

**CHAPTER 1042**  
**Sewers**

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1042.99 Penalty. (Repealed in part)

### ***CROSS REFERENCES***

Compulsory sewer connections - see Ohio R.C. 729.06

Sewerage rates - see Ohio R.C. 729.49, 729.52

Management and control of sewerage system - see Ohio R.C. 729.50

Untreated sewage - see Ohio R.C. 3701.59

Prosecutions for theft of utilities - see GEN. OFF. 642.26

Poplar trees prohibited - see S.U. & P.S. 1026.02

Grease control - see S.U. & P.S. Ch. 1050

Sewers or septic tanks required prior to issuance of building permit - see B. & H. 1440.04

### **1042.01 DEFINITIONS. (REPEALED IN PART)**

(a) As used in this chapter, unless otherwise provided:

(1) "Wastewater" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator and air conditioning drips, drinking fountains and stable floor drains.

(2) "Industrial waste" means the liquid waste resulting from any commercial, manufacturing or industrial operation or process.

(Ord. 1679. Passed 8-10-70.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

### **1042.015 CONNECTIONS REQUIRED WHERE AVAILABLE; TAP-IN FEE.**

(a) No house sewer, drain or water pipe from any building or premises shall be discharged into any cesspool or other like receptacle where such building or premises is provided with proper sewage accommodations with which the same can be connected. If, at any future time, such premises are provided with proper sewage accommodations, the further use of such cesspool or other receptacle shall be discontinued and the proper sewer and drain connections shall be constructed within one year of the sewage accommodations being provided.

(Ord. 2247. Passed 1-8-90.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 2993, passed June 8, 2009.)

(c) (EDITOR'S NOTE: Subsection (c) was repealed by Ordinance 2993, passed June 8, 2009.)

#### **1042.02 PERMIT REQUIRED FOR EACH HOUSE CONNECTION.**

(a) No person, corporation, partnership or association shall connect any building or any other structure, directly or indirectly, or expand or alter buildings with pre-existing connections in such a manner as to discharge more waste into the sanitary sewer unless they have obtained a sewer tap-in permit from the City Manager's Office at City Hall.

(Ord. 1579. Passed 10-27-66; Ord. 2961. Passed 3-24-08.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 2227, passed May 22, 1989.)

#### **1042.03 PERMIT APPLICATION; FEES.**

(a) For City residences or businesses: the base unit shall be the single-family, three- bedroom home with an average flow of 360 gallons per day. The fee for this unit shall be three thousand dollars. (\$3,000.00).

(b) Non-City residents or businesses: will be charged a 100% surcharge to the calculated City resident, or business rate.

(c) (1) For all connections other than the single-family, three-bedroom residential, the average daily flow shall be determined from *Table A-1 for Design Flow Requirements* set forth in the Ohio Administrative Code 3745-42-05, a copy of which shall be maintained at the Office of Wastewater Treatment for reference (also available at <http://www.epa.state.oh.us/dsw/rules/42-05.pdf>). In no event shall a tap-in fee within the City limits be less than this three thousand dollar (\$3,000.00) minimum.

(2) When applying *Table A-1 for Design Flow Requirements*, Item #3 under the Food-Service Operation/Restaurant section specifically shall not apply in a manner that would require a design flow of 100 gallons per seat for calculating tap-in fees. Other Food-Service Operation/Restaurant design flow guides may apply.

(d) The design flow requirement for car washes shall be 500 gallons per bay.

(e) The above operational procedures may vary in some instances and may not be all inclusive. Any variances must be approved by the City Manager.

(f) The sanitary sewer tapping permit fee shall be paid upon issuance of the permit.

(Ord. 2246. Passed 1-8-90; Ord. 2961. Passed 3-24-08; Ord. 2978. Passed 12-8-08.)

#### **1042.04 MAXIMUM NUMBER OF CONNECTIONS TO LATERALS.**

Not more than one dwelling shall be connected to each lateral unless approved by the Director of Public Services.

(Ord. 1579. Passed 10-27-66; Ord. 2717. Passed 5-14-01.)

#### **1042.05 PERMIT REQUIRED FOR CONNECTION OR OPENING.**

(a) No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefor from the Wastewater Superintendent.

(b) The fee for the permit required by subsection (a) hereof is five dollars (\$5.00).

(Ord. 2543. Passed 5-12-97.)

#### **1042.06 APPROVAL OF WORK; SUPERVISION AND COMPLIANCE WITH REQUIREMENTS.**

Any person or contractor desiring to do wastewater lateral work in the City shall perform such work under the supervision of the Wastewater Division and shall meet the requirements of the Wastewater Superintendent before approval of such work will be granted.

(Ord. 1579. Passed 10-27-66.)

#### **1042.07 CLEAN-OUTS.**

A property owner may be required to install a clean-out under the direction of the Wastewater Superintendent so that proper access may be available to clean out such lateral. All material and labor shall be paid for by the owner. The obligation of recording the location of the clean-out shall rest with the property owner.

(Ord. 1579. Passed 10-27-66.)

#### **1042.08 RESPONSIBILITY OF CITY.**

The City shall be responsible for the maintenance and repairs of the sanitary sewer main from the trunk of the main to the end of the wye connection. The portion of the line from the wye connection to the termination point is the responsibility of the property owner, except as follows: The City of Geneva shall repair and maintain laterals from the main to the right-of-way for residences in the following areas: Second, Third, and Fourth Streets, and Elm Street between Third and Fourth Street and those on North Avenue between Second Street and North Eagle Street whose laterals connect to the sanitary sewer on North Avenue, effective upon completion of the Elm Street Sub Basin Sewer Rehabilitation Project.

(Ord. 2717. Passed 5-14-01; Ord. 3003. Passed 8-24-09; Ord. 3012. Passed 10-26-09.)

#### **1042.09 BUILDING SEWER COSTS; INDEMNIFICATION OF CITY.**

All costs and expenses incident to the installation, connection and maintenance of building a new sewer collection system shall be borne by the owner. The owner and/or contractor shall indemnify the City for any loss, damage or costs that may directly or indirectly be occasioned by the installation and/or maintenance and operation of any building sewer.

(Ord. 1579. Passed 10-27-66; Ord. 2717. Passed 5-14-01.)

#### **1042.10 BUILDING SEWER MATERIAL SPECIFICATIONS; JOINTS.**

Building sewers shall be PVC sanitary sewer pipe conforming to ASTM D-3034 SDR 35 and SDR 26, with joints conforming to ASTM D-3212; or other suitable material approved by the Wastewater Superintendent. The pipe shall be installed in accordance with ASTM D2321.

(Ord. 1909. Passed 5-22-78; Ord. 2717. Passed 5-14-01; Ord. 2993. Passed 6-8-09.)

#### **1042.11 SIZE AND SLOPE OF BUILDING SEWERS.**

(a) The size and slope of a building sewer shall be subject to the approval of the Wastewater Superintendent, but in no event shall the diameter of cast iron or vitrified clay pipe be less than six inches, and in no event shall the diameter of plastic pipe be less than four inches. The grade of the six-inch pipe shall not be less than one-eighth inch per foot. The grade of the four-inch pipe shall not be less than one-eighth inch per foot.

(Ord. 1909. Passed 5-22-78.)

(b) All sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second (0.61m/s), based on Manning's formula using an "n" value of 0.013. The following are the recommended minimum slope(s) which should be provided, however, slopes greater than these numbers are desirable.

Minimum Slope in Feet

<u>Sewer Size</u>	<u>per 100 feet (m/100m)</u>
4 inch (101 mm)	1.00
6 inch (152 mm)	0.60
8 inch (203 mm)	0.40
10 inch (254 mm)	0.28
12 inch (305 mm)	0.22
14 inch (356 mm)	0.17
15 inch (381 mm)	0.15
16 inch (406 mm)	0.14
18 inch (457 mm)	0.12
21 inch (533 mm)	0.10
24 inch (610 mm)	0.08
27 inch (675 mm)	0.067
30 inch (762 mm)	0.058
36 inch (914 mm)	0.046
39 inch (991 mm)	0.041
42 inch (1,067 mm)	0.037

(Ord. 2717. Passed 5-14-01.)

#### **1042.115 SEWER MAIN LOCATION.**

Sanitary sewer mains shall be installed within the street and proximal to be centerline of the road. Bedding for said sewer shall be Class I, II, or III, as described in ASTM D 2321 and required by the Wastewater Superintendent. It shall be carefully compacted to provide the proper support for the anticipated load, based on the type of soil encountered and potential groundwater conditions.

(Ord. 2717. Passed 5-14-01.)

#### **1042.12 SAFEGUARDING OF EXCAVATIONS; RESTORATION OF PAVEMENT.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the property owner's expense. All excavations in roadway areas shall be backfilled with well compacted sand and/or gravel, tamped in place. Paved streets shall also have a topping of not less than ten inches of concrete.

(Ord. 1579. Passed 10-27-66.)

#### **1042.125 MANHOLES.**

Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet (120 m) for sewers. The minimum diameter for access to these manholes shall be no less than 24 inches (610 mm), as measured from the manhole lid. No lateral connections shall be permitted into any sanitary sewer main manhole.

(Ord. 2717. Passed 5-14-01.)

#### **1042.13 SEALING OF SANITARY SEWERS IN BUILDINGS TO BE DEMOLISHED.**

Sanitary sewers in buildings to be demolished shall be permanently sealed, in a manner acceptable to the Wastewater Superintendent, before the demolition begins.

(Ord. 1579. Passed 10-27-66.)

#### **1042.14 DAMAGE TO STRUCTURES OR WATERCOURSES DURING CONSTRUCTION.**

In excavating and backfilling trenches and constructing sanitary sewerage and water supply facilities, care shall be taken not to move or injure any structure or watercourse, whether above, at or below the surface of the ground. If necessary, the contractor or the sewer builder, in the case of house sanitary sewer connections, shall, at his or her own expense, sling, shore up, secure and maintain in operating condition any such structure or watercourse. If a structure or watercourse is damaged, he or she shall repair any such damage and shall maintain the structure or watercourse in good repair until the final acceptance of the job.

(Ord. 1579. Passed 10-27-66.)

#### **1042.15 PROPERTY OWNERS' AGREEMENT RE SANITARY SEWERS.**

Where a connection is to be made to other than a permanent sanitary sewer lying within street lines, property owners will be required to sign an agreement, on blanks provided for such purpose, stating that they will make no objection to a permanent sanitary sewer or to a tax assessed for such sewer.

(Ord. 1579. Passed 10-27-66.)

#### **1042.16 RIGHT OF ENTRY.**

The Director of Public Service and/or the Wastewater Superintendent is hereby granted the right to enter any and all properties and buildings, public and private, to inspect sewer connections and any appurtenances thereto, to collect samples of wastes and to test for violations of any of the provisions of this chapter.

(Ord. 1579. Passed 10-27-66.)

#### **1042.17 APPROVAL OF INTERIOR PLUMBING; CONNECTION WITH SEWER.**

No sanitary sewer connection shall be made to a house or commercial building in which the rough interior plumbing has not been completed, inspected and approved by the proper authority. The connection between the interior plumbing and the sanitary sewer service connection shall be made at a point approximately three feet outside the foundation wall.

(Ord. 1579. Passed 10-27-66.)

#### **1042.18 RULES AND REGULATIONS.**

The Director of Public Service is hereby authorized and directed to make such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the wastewater system and wastewater treatment works. Such bylaws and regulations shall have the same force and effect as ordinances when not repugnant thereto or to the Constitution or laws of the State.

(Ord. 1679. Passed 8-10-70.)

#### **1042.19 PROHIBITED DISCHARGES TO SANITARY SEWERS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.19 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.20 PROHIBITED DISCHARGES TO STORM SEWERS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.20 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.21 PROHIBITED DISCHARGES TO PUBLIC SEWERS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.21 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.22 LIMITATIONS ON WASTEWATER STRENGTH. (REPEALED)**

(EDITOR'S NOTE: Section 1042.22 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.23 INDUSTRIAL DISCHARGE PERMITS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.23 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.24 MONITORING AND REPORTING REQUIREMENTS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.24 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.25 ENFORCEMENT. (REPEALED)**

(EDITOR'S NOTE: Section 1042.25 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.26 CHARGES AND FEES. (REPEALED)**

(EDITOR'S NOTE: Section 1042.26 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.27 RETENTION OF RECORDS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.27 was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

#### **1042.28 MEASUREMENT OF SERVICE.**

(a) In case of a discontinuance of actual occupancy and use of a building or premises possessing a wastewater connection for any period of time during a monthly billing period, the final bill shall be based on the measured service, except that in no case shall the final bill be less than the minimum monthly rate.

(b) If a building or premises discharging into the wastewater system either wastewater or industrial wastes, or both, either directly or indirectly, is not a user of City water and is not in possession of a water meter, the amount of water consumption on such premises shall be otherwise measured or determined by the City Manager in order to determine the rental charge.

(c) If a building or premises discharging into the wastewater system either wastewater or industrial wastes, or both, either directly or indirectly, is a user of City water, a portion of which water is used in product manufacturing and does not enter the wastewater system, the amount of wastewater usage entering the system shall be otherwise measured or determined by the City Manager in order to determine the rental charge.

(Ord. 2582. Passed 11-10-97.)

### **1042.29 CHARGES; MONTHLY PAYMENTS; NET AND GROSS RATES.**

- (a) The charge or rental established by Council shall be paid in twelve monthly installments each year, payable monthly at the City Municipal Building or its financial collection agencies on the assigned collection date for the applicable collection period.
- (b) The rates, including the minimum charge, established by Council, are net rates and apply only with respect to bills paid within fifteen days after their dates of issuance. The gross rates, which are the net rates plus fifteen percent, shall apply to all bills not paid within fifteen days.
- (c) Each charge or rental is hereby made a lien upon the corresponding building or premises served by a connection. If such charge or rental is not paid within thirty days, it shall be collected in the same manner as property taxes.

(Ord. 2582. Passed 11-10-97.)

### **1042.30 CHARGES; DELINQUENCY; REMEDY OF CITY.**

- (a) Delinquent payments for sewer rentals shall be certified and assessed as a lien upon the property served. Each sewer rental charge which has become due and has remained unpaid for thirty days may be certified by the Clerk of Council to the County Auditor prior to September of each year, together with a description of the premises served. The amount certified shall include a twenty percent collection fee to be added to the actual sewer rental charge. The County Auditor is hereby directed to place on the tax duplicate those charges for sewer rentals and the twenty percent collection fee as may be certified by the Clerk of Council. Any such list shall be modified to reflect payment of delinquent charges prior to certification.
- (b) Any past due utility payment that is thirty dollars (\$30.00) or more shall result in water services disconnect. A disconnection notice will be issued at least 30 days prior to disconnect.

(Ord. 1997. Passed 5-10-82; Ord. 2225. Passed 5-22-89; Ord. 2953. Passed 12-10-07.)

### **1042.31 CHARGES; DEPOSIT OF FUNDS; APPROPRIATIONS.**

Funds received from the collection of charges or rentals authorized by this chapter shall be deposited with the Director of Finance and moneys so deposited shall be kept in a separate and distinct fund to be known as the "Wastewater Fund." Council shall appropriate moneys from this Fund for the purpose of managing, operating and maintaining the wastewater system.

(Ord. 1679. Passed 8-10-70.)

### **1042.32 CHARGES; USE OF FUNDS.**

Funds received from the collection of charges or rentals authorized by this chapter shall be used for the payment of the costs and expenses of the management, maintenance, improvement, expansion, operation and repair of the wastewater system and wastewater treatment works and any surplus in such funds shall be used for the enlargement or replacement of the same or for the payment of the interest on any debt incurred for the construction of such wastewater system and wastewater treatment works or for the creation of a sinking fund for the payment of such debt. No part of such funds shall be used for the operation of any other department in the City government.

(Ord. 1679. Passed 8-10-70.)

### **1042.325 OPERATING AND MAINTENANCE CHARGE; MONTHLY PAYMENTS; LIEN.**

(a) To pay a part of the cost and expense of operating, maintaining and improving the wastewater system and the wastewater treatment plant of the City of Geneva, there is hereby levied, upon each lot and premises on which there is located any building which has installed thereon any wastewater connection with the wastewater system, a direct charge as follows:

(1) Premises located within corporate limits of City.

A. For premises within the corporate limits discharging wastewater or industrial wastes, either directly or indirectly, into the



wastewater system, there shall be charged, based on cubic feet of water consumption per month, to be paid in accordance with divisions (e) through (g) of this section, the following:

Effective January 1, 2010:

First 270 cubic feet (minimum)     \$ 13.22

Each 100 cubic feet thereafter     5.43 per 100 cu. ft.

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

B. The sewer charge for a mobile home park shall be determined by multiplying the number of units located within the park by the minimum rate as indicated above. The volume shall be determined by multiplying 270 cubic feet times the number of units within the mobile home park, and all usage in excess of this amount shall be computed in accordance determined. This total shall constitute the monthly billing.

(2) Premises located outside corporate limits of City.

A. For premises outside the corporate limits discharging wastewater or industrial wastes, either directly or indirectly, into the wastewater system, there shall be charged, based on cubic feet of water consumption per month, to be paid in accordance with divisions (e) through (g) of this section, the following:

Effective January 1, 2010:

First 270 cubic feet (minimum)     19.83

Each 100 cubic feet thereafter     8.14 per 100 cu. ft.

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

B. The sewer charge for a mobile home park shall be determined by multiplying the number of units within the park by the minimum rate as indicated above. The volume shall be determined by multiplying 270 cubic feet times the number of units within the mobile home park, and all usage in excess of this amount shall be computed in accordance determined. This total shall constitute the monthly billing.

(Ord. 2582. Passed 11-10-97; Ord. 2735. Passed 12-17-01; Ord. 2953. Passed 12-10-07.)

(b) In case of a discontinuance of actual occupancy and use of the building or premises possessing the wastewater connection, for any period of time during a monthly billing period, the final bill shall be based on the measured service, except that in no case shall the final bill be less than the minimum monthly rate.

(c) In case a building or premises discharging into the wastewater system either wastewater or industrial wastes, or both, either directly or indirectly, is not a user of City water and is not in possession of a water meter, then in such case, the amount of water consumption on such premises should be otherwise measured or determined by the Director of Public Service in order to determine the rental charge provided for in this section.

(d) In case a building or premises discharging into the wastewater system either wastewater or industrial wastes, or both, either directly or indirectly, is a user of City water of which a portion is used in product manufacturing and does not enter the wastewater system, then in such case, the amount of wastewater usage entering the system shall be otherwise measured or determined by the Director of Public Service in order to determine the rental charge as provided for in this section.

(e) The charge or rent levied by this section shall be payable in twelve monthly payments in each year, payable monthly, at the Municipal Building, City Manager's office, or the City's financial collection agencies, on or before the fifteenth calendar day from the billing date. The new rate schedule shall become effective January 1, 2008.

(f) The rates (including minimum charges) set forth in this section are net rates and apply only with respect to bills paid within fifteen days after the billing date. The gross rates which are the above rates plus fifteen percent apply to all bills not so paid within fifteen days.

(g) Each charge or rental levied by or pursuant to this section is hereby made a lien upon the corresponding building or premises served by such connection and, if not paid within thirty days, shall be collected in the same manner as are City taxes.

(h) The City will pass on to the wastewater customer any and all initial service and final read charges made to the City by the water company or by Ashtabula County Department of Environmental Services.

### **1042.33 APPROVAL REQUIRED FOR SEWER WORK OUTSIDE CORPORATE LIMITS.**

No sewer line construction, extension or tap shall be made outside the corporate limits of the City without the approval of the Director of Public Service.

### **1042.34 APPROVAL REQUIRED FOR CONSTRUCTION, EXTENSION OR TAP TERMINATING OUTSIDE CITY.**

No sewer line construction, extension or tap shall be made inside the corporate limits of the City, which construction, extension or tap has its termination point outside the corporate limits of the City, without the approval of the Director of Public Service.

### **1042.35 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

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

(1930 Code Ch. XII, Sec. 163; 1968 Code Sec. 74-47)

(b) A thirty-day notice to comply with the provisions of subsection (a) hereof shall be sent to any owner, agent, lessee, tenant or occupant. No such owner, agent, lessee, tenant or occupant shall fail to comply with subsection (a) hereof within such thirty-day period. A separate offense shall be deemed committed each day such violation continues after a period of thirty days following the original conviction.

(1930 Code Ch. XII, Sec. 164; 1968 Code Sec. 74-48)

### **1042.36 LIABILITY TO CITY FOR VIOLATION.**

Whoever violates or fails to comply with any of the provisions of this chapter shall be liable to the City for any expense, loss or damage occasioned the City by reason of such violation or noncompliance, in addition to the penalty provided in Section 1042.99 and in addition to any other penalty, surcharge or remedy provided in this chapter.

(Ord. 1460. Passed 1-8-62.)

### **1042.37 BYPASS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.37 was repealed by Ordinance 2309, passed October 28, 1991. Chapter 1043.)

### **1042.99 PENALTY. (REPEALED IN PART)**

(a) Whoever violates or fails to comply with any of the provisions of Section 1042.015 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 2109. Passed 9-23-85.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)

(c) (EDITOR'S NOTE: Subsection (c) was repealed by Ordinance 2309, passed October 28, 1991. See Chapter 1043.)