system of the city, and if the same is not paid as hereinbefore provided, it shall be certified to the County Auditor, who shall place the same on the tax duplicate of the county with interest and penalties allowed by law, and shall be collected as other taxes are collected.

#### § 51.86 CONTRACTS OUTSIDE CITY LIMITS.

The City Manager is hereby authorized to enter into agreements to be ratified and confirmed by the City Commission with the county and with cities and villages and with corporations and individuals whose premises are located outside the corporate limits of the city, who desire to discharge wastewater, industrial wastes, water or other liquids into the city's wastewater system; which agreements shall fix the terms and conditions under which wastewater, industrial wastes, water or other liquids may be discharged into the wastewater system, and shall be in conformity with the other sections of this chapter and city service rules and regulations.

#### § 51.87 REVIEW OF RATES.

Each year the department of ~~public works~~ and the City Manager or his designee shall consider service charges. These considerations shall be in accordance with the following requirements.

(A) The rates shall cause the distribution of the costs of operation and maintenance of the wastewater system within the city's jurisdiction to each user class in proportion to the user's contribution to the total wastewater loading of the wastewater system. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution, to ensure a proportional distribution of operation and maintenance (including replacement) costs to each user's class.

(B) The rates shall be reviewed annually and revised periodically to reflect actual wastewater system operation and maintenance costs.

(C) The rates shall generate sufficient revenue to offset the costs of all wastewater system operation and maintenance.

#### § 51.88 CONFIDENTIAL INFORMATION.

All information, data, questionnaires, applications, monitoring programs and inspections shall be available to the general public without restriction, unless the user specifically requests and demonstrates to the satisfaction of the engineer that the release of this information would divulge information, processes or methods which would be detrimental to his or her competitive position. Wastewater constituents and characteristics shall not be considered confidential information.

#### § 51.89 RECORDS RETENTION.

All users subject to this chapter shall retain any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and

chemical analyses made by or in behalf of a user in connection with its discharge, for a period of not less than three years. All records which pertain to matters subject to an administrative action or any other enforcement or litigation activities shall be retained by the user until all enforcement activities have concluded and all periods of limitations with respect to any appeals have expired.

**§ 51.90 FALSIFICATION OF INFORMATION.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required herein, shall, upon conviction, be punished by the imposition of a civil penalty.

**§ 51.91 DISCOUNT FOR SENIOR CITIZENS.**

All charges for wastewater consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), shall receive a 5% discount on the electric portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

**§ 51.99 PENALTY.**

(A) Whoever violates any provision of this chapter, for which no other penalty is already provided, beyond the time limit provided in the notice, shall be fined not less than \$100 nor more than \$1,000 for each violation. Each day's violation shall constitute a separate offense.

(B) Whoever violates any provision of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

SECTION 2. All other sections of Chapter 51 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>AN ORDINANCE AMENDING CHAPTER 51 OF THE PIQUA MUNICIPAL CODE, SECTIONS 51.02 DEFINITIONS, 51.81 WASTEWATER SERVICE FEES, 51.47 RESPONSIBILITY FOR COST AND 51.87 REVIEW OF RATES</b>		
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall, Law Director		
	Department: Law		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The City entered into an agreement with Piqua City Schools to be the Project Manager for the construction of a water main. Based on that agreement, which was approved by Resolution R-135-12, two ordinance changes were required within Chapter 53 Water Rates. However, although the agreement does not involve a sewer main, the same changes would apply to future developments of a sewer main and thus the changes proposed in Chapter 53 are present in Chapter 51 Sewers. The amendments favor future development.</p> <p>The amendments also address changes made to the title of Public Works. There has been a reorganization where Public Works is only Streets and Parks and not sewer or any other utility so Chapter 51 is being amended to reflect those changes.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Adopt the Ordinance	
	2.	Reject the Ordinance	
	3.	Amend the Ordinance	
	4.		
<b>PROJECT TIMELINE</b>	Construction will begin the beginning of 2013 so the ordinance changes would need to be in place by the time the construction was complete for PCS.		
<b>STAFF RECOMMENDATION</b>	Approve the Ordinance changes as it is favors future development and is consistent with the proposed changes for water rates and construction of water mains.		
<b>ATTACHMENTS</b>			



**ORDINANCE NO. 22-12**

**AN ORDINANCE AMENDING CHAPTER 30 COMMISSION; CITY OFFICIALS  
OF THE PIQUA MUNICIPAL CODE**

WHEREAS, the City Manager has reorganized the Parks and Streets operations under Public Works while removing public utilities and therefore Chapter 30 of the Municipal Code needs amended.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 30 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

**CITY OFFICIALS**

**§ 30.01 CITY MANAGER; CERTAIN PURCHASES AND EXPENDITURES.**

(A) The City Manager is authorized to direct the Director of Finance to draw his or her warrant upon the appropriate fund of the city treasury for the payment of sundry claims not exceeding \$2,500 per claim, and the City Manager is authorized to settle claims of the city against third persons not exceeding \$2,500. The City Manager may require evidence that the amount claimed is justly due and is in conformity with law. For the purpose of such settlements, the City Manager is authorized to sign and accept releases or other contracts of settlement.

(B) The City Manager is authorized, at his or her discretion, to subscribe to trade magazines and newspapers, and to join various trade organizations on behalf of the city, providing that no individual membership and subscription shall exceed the sum of \$25,000 per annum without first obtaining the authorization of the City Commission.

(C) The City Manager is authorized, at his or her discretion to direct the Director of Finance to draw his or her warrant upon the appropriate funds of the city treasury for the purchase of memorabilia, not exceeding \$200 per item, as gifts in recognition of public services rendered in the best interest of the city or in recognition of events or achievements relevant to the public health, safety and welfare of the citizens of the city.

**§ 30.02 DIRECTOR OF FINANCE.**

The Director of Finance shall have the following duties.

(A) On or before March 31 annually, the Director of Finance shall prepare a financial report of the preceding fiscal year in such form as will comply with the requirements of the Bureau of Inspection and Supervision of Public Offices.

(B) On or before April 30 annually, the Director of Finance shall publish an analysis of the aforesaid financial report and the summary of fund transactions in the newspaper published in the city.

(C) The Director of Finance is authorized and directed to draw his or her warrant for individual memberships and subscriptions on the city treasury for any and all memberships and magazine subscriptions and newspaper subscriptions authorized by the City Manager pursuant to § 30.01(B).

### § 30.03 PURCHASING AGENT.

(A) The Purchasing Agent of the city shall supervise all city storerooms and warehouses, and all storekeepers, stockkeepers and all persons employed in storerooms and warehouses. The Purchasing Agent shall have authority to increase or diminish the number of storerooms and warehouses with the approval in each case of the Director of Finance and of the City Manager.

(B) He or she shall cause to be kept adequate stock records which shall at all times show the number or amount and the value of all items carried in each storeroom and warehouse, the receipt of all items by the storerooms and warehouses, the cost of all items, the issuance of all items by the storerooms and warehouses of the city departments and offices upon requisition therefor and the charge made thereupon.

(C) At the end of each year, the Purchasing Agent shall cause an inventory to be taken of all items in the storerooms and warehouses of the city under his or her supervision, and shall compare the inventory with the stock records of the same day, and shall furnish copies thereof to the Director of Finance.

### § 30.04 DIRECTOR OF PUBLIC WORKS.

(A) There is created the office of the Director of Public Works, having the administrative responsibility for the operation of ~~the sewer systems, street maintenance, and park maintenance, city garage, city engineering department, building and zoning inspections and the water/wastewater treatment systems.~~ The Director of Public Works shall plan, supervise, and coordinate the above described responsibilities. ~~subject to the general direction of the City Manager.~~ The Director of Public Works shall be the City Manager or his designee.

~~(B) Any reference to City Engineer or Director of Utilities in the Piqua Code or in the ordinances and resolution of the City Commission which does not relate to power plant functions, shall be construed to designate the Director of Public Works.~~

### § 30.05 CHIEF OF POLICE.

(A) The Chief of Police is designated as the “officer directly in charge of the police force” as prescribed in Charter section 66. The Chief of Police shall execute the duties currently being performed by the Chief of Police through that position's current job description as well as those duties imposed by ordinances of the City Commission and such further duties as may be prescribed by the City Manager. The Chief of Police shall have exclusive control of the stationing and transfer of all police officers and other officers and employees constituting the police force, under such rules and regulations as Chief of Police may establish with the approval of the City Manager. The police force shall be composed of a Chief of Police and such officers and other employees as may be provided for by ordinance or resolution of the City Commission.

(B) The Chief of Police manages all police services and activities, under such rules and regulations as Chief of Police may establish with the approval of the City Manager. This includes but is not limited to administration, patrol, traffic, criminal investigations, narcotics investigation, crime prevention, records, and other support services.

(C) The Chief of Police has the authority and responsibility for the fiscal management of the Police Department, under such rules and regulations as Chief of Police may establish with the approval of the City Manager. This includes but is not limited to managing the development and administration of the Police Department's budget; directing the forecasting of funds needed for staffing, equipment, materials, supplies; monitoring and approving expenditures; implementing budgetary adjustments as appropriate or necessary; monitoring, reviewing, and overseeing payroll submission; and managing the preparation of bid specifications for items requiring such bid specifications.

### § 30.15 RULES OF CONDUCT FOR MEETINGS.

(A) When adopting a resolution or ordinance, the following procedures shall be followed:

- (1) The heading of the proposed resolution or ordinance shall be read by the City Clerk;
- (2) The City Manager, or appropriate department head, shall briefly explain the proposed ordinance or resolution;
- (3) The Commissioners shall have an opportunity to ask the department heads and City Manager questions regarding the ordinance or resolution. No public comment will be permitted during the Commissions' inquiries;
- (4) The Mayor shall ask the public for comments or questions about the ordinance or resolution. Comments and questions regarding the ordinance or resolution shall be addressed to the Mayor and/or City Manager in a civil, respectful manner and shall be limited to a five minute period per person. The Mayor shall notify any person commenting on an ordinance or resolution as to when his five-minute period for comments is about to expire. The person commenting can request additional time and it shall be within the Mayor's discretion to permit the person to comment longer than five minutes. No person shall be permitted to comment twice on the same resolution or ordinance at the same meeting;
- (5) Finally, the Commission shall have its final debate and complete its deliberation on the ordinance or resolution. No comments from the public shall be permitted during said debate and/or deliberation.

(B) When conducting open forum at the end of the meeting, the following rules be followed:

- (1) Comments and questions by the public shall be addressed to the Commission, Mayor and/or City Manager in a civil, respectful manner and shall be limited to a five minute period per person. The Mayor shall notify any person commenting as to when his five-minute period for comments is about to expire. The person commenting can request additional time and it shall be within the Mayor's discretion to permit the person to comment longer. No person shall be permitted to comment twice in open forum at the same meeting;
- (2) Under no circumstances shall any member of the public address or ask questions, other than the City Manager, to city staff members. If appropriate, the City Manager may direct a city staff member to answer questions or respond to comments from the public.

(C) During the entire commission meeting, the following rules of conduct shall apply to any person attending the Commission meeting:

- (1) Persons shall conduct themselves in a civil, respectful manner;

(2) No one shall express himself or herself in a manner that interrupts the orderly conduct of the meeting, for example, talking (other than when addressed by the Commission or City Manager), yelling, clapping, jeering or cheering;

(3) Any person violating any of the rules of conduct shall be warned by the Mayor to cease his or her violation of the rule. If said person fails to comply with the Mayor's request to cease his or her conduct, the Mayor shall direct the person to leave the city premises. Failure to leave the premises when directed to do so may result in criminal prosecution;

(4) If a person fails to cease commenting after his or her comment time has expired without extension, the public microphone shall be cut off, the television camera shall not focus upon the person, and the person will be asked by the Mayor to sit down. If the person fails to sit down, the Mayor shall direct the person to leave the city premises. Failure to leave the premises when directed to do so may result in criminal prosecution;

(5) At any time during open forum, if any Commissioner believes that the public comment session no longer serves the public's interest, he or she may make a motion to adjourn the meeting. If said motion is seconded, all public comments shall cease and the Mayor shall direct the Clerk to call the roll to determine if the motion to adjourn shall pass. If the motion passes, the meeting shall be adjourned;

(6) These Rules of Conduct shall be posted at the entrance of the City Commission Chambers.

SEC. 2. All other sections of Chapter 30 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SEC. 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

**RESOLUTION NO. R-136-12**

**A RESOLUTION APPROVING THE PURCHASE OF EXCESS LIABILITY INSURANCE**

WHEREAS, certain specialty areas do not fall within the coverage of the City's general liability policy and excess liability insurance is needed for coverage; and

WHEREAS, excess liability insurance covers the City's dams for its lakes and canal, pollution and claims arising out of an injury or property damage as a result of an exercise of its emergency assistance agreements with other communities specifically related to power; and

WHEREAS, Associated Electric & Gas Insurance Services Limited ("AEGIS") has provided excess liability coverage to the City for its dams and power utility for over twenty years.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that::

SEC. 1. Excess liability coverage for the City's dams, pollution and emergency assistance agreements is hereby provided by Associated Electric & Gas Insurance Services Limited ("AEGIS") for 2012-2013.

SEC. 2. The Finance Director is authorized to draw her warrant on the appropriate account in an amount not to exceed \$57,572.

SEC. 3. The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to the premium.

SEC. 4. This Resolution shall take effect and be in force from the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CITY COMMISSION CLERK



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>A RESOLUTION APPROVING THE PURCHASE OF EXCESS LIABILITY INSURANCE</b>		
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall, Law Director		
	Department: Law		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	The City has had excess liability coverage for over 20 years for its dams and waterways. This is a specialty insurance that is beyond the scope of what MVRMA covers. Coverage has been looked at to ensure that there are no duplicate coverage areas between MVRMA and AEGIS. The premium is slightly higher than last year to reflect market conditions. The City has received customer rebates in the past when the market allows. Last year's rebate covers any cost increase in the renewal.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:	57,572.00	
	Source of Funds:		
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Adopt the Resolution.	
	2.	Reject the Resolution and risk exposure to liability with the City's waterways.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	Coverage renews November 1, 2012, and runs through September 30, 2013.		
<b>STAFF RECOMMENDATION</b>	Approve the Resolution. The City has not been able to get this specialty coverage from another insurer.		
<b>ATTACHMENTS</b>			

**RESOLUTION NO. R-137-12**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF JAMES R. TAYLOR  
AS A CITY EMPLOYEE**

WHEREAS, James R. Taylor has retired as Police Officer with the Police Department; and

WHEREAS, his retirement follows over 32 years of faithful and dedicated service to the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, all members elected thereto concurring, that:

SEC. 1: In recognition and appreciation of the public service of James R. Taylor as Police Officer with the Police Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

**RESOLUTION NO. R-138-12**

**A RESOLUTION ACQUIRING THE SERVICES OF SSOE GROUP  
TO PROVIDE ENGINEERING SERVICES ASSOCIATED WITH THE  
POWER PLANT CLEAN OHIO REVITALIZATION FUND GRANT**

WHEREAS, it is deemed advisable for the City to retain the services of SSOE Group as a professional firm to provide Engineering services required for the completion of the Piqua Power Plant Urban Waterfront Clean Ohio Revitalization Fund Grant; and

WHEREAS, SSOE Group will provide professional services for which the solicitation of bids would, in the City Manager's judgment, be of no material benefit.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: SSOE Group is hereby retained by the City of Piqua to provide engineering services required to complete the Piqua Power Plant Urban Waterfront Clean Ohio project.

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury according to contract terms, not to exceed \$102,000.

SEC. 3: It is found and determined that all formal actions of this Commission concerning and relating to the adoption of this resolution were adopted in an open meeting of this Commission, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements;

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

---

LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A Resolution acquiring the services of SSOE Group to provide Engineering Services associated with the Power Plant Clean Ohio Revitalization Fund Grant		
<b>SUBMITTED BY</b>	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input checked="" type="checkbox"/> Other: Energy Board
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>In late 2011, the Board of County Commissioners received a grant in excess of \$1.4 million to remediate, demolish structures and develop a new park behind the City's power plant at 919 S. Main St. The County was approached to apply on the City's behalf since the City could not legally be the applicant; therefore, the City and the County is working cooperatively on this project.</p> <p>Collaboratively, the City and the County requested qualification statements from firms for the Certified Professional services required by the grant. Through that process, Brownfield Restoration Group, LLC was adjudicated to be the most qualified firm for the work.</p> <p>Throughout the process, SSOE group has developed engineering and demolition cost estimates for completion of this project. As a result of SSOE's familiarity with this project, staff is recommending that SSOE group be commissioned to provide engineering services required for completion of this project.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$102,000	
	Expenditure \$:	\$102,000	
	Source of Funds:	Clean Ohio Revitalization Fund – City Match	
	<b>Narrative:</b>	The required matching funds for the \$1,876,263 project is \$471,900. The cost of the engineering services to be provided by SSOE Group will be part of the match requirement for this project.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the Resolution – Approving the resolution would allow the City to continue to collaboratively work with the County on the project and allow the project to move forward.	
	2.	Deny the Resolution – Denying the resolution would jeopardize the project and may not allow the project to move forward.	

<b>PROJECT TIMELINE</b>	The project is projected to begin in the Spring of 2013 and be completed by the Fall of 2013.
<b>STAFF RECOMMENDATION</b>	Staff would recommend that the City Commission adopt the resolution.
<b>ATTACHMENTS</b>	SSOE Group Engineering Services Proposal dated 8-22-12.

making clients successful.



SSOE Proposal Presented to:

City of Piqua  
Demolition Project  
Piqua, Ohio

August 22, 2012  
SSOE Proposal No. P12-01531-00

SSOE Group  
1001 Madison Avenue  
Toledo, Ohio 43604

# contact

Tom Fitzpatrick, PE  
Department Manager - Power  
SSOE Group  
1001 Madison Avenue  
Toledo, Ohio 43604  
Phone: 419.255.3830 X 1325  
Fax: 419.255.6101  
Email: [TFitzpatrick@ssoe.com](mailto:TFitzpatrick@ssoe.com)

# Table of Contents

- 1 COVER LETTER
- 2 SCOPE OF SERVICES
- 3 TEAM RÉSUMÉS
- 4 RATE SHEET
- 5 GENERAL CONDITIONS

# section 1

# Cover Letter

**SSOE Group**  
1001 Madison Avenue  
Toledo, OH 43604  
419.255.3830 T  
419.255.6101 F

August 22, 2012

[www.ssoe.com](http://www.ssoe.com)

ISO 9001 certified

Mr. Ed Krieger  
Power System Director  
City of Piqua  
201 West Water Street  
Piqua, Ohio 45356-2235

RE: Piqua Municipal Power Plant  
Demolition Project  
SSOE Proposal No. P12-01531-00  
**Revision No. 2**

Dear Mr. Krieger:

SSOE Group is pleased to submit the following revised proposal to provide engineering and design services for the City of Piqua Municipal Power Plant demolition project.

In the attached Scope of Services, you will find our understanding of the project, outlining the project plan, deliverables, project team, assumptions, and fee requirements.

Again, thank you for this opportunity to submit our revised professional services proposal. We look forward to working with you on this project and will extend every effort to ensure this assignment is successfully completed. Should you have any questions, please feel free to contact me at 419.255.3830 extension 1325, or via email at [TFitzpatrick@ssoe.com](mailto:TFitzpatrick@ssoe.com).

Sincerely,

SSOE



Tom Fitzpatrick, PE  
Department Manager – Power

# section 2

# Scope of Services

# Scope of Services

## I. Existing Conditions

The Board of Commissioners of Miami County, Ohio (Board) has received a grant from the Clean Ohio Revitalization Fund for the environmental remediation and demolition of a portion of the Piqua Municipal Power Plant (Plant) located at 919 South Main Street in the City of Piqua (City). The area to be demolished and reclaimed is the area between the east wall of the Plant and the Great Miami River (River). The Board has retained Brownfield Remediation Group LLC (Brownfield) as the Ohio Voluntary Action Plan (VAP) Certified Professional (CP) to assist with the execution of the City of Piqua Clean Ohio Revitalization Fund Grant (Grant). Brownfield and the City have requested a proposal from SSOE to provide various engineering and design services associated with this project.

The area closest to the east wall of the Plant includes a fenced in area that houses baghouses and an ash silo. This area is stone covered. Other items that are immediately adjacent to the Plant include three (3) bucket elevators and truck hoppers formerly used to load coal into the plant. There are two (2) existing transformers located adjacent to the northeast corner of the Plant. There are also two (2) concrete curbed areas that previously housed transformers.

In between the equipment, adjacent to the plant and the shoreline, is a flat asphalt covered area with a bike trail that is approximately twelve (12) feet wide by six hundred (600) feet long. At the southern end of this asphalted area is a concrete structure that was previously used as part of a coal pile runoff treatment system.

A one (1) foot thick concrete wall runs along the east side of the property. Portions of the concrete wall are a retaining wall. There are various concrete structures between the wall and the River. One of the structures is part of the City wastewater treatment system and is still in use for conveying sewage but not releasing sewage into the river as was previously done. Another structure was part of the original City wastewater treatment system from the 1940s. There are electrical vaults no longer in use and concrete structures associated with the old coal pile runoff treatment system. There is a set of stairs that provides access to the River.

Toward the northern end of the Plant's property, there are two (2) pump houses that provided circulating cooling water for the condensers associated with the steam turbine generators. Intake and discharge tunnels connect the Plant with the pump houses and the River. The pump houses still house the various pumps and electrical gear that was used to convey water to the plant. There are two (2) water intake tunnels and four (4) discharge tunnels.

The general demolition and reclamation scope is to remove all equipment located adjacent to the east side of the Plant with the exception of the two (2) transformers located at the northeast corner of the Plant. There is a deteriorated wall located immediately northeast of the Plant. The removal and replacement of this wall is not part of this project. The top three (3) feet of material in the asphalt and stoned area will be removed. This area will be backfilled and seeded; miscellaneous plantings will be installed. A new bike trail will be installed as well. Portions of the existing concrete wall along the east side of the property will be removed. Portions of the wall may have to remain for retaining purposes. The north pump house will be removed in its entirety. The operating floor of the south pump house will be converted into an observation deck. The observation deck will include a bike rack, benches, safety railing and a trash receptacle. In order to accommodate this, the roof of the pump house will be

## City of Piqua, Demolition Project

SSOE Proposal No. P12-01531-00 – Revision No. 2, August 22, 2012

# Scope of Services

removed along with the walls above the operating floor. Equipment will be removed and the operating floor will be refinished. The wastewater vault still in use will remain, but will be cleaned and repaired as needed. The concrete steps and walkway will also remain and will be cleaned and repaired. The existing steps start at the river bank and extend up to a point just short of the retaining wall. The steps will be extended to the top of the bank. All other concrete structures located along the shoreline will be removed. Intake and discharge tunnels will be sealed at the shoreline. Vegetation along the shoreline will be cleared and aesthetically pleasing trees will remain. Rip rap will be installed along the length of the shore.

The existing roof drains run inside the plant and discharge into the existing circulating water discharge tunnels. With the tunnels being sealed the roof drains will have to be rerouted.

Since the site is greater than one (1) acre, it will be necessary to prepare an Ohio Environmental Protection Agency (EPA) Notice of Intent (NOI) application and the associated Storm Water Pollution Prevention Plan.

Based on discussions with the Army Corps of Engineers (ACOE), the project will require the submittal of a Section 10 permit application.

## II. Scope of Services

SSOE proposes the following Scope of Services:

- A. Develop an information request list and provide it to the City.
- B. Attend an on-site project kickoff meeting to discuss the Scope of Services, receive the requested information, perform a site reconnaissance, discuss the strategy for bidding, and gather necessary field information and equipment data.
- C. Prepare a draft set of plans and specifications and electronically submit the set to Brownfield and the City for review.
- D. Prepare the ACOE Section 10 permit application.
- E. Prepare the Ohio EPA Notice of Intent Application required as part of the Ohio EPA Storm Water General Permits Program.
- F. Attend a meeting at the City's offices to review the draft set of plans and specifications.
- G. Revise the plans and specifications to incorporate comments where applicable.
- H. Place the final set of plans and specifications on an IBackup site for access by Brownfield, the City, and bidders.
- I. Prepare addendums as needed.

## City of Piqua, Demolition Project

SSOE Proposal No. P12-01531-00 – Revision No. 2, August 22, 2012

# Scope of Services

- J. Attend and lead a pre-bid meeting at the Plant.
- K. Prepare pre-bid meeting minutes and issue them as an addendum.
- L. Review the bids and submit a recommendation of award to the City.
- M. Prepare the contract for signing by the contractor and the City.
- N. Provide the following contract administration and construction administration services
  - 1. Review shop drawings.
  - 2. Review pay applications.
  - 3. Attend and issue notes for the pre-construction meeting.
  - 4. Chair eight (8) bi-weekly construction meetings and issue meeting minutes.
  - 5. Prepare and process change orders.
  - 6. Develop a punch list.
  - 7. Prepare as built drawings using markups provided by the contractors.
- O. Respond to contractor questions during the construction phase.

### III. Deliverables

- A. Information request list.
- B. Minutes of on-site kickoff meeting.
- C. Draft set of plans and specifications.
- D. Final set of plans and specifications.
- E. ACOE Section 10 permit application.
- F. Ohio EPA NOI Application.
- G. Addendums as needed.
- H. Bid review and recommendation.
- I. Contracts for signing by the contractor and the City.
- J. Bi-weekly reports through bidding phase.

## City of Piqua, Demolition Project

SSOE Proposal No. P12-01531-00 – Revision No. 2, August 22, 2012

# Scope of Services

- K. Minutes of pre-construction meeting
- L. Minutes of eight (8) construction review meetings.
- M. Punch list.
- N. As built drawings.

#### **IV. Schedule**

- A. SSOE would be available to attend a kickoff meeting at the plant within two (2) weeks of receipt of a Purchase Order (PO).
- B. SSOE will submit a draft set of plans and specifications within six (6) weeks of the on-site kickoff meeting.
- C. The final set of plans and specifications along with the ACOE Section 10 permit application and the Ohio EPA NOI will be prepared within four (4) weeks after receipt of comments on the draft set of plans and specifications.

#### **V. Assumptions and Clarifications**

- A. Requested information will be provided to SSOE either at the on-site meeting or within one (1) week of being requested.
- B. SSOE will mark up copies of existing drawings or photos to show the extent of demolition. SSOE does anticipate preparing the following original drawings:
  - 1. Site plan.
  - 2. Demolition plan.
  - 3. Geometric plan
  - 4. Grading plan.
  - 5. Landscaping plan.
  - 6. Roof drain plan.
  - 7. Sealing of tunnels.
  - 8. General notes and plans.
- C. The following are the new construction items for which drawing details may be developed:

## Scope of Services

1. Modifications to south pump house to create an overlook.
  2. Sealing of intakes and outfalls to the River.
  3. Reconstruction of asphalt recreational trail.
  4. Cleaning and repair of concrete steps and deck leading to low head dam.
  5. Extension of steps to top of bank.
  6. Reroute roof drains.
  7. Cleaning and repair of exterior of the active concrete sewer structure. Installation of new railing and open grate steel decking.
  8. Planting of grass, trees, shrubbery and other landscape improvements.
- D. SSOE is not responsible for any permitting fees.
- E. SSOE assumes that the project does not include any demolition or remediation of any asbestos containing material, material containing lead paint, arsenic mercury, PCBs, or any other hazardous material.
- F. SSOE assumes that the Army Corps of Engineers and U. S. Fish and Wildlife Service find that the proposed project does not impact the habitat of the Rayed Bean Mussel or any other endangered species.
- G. Studies and / or analysis of the habitat of any species or the impact of this project on the habitat of any species are not included in SSOE's Scope of Work.
- H. SSOE will prepare the ACOE Section 10 Permit Application and the Ohio EPA NOI application. SSOE is not responsible for procurement of any other permit.
- I. SSOE has not included testing of any materials.
- J. SSOE assumes that all demolition debris is non-hazardous.
- K. SSOE assumes that the building code official having jurisdiction will allow roof drains to be discharged to the surface and that a retention pond will not be required.
- L. The City will provide drawings showing the construction of all intakes and outfalls to the river.
- M. SSOE is responsible for preparing the bidding documents; however, SSOE will utilize a set of commercial terms and conditions provided by the City.
- N. SSOE is not preparing any cost estimates.

## City of Piqua, Demolition Project

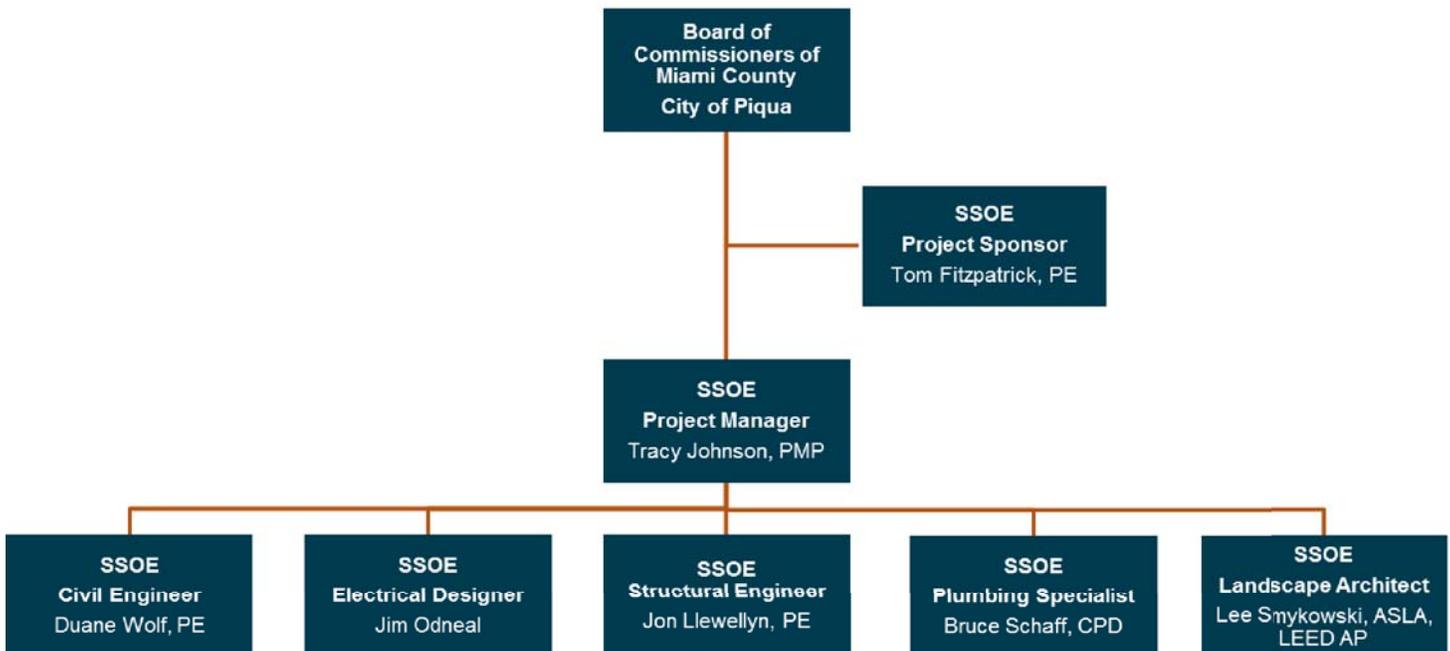
SSOE Proposal No. P12-01531-00 – Revision No. 2, August 22, 2012

# Scope of Services

- O. If the bids are over the budget set by Brownfield and the City is required to rebid the project, SSOE will provide a proposal to assist the City with rebidding.
- P. Existing monitoring wells will be closed and abandoned. SSOE will not have to provide any engineering or design services associated with these wells.
- Q. During the construction phase SSOE will attend the pre-construction meeting and eight (8) onsite meetings.
- R. SSOE has included forty (40) hours of time during the construction phase to respond to questions by the contractor and the City.
- S. SSOE will visit the site to prepare a punch list. Confirmation of completion of punch list items will be performed by the City.
- T. Construction observation beyond those identified above will be performed on a time and material basis in accordance with the attached rate sheet.

## VI. Project Team

- A. A project organization chart is provided below. Resumes for SSOE project team members are included in Section 3.



## City of Piqua, Demolition Project

SSOE Proposal No. P12-01531-00 – Revision No. 2, August 22, 2012

# Scope of Services

## VII. Compensation

A. The compensation for completion of the professional services described herein will be for a Time and Material, Not-to-Exceed fee as follows:

1. Demolition portion of project:	\$24,000.00
Remainder of project:	\$65,000.00

2. The above fees are only valid if SSOE is awarded the entire project.

The above fee includes estimated reimbursable expenses. Invoices shall be submitted monthly in accordance with the attached 2012 Industrial Process Rate Schedule.

B. Any construction observation will be provided on a Time and Material basis in accordance with the attached 2012 Industrial Process Rate Schedule.

## VIII. Scope Change Procedure

If during the project a change in scope or services should occur, SSOE will advise the City of the cost and schedule impact for engineering services prior to proceeding with that portion of the services. After approval by the City, the increase or decrease will be reflected in the total project cost. Delay in the City's approval may result in delays in schedule.

## IX. Terms and Conditions

This proposal is in accordance with the attached SSOE General Conditions.

# section 3

## Team Résumés

## Project Manager

# Tracy Johnson, PMP

Tracy is responsible for project management and the structural design of industrial facilities and support structures. He is responsible for daily project communications, project team design management, and inter-discipline coordination between discipline leads and support staff. Also included in his responsibilities are maintaining costs, quality, schedule, and scope adherence for all phases of a project's duration.

### Education

Bachelor of Science, Civil Engineering

Years of Experience – 22

### Selected Project Experience

*Consumer Products Client, Midwest, USA*

- Served as the overall design manager for multi-firm design efforts.
- Coordinated the mechanical, structural, and electrical portions of packaging projects.
- Revised process / piping layouts and P&IDs.

### Prior Employment

*BP Chemicals, Lima, Ohio*

- Served as the civil / structural lead for numerous capital projects, including a cooling tower replacement, plant-wide soil remediation and containment, and steam plant upgrades.

*BP Refinery, Lima, Ohio*

- As the civil / structural lead, identified and replaced underground pipe leaks as part of a multiyear plan.
- Protected against future leaks with the new systems.
- Implemented monitoring wells, cathodic protection of underground piping, elevation of piping systems, and design and installation of a railroad bridge to allow for inspection and access to piping.

*Durez Chemicals, Kenton, Ohio*

- Served as the on-site project manager for various projects.
- Responsibilities included initiating, coordinating, and assisting with the execution of approximately 50 process, packaging, and controls projects ranging from \$2 million to \$20 million.

*The Procter & Gamble Company, Lima, Ohio*

- Assisted in the Con-Ops organization for a period of two years.
- Responsibilities included cost tracking, forecasting, and reporting of project costs for numerous projects.
- Served as the project scheduler for several larger projects, including the implementation of the HDL Line #8.

*The D. S. Brown Company, North Baltimore, Ohio*

- Responsible for managing and performing the design of bridge components for the transportation industry. Followed the bridge components through fabrication to insure compliance to applicable national and state codes and specifications.

## Civil Engineer

# Duane Wolf, PE

Duane has experience in civil engineering, surveying, and hydrologic and hydraulic analyses for storm and sanitary sewer design including grading, storm drainage, detention / retention basin, utilities, waterlines, pavements and railroad sidings. Duane specialization is site concepts, layout and design, hydrologic / hydraulics engineering, sanitary and storm sewer design, pavement resurfacing, and reconstruction design.

### Education

Bachelor of Science, Civil Engineering

### Licensures

Professional Engineer (Civil) – OH

Years of Experience – 15

### Selected Project Experience

#### *City of Toledo, Ohio*

- Design Engineer for approximately 2 miles of pavement milling and resurfacing along with incidental geometric and drainage design for the Monroe St. Improvements Phase 1, 2, and 3.

#### *City of Oregon, Ohio*

- Design Engineer for 1,750 linear feet of 16-inch waterline for the City of Oregon.
- Design Engineer for pavement widening, traffic lights, and incidental drainage for the intersection of Pickle and Wheeling Road.

#### *DTE Energy Company, Jamestown, Michigan*

- Site Project Engineer for the meter / gate station. Responsibilities include site grading, storm sewer, utility design and development of the storm water pollution prevention plans.

#### *Lucas County Board of Commissioners, Ohio*

- Design Engineer for approximately 1.8 acres asphalt parking lot pavement along with new curbing and pavement drainage.

#### *Sylvania City Schools, Sylvania, Ohio*

- Site Project Engineer for the Sylvania Central Elementary School. Responsibilities included overall site layout for the new school, asphalt pavement design, grading, storm sewer and utility design and development of the storm water pollution prevention plans and specifications. The development site is approximately 33-acres in size.

#### *Village of Ottawa Hills, Ottawa Hills, Ohio*

- Design Engineer for approximately 2 miles of pavement milling and resurfacing, minor pavement reconstruction, new curb with under drains and other incidental drainage improvements for Pembroke Road, Northmoor Road, Sheraton Road, Dunkirk Road, Halifax Road, Edgehill Road, Underhill Road, Indian Road, Richards Road, Evergreen Road, Brookside Road, Hawthorne Road, Talmadge Road, and Bancroft Street.
- Design Engineer for approximately 3 miles of pavement milling and resurfacing, minor pavement reconstruction and incidental drainage improvements for Falmouth Road, Forestview Drive and Brookside Road.
- Design Engineer for approximately 1-1/2 miles of concrete pavement replacement and incidental drainage improvements for the Hillandale Center Area.

#### *Williams County Engineer's Department, Ohio*

- Design Engineer for the improvement of County Road 98 for Williams County, Ohio. Responsibilities include horizontal and vertical realignment and super-elevation of the new pavement along with pavement design.

## Senior Designer

# Jim Odneal

Jim has more than 20 years of electrical design experience. He is responsible for leading the design efforts and construction observation for all projects within SSOE's power group.

### Education

Electrical Industrial Design

Years of Experience — 22

### Selected Project Experience

#### *City of Bowling Green, Ohio*

- Provided the electrical design of a 69 kV loop extension underground duct bank system and the design of a 69 kV / 12.47 kV substation.

#### *City of Hamilton, Ohio*

- Provided the design and construction observation of three 138 kV / 13.8 kV substations. Provided general services as requested.

#### *City of Tipp City, Ohio*

- Responsible for the electrical design of a 69 kV overhead loop extension.

#### *City of Westerville, Ohio*

- Designed a direct buried 69 kV loop between two substations.

#### *Dover Light and Power, Dover, Ohio*

- Designed 12.47 kV overhead feeder circuits, a citywide fiber optic loop, substation improvements, and power plant improvements.

#### *Hillsdale Board of Public Utilities, Hillsdale, Michigan*

- Converted 12 kV primary and secondary overhead circuits to spacer cable circuit.

#### *Lawrenceburg Municipal Utilities, Lawrenceburg, Indiana*

- Designed two new 34.5 kV / 12.47 kV substations. Provided the riverfront development design of overhead electric to underground.

#### *Michigan South Central Power Agency*

- Responsible for the electrical design of a substation diesel generator back-up power system.

#### *Medical Center Company, Cleveland, Ohio*

- Designed a coal handling electrical system upgrade to explosion-proof fittings and devices.

#### *Pfizer, Inc., Terre Haute, Indiana*

- Responsible for the electrical design of a 12.47 kV backup loop underground duct bank system.

#### *BP, Toledo, Ohio*

- Provided the electrical design for DCS upgrades, substation improvements, conversion to sour crude, and implementation of the electronic document management system.

## Structural Engineer

# Jonathan Llewellyn, PE, SE

Jonathan has over 20 years of professional experience in the design of structural steel, concrete, and masonry. He has provided structural design services for facilities ranging from a 1 million SF steel structure to a wood framed 7,000 SF maintenance building.

### Selected Project Experience

#### *Automotive Research and Development Client, Midwest, USA*

- Responsible for the office building, paint building, office / locker room, and wind tunnel and RF chamber building expansions, as well as the sled test and crash test buildings.

#### *Ford Research and Engineering, Dearborn, Michigan*

- Responsible for the renovation of existing test laboratory, including test chambers, test sleds, cranes, floor slabs, and pits.

#### *General Motors, Allison Transmission Facility, Baltimore, Maryland*

- Responsible for the structural design of a 350,000 SF facility.

#### *Greater Ohio Ethanol, Lima, Ohio*

- Responsible for design of tank foundations, pipe trestle, and process equipment foundations.

#### *Honda UK Mfg, Ltd., Swindon, United Kingdom*

- Responsible for the structural design of a new automotive assembly plant. Plant included press, weld, assembly, and paint shop design.

#### *Inergy Automotive System, Van Buren, Michigan*

- Responsible for the structural design of a new 320,000 SF automotive fuel tank manufacturing facility.

#### *Kenworth Facility Expansion, Chillicothe, Ohio*

- Provided the design of a facility expansion project. The project included structural steel design, foundation design, and process pits and trench design.

#### *Nissan North America, Inc., Smyrna, Tennessee*

- Responsible for the design of a new 400,000 SF paint shop facility.

#### *UPS WorldPort, Louisville, Kentucky*

- Coordinated the design of conveyor and platform support steel and managed budgets and schedules.

#### *Volkswagen Group of America, Chattanooga, Tennessee*

- Directed and managed the assembly shop design team.

### Education

Master of Science, Civil Engineering  
Bachelor of Science, Civil Engineering

### Licensures

Professional Engineer (Structural) –  
IL, OH

Years of Experience – 21

## Plumbing Designer

# Bruce Schaff, CPD

Bruce is responsible for the project's plumbing systems, conceptual design, and consultation. His experience includes the design of all plumbing systems, including energy conservation with cost-effective designs. Bruce's technical expertise includes project specifications, codes and standards, cost estimating, and troubleshooting plumbing issues.

### Certification

Certified Plumbing Designer

Years of Experience – 35

### Selected Project Experience

#### *Honda of America Mfg., Inc., Anna, Ohio*

- Responsible for natural gas and domestic water services, as well as general plumbing systems consisting of sanitary waste and vent, natural gas, domestic hot and cold water, storm water roof drainage, and plumbing fixture selection, including ADA, LEED, and safety fixtures.

#### *Marathon Oil Corporation, West Maintenance Shop, Detroit, Michigan*

- Responsible for natural gas and domestic water services. General plumbing systems consisted of sanitary waste and vent, domestic hot and cold water, compressed air, and plumbing fixture selection, including ADA and safety fixtures.

#### *Toyota Motor Manufacturing Mississippi, Inc., Assembly Plant, Tupelo, Mississippi*

- Responsible for natural gas and domestic water services. General plumbing systems consisted of sanitary waste and vent, natural gas, domestic hot and cold water, storm water roof drainage, compressed air, kitchen grease waste including an interceptor, and plumbing fixture selection, including ADA and safety fixtures.

#### *Volkswagen Group of America, Chattanooga, Tennessee*

- Responsible for natural gas and domestic water services as well as general plumbing systems consisting of sanitary waste and vent, natural gas, domestic hot and cold water, storm water roof drainage, and plumbing fixture selection, including ADA and safety fixtures.

## Senior Landscape Architect

# Lee Smykowski, ASLA, LEED® AP BD+C

With more than 30 years of professional experience, Lee is responsible for a full range of projects involving landscape architecture and site design services. His project involvement includes site analysis, master planning, site planning, landscape design, and site engineering. Lee has professional experience in a wide variety of project types, including commercial, institutional, and recreational facilities.

### Education

Bachelor of Landscape Architecture

### Licensure

Landscape Architect – MI

Years of Experience – 36

### Select Project Experience

#### *Flat Rock Homes – Master Plan, Care Center, and MR/DD Facility, Flat Rock, Ohio*

- Involved in many projects on the campus of Flat Rock Homes, including master planning for the 500-acre site and the state-of-the-art 50,000-SF MR/DD facility.

#### *Marathon Oil Corporation – Blast Protection / Facility Siting Project, Detroit, Michigan*

- Provided specifications and construction documents for the purchase and installation of pressure resistant pre-manufactured modular structures. Worked with Marathon personnel, along with outside suppliers, to purchase six structures consisting of 20 modules, with one structure being multi-story. With a considerably lower price than conventional construction, the structures were shipped fully fitted to the site and required only one week to install.

#### *Sylvania Northview and Southview High Schools, Sylvania, Ohio*

- Responsible for renovations to high school football stadiums, including addition of synthetic turf.

#### *Toledo Public Schools District-wide School Rebuild, Toledo, Ohio*

- Managed a firm for the \$821 million district rebuild project including renovations and replacement of 67 facilities. Responsible for the organized effort of a local consortium of consulting firms.

#### *University of Toledo Health Science Campus, Toledo, Ohio*

- Provided services for various project assignments, including the coordination of a multi-discipline team and utilization of outside consultants, additions of surgical suites, campus-wide facilities master planning, research laboratories, and upgrade evaluations. Construction value in excess of \$200 million on-site.

#### *University of Toledo – John F. Savage Arena, Renovation and Addition, Toledo, Ohio*

- Provided services for the renovation of John F. Savage Hall, including the transformation of the arena into a state-of-the-art facility for student athletes and fans. The \$30 million project consisted of a 163,000 SF facility with numerous amenities.

#### *US EPA Master Plan Update, Physical Security Upgrades & Site Sustainability Assessments, Athens, Georgia*

- Master plan defines current and future lab, office and support requirements, architectural modifications and upgrades for all facilities, along with evaluations of existing MEP systems and recommended replacement and upgrades. The campus facilities are evaluated for energy reduction strategies, address sustainability issues and physical security.

#### *Volkswagen Group of America – Automotive Production Facility, Chattanooga, Tennessee*

- Provided full A/E services, including site / civil, architectural, structural, mechanical, plumbing, electrical, and wastewater treatment for the estimated \$1 billion facility. Also partnered with firms for the environmental permitting process and the facilities construction management for the 1,350 acre site.

# section 4

# Rate Sheet

## Industrial Process

# 2012 Rate Schedule

Category .....	Hourly Billing Rate
Department Manager / Section Manager / Master Engineer .....	\$135.00
Senior Engineers / Architects.....	\$112.00
Project Engineers / Architects / Technical Specialist.....	\$105.00
Senior Designers.....	\$92.00
Engineers / Architects .....	\$88.00
Designers .....	\$83.00
Draftspersons / CAD Technicians.....	\$68.00
Project Management Assistants .....	\$56.00
Clerical / Support.....	\$50.00

Above Rates are all-inclusive except for the following:

- A Project Manager, Business Manager, and or Business Leader is assigned to the project when appropriate based on the size and complexity of the project and will be billed at an hourly rate of \$135.00.
- Specialized or unique expertise beyond traditional services will be quoted relative to the project scope.
- Check-out and start-up services rates are 1.15 times the above hourly rates.
- Travel expenses including meals, transportation, and lodging will be invoiced at cost. Mileage is invoiced at the standard federal allowable rate per mile. Per diem expenses for individuals performing Construction Support services will be quoted on a per project basis.
- Related project expenses including phone, computers, shipping, low-volume printing, and Xerox copies will be invoiced at \$3.00 per labor hour.
- Purchased goods and services will be invoiced at cost plus ten percent (10%).

*The above rates are valid for services provided through October 1, 2012.*

# section 5

# General Conditions

# General Conditions

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1. **General:** These General Conditions are agreed to simultaneously with, and constitute a part of, the attached Proposal or Professional Services Agreement (Agreement). In the event a conflict arises between the provisions of these General Conditions and any other part of the Agreement, these General Conditions shall modify and supercede such other part to the extent necessary to eliminate any such conflict, but no further. All capitalized terms used herein have the same meaning as in the Agreement, unless otherwise defined in these General Conditions.
2. **Professional Services:** SSOE shall provide those professional services described in the Agreement as Basic Services, with such modifications thereto as may be agreed to in writing by SSOE. Any other services not included in Basic Services shall be additional services to be performed at additional cost, and shall be provided only if agreed to in writing by SSOE. SSOE shall perform Basic Services and such additional services as may be agreed to as expeditiously as is consistent with professional skill and care and the orderly progress of the Project. Services provided by SSOE are provided solely for the benefit of the Owner.
3. **Payment Terms:** Payment is due on receipt of SSOE's invoice. If payment is not received by SSOE within 30 days from the invoice date, then Owner agrees to pay to SSOE a finance charge on the principal amount of the past-due amount of 1-1/2% per month. If the 1-1/2% per month exceeds the maximum interest allowed by law, the finance charge shall be automatically reduced to the maximum amount permitted by law. If the Project is suspended or abandoned in whole or in part for more than 3 months, SSOE shall be compensated for services performed prior to receipt of Owner's written notice of such suspension or abandonment. If the Project is resumed after being suspended for more than 3 months, SSOE's compensation shall be equitably adjusted. If the Scope of the Project is materially changed at any time, SSOE's compensation shall be equitably adjusted. The required use of any fee-based procurement / billing systems shall be a reimbursable expense included in SSOE Group's invoices at actual cost.
4. **Owner's Responsibility:** Owner shall provide SSOE in a timely fashion with full information regarding its requirements for the Project, including design objectives, system and site requirements. Owner represents and warrants to SSOE that the Project site has not, does not, and will not contain any pollutants or asbestos. When requested by SSOE, Owner shall promptly provide a legal description and a certified land survey of the Project site, together with all plans and specifications for any existing improvements located thereon. Owner shall also promptly furnish the services of soil engineers, geotechnical experts and other Consultants when required by SSOE, and such structural, mechanical, chemical, and other tests, inspections and reports as required by law or SSOE. Owner shall also promptly furnish all legal, accounting, and insurance services as may be necessary for the Project. The items furnished or provided by Owner under this paragraph shall be furnished or provided without cost or expense to SSOE. SSOE shall be entitled to rely upon the substance and completeness of items furnished, provided or represented by Owner under this paragraph in performing its professional services.
5. **SSOE's Responsibilities:** SSOE covenants and warrants that its professional services shall be performed with the degree of skill and care as is consistent with the degree of reasonable and ordinary skill and care currently and commonly exercised by a reputable member of the design profession in the state in which the Project is located under the same or similar circumstances. No other warranties, express or implied, are made or intended by this Agreement for, or actual performance of, any services performed by SSOE. SSOE shall not be responsible for the verification of the condition of any existing structure, equipment, or appliance except as expressly agreed to by SSOE in writing. SSOE shall provide only such observation or monitoring services at the Project site during construction as expressly agreed to by SSOE in writing. In no event shall SSOE have control or charge of, or be responsible for, and Owner shall fully indemnify and hold SSOE harmless with respect to any liability arising out of, construction means, methods, techniques, sequences and procedures, and safety precautions and programs in connection with, the construction work being performed for the Project and the persons or property associated with or affected by the same, and the acts and omissions of the Contractors, Subcontractors, and any other persons performing any construction work, and the failure of any of them to carry out the work in accordance with any construction Contract Documents. This paragraph shall apply continuously and is not limited to the working hours and encompasses all areas in, on, adjacent to, or near the Project site. It is also recognized that SSOE has no control over the cost of labor, materials, or equipment, over the Contractor's method of determining Project prices, or over competitive bidding, market or negotiating conditions. Accordingly, SSOE does not warrant or represent that bids or negotiated prices will not vary from any Project budget.
6. **Documents:** Drawings and specifications prepared by SSOE as instrument of service are and shall remain the property of SSOE whether the Project for which they were made is executed or not, and SSOE shall be deemed to be the author and shall retain all rights, including copyrights to such property. Owner shall be permitted to obtain copies of drawings and specifications solely for information and reference in connection with its use and occupancy of the Project. Drawings and specifications prepared by SSOE shall not be used by Owner on other projects or for additions to or completion of the Project except as agreed to in writing by SSOE. Submissions or distribution to meet official regulatory requirements or for other purposes in connection with the Project is not construed as publication in derogation of SSOE's rights.
  - a. With regard to documents provided to SSOE by Owner (or third party at the request of Owner), Owner certifies they have valid ownership/approval for use of all electronic files and documents given to SSOE, Inc., including drawings to be used in the development of design or construction drawing deliverables. Furthermore, Owner by transferring the documents to SSOE, is conferring rights of licensure (and/or ownership) to SSOE. Additionally, Owner will indemnify and hold SSOE harmless from all costs, expenses, and obligations, including but not limited to reasonable attorney fees, which may be brought against SSOE from its use of the Owner (or third party at request of Owner) provided electronic files and documents.

# General Conditions

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- b. SSOE, having made significant investment in development of proprietary 3D CADD technology, retains all rights and privileges associated with such technology. SSOE shall retain electronic model containing said technology and provide Owner with electronic drawings converted to Owner's CADD standards sufficient to meet all project objectives and in a format that is usable to the Owner. Owner shall have an exclusive license to the electronic drawings provided to Owner.
7. **Arbitration:** All claims, disputes and other matters in question between the parties to this Agreement, arising out of or relating to this Agreement or the breach thereof, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then pertaining, unless the parties mutually agree otherwise in writing. No arbitration, arising out of or relating to this Agreement, shall include, by consolidation, joinder or in any other manner, any additional person not a party to this Agreement, except by written consent containing a specific reference to this Agreement and signed by SSOE, the Owner and any other person sought to be joined. Any consent to arbitration involving an additional person or persons shall not constitute consent to arbitration of any dispute not described therein or with any person not named or described therein. This Agreement to arbitrate or any agreement to arbitrate with an additional person or persons duly consented to by the parties to this Agreement, shall be specifically enforceable under the prevailing arbitration law. Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The demand shall be made within a reasonable time after the claim, dispute or other matter in question which has arisen. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations. The award rendered by the arbitrator shall be final, and judgment may be entered upon it in accordance with the applicable law in any court having jurisdiction thereof.
8. **Insurance:** SSOE maintains workers' compensation insurance as required by the laws of the various states where it has offices. In addition, SSOE maintains comprehensive general liability insurance with bodily injury and property damages, and automobile liability insurance with bodily injury and property damages. A Certificate of Insurance is available, upon written request by Owner, evidencing such coverage. Cost of the above coverage is included in SSOE's fees for Basic Services. If additional coverage or increased limits of liability is required by Owner, SSOE will endeavor to obtain the additional insurance and Owner agrees to pay for any additional costs associated with additional coverage or increased limits.
9. **Limitation of Liability:** In recognition of the respective risks of the Owner and SSOE Inc. on the Project, the Owner agrees to the extent permitted by law, that SSOE's total aggregate liability to the Owner, Contractors, Subcontractors, Material Suppliers, and any other persons, arising out of or related to SSOE's acts, errors, omissions, negligence or breaches of this Agreement, whether such liability is based on Contract, tort or other legal or equitable grounds, shall not exceed SSOE's total aggregate fees for Basic Services and any additional services under this Agreement. Owner agrees that in no event shall SSOE Inc. be liable to Owner, Contractors, Subcontractors, Materials Suppliers or any other persons for any special consequential, incidental, or indirect damages of any nature whatsoever. Owner further agrees to require any and all Contractors, Subcontractors, Material Suppliers, and other persons to include an identical limitation of SSOE's liability in their agreements concerning the Project.
- In those circumstances where Owner directs and controls SSOE's employee(s), and/or SSOE's employee(s) at the direction of Owner, directs and controls others, Owner shall assume complete responsibility for the actions and events directly or indirectly resulting from Owner's instructions and shall protect, defend, and hold harmless SSOE and its employee(s) from any and all costs and expenses, including attorney fees, related to or resulting from the instructions Owner gives to SSOE's employee(s).
10. **Termination:** This Agreement may be terminated by either party upon seven days written notice should the other party fail substantially to perform in accordance with its terms through no default of the party initiating termination.
11. **Miscellaneous Provisions:** This Agreement shall be governed by the law of Ohio. As between the parties to this Agreement, as to acts or failures to act by either party to this Agreement, any applicable statute of limitations shall commence to run and any alleged cause of action shall be deemed to have accrued in any and all events no later than the relevant date of the substantial completion of the Project, and as to any acts or failures to act occurring after the relevant date of substantial completion, not later than the date of the final payment to the Prime Contractor. The Owner and SSOE waive all rights against each other, and against the Contractors, Subcontractors, Consultants, Agents and employees of the other, for damages covered by any property insurance. Prior to the commencement of any work, the Owner and SSOE shall each require appropriate similar waivers from their Contractors, Subcontractors, Consultants and Agents. The headings of the paragraphs of this Agreement are for convenience only and do not define, limit or construe the contents of such paragraphs.
12. **Successors and Assigns:** The Owner and SSOE, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns, and legal representatives of each other party with respect to all covenants of this Agreement. Neither the Owner nor SSOE shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.
13. **Extent of Agreement:** This Agreement represents the entire and integrated agreement between the Owner and SSOE and supersedes all prior negotiations, representations or agreements, either written or oral, including, without limitation, any purchase orders or acceptance forms, notwithstanding any provision to the contrary contained therein. No terms or conditions of either party's invoice, purchase order, or other administrative document shall modify the terms and conditions of this Agreement regardless of the other party's failure to object to such form. This Agreement may be amended only by written instrument signed by both SSOE and the Owner. The provisions of this Agreement are severable, and if any

# General Conditions

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provision of this Agreement, or the application of any provision of this Agreement to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Agreement, shall not be affected thereby. Nothing contained herein shall be deemed to create any contractual relationship between SSOE and any Contractors, Subcontractors or Material Suppliers on the Project, nor shall anything in this Agreement be deemed to give any third party any claim or right of action against the Owner or SSOE which does not otherwise exist without regard to this Agreement.

**RESOLUTION NO. R-139-12**

**A RESOLUTION OF AUTHORIZATION  
TO SUBMIT APPLICATIONS FOR FEDERAL  
MAP-21 FUNDS THROUGH THE MIAMI  
VALLEY REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the SFY 2012-2015 Transportation Improvement Program (TIP); and

WHEREAS, the City of Piqua has committed to a timely project development schedule; and

WHEREAS, the City of Piqua has committed the necessary resources to support the local cost portion of the project; and

WHEREAS, the following projects will be submitted to MVRPC, shown in order of the City of Piqua's priority:

1. County Road 25-A Resurfacing, Local match of \$194,480
2. U.S. 36 Multi-Use Recreational Trail Development, Local match of \$171,398

WHEREAS, the County Road 25-A Resurfacing Project consists of resurfacing of an existing cross-section only, therefore, the City of Piqua will be applying for an exception to the Complete Streets Policy for Transit Users based on Exception No. 4;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The City Manager is hereby authorized and directed to execute and file applications through the Miami Valley Regional Planning Commission as mentioned above and to provide all information and documentation required to become eligible for possible funding assistance;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012			
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A Resolution of authorization to submit applications for Federal MAP-21 Funds through the Miami Valley Regional Planning Commission			
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, P.E., City Engineer			
	Department: Engineering			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The Miami Valley Regional Planning Commission is in the process of soliciting for new transportation projects using MVRPC regionally controlled federal funds (STP &amp; CMAQ). The projects identified for submission are the resurfacing of CR 25-A from Statler Avenue to Riverside Drive (STP Resurfacing Program) and also for the development of a Multi-Use Recreational Trail along U.S. 36 from the Piqua Lumber driveway to Looney Road (CMAQ Funds).</p> <p>The STP Resurfacing Program is a new program this year that will set aside a certain amount of STP Funds to fund Federally eligible simple resurfacing projects. The CMAQ Funds are only eligible for projects that reduce congestion and improve air quality; therefore, we cannot use these funds for resurfacing projects or road reconstruction projects.</p> <p>The CR 25-A Resurfacing Project will consist of milling and overlaying of the roadway (from Statler Avenue to Riverside Drive) with a new asphalt surface, the replacement of broken down catch basins within the roadway, the installation of ADA compliant handicap ramps at all of the intersections within the paving limits, and the placement of all new pavement markings within the project limits.</p> <p>The Multi-Use Recreational Trail Development project will consist of the construction of a new 10' wide path from the driveway at Piqua Lumber to Looney Road. The project will also consist of the modification of the pavement markings on the Great Miami River Bridge to accommodate the new path. Minimal landscaping will also be included to ensure complete separation of the vehicular traffic from the recreational trail users.</p>			

	<p>A new component to the funding application is the compliance with the Regional Complete Streets Policy which was adopted by the MVRPC Board of Directors on January 6, 2011. This policy is aimed at ensuring all current and projected users of the public right-of-way are able to safely and conveniently reach their destinations along and across a street or road, regardless of their chosen mode of transportation. The Resolution includes a statement requesting an exemption to the Complete Streets Policy for the CR 25-A Resurfacing Project due to the fact that this project is resurfacing on an existing cross section, only, and not a new project.</p>	
<p><b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)</p>	Budgeted \$:	\$0
	Expenditure \$:	\$0
	Source of Funds:	
	<b>Narrative</b>	<p>The STP and CMAQ Funds can only be used for construction purposes; therefore, the City will be responsible for any engineering services necessary for these projects. The CR 25-A Resurfacing project is being submitted with a construction estimate of \$777,920. The funding breakdown being applied for is 75% Federal (\$583,440), 25% Local (\$194,480). If successful in obtaining the grant, the funds would be available in SFY 2014. The local match is being budgeted for in the 2013 budget.</p> <p>The Recreational Trail Development Project is being submitted with a construction estimate of \$571,325. The funding breakdown being applied for is 70% Federal (\$399,927), 30% Local (\$171,398). If successful in obtaining the grant, the funds would be available in SFY2018.</p>
<p><b>OPTIONS</b> (Include Deny /Approval Option)</p>	1.	Approve the resolution and submit applications to the MVRPC for funding for the CR 25-A Resurfacing Project and also for the U.S. 36 Multi-Use Recreational Trail Development Project.
	2.	Do not approve the resolution and provide guidance as to additional funding sources.
<b>PROJECT TIMELINE</b>	Funding is anticipated for availability in SFY 2014 for the CR 25-A Resurfacing Project and in SFY 2018 for the Multi-Use Recreational Trail Development Project.	
<b>STAFF RECOMMENDATION</b>	Approve the resolution and submit applications to the MVRPC for funding.	
<b>ATTACHMENTS</b>	None	

**RESOLUTION NO. R-140-12**

**A RESOLUTION AUTHORIZING AND SUPPORTING AN APPLICATION TO THE  
CLEAN OHIO CONSERVATION FUND FOR A PROJECT AT FOREST HILL  
CEMETERY**

WHEREAS, the State of Ohio, through the Clean Ohio Conservation Fund, administers financial assistance to provide for the enhancement and protection of sensitive environmental areas; and

WHEREAS, the City of Piqua has agreed to work with Forest Hill Cemetery to jointly administer the Clean Ohio Conservation Fund, and

WHEREAS, the City of Piqua is required by the Section 164.23 (B) of the Ohio Revised Code to support this application,

NOW, THEREFORE, BE IT RESOLVED, by the Commission of the City of Piqua, Miami County, Ohio, a majority of all members elected thereto concurring:

SEC. 1. That the City of Piqua approves and supports the filing of an application to the Clean Ohio Conservation Fund in accordance with Section 164.23 (B) of the Ohio Revised Code.

SEC. 2. That Gary Huff, City Manager, is hereby authorized and directed to execute and file an application with the Clean Ohio Conservation Fund and execute all other required agreements and to provide all information and documentation required to become eligible for financial assistance.

SEC. 3. That the City of Piqua agrees to enter into agreements with Forest Hill Cemetery to have the necessary funds obligated to become eligible for the project.

SEC. 4. This Resolution shall take effect and be in force from the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_  
ATTEST \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	October 16, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A RESOLUTION AUTHORIZING AND SUPPORTING AN APPLICATION TO THE CLEAN OHIO CONSERVATION FUND FOR A PROJECT AT FOREST HILL CEMETERY		
<b>SUBMITTED BY</b>	Name & Title: William Lutz, Development Program Manager		
	Department: Development		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input checked="" type="checkbox"/> Other: Forest Hill Cemetery
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The superintendent of Forest Hill Cemetery has approached the Development Department with a request to apply for funds on the cemetery's behalf for funding through the Clean Ohio Conservation Fund to install a fishing dock and make other natural improvements to the canal at Forest Hill Cemetery.</p> <p>The Cemetery is not legally allowed to apply for these funds and that is why the City is being requested to apply for these funds. This particular program requires matching funds, in which the Cemetery is fiscally able and willing to meet this financial requirement.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:	Not Applicable	
	<b>Narrative:</b>	There is no fiscal impact with this request.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution - This will cause the community and the cemetery to jointly work on the application and the administration of the program.	
	2.	Deny Resolution - The commission may deny the resolution and cause the Cemetery not to receive these funds to make these improvements.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	Applications are due October 22, 2012. Award announcements are expected by February 1, 2013.		
<b>STAFF RECOMMENDATION</b>	Staff would recommend that the City Commission adopt the resolution.		
<b>ATTACHMENTS</b>	None.		

