



Agenda

Oxford City Council

Court House

TUESDAY, DECEMBER 17, 2013

EXECUTIVE SESSION

7:15 P.M.

1. Roll Call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; Edna Southard

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

- A. Presentation - Oxford VillAGE Network - Joan Potter Sommer.
- B. Appointments to Boards and Commissions.
- C. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

- A. Minutes of the December 3, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the December 4, 2013 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the December 4, 2013 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

- 1. A Resolution authorizing the City Manager to close Lot 52 each Saturday in 2014 from 5:00 a.m. to 12:30 p.m. to permit the operation of the Farmers Market within Lot 52 during said time. (Doug Elliott, City Manager)



Staff Report/Resolution

- 2. A Resolution authorizing the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorizing the City of Oxford to provide emergency medical services to the western portion of Milford Township pursuant to the agreement. (Doug Elliott, City Manager)



Staff Report/Resolution

- 3. A Resolution authorizing a \$122,533.50 reduction of a \$190,033.50 Letter of Credit Performance Bond for Campus Commons Subdivision, Phase Two, and accepting a new Letter of Credit Performance Bond in the amount of \$67,500.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

4. A Resolution releasing the mortgage between mortgagors Michael M. Patterson and Michelle Krause Patterson and lender the City of Oxford recorded on September 2, 2009 at Book 8150 Page 1846 of the Butler County Records and authorizing the City Manager to sign the release of mortgage on the condition that the Pattersons sign a replacement mortgage granting the City of Oxford a mortgage in the amount of \$124,006.06. (Alan Kyger, Economic Development Director)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Authorizing The City Manager To Enter Into An Agreement With The Talawanda School District In A Form Substantially Similar To The Agreement Attached Hereto As Exhibit "a"; Granting The City Permanent Easements Across Three (3) Parcels Of Land Owned By The District In Exchange For The City Releasing Its Reversionary Rights To Two Parcels Totaling 9.37 Acres; And Contingent Upon The Sale Of The Former High School Property To Miami University. (Doug Elliott, City Manager)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Repealing Oxford Codified Ordinance Section 1305.02 Entitled Additions, Insertions And Changes (To The Oxford Property Maintenance Code) And Adopting New Oxford Codified Ordinance Section 1305.02 Entitled Additions, Insertions And Changes (To The Oxford Property Maintenance Code) As Set Forth On Exhibit "A" Attached Hereto And Incorporated Herein By Reference. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Chapter 921 Entitled Water Service, And Adopting New Oxford Codified Ordinance Chapter 921 Entitled Water Service. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Codified Ordinance Chapter 923 Entitled Sewers And Sewage Disposal, And Adopting New Oxford Codified Ordinance Chapter 923 Entitled Sewers And Wastewater Disposal. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

4. An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

- B. Future Meetings. (Note: Meetings will be held at the Court House unless otherwise indicated.)

WED - Dec 18 Board of Zoning Appeals Meeting 7:30 p.m.

TUES - Dec 24 Holiday - City Offices Closed

WED - Dec 25 Holiday - City Offices Closed

FRI - Dec 27 Community Improvement Corporation Meeting Cancelled

WED - Jan 1 Holiday - City Offices Closed

TUES - Jan 7 City Council Meeting 7:30 p.m.

WED - Jan 8 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - Jan 8 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Jan 14 Planning Commission Meeting 7:30 p.m.

WED - Jan 15 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Jan 16 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

MON - Jan 20 Housing Advisory Commission Meeting Cancelled

MON - Jan 20 Holiday - City Offices Closed

TUES - Jan 21 City Council Meeting 7:30 p.m.

WED - Jan 22 Civil Service Commission Meeting 6:00 p.m.

8. Adjourn.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

12/3/2013

Account Code No. :

see below

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

11/26/2013

Date Prepared

Agenda Title:	2013 Supplemental Budget #6
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Recommendation:	Approve
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Issue 1

As discussed during Council work session, advance did not happen in 2013 due to the fact the advance was not repaid in 2012 and transfer \$400,000 from the General Fund to the Fire/EMS Fund to help finance improvements to Fire Station.

Revenue Side

Fire/EMS 418	400,000.00	Transfer from General Fund
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Expense Side

General 110	400,000.00	Transfer to Fire/EMS
General 110	(395,000.00)	Advance to Capital Improvement Fund

Net Effect on Fund Balance/(s)	395,000.00	
Increase/(Decrease)		

Issue 2

Adjusting 2013 budgeted transfer from Landfill Post-Closure Investment Fund to Refuse Fund to align fund balance in the Landfill Post-Closure Investment Fund to estimated future post-closure costs.

Revenue Side

Refuse 341	(195,000.00)	Transfer from Landfill Post-Closure Investment Fund
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Expense Side

Landfill Post-Closure Investment 353	(195,000.00)	Transfer to Refuse Fund
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Net Effect on Fund Balance/(s)	-	
Increase/(Decrease)		

Issue 3

Hotel and Convention Tax revenue is averaging 19% more in 2013 and 2012 (through the end of November) need to increase budgeted revenue in both the General Fund and Hotel & Convention Tax Fund \$24,000 to a revised estimate of \$218,650 City will only pay the OVB actual amount received up to the additional \$24,000.

Action Needed:

Revenue Side

General 110	24,000.00	Estimated increase in revenue
Hotel & Convention Tax 120	24,000.00	Estimated increase in revenue
General 110	1,440.00	Transfer from Hotel & Convention Tax Fund

Expense Side

Hotel & Convention Tax 120	22,560.00	Amount owed to Oxford Visitors per 2013 Budget 94%
Hotel & Convention Tax 120	1,440.00	Transfer to General Fund
Net Effect on Fund Balance/(s) Increase/(Decrease)	25,440.00	

Issue 4

Increase in budgeted Income Tax Revenue and corresponding budgeted retainer and refunds.

Revenue Side

General 110	200,000.00	Estimated increase Income Tax revenue
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Expense Side

General 110	15,000.00	Estimated increase in retainer and refunds
Net Effect on Fund Balance/(s) Increase/(Decrease)	185,000.00	

Issue 5

Adjustments necessary due to increase in budgeted medical expenses
(will only happen if expenses meets this expected level)

Action Needed:

Revenue Side

- N/A

Expense Side

Employee Benefits 230	68,000.00	Anticipated increase expenditures (unencumbered balance)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(68,000.00)	
Hotel & Convention Tax 120	-	
Fire/EMS 418	400,000.00	
General 110	205,440.00	
Refuse 341	(195,000.00)	
Landfill Post-Closure Investment 353	195,000.00	
Employee Benefits 230	(68,000.00)	
Net Effect on Fund Balance/(s)	537,440.00	

Approved By:

Department Head:

City Manager:

Initials	Date
<i>[Signature]</i>	11/26/13
<i>[Signature]</i>	11/27/13

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3190. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2013.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	24,000.00
Hotel & Convention Tax Fund 120	24,000.00
General Fund 110	200,000.00
Refuse Fund 341	(195,000.00)

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

Hotel & Convention Tax Fund 120	22,560.00
Hotel & Convention Tax Fund 120	1,440.00
General Fund 110	15,000.00
Employee Benefits Fund 230	68,000.00
General Fund 110	400,000.00
General Fund 110	(395,000.00)
Landfill Post-Closure Investment Fund 353	(195,000.00)

SECTION 4: The following transfer(s) be executed:

Transfer from:	
Hotel & Convention Tax Fund 120	1,440.00
General Fund 110	400,000.00

Transfer to:	
General Fund 110	1,440.00
Fire/EMS Fund 418	400,000.00

SECTION 5: The following increase/(decrease)in revenues be made:

General Fund 110	1,440.00
Fire/EMS Fund 418	400,000.00

SECTION 6: In all other respects, Ordinance No. 3190 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 4, 2013

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 28, 2013
Date Prepared

Agenda Title: Update of Oxford Codified Ordinance Section 923 – Sewers and Wastewater Disposal

Recommendation: Approval

Discussion:

City Staff have reviewed Section 923 of the Oxford Codified Ordinances and made recommendations for changes to the Code. Proposed deletions to the Code are in “strikethrough” and additions to the Code are in bold font.

Typical changes throughout the Code are generally for clarification purposes. Where technical requirements are already addressed in the City’s utility manual, *City of Oxford Water and Sanitary Sewer Improvement Specifications Manual*, Staff has proposed deletions from the Code. Where Fees or Rates are discussed in Section 923, Staff has proposed deletion with the pertinent information being added to the Fee Ordinance section of the Code. Staff has also proposed an increase in the penalty for violating provisions of Section 923. The existing penalty of \$500 is no longer sufficient to serve as a deterrent to violations or to cover the City’s expenses to mitigate violations. Some discharge limits for sanitary sewers have been lowered to proportionally match the City’s National Pollutant Discharge Elimination System permit issued by the Ohio Environmental Protection Agency (OEPA).

These proposed changes should accomplish five results:

1. Section 923 should be clearer and readily understandable.
2. Service Department rates and fees will be located only in one section of the Code.
3. Technical information will be found in the City’s specifications manual rather than in Section 923.
4. The chances for conflicting information within the Code will be substantially reduced.
5. Discharge limitations will enable the City to remain in compliance with OEPA standards.

Staff recommends approval of the revisions to Section 923.

Approved By:

Department Head:

City Manager:

Initial Date
MBD \ 10/29/13

DRE \ 11/1/13

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 923 ENTITLED SEWERS AND SEWAGE DISPOSAL, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 923 ENTITLED SEWERS AND WASTEWATER DISPOSAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Service Director recommend Oxford Codified Ordinance Chapter 923 entitled Sewers and Sewage Disposal be repealed, and new Oxford Codified Ordinance Chapter 923 entitled Sewers and Wastewater Disposal be adopted to provide necessary updates and clarifications within the code.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and hereby repeals Oxford Codified Ordinance Chapter 923 entitled Sewers and Sewage Disposal, and adopts new Oxford Codified Ordinance Chapter 923 entitled Sewers and Wastewater Disposal as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Chapter 923

Sewers and Wastewater Disposal

- 923.01 Definitions
- 923.02 System control by Service Director
- 923.03 Collection and fund control by City Auditor
- 923.04 Rules and regulations authorized
- 923.05 Access for inspection and testing
- 923.06 Deposit of waste on public or private property prohibited
- 923.07 Discharge into natural outlet prohibited
- 923.08 Private disposal system unlawful; exception
- 923.09 Connections to public sewer system required; exceptions
- 923.10 Storm or surface water prohibited in sanitary sewer
- 923.11 Discharge of storm water and unpolluted drainage
- 923.12 Discharge of certain substances into sewers prohibited
- 923.13 Grease, oil and sand interceptors
Fats, oils & grease (FOG) discharges
- 923.14 Preliminary treatment of certain wastes
- 923.15 Preliminary treatment facilities at owner's expense
- 923.16 Private industrial waste treatment facilities
- 923.17 **16** Manhole location and installation
- 923.18 **17** Tests and analyses
- 923.19 **18** Special industrial waste agreements
- 923.20 **19** Connection/access permit required
- 923.21 **20** Application for permit; tap-in fees
- 923.22 **21** Owner responsible for building **sanitary** sewer
- 923.23 **22** Separate building **sanitary** sewer required; exceptions
- 923.24 **23** Use of old building **sanitary** sewers
- 923.25 **24** Required pipe materials
Design and Construction
- 923.26 Size and slope of sewer
- 923.27 Entrance into building, grade, depth
- 923.28 Lifting wastewater by artificial means
- 923.29 Excavations
- 923.30 Joints and manholes
- 923.31 Connecting building sewer into public sewer
- 923.32 **25** Notice to inspect and connect building sewer
- 923.33 **26** Excavation safety requirements; pavement restoration
- 923.34 **27** Pipe laying **installation** in street
- 923.35 Surface settlement repairs
- 923.36 License required for connecting with or opening sewer
- 923.37 **28** Private disposal system where sewer not available
- 923.38 **29** Memorandum that no public sewer is available
- 923.39 **30** Private system to conform to **State** regulations; discharge into public sewer
- 923.40 **31** Procedure when **public** sewer becomes available
- 923.41 **32** Owner to maintain private **collection** system in a sanitary sewer **manner**
- 923.42 **33** Declaration to collect sewer charges
- 923.43 **34** Sewer rates
- 923.44 **35** **Sanitary** sewer charge

combined with water bill	923.52 42 Surcharges
923.45 36 Unpaid bills; certification to County Auditor	923.53 43 Industry monthly report
923.46 37 Sanitary sewer fund	923.54 44 New industry survey
923.47 38 Subdividers and owners of property to be annexed	923.60 45 Non acceptable wastewater and industrial pretreatment
923.48 39 Property located outside of City of Oxford	923.61 46 Use of public sewers
923.49 40 Damage to sewer wastewater works treatment system prohibited	923.62 47 Wastewater monitoring and inspection
923.50 Supplemental definitions	923.62 48 Administrative regulations
923.51 41 Sewer service charges; collections and terminations	923.64 49 Protections from accidental discharge
	923.99 Penalties and enforcement

CROSS REFERENCES

Power to construct sewerage system – see Ohio R.C. 715.40, 717.01
 Compulsory sewer connection – see Ohio R.C. 729.06
 Management and control of sewerage system – see Ohio R.C. 729.50
 Regulations to control house sewers and connections – see Ohio R.C. 729.51
~~Untreated wastewater – see Ohio R.C. 3701.59~~
 Interference with wastewater flow – see Ohio R.C. 4933.24

923.01 DEFINITIONS

For the purpose of this chapter certain words and phrases shall have the meanings respectively ascribed to them. **Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).**

- (a) **Additives - Enzymes, bacteria, and/or other products designed to emulsify FOG and/or biologically treat FOG for grease remediation.**

“B.O.D.” (biochemical oxygen demand) means that quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in parts per million by weight. Such B.O.D. shall be determined as described under the heading “Biochemical Oxygen Demand” in the latest edition of “*Standard Methods for the Examination of Water, Wastewater and Industrial Wastes*” as published jointly by the American Public Health Association,

the American Water Works Association and the Federation of Wastewater and Industrial Wastes Association.

Best Management Practices (BMP) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

Butler County Health Department - Local public health agency responsible for implementation and enforcement of the International Plumbing Code, and oversight of Food Service Establishments in Butler County.

- (b) **“Building drain”** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside ~~and~~ walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.
- (e) **“Building sewer”** means the extension from the building drain to the public sewer or other place of disposal.
- (d) **“City”** ~~shall mean the City of Oxford, Ohio, acting through its duly authorized officials and employees.~~

City of Oxford (City) - Publicly-owned utility charged with operating the City’s wastewater collection system and wastewater treatment plant under the direction of the Service Director.

Change in Operations - Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for sewer backups and/or SSOs to occur.

- (e) **“C.O.D.” (chemical oxygen demand)** means that quantity of oxygen required to oxidize the organic matter in a waste sample under specific conditions of oxidizing agents, temperature and time. Such C.O.D. shall be determined by laboratory analysis and is expressed in milligrams per liter by weight. This test result should be considered as an independent measurement of organic matter in the sample. This method can be applied to domestic and industrial waste sample having an organic carbon concentration. This test is particularly applicable where biological activity in the sample is low or absent. The procedure to be used for this determination is found in the latest edition of “Standard Methods for the Examination of Water and Wastewater”.

- (f) **“Combined sewer”** shall mean a sewer intended to receive both wastewater and storm or surface water.
- (g) **“Commercial user”** shall mean any user of the wastewater system not specifically categorized as residential or industrial and generally classified in the Standard Industrial Classification (SIC) Manual of the U.S. Office of Management and Budget in Division F (Wholesale Trade), Division G (Retail Trade), Division H (Finance, Insurance and Real Estate), portions of Division I (Services), and Division J (Public Administration).

Composite Sample - A collection of individual samples obtained from one location (discharger) at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

County - Butler County, Ohio, or its authorized agents or representatives including the Butler County Department of Environmental Services (BCDES).

Debt service shall mean the funds used for the retirement of an interest on bonds and/or notes authorized and issued by the City of Oxford, Ohio, to construct wastewater system facilities.

Discharger - Any person who discharges or caused a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

- (h) **“Domestic Sewage” Wastewater** means wastewater is waste derived principally from dwellings, business buildings, institutions and the like which originates within the building including the waste from kitchens, water closets, lavatories, bathrooms, showers and laundries.

Effluent - Any wastewater outflow that is discharged to the sewer.

Engineering Division - The City division responsible for reviewing plans for all future construction of the sanitary sewer infrastructure.

Fats, Oils, and Grease (FOG) - Any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous, or solidifies with a change in temperature or other condition.

FOG Control Program - The program as outlined in “Fats, Oils, and Grease (FOG) Control Rule”.

FOG Wastewater Discharge Permit - A permit issued by the City subjecting the permittee to the requirements and conditions established by the City authorizing the permittee to discharge wastewater into City Facilities or into sanitary sewer facilities which ultimately discharge into a City facility.

Food Service Establishment (FSE) - Any permanent facility within the boundaries of the City's service area, that prepares and/or packages food or beverages for sale or consumption, on or off site, that has any process or device that uses or produces FOG. Excluding private residences, FSEs include, but are not limited to, food courts, food manufacturers, food packagers, food processors, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, and schools.

Food Grinder - Any device installed in the plumbing or wastewater system for the purpose of grinding food waste or food preparation by-products for the purpose of disposal in the sewer system.

- (i) **"Foundation drains"** means subsurface drains laid installed around the foundation of a building either within or outside the building foundation for the purpose of carrying ground or subsurface water.
- (j) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce.

Grab Sample - A sample taken from a waste stream without regard to the flow in the waste stream, and without consideration of time, to monitor for FOG content in wastewater effluent. A grab sample may also be obtained from any designated sanitary appurtenance as needed.

Grease Control Device - Any grease interceptor, grease trap or other mechanical device or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect, or treat FOG prior to it being discharged into the sewer system.

Grease control device may also include any other proven method to reduce FOG subject to approval by the City and the Butler County Health Department.

Grease Interceptor (GI) - A device, usually located underground and outside between a Food Service Establishment and the connection of the sanitary sewer system, designed to collect, contain, and remove

food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. Generally, a device is considered a grease interceptor if it has a capacity greater than 50 pounds. To be effective, these devices must be cleaned and maintained, and have the FOG removed and disposed of in a proper manner on regular intervals as defined by this FOG Rule.

Grease Trap - A grease control device usually located inside the building and under a sink of a FSE, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. Generally, a device is considered a grease interceptor if it has a capacity of 50 pounds or less. Grease traps have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impractical. To be effective, these devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner at regular intervals.

(k) **“Industrial user”** means any nonresidential user who discharges an effluent into the publicly-owned treatment works by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches and all constructed devices and appliances appurtenant thereto.

“Industrial waste” shall mean the liquid and water-carried wastes resulting from the processes employed in industrial, manufacturing, trade, laboratory and/or research facilities or business establishments as distinct from domestic wastes.

Inflow - Water entering a sewer system through a direct storm water/runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

Infiltration - Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

Inspector - A person authorized by the City to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facility.

Interference - Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City’s sanitary sewer system, treatment processes, or operations, is a cause of

violation of the City's NPDES permit; or prevents lawful sludge use or disposal.

Limited Food Preparation Establishment (L-FPE) - A Limited Food Preparation Establishment is generally not considered a Food Service Establishment when engaged only in reheating, hot holding, or assembly of ready to eat food products and as a result, wastewater discharges contain insignificant amounts of FOG. A limited Food Preparation Establishment will generally be classified as a Risk Level I or II food service operation per Ohio Revised Code Chapter 3701.

Manifest - That receipt or form which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City. For purposes related to this FOG Control Rule, manifest generally means either: (1) the receipt from disposal of FOG waste from a Grease Interceptor, or (2) the City's Grease Trap/Interceptor Manifest form (Attachment B).

~~(m) "May" is permissive; "shall" is mandatory.~~

~~(n)~~ **"Natural outlet"** shall mean outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

~~(o)~~ **"NPDES (National Pollutant Discharge Elimination System) permit"** shall mean the same as such is defined by 40 Code of Federal Regulations 125 and in Public Law 92-500, Section 402.

National Pollutant Discharge Elimination System (NPDES) - The permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States of America.

~~(p)~~ **"National Categorical Pretreatment Standard"** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Water Pollution Control Act (33 USC 1347) which applies to a specific category of industrial users.

New Construction - Any structure planned or under construction for which a sanitary sewer connection permit has not been issued.

Noncompliance Fee - A fee established by the City and levied against a user as a result of violation(s) against provisions of this Rule. Noncompliance fees are used to compensate the City for costs of additional inspection and follow-up, samplings, monitoring, lab

analysis, and administrative processing incurred as a result of the noncompliance.

- (q) **“Non-sanitary flow”** means storm water originating from down spouts, storm and ground water drains and foundation drains.

- (a) **Operation and maintenance costs** shall mean costs incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of wastewater in a good state of repair and functioning properly including the replacement of said facilities when necessary.

Permittee - A person who has received a permit to discharge wastewater into the City’s sewer facilities subject to the requirements and conditions established by the City.

- (r) ~~“Person” shall mean any individual, firm, company, association, society, corporation or group.~~

Person - Any individual, partnership, firm, association, corporation, or public agency.

- (s) **“Ph”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A measure of the acidity or alkalinity of a solution expressed in standard units.

Private Wastewater Collection System – means any and all extensions of pipe and appurtenances beyond the initial point of connection into the City of Oxford sanitary sewer main.

POTW – means publically owned treatment works.

- (t) **“Properly shredded garbage food waste”** means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch in any dimension.

Public Agency - The State of Ohio and/or any city, county, special district, other local governmental authority, or public body of/or within this State.

- (u) **“Public sewer”** shall mean any sewer owned by the City, including storm, sanitary or combined sewers.

Regulatory Agencies - Those agencies having regulatory jurisdiction over the operations of the City including but not limited to:

- A. **United States Environmental Protection Agency, Region V, Chicago, IL and Washington, DC (USEPA).**
- B. **Ohio Environmental Protection Agency, Columbus, Ohio (OEPA), and Ohio Environmental Protection Agency, Southwest District Office, Dayton, Ohio (OEPA).**
- C. **Butler County, Ohio Health Department.**

Remodeling - A physical change or operational change causing increased FOG generation that exceeds the current amount of FOG discharge to the sewer system by the Food Service Establishment.

- (b) **Replacement shall mean expenditures for obtaining and installing equipment accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.**
- (v) **“Residential user” shall mean any user discharging domestic wastes from buildings or premises that are used as permanent places for human occupancy such as single-family dwellings, rowhouses, townhouses, Mobile homes, garden and standard apartments and high rise apartments. Transient lodging, considered commercial in nature, is not included.**

Sample Point - A location approved by the City, for which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

Sampling Facilities - Structure(s) provided at the user’s expense for the City or user to measure and record wastewater constituent mass and concentrations, to collect a representative sample, or to provide access to plug or terminate the discharge.

- ~~(w)~~ **“Sanitary sewer” shall mean a sewer which carries sanitary, commercial, and industrial wastes and to which storm, surface and ground water are not intentionally admitted.**

Sanitary Sewer Overflow (SSO) - An overflow of untreated wastewater from the sanitary sewer system into the environment.

- (x) **Service Director - Director of the City of Oxford Service Department or his authorized agent(s) or representative(s). The Service Director is responsible for the operation and maintenance of all public wastewater facilities of the City.**

- (x) **“Sewage” Wastewater** shall mean the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water).
- (y) **“Sewage” Wastewater system** shall mean the structures, equipment and process required to collect, transport and treat domestic, **commercial**, and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with “wastewater treatment system”.
- (z) **Sewage Wastewater Treatment Plant** means any arrangement of devices and structures used for treating wastewater.
- (aa) ~~“Sewage works” means all facilities for collecting, pumping, treating and disposing of wastewater.~~
- (bb) ~~“Sewer” means a pipe or conduit for carrying wastewater.~~

Sewer Facilities or System - Any property belonging to the City used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

Sewer Lateral - A building sewer as defined in the latest edition of the International Uniform Plumbing Code, Ohio version. It is the wastewater connection between the building’s wastewater facilities and a public sewer system.

- (e) **Sewer service charge** shall mean the total charge levied against users of wastewater system for sewer service. The charge shall include user charges plus the cost of debt service. (Ord. 2171. Passed 8-06-91.)

SIC – means **Standard Industrial Classification**.

Sludge - Any solid, semi-solid or liquid decant from a manufacturing process, utility service, or pretreatment facility.

“Slug load” shall mean any pollutant ~~including oxygen-demanding pollutants~~ **or rate of discharge** released in a single extraordinary discharge episode of sufficient volume or strength to cause interference to the wastewater treatment plant **or interfere with sampling techniques**.

- (ee) ~~“Storm sewer”~~ means a pipe or conduit designed for the purpose of carrying storm, surface, ~~cooling~~ and drainage water from the point of origin to some point of disposal but which is not intended to carry domestic or industrial wastewater.

- (dd) ~~“Suspended solids”~~ means the dry weight of the solids physically suspended in a flow of wastewater, industrial waste or water as determined by the method of determining suspended matter described under the heading “suspended matter” in the latest edition of “Standard Methods for the Examination of Water, Wastewater and Industrial Wastes” as published jointly by the American Public Health Association, the American Water works Association and the Federation of Wastewater and Industrial Wastes Association and expressed parts per million by weight.

Tenant-Finish (Food Service Establishment) - A portion of an existing building that becomes occupied by a Food Service Establishment, often times requiring building and/or plumbing modification to meet the specifications and needs of the FSE tenant. Tenant-finish differs from New Construction in that a sewer connection permit may have already been issued.

Twenty-Five Percent (25%) Rule - Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG prior to discharge to the sewer system.

- (ff) ~~“User” shall mean any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.~~

User - Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.

- (d) **User charge shall mean the charge assessed users of the wastewater system to recover the cost of operation, maintenance and replacement of the wastewater collection and wastewater treatment system and the cost of rendering bills and collecting sewer service charges.**

Waste - Wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

Waste Hauler/Recycler- Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, and business for that purpose.

Waste Minimization Practices - Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.

~~(ee) “Wastewater” shall mean liquid and water-carried waste from dwellings, commercial buildings, industrial facilities and institutions together with any ground water, surface water or storm water that may be present, whether treated or untreated, which is discharged or permitted to enter the wastewater treatment system.~~

Wastewater - The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sanitary sewer.

Wastewater Constituents and Characteristics - The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

~~(hh)~~ **“Wastewater treatment system”** shall mean the structure, equipment and process required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with “wastewater system”.

~~(ii)~~ **“Water course”** means a channel in which a flow of water occurs either continuously or intermittently. (Ord. 2170. Passed 8-06-91).

923.02 SYSTEM CONTROL BY SERVICE DIRECTOR.

The operation, maintenance and repair of the wastewater treatment plant and sanitary and storm sewer systems of the City shall be the responsibility of the Service Director. (Ord. 959. Passed 12-17-63).

923.03 COLLECTION AND FUND CONTROL BY CITY AUDITOR.

The collection and custody of wastewater disposal charges and various permit fees provided in this chapter, and the disbursement thereof, shall be under the supervision and shall be the responsibility of the City Auditor.

923.04 RULES AND REGULATIONS AUTHORIZED.

The Service Director and City Auditor are hereby authorized to adopt and enforce, subject to the approval of the City Manager, such rules and regulations as they deem necessary in the execution of their responsibilities and duties prescribed in this chapter. (Ord. 959. Passed 12-17-63).

923.05 ACCESS FOR INSPECTION AND TESTING.

The employees as designated by the Service Director shall be permitted to enter upon all properties within the City for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. (Ord. 959. Passed 12-17-63).

923.06 DEPOSIT OF WASTE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED.

No person shall 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. (Ord. 959. Passed 12-17-63).

923.07 DISCHARGE INTO NATURAL OUTLET PROHIBITED.

No person shall discharge sanitary wastewater into any natural outlet within the City or discharge industrial wastes or other polluted water into such outlets unless the person so doing is operating with the approval of, or under the permit issued by, the Ohio Environmental Protection Agency. (Ord 959. Passed 12-17-63).

923.08 PRIVATE WASTEWATER DISPOSAL SYSTEM UNLAWFUL; EXCEPTION.

Except as hereinafter provided in Sections 923.37 to 923.41, inclusive, ~~no~~ No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ord. 959. Passed 12-17-63).

923.09 CONNECTIONS TO PUBLIC SEWER SYSTEM REQUIRED; EXCEPTIONS.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley or right-of-way, ~~in which there is now located or may in the future be located a public sanitary sewer of the City,~~ are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities and industrial waste outlets directly with the proper public sanitary sewer in accordance with the provision of this chapter within 90 days after the date of official notice to do so, provided that such public sanitary sewer is within 100 feet of the property line. **In cases where sanitary sewer is not available to a site, it shall be the OWNER/DEVELOPER'S sole responsibility and OWNER/DEVELOPER shall incur all cost to extend the sanitary sewer to OWNER/DEVELOPER'S his site as per the City of Oxford Water and Sanitary Sewer Specifications Manual.** The above action is not required if the owner of such property is operating under a permit from or with the approval of the Ohio Environmental Protection Agency. (Ord. 959. Passed 12-17-63).

923.10 STORM OR SURFACE WATER PROHIBITED IN SANITARY SEWER.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, ~~cooling water or unpolluted industrial process waters~~ into any sanitary sewer. (Ord. 959. Passed 12-17-63).

923.11 DISCHARGE OF STORM WATER AND ~~UNPOLLUTED DRAINAGE.~~

Storm water ~~and any other unpolluted drainage~~ shall be discharged to such sewers as are specifically designated as ~~combined sewers or storm sewers~~, or to a natural outlet approved by the Service Director. ~~Industrial cooling water or unpolluted process waters may be discharged upon approval of the Director into a storm sewer or natural outlet.~~

923.12 DISCHARGE OF CERTAIN SUBSTANCES INTO SEWERS PROHIBITED.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following waters or wastes into any public sewer:

- (a) Any liquid or vapor having a temperature higher than ~~150~~ **140° Fahrenheit or causing the temperature at the treatment plant to exceed 104° Fahrenheit.**
- (b) Any **fats, oils, or grease that may cause or contribute to blockages in the sanitary sewer system.** ~~water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.~~
- (c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (d) Garbage is a solid waste and shall not be shredded and discharged to the sanitary sewer. ~~Any garbage that has not been properly shredded.~~
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater ~~works~~ **treatment system.**
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater ~~works~~ **treatment system.**
- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, or constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the wastewater treatment plant.
- (h) Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 959. Passed 12-17-63.)
- (j) **Petroleum oil, non-biodegradable cutting oil, or products of oil origin in amounts that will cause interference or pass-through at the wastewater treatment plant.**
- (k) **Wastewater that imparts color which cannot be removed by the treatment process including dye waste and animal tanning solutions**

which impart color to the wastewater system effluent, thereby violating the City of Oxford's NPDES Permit.

- (l) Any trucked in or septic tank waste.
- (m) Any pollutant(s) including BOD released in a discharge at a flow rate and/or pollutant concentration which either singly, or by interaction with other pollutants, cause interference with the wastewater system.

923.13 GREASE, OIL AND SAND INTERCEPTORS FATS, OILS, & GREASE (FOG) DISCHARGES.

Fats, Oils, & Grease (FOG) waste control methods and discharges shall meet the requirements as listed in the most recent version of the City of Oxford Fats, Oils, & Grease Control Rule.

~~(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Service Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.~~

~~(b) Grease and oil 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 removable covers which when bolted in place, shall be gastight and watertight.~~

~~(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuous efficient operation at all times. (Ord. 959. Passed 12-17-63.)~~

923.14 PRELIMINARY TREATMENT OF CERTAIN WASTES.

The following conditions are required for preliminary treatment before discharging into the sanitary sewer system.

- (a) The admission into the public sewers of any waters or wastes:
 - (1) Having a five-day biochemical oxygen demand greater than ~~300~~ **200** parts per million by weight; or
 - (2) Containing more than ~~350~~ **200** parts per million by weight of suspended solids; or
 - (3) Having a chemical oxygen demand greater than 500 milligrams per liter by weight; or
 - (4) Containing any quantity of substances having the characteristics described in Section 923.12; or
 - (5) Having an average daily flow greater than ~~0.5~~ **5%** of the average daily wastewater flow of the City shall be subject to the review and approval of the Service Director.

(b) Where necessary in the opinion of the **Service** Director, the owner shall provide at his expense such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to ~~300~~ **200** parts per million and the suspended solids to ~~350~~ **200** parts per million by weight and the chemical oxygen demand to 500 milligrams per liter; or
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 923.12; or
- (3) Control the discharge of such waters or wastes.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the **Service** Director, and no construction of such facilities shall be commenced until such approvals are obtained in writing by **the City of Oxford**. (Ord. 959. Passed 12-17-63.)

923.15 PRELIMINARY TREATMENT FACILITIES AT OWNER'S EXPENSE.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 959. Passed 12-17-63.)

~~923.16 PRIVATE INDUSTRIAL WASTE TREATMENT FACILITIES.~~

~~(a) — In lieu of introducing untreated or partially treated industrial wastes and polluted waters in the sanitary sewers of the City, the owner of premises producing such wastes may construct and operate at his expense, private waste treatment facilities, with the effluent discharge to a natural outlet, provided such facilities are constructed and operated in compliance with Ohio R.C. 6111.~~

~~(b) — Where such private waste treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 959. Passed 12-17-63.)~~

923.17 923.16 MANHOLE LOCATION AND INSTALLATION.

When required by the Service Director, the owner of any property 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. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the **Service** Director. The manhole shall be installed so as to be safe and accessible at all times **in compliance with the most recent City of Oxford Water and Sanitary Sewer Specifications Manual**. (Ord. 959. Passed 12-17-63.)

923.18 923.17 TESTS AND ANALYSES

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 923.12 and ~~923.13~~ shall be determined in accordance with most recent version of "Standard Methods for the Examination of Water and Wastewater" ~~or comparable standard methods acceptable by the City~~ and shall be

determined at the control manhole provided for in Section 923.17 or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. 959. Passed 12-17-63.)

923.19 923.18 SPECIAL INDUSTRIAL WASTE AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City, for treatment, subject to payment therefore by the industrial concern. (Ord. 959. Passed 12-17-63.)

923.20 923.19 CONNECTION / ACCESS PERMIT REQUIRED.

No person shall construct a building sewer or drain or uncover, make any connections with or opening into, use, alter or disturb any public sanitary or storm sewer or appurtenance thereof without first obtaining a written permit from the Service Director. (Ord. 959. Passed 12-17-63.)

923.21 923.20 APPLICATION FOR PERMIT; TAP-IN FEES.

(a) An application for a permit required by Section 923.20 shall be filed in the office of the City Auditor on forms prescribed by the City. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Service Director. (Ord. 959. Passed 12-17-63.)

(b) The applicant shall pay the ~~City a~~**Auditor** at the time the application is made any and all fee's as listed in the most recent version of the City of Oxford Fee Ordinance. ~~the following tap in fees based on water meter size, which fee shall be returned if the application is rejected.~~

<u>Meter Size (Inches)</u>	<u>Sewer Connection Fee</u>
<u>3/4</u>	<u>\$ 175.00</u>
<u>1</u>	<u>200.00</u>
<u>1 1/2</u>	<u>300.00</u>
<u>2</u>	<u>500.00</u>
<u>3</u>	<u>700.00</u>
<u>4</u>	<u>900.00</u>
<u>6</u>	<u>1,300.00</u>
<u>8 & above</u>	<u>1,500.00</u>

~~A 20% charge will be added for nonresidents. No charge will be made on a second water meter if it can be shown that such water measured by this second meter is not returned directly into the sewer system. (Ord. 1101. Passed 5-21-68.)~~

~~(c) The fee for all storm sewer connections shall be three dollars (\$3.00). (Ord. 959. Passed 12-17-63.)~~

923.22 923.21 OWNER RESPONSIBLE FOR BUILDING SANITARY SEWER.

It shall be the responsibility of the property owner to pay the cost of constructing and maintaining the building **sanitary** sewer from the point where such building **sanitary** sewer connects with the public **sanitary** sewer line into the building or premises served. (Ord. 959. Passed 12-17-63.)

923.23 923.22 SEPARATE BUILDING SANITARY SEWER REQUIRED; EXCEPTION.

A separate and independent building **sanitary** sewer shall be provided for every building, except present **sanitary** sewer structures in use; and except that where one building stands at the rear of another on an interior lot and no private **sanitary** sewer is available or can be constructed to the rear building and the whole considered as one building **sanitary** sewer (Ord. 959. Passed 12-17-63.)

923.24 923.23 USE OF OLD BUILDING SANITARY SEWERS.

Old building sanitary sewers may be used in connection with new buildings only when they are found on examination and test by the Service Director to meet all requirements of this chapter. (Ord. 959. Passed 12-17-63.)

923.25 923.24 REQUIRED PIPE MATERIALS. DESIGN AND CONSTRUCTION

~~The building sanitary sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal; vitrified clay sewer pipe, ASTM specification (C700-73) or equal; plastic pipe, ASTM specification (D2661-73 or D 2665-73) or equal; or other suitable material approved by the Service Director. Joints shall be tight and waterproof. Cast iron pipe with leaded joints may be required by the Director where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Director. (Ord. 959. Passed 12-17-63.)~~

Design and construction of all sanitary sewer conduit and appurtenances must meet the requirements as listed in the most recent version of the City of Oxford Water and Sanitary Sewer Specifications Manual.

923.26 SIZE AND SLOPE OF SEWER.

~~The size and slope of the building sanitary sewer shall be subject to the approval of the Service Director, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than ¼ inch per foot. (Ord. 959. Passed 12-17-63.)~~

923.27 ENTRANCE INTO BUILDING, GRADE, DEPTH.

~~Whenever possible the building sanitary sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall~~

~~be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. (Ord. 959. Passed 12-17-63.)~~

~~———— **923.28 LIFTING WASTEWATER BY ARTIFICIAL MEANS.**~~

~~———— In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such drain shall be lifted by approved artificial means and discharged to the building sanitary sewer. (Ord. 959. Passed 12-17-63.)~~

~~———— **923.29 EXCAVATIONS.**~~

~~———— All excavations required for the installation of a building sanitary sewer shall be open trench work unless otherwise approved by the Service Director. Pipe laying and backfill shall be performed in accordance with City standards except that no backfill shall be placed until the work has been inspected. (Ord 959. Passed 12-17-63.)~~

~~———— **923.30 JOINTS AND MANHOLES.**~~

~~———— (a) — All joints and connections in sanitary sewers shall be made gastight and watertight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156) no less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coating shall be permitted on the jointing material until after the joint has been tested and approved. (Ord. 959. Passed 12-17-63.)~~

~~———— (b) — Joints for vitrified clay bell and spigot pipe shall be compression joints as defined by ASTM Designation C-425. Poured joints and joints of the slip seal type will not be approved.~~

~~———— (c) — For concrete sanitary sewer pipe flexible watertight joints conforming to ASTM Designation C-443 will be required.~~

~~———— (d) — If satisfactory materials other than clay or concrete are used for sanitary sewer pipe and joints shall meet standards equal to the standards set forth above for clay and concrete pipe.~~

~~———— (e) — Manholes shall be either poured in place concrete or precast concrete manhole sections. Precast concrete manhole sections shall conform to ASTM Designation C-478 and the joints between sections shall conform to ASTM Designation C-443.~~

~~———— (f) — Revisions of the specifications referred to herein will be accepted provided the revisions upgrade the quality of sewer construction.~~

~~———— (g) — Sanitary sewer specification shall include provisions for testing the tightness of the sewer by an infiltration or exfiltration process or by any other approved~~

process. The testing, as well as the sewer construction, must be under the direction of a qualified engineer or a competent inspector directed by an engineer.

~~———— (h) ——— Building sewers shall be constructed in accordance with specifications equal to those indicated above.~~

~~———— (i) ——— Sanitary sewer plans submitted for approval shall either be accompanied by separate contract specifications or sewer specifications noted on the plans. (Ord. 1107. Passed 6-1-71.)~~

~~———— (j) ——— Other jointing materials and methods may be used only upon approval of the Service Director. (Ord. 959. Passed 12-17-63.)~~

~~———— **923.31 CONNECTING BUILDING SEWER INTO PUBLIC SEWER.**~~

~~———— The connection of the building sanitary sewer into the public sanitary sewer shall be made at the “Y” branch if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located “Y” branch is available, a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of approximately 45°. A 45° ell may be used to make such connection with the spigot and cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Service Director. (Ord. 959. Passed 12-17-63.)~~

923.32 923.25 NOTICE TO INSPECT AND CONNECT BUILDING SEWER.

The applicant for the building sewer permit shall notify the Service Director with respect to a ~~storm~~ or sanitary sewer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Service Director or his representative. (Ord. 959. Passed 12-17-63.)

923.33 923.26 EXCAVATION SAFETY REQUIREMENTS; PAVEMENT RESTORATION.

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. (Ord. 959. Passed 12-17-63.)

923.34 923.27 PIPE LAYING INSTALLATION IN STREET.

No person or corporation shall lay ~~install~~ any pipe or conduit for any purpose in any street ~~or~~ within five feet on either side of a public sewer in any street without permission of the Service Director. (Ord. 959. Passed 12-17-63.)

923.35 SURFACE SETTLEMENT REPAIRS.

~~Any settlement of the surface over a drain on any street or public way occurring within six months after the laying of such drain shall be repaired by the Service Director at the expense of the drain layer if the repairs are not made by the drain layer within 24 hours after notice to repairs is given to such drain layer by the Director. (Ord. 959. Passed 12-17-63.)~~

~~923.36 LICENSE REQUIRED FOR CONNECTING WITH OR OPENING SEWER.~~

~~With the exception of the owner of the building, no person shall construct a building sewer or drain, uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining a license from Butler County. (Ord. 959. Passed 12-17-63.)~~

~~923.37 923.28 PRIVATE DISPOSAL SYSTEM WHERE SEWER NOT AVAILABLE.~~

~~Where a public sanitary or combined sewer is not available under the provisions of Section 923.09, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Sections 923.38 to 923.41 inclusive. (Ord. 959. Passed 12-17-63.)~~

~~923.38 923.29 MEMORANDUM THAT NO PUBLIC SEWER IS AVAILABLE.~~

~~Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written memorandum from the Service Director that the applicant's property **line** is not within 100 feet of a public sanitary sewer. (Ord. 959. Passed 12-17-63.)~~

~~923.39 923.30 PRIVATE SYSTEM TO CONFORM TO STATE REGULATION; DISCHARGE INTO PUBLIC SEWER.~~

(a) The type, capacities, location and layout of a private wastewater disposal system shall comply with the provisions of the Ohio Revised Code and all regulations of the Ohio Department of Public Health and the Ohio Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) No person shall discharge effluent from any private wastewater system into the public sewer system without obtaining permission of the Service Director and paying a fee as determined by the **Service** Director. (Ord. 959. Passed 12-17-63.)

~~923.40 923.31 PROCEDURE WHEN PUBLIC SEWERS BECOMES AVAILABLE.~~

At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system as provided in section 923.09, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material. (Ord. 959. Passed 12-17-63.)

923.41 923.32 OWNER TO MAINTAIN PRIVATE COLLECTION SYSTEM IN A SANITARY MANNER.

The owner shall operate and maintain the private wastewater ~~disposal~~ **collection** facilities in a sanitary manner at all times at no expense to the City. (Ord. 959. Passed 12-17-63.)

923.42 923.33 DECLARATION TO COLLECT SEWER CHARGES.

It is hereby determined and declared to be necessary to the protection of the public health, safety, welfare and convenience to the City to establish and collect charges upon all premises served by the ~~municipal sewerage~~ **wastewater treatment** system of the City. (Ord. 959. Passed 12-17-63.)

923.43 923.34 SEWER RATES.

~~_____ (a) _____ The following shall be the rates charged for the supplying of sewer system services by the City, based upon metered water consumption, or as otherwise furnished to the premises and shall be billed on a monthly basis with the water bill pursuant to Section 921.37.~~

~~INSIDE CORPORATION LIMITS~~

<u>Cubic Feet per Quarter</u>	<u>Charge</u>
_____ First 1,000 or less _____	_____ \$9.50/quarter minimum charge _____
_____ All over 1,000 _____	_____ .80 per 100 cubic feet _____

~~_____ The following rates shall be billed on all sewer service bills rendered on or after December 1, 1987:~~

~~INSIDE CORPORATION LIMITS~~

_____ Service charge _____	_____ \$1.85 per month _____
_____ Volume charge _____	_____ 1.15 per 100 cubic feet _____

~~_____ The following rates shall be billed on all sewer service bills rendered on or after December 1, 1988:~~

~~INSIDE CORPORATION LIMITS~~

_____ Service Charge _____	_____ \$2.05 per month _____
_____ Volume charge _____	_____ 1.60 per 100 cubic feet _____

~~_____ The following rates shall be billed on all sewer service bills rendered on or after December 1, 1989:~~

~~INSIDE CORPORATION LIMITS~~

~~Service Charge~~ ~~\$2.25 per month~~
~~Volume charge~~ ~~1.75 per 100 cubic feet~~
(Ord. 1980. Passed 11-17-87.)

All fees shall be per the current City of Oxford Fee Ordinance.

(b) ~~The foregoing minimum rate~~ **most current Fee Ordinance** shall apply to all owners of improved property within the corporate limits for which sewer service is available whether or not such property is connected to the system; provided, however, that where water not requiring treatment is used by the owner of property located within the corporate limits and such water is not discharged into the sanitary sewer system, upon application made by such user to the Service Director and proof of such condition is provided satisfactory to the Director, the Director may authorize the installation of a separate meter to measure and charge for the water so used without adding the sewer system charge. Such installation shall be made solely at the expense of the applicant property owner. (Ord. 1965. Passed 7-20-82.)

~~(e) Outside Corporation Limits. Same as those within corporate limits plus 50%, except those properties belonging to Miami University and Western College for Women.~~

(d) **Connections.** A connection charge shall be made for all connections ~~within and without the corporate limits. Which charge is provided in Section 923.21 and in the case of property within the corporate limits shall be based upon the cost of making such connection.~~ **based on guidelines in the City of Oxford Water and Sanitary Sewer Specifications Manual and the current Fee Ordinance.**

(e) **Service.** All **sewer wastewater** service furnished by the City through its **sewer wastewater** system to its inhabitants and other uses, ~~including service to the City,~~ shall be billed and paid in accordance with the provision of this chapter and no free service shall be furnished to any user, ~~including the City.~~

(f) **Surcharges of Extra Strength Wastes.** In order that the rates and charges may be justly and equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume but also on strength and character of the wastes which it is required to treat and dispose of. The eCity shall have the right to measure and determine the strength and content of all wastes discharged, either directly or indirectly, into the City's wastewater system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case in order to determine the proper charge.

(g) **Extra charges or surcharges based on the strength of the liquid wastes** shall be made on the following basis: For suspended solids in excess of two pounds for each 1,000 gallons of wastes, an additional charge shall be made at the rate of four cents per 1,000 gallons for each such excess pound. For five-day Biochemical Oxygen Demand in

excess of one and 75/100 pounds for each 1,000 gallons of wastes, an additional charge shall be made at the rate of four cents per 1,000 gallons for each excess pound.

(h) For ether solubles, such as oil and grease, in excess of 50 parts per million, on an average basis, or 100 parts per million on a peak or catch sample basis, an additional charge shall be made at the rate of four cents per 1,000 gallons for each excess pound.

(i) No waste containing chromium or cyanide compounds shall be discharged into the sanitary sewer system.

(j) To determine the strength of wastes, samplings and analyses may be made from time to time whenever it is deemed desirable by the City. After charges have been established, based upon the strength of the wastes, the owner may request reconsideration of these charges by the City submitting, if requested, analyses of composite samples of the wastes, certified by a registered engineer or a graduate chemist, subject to such charges. The City may then adjust the charges to the chapter rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustment may be submitted no more often than once every 12 months.

(k) The determination of suspended solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest edition of "Standard Methods for Examination of Water, Wastewater and Industrial Wastes", as published by the American Public Health Association, the American Water Works Association and the Federation of Wastewater and Industrial Wastes Association.

(l) The foregoing charges are minimum charges, not maximum charges, and the City reserves the right and is obligated to increase the same at any time should the revenues of the sewer system prove insufficient to pay the operating and maintenance expenses and the debt service charges of the first mortgage revenue bonds issued to pay the cost of extending and improving such system, and to refund outstanding mortgage revenue bonds. (Ord. 1078. Passed 11-21-67; Ord. 1384 Passed 5-4-76.)

923.44 923.35 SANITARY SEWER CHARGE COMBINED WITH WATER BILL.

Charges for services furnished the City and its inhabitants and other users by the sewer system shall be rendered and collected by the City Auditor on the same bill and at the same time as charges for water service and payment of the water charge may not be accepted without payment of the **sanitary** sewer charge. (Ord. 1078. Passed 11-21-67.)

923.45 923.36 UNPAID BILLS; CERTIFICATION TO COUNTY AUDITOR.

Should the bill for any service rendered by the **sanitary** sewer system remain unpaid for a period of 30 days, the City Auditor is authorized to ~~cut-off~~ **terminate** such service, which shall then be resumed only upon payment by the user of an additional fee ~~of five dollars (\$5.00)~~ **as stated in the current Fee Ordinance**. If such bill is not paid

within 90 days, the City Auditor is authorized and directed to certify the delinquent bill to the County Auditor for collection as and at the same time that other taxes and assessments are collected. (Ord. 1078. Passed 11-21-67.)

923.46 923.37 SANITARY SEWER FUND.

The funds received from the collection of the charges or rentals authorized by this chapter shall be deposited with the City treasury and shall be accounted for and be known as the "Sanitary Sewer Fund" and when appropriated by Council shall be available for the payment of the cost and expense of the management, maintenance, and repair of the City sanitary sewerage system and the wastewater pumping, treatment and disposal works. Any surplus in such fund shall be used for the payment of the interest on bonds issued and outstanding or which may be issued to provide funds with which to pay the City's portion thereof and such wastewater pumping, treatment and disposal works and to retire such bonds when they mature and/or for the enlargement or replacement of such sanitary sewerage system, pumping, treatment and disposal works. (Ord. 431. Passed 12-30-35.)

923.47 923.38 SUBDIVIDERS AND OWNERS OF PROPERTY TO BE ANNEXED.

(a) All ~~subdividers~~ **developers** and owners of property outside the City desiring to be annexed into the City and desiring to be supplied with water by the City are hereby required to provide for sanitary wastewater disposal in accordance with the ~~plans and~~ **current Water and Sanitary Sewer specifications and any required upgrades to meet the specifications.** ~~of the City Engineer. Such wastewater disposal plans shall provide for the use of the existing wastewater system now owned and operated by the City unless the cost of providing sanitary wastewater disposal and connections with the central system would be extremely excessive.~~

(b) Each subdivider or property owner required to use the central wastewater system of the City shall pay for the cost of the construction of such sanitary sewer to one of the main lines of the central wastewater system and shall further be assessed a tap-in charge in the amount provided in Section 923.21 for each and every lot using such central wastewater system. (Res. 1040. Passed 9-18-62.)

923.48 923.39 PROPERTY LOCATED OUTSIDE OF CITY.

(a) Each owner of property located outside of the City seeking to tap into the City's sanitary wastewater system shall be required to have special permission from Council **by ordinance.**

(b) The terms of such permission shall be set forth in **an agreement** ~~contract~~ between such person and the City.

(c) Each such owner shall pay for the cost of the construction of the sanitary sewer to one of the main lines of the central wastewater system and shall be further assessed ~~a tap-in charges as per the current Fee Ordinance in the amount provided in Section 923.21~~ **as per the current Fee Ordinance** for each and every lot using the ~~central W~~ wastewater system. (Res. 1041. Passed 9-18-62.)

923.49 923.40 DAMAGE TO SEWER WASTEWATER WORKS TREATMENT SYSTEM PROHIBITED.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewer wastewater works treatment system. (Ord 959 Passed. 12-17-63.) **Violations will be subject to penalty as listed in this document and recover/repair costs as listed in the current Fee Ordinance.**

~~923.48 SUPPLEMENTAL DEFINITIONS.~~

~~The following definitions are applicable to Chapter 923:~~

- ~~(e) "User charge" shall mean the charge assessed users of the wastewater system to recover the cost of operation, maintenance and replacement of the wastewater collection and wastewater treatment system and the cost of rendering bills and collecting sewer service charges.~~
- ~~(f) "Operation and maintenance costs" shall mean costs incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of wastewater in a good state of repair and functioning properly including the replacement of said facilities when necessary.~~
- ~~(g) "Replacement" shall mean expenditures for obtaining and installing equipment accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.~~
- ~~(h) "Debt service" shall mean the funds used for the retirement of an interest on bonds and/or notes authorized and issued by the City of Oxford, Ohio, to construct wastewater system facilities.~~
- ~~(i) "Sewer service charge" shall mean the total charge levied against users of wastewater system for sewer service. The charge shall include user charges plus the cost of debt service. (Ord. 2171. Passed 8-06-91.)~~

~~923.51 923.41 SEWER SERVICE CHARGES; COLLECTIONS AND TERMINATIONS.~~

- ~~(a) (1) The following are hereby fixed as the fair, proportional and~~
~~reasonable rates for sewer service charges and user charges are~~
~~based on the metered consumption of water. All users discharging~~
~~waste to the wastewater collection system shall be billed for~~
~~wastewater treatment services as per the most current Fee~~
Ordinance.

Fixed Service Charge

~~Administrative & Billing Charge~~ — \$3.63 per month
~~Volume Charge~~

Annual Review of Charges.

The sewer service charge and user charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs and annual cost of operations and maintenance of the wastewater system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the City will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge and industrial cost recovery system.

~~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 operation, maintenance and replacement costs of wastewater treatment services. (Ord. 2481. Passed 11-19-96.)~~

Late payment Charges. All users will be billed on the first of the month for their sewer service. Bills for sewer service that are not paid by the 18th of the month shall be subject to a ~~ten percent (10%)~~ penalty **as per the current Fee Ordinance.** (Ord. 2721. Passed 6-5-01.)

~~(b) Charges for services furnished users of the sewer system shall be rendered and collected by the City Auditor on the same bill and at the same time as charges for water service and payment of the water charge may not be accepted without payment of the sewer charge.~~

~~(c) Sewer service shall be terminated and cut off by terminating and cutting off water service. (Ord. 2171. Passed 8-6-91.)~~

923.52 923.42 Surcharges.

(a) The following terms as used in this code shall have the meanings ascribed to them as shown:

- (1) "normal wastewater" means wastewater which when analyzed shows by weight and daily average of not more than ~~250~~ **200** parts per million of suspended solids, not more than ~~250~~ **200** parts per million of biochemical oxygen demand and not more than 20 parts per million of oil and grease determined as total soluble matter.
- (2) "Suspended solids" means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering.
- (3) "B.O.D." (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20° C expressed in parts per million by weight.

(b) Wastewater or industrial wastes above normal wastewater strength but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge.

The surcharge shall be determined on the basis of any or all of the following constituents of water or waste:

- (1) Total suspended solids.
- (2) Five-day biochemical oxygen demand at 20° C. and as herein provided.
- (3) Emulsified oil or grease determined as total soluble matter.

(c) when any or all of the total suspended solids, biochemical oxygen demand or emulsified oil or grease of a water or waste accepted for admission to the system exceeds the values of their constituents for normal wastewater, the excess concentration in any or all, as the case may be, shall be subject to a surcharge as follows:

- (1) Pounds of excess suspended solids x ~~\$0.177/lb~~ **as listed in the current Fee Ordinance** = suspended solids surcharge.
- (2) Pounds of excess biochemical oxygen demand x ~~\$0.182/lb~~ **as listed in the current Fee Ordinance** = biochemical oxygen demand surcharge.
- (3) Pounds of excess oil and grease x ~~20-cents/lb.~~ **as listed in the current Fee Ordinance** = oil and grease surcharge.

- (d)
- (1) In addition to the surcharge, the user will pay the user charges as defined and set forth previously in this code.
 - (2) The pounds of biochemical oxygen demand, pounds of suspended solids and pounds of oil and grease per day, above the concentrations previously described for normal strength wastewater that are discharged to the ~~sewerage~~ **wastewater treatment** system, shall be determined by the City or their authorized representative.
 - (3) In addition to the surcharge on biochemical oxygen demand, suspended solids and oil and grease, the City shall have the right to surcharge any user for the discharge of any other pollutant into the wastewater system or for any other reason it deems necessary and appropriate, such as excessively high rates of discharge, requirements of special equipment or monitoring and other special circumstances.

(e) Any commercial user, as defined in this code, that serves or prepares food for human consumption shall pay a surcharge ~~of ten cents per~~ **as per the current Fee Ordinance for** 100 cubic feet of metered water consumption.

(f) Commercial user surcharges have been determined based upon sampling of the sewer system and the resulting conclusion that commercial users serving or preparing food in fact exceed the normal wastewater standard for oil and grease as set forth in this code.

- (g) (1) Any commercial user that estimates that such user discharges an amount of oil and grease that is less than 20 parts per million shall have the option, at said user's expense, of installing a sampling manhole at a location, and constructed according to specifications, approved by the City Engineer.
- (2) Whenever such a sampling manhole has been installed and approved by the City Engineer, the City shall take samples from such manhole at least once every three months provided said user shall have made such a request and shall have paid a sampling fee **as per the current Fee Ordinance**, payable for each such sampling request to the City Auditor.
- (3) If the City sampling indicates said user to be exceeding 20 parts per million of oil and grease discharge, then such user shall pay a surcharge at the rate of ~~20 cents per pound~~ **as per the current fee ordinance** until such time as subsequent sampling, at the request and expense of said user or at the option and expense of the City, indicates said user to be discharging normal wastewater as defined in this code.
- (4) If said City sampling indicates said user to be discharging 20 parts per million or less of oil and grease, then no surcharge will be assessed until such time as subsequent sampling, at the option and expense of the City, indicates a necessity for a surcharge due to a discharge of oil and grease in excess of 20 parts per million.
(Ord. 2171. Passed 8-06-91.)

923.53 923.43 INDUSTRY MONTHLY REPORT.

All industrial users shall send a monthly report to the City listing all chemicals, or chemical compounds, by generic name, used within the industrial facilities for the preceding month and shall call special attention thereon to any chemical or chemical compound used during the month reported that was not used the preceding month.
(Ord 2171.Passed 8-06-91.)

923.54 923.44 NEW INDUSTRY SURVEY.

Whenever an industrial user desires to locate in the City, or does locate within the City, said user shall complete and file with the City a "pretreatment wastewater questionnaire" as supplied by the City and no building permit shall be issued and no water service shall be supplied to any such industrial user until the required pretreatment survey questionnaire has been satisfactorily completed and filed. (Ord. 2171.Passed 9-06-91.)

923.60 923.45 NON ACCEPTABLE WASTEWATER AND INDUSTRIAL PRETREATMENT.

(a) The City shall make and enforce rules and regulations establishing the types and characteristics of wastewater, industrial wastes and other matters which shall be discharged into the sanitary sewerage system, the types and characteristics of wastewater and industrial wastes admissible to the system only after pretreatment,

requisites for pretreatment, and otherwise governing the discharge of wastewater, industrial wastes and other matters into the system in interest of safety and efficient operation of the wastewater treatment plant. Applicable industrial pretreatment conditions and industrial pretreatment regulation, as promulgated under Section 307(b) and (c) of the Clean Water Act, are hereby incorporated in this ordinance and made a part thereof. National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency and as adopted hereinafter, shall be met by all discharges of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the regional administrator by the authority when the authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 Code of Federal Regulations 403.7.

(b) An industry must, upon application for sewer service, present to the City a tabulation of the chemical analysis of the wastes to be discharged to wastewater system and the volume of such wastes, or if this is not available, the expected waste analysis based upon similar processes now in operation.

(c) In cases where the character of wastewater or industrial waste from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system or cannot be treated satisfactorily at the wastewater treatment plant, the City shall compel such users to dispose of such waste and prevent it from entering the sewerage system.

(d) In cases where the character of the wastewater or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the wastewater collection, pumping or treatment works greater than that imposed by the average wastewater entering the sewerage system, the City may: Compel such manufacturing or industrial plant, building or premises to pretreat such wastewater in such manner as specified by the City before discharging it into the sewerage system; require flow control or equalization of such wastes so as to avoid any slug loads or excessive loads that may be harmful to the treatment work; and/or require payment of a surcharge on any such flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

(e) The discharge of non-acceptable industrial wastewater into the sewerage system, whether directly or indirectly, is prohibited. Wastewater shall be deemed non-acceptable when the concentration of harmful or toxic substances in the wastewater exceeds certain prescribed tolerable limits. Toxic or harmful substances include, but are not necessarily limited to, the following:

<u>Toxic or Harmful Substance</u>	<u>Tolerable Limits</u>
Arsenic	0.2 mg/l
Barium	1.0 mg/l
Boron	5.0 mg/l
Cadmium	0.1 mg/l

Chromium +3	0.5	mg/l
Chromium +6	0.5	mg/l
Cobalt	1.0	mg/l
Copper	0.5	mg/l
Cyanide (HCN)	0.5	mg/l
Fluoride	5.0	mg/l
Iron	5.0	mg/l
Lead	0.5	mg/l
Mercury	0.02	mg/l
Molybdenum	5.0	mg/l
Nickel	2.0	mg/l
Phenols	5.0	mg/l
Selenium	0.10	mg/l
Silver	0.03	mg/l
Sulfides	50.0	mg/l
Total Dissolved Solids	1,500.0	mg/l
Tungsten	5.0	mg/l
Zinc	2.0	mg/l
Radioactive Substances	Gross Beta activity (in the known absence of strontium and Alpha emitters)—1,000 micro curies per liter	

The preceding list of toxic or harmful substances is subject to revision as required to meet current water quality standards imposed by state or federal agencies. In special cases involving low volume users, the concentration of toxic or harmful substances in the wastewater may be exceeded if it is determined by the City that the total pounds of toxic or harmful substances discharged to the wastewater system are not harmful to or will not interfere with the wastewater treatment process or will not violate water quality or effluent standards.

(f) No person shall discharge or cause to be discharged, either directly or indirectly to the sewerage system, any of the following described substances, materials, waters or wastes:

- (1) Any liquid or vapor having a temperature higher than ~~150~~ **140°** F. or causing the temperature at the treatment facility to exceed 104° F.
- (2) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other volatile flammable or explosive liquid, solid or gas, as well as any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any way to the operation of the publicly-owned treatment works.
- (3) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public

nuisance or hazard to life or of preventing entry into the sewers for their maintenance and repair.

- (4) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property or causing damage or hazard to structures, equipment or personnel of the wastewater system.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshing, entrails, lime, chemical or paint residues, cannery wastes, bulk solids, or any other solid objects or viscous substance capable of causing obstruction to the flow operation of the wastewater system.
- (6) Any waters or wastes containing a toxic or poisonous substance 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 system.
- (7) Any water or wastes containing emulsified oil or grease exceeding, on analysis, an average of 50 milligrams per liter of oil or grease determined as total soluble matter.
- (8) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than ½ inch in any dimension.
- (9) Any water or wastes containing suspended solids of such character or quality that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or having a chlorine demand greater than 25 parts per million.
- (10) Any water or wastes discharged in large enough quantities to cause a violation of the City's NPDES permit or to make the sludge unsuitable for reclamation.
- (11) Any water or wastes discharged in large enough quantities to cause the effluent from the treatment works to be objectionably colored.
- (12) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations.
- (13) Any slug load which shall mean any pollutant including oxygen demanding pollutants (BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference with or to the publicly-owned treatment works.

The above list is subject to revisions as required to meet current water quality standards imposed by the state or federal agencies.

(g) No statement contained in this section shall be interpreted as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment. In all such cases, the provisions set forth in this code establishing sewer service charges will be governing factors in any contracts entered into, and no special

agreement between the City and any industrial concern shall violate ~~federal~~ **any** pretreatment standards and requirements.

- (h) (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~sanitary engineer, City of Oxford and/or the Butler County Health Department~~ they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
- (2) Grease and oil 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 removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuous efficient operation at all times.
- (i) No person, firm or corporation shall be permitted to connect to or discharge wastewater to the Oxford, Ohio, wastewater 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 such person, firm or corporation. (Ord. 2170. Passed 8-06-91.)

~~923.61~~ 923.46 USE OF PUBLIC SEWERS.

- (a) It shall be unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of said City, any wastewater or polluted waters.
- (b) 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 wastewater without first obtaining the required permits from the City.
- (c) No person, firm or corporation shall discharge or cause to be discharged any storm water, ground water, roof runoff, subsurface drainage, ~~cooling water or unpolluted industrial process water~~ to any sanitary sewer.
- (d) It shall be unlawful to discharge into the building sanitary sewer the surface water which collects in basement or foundation excavations. If the building sanitary sewer is complete before the plumbing can be connected thereto, the builder or sewer tapper shall keep the end of the building sanitary sewer tightly closed with a plumber's plug or other watertight plug.
- (e) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the

future be located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer in accordance with the rules and regulations within 90 days after date of official notice to do so. ~~provided that the property line of the owner's property is within 100 feet of the public sanitary sewer.~~

(f) No person, firm or corporation shall be permitted to connect to or discharge wastewater to the Oxford, Ohio wastewater 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 such person, firm or corporation.

(g) No user shall ever increase the use of process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Categorical Pretreatment Standards or any other standard developed by the State or City.

(h) Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industry, the federal standard, if more stringent, shall supersede the limitations imposed under this ordinance. All affected users shall be notified of applicable reporting requirements, reports and compliance dates. (Ord. 2170. Passed 8-06-91.)

~~923.62~~ 923.47 WASTEWATER MONITORING AND INSPECTION.

(a) All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows and pollutant amounts and concentrations of such pollutants that are necessary to demonstrate compliance with the requirements of this code and any applicable State or Federal pretreatment standard or requirements.

(b) Such records shall be made available upon request by the City. All such records relating to compliance with pretreatment standards shall be made available to officials of the U. S. Environmental Protection Agency (U.S. EPA) upon demand.

(c) If so ordered by the City, the owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. Each discharge shall provide and operate at the discharger's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City may concur with the facility being constructed in the public street or sidewalk areas providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in, or near, such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring

equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharge.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by discharger.

(d) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the City may allow such facility to be constructed in the public right-of-way, with the approval of the public agency having jurisdiction of such right-of-way, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

(e) When more than one user can discharge into a common sewer, the City may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring facilities be installed for each discharge.

(f) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with City requirements and all applicable construction standards and specifications.

(g) Compliance determinations with respect to the prohibitions and limitations contained in this chapter may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period or over a longer or shorter time span as determined necessary by the City in order to meet the needs of specific circumstances.

(h) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standards Methods", "Method for Chemical Analysis of Water and Waste" published by the U.S. EPA or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the Ohio Environmental Protection Agency (Ohio EPA). In addition, all measurements, tests and analysis of the characteristics of wastewater shall also be made in conformance with the ~~October 16, 1975~~ **most current** Federal Register (40 CFR Part 136) entitled "Guidelines for Establishing Test Procedures for the Analysis of Pollutants".

(i) Sampling of industrial wastewater for the purpose of compliance determination with respect to the prohibitions and limitations contained in this chapter will be done at such intervals as ~~designed~~ **designated** by the City. All records of sampling and similar information shall be kept for a period of at least three years.

(j) Duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provision of this chapter.

(k) Duly authorized City employees of the City are authorized to obtain information concerning industrial processes which have a direct bearing on the kind of source of discharge to the wastewater collection system. The industry may withhold information considered confidential provided the industry establishes that revealing such information to the public might result in an advantage to competitors.

(l) While performing necessary work for private properties referred to in subsection (J) hereof, the City or duly authorized employees of the City shall observe all safety rules applicable to the premises. (Ord. 2170. Passed 8-06-91.)

923.63 923.48 ADMINISTRATIVE REGULATIONS.

(a) All new industrial users as well as existing industrial users of the wastewater treatment facilities are required to file a disclosure statement and receive approval from the City. The following information must be supplied on the disclosure statement”

- (1) Name, address and location (if different from the address).
- (2) SIC number according to the SIC Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics.
- (4) Time and duration of contribution.
- (5) Average daily and peak wastewater flow rates including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are, or could be, discharged.
- (8) The nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user will provide and be required to meet the shortest schedule to provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatments required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completion final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - B. No increment referred to in subsection (a) (9) A. shall exceed nine months.
 - C. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Service Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Service Director.
- (10) Each product produced by type, amount, process or processes and rate of production.
 - (11) Type and amount of raw materials processed (average and maximum per day).
 - (12) Number and type of employees and hours of operation of plant and proposed or actual hours operation of pretreatment system.
 - (13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may authorize the industry to discharge subject to the terms and conditions of this chapter.

(b a) Any user subject to National Categorical Pretreatment Standards must submit within nine months of promulgation thereof a revised disclosures-form of the information required by subsection (a)(8) and (9).

(e-b) Within 90 days following the date for final compliance with applicable National Pretreatment Standards or as required by the City, the industry shall submit a report indicating the nature and concentration of all pollutants and the average and maximum daily flows for those processes which are limited by pretreatment standards or requirements.

(d c) Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard, submit to the City during the months of June and December a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards.

(e d) Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, process or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portion of a report shall be available for the use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a 20-day notification is given to the discharger (Ord. 2170. Passed 8-06-91.)

923.64 923.49 PROTECTION FROM ACCIDENTAL DISCHARGE

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(b) If for any reason a facility does not comply with or will be unable to comply with any prohibition or limitations in this chapter, the facility responsible for such discharge shall immediately notify the City so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five days of the occurrence of the non complying discharge. (Ord. 2170. Passed 8-06-91.)

923.99 PENALTIES AND ENFORCEMENT.

(a) Whenever the City determines that any person has violated or is violating any prohibition, limitation or provisions of this chapter, they may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days for a satisfactory correction thereof. Such notice shall also state that any

person in violation of this code shall be liable for any resulting damages **at the rates listed in the current City of Oxford Fee Ordinance** or applicable fines.

The City may, for good cause shown, suspend wastewater treatment service and the wastewater discharge permit of a discharger when it appears to the City that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of person or environment, interferes with operation of the publicly-operated treatment works, or violates any pretreatment limits imposed by this chapter or any wastewater discharge permit issued pursuant to this chapter. Any discharger notified of the suspension of the City's wastewater treatment service and/or the discharger's wastewater discharge permit shall within a reasonable period of time, as determined by the City, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the City shall commence judicial proceeding immediately thereafter to complete the discharger's compliance with such order. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(b) Whenever the City determines that any person has violated or is violating any prohibition, limitation or provision of this chapter, the City may terminate water and sewer service.

(c) After the City Manager has reviewed the facts, he may issue an order to the party responsible directing that, following a specified time period, the water and sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated and such further orders and directives as are necessary and appropriate.

(d) At the end of each calendar year, the City will publish a list of all users who have significantly violated the provisions of this ordinance or the requirements for any applicable federal, state or local pretreatment standard. This list will be published in the largest newspaper serving the City.

(e) Any discharge in violation of the substantive provisions of this chapter or an order of the City Manager shall be considered a public nuisance. If any person discharges wastewater, industrial wastes or other wastes into the City treatment system contrary to the substantive provisions of this chapter or any order of the City Manager, the City may commence and action for appropriate legal and/or equitable relief in the appropriate court.

(f) Any person who is found to have violated an order of the City Manager or who willfully or negligently failed to comply with any provision of this code and/or the orders, rules and regulations issued hereunder shall be fined not less than ~~five hundred~~ **one thousand** dollars (\$5 1000.00) nor more than ~~five ten~~ **thousand** dollars (\$5 10,000.00) ~~for each~~ **per** offense, **per day**. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporter's fees and

other expenses of litigation by appropriate suite at law against the person found to have violated this code or the orders, rules and regulations issued hereunder, **including sampling and monitoring expenses plus any other costs incurred by the City.** (Ord. 2170. Passed 8-06-91.)

1) Injunctive Relief

When the Service Director finds that a user has violated, or continues to violate, any provision of this rule, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Service Director may petition the Court through the City of Oxford's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or completes the specific performance of the wastewater discharge permit, order, or other requirement imposed by this rule on activities of the user. The Service Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

2) Civil Penalties

a) A ~~user-person~~ who has violated, or continues to violate any provision of this ~~rule~~**Chapter**, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Oxford for a maximum civil penalty of \$10,000.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b) The Service Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Oxford.

c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, and economic benefit gained through the user's violation, corrective actions by the user, the compliance history of he user, and other factors as justice required.

d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the user.

3. Criminal Prosecution

a) A ~~person~~user who willfully or negligently violates any provision of this rule, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be punished according to applicable state and federal law.

b) A ~~person~~user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be punished according to applicable state and federal law.

c) A ~~person~~user who knowingly makes any false statements, representation, or certifications in any application, record, report, plan, or other documentation files, or required to be maintained, pursuant to this rule, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, method, or sample required under this rule, shall, upon conviction, be punished by applicable state and federal law.

4. Remedies Nonexclusive

The remedies provided for in this rule are not exclusive. The Service Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Oxford as outlined in this ordinance. However, the Service Director may take other action against any user when the circumstances warrant. Further, the Service Director is empowered to take more than one enforcement action against any noncompliant user.

5. Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Service Director. Any person(s) creating a public nuisance shall be subject to the provisions of O.R.C. 6111.01 governing such nuisances, including reimbursing the City of Oxford for

any costs incurred in removing, abating, or remedying said nuisance.

6. Contractor Listing

Users that have not achieved compliance with applicable pretreatment standards and requirement may not be eligible to receive a contractual award for the sale of goods or services to the City of Oxford. Existing contracts for the sale of goods or services to the City of Oxford held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Service Director.

7. Penalties for Prohibited Wastewater Discharges

In addition to all the enforcement mechanisms in this section, each industrial user found to be in noncompliance will be subject to charges for the handling, treatment, removal, and disposal of all identified, prohibited materials or conditions that are discharged to the public sewer system prior to the corrections being made. Such penalties do no relieve the industrial users of their obligation to take prompt action in achieving compliance.

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 4, 2013

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 28, 2013
Date Prepared

Agenda Title: Update of Oxford Codified Ordinance Section 921 – Water Service

Recommendation: Approval

Discussion:

City Staff have reviewed Section 921 of the Oxford Codified Ordinances and made recommendations for changes to the Code. Proposed deletions to the Code are in “~~strikethrough~~” and additions to the Code are in bold font.

Typical changes throughout the Code are generally for clarification purposes. Where technical requirements are already addressed in the City’s utility manual, *City of Oxford Water and Sanitary Sewer Improvement Specifications Manual*, Staff has proposed deletions from the Code. Where Fees or Rates are discussed in Section 921, Staff has proposed deletion with the pertinent information being added to the Fee Ordinance section of the Code. Staff has also proposed an increase in the penalty for violating provisions of Section 921. The existing penalty of \$100 is no longer sufficient to serve as a deterrent to violations.

These proposed changes should accomplish four results:

1. Section 921 should be clearer and readily understandable.
2. Service Department rates and fees will be located only in one section of the Code.
3. Technical information will be found in the City’s specifications manual rather than in Section 921.
4. The chances for conflicting information within the Code will be substantially reduced.

Staff recommends approval of the revisions to Section 921.

Approved By:

	Initial	Date
Department Head:	<u>MBD</u>	<u>10/29/13</u>
City Manager:	<u>[Signature]</u>	<u>11/1/13</u>

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 921 ENTITLED WATER SERVICE, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 921 ENTITLED WATER SERVICE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Service Director recommend Oxford Codified Ordinance Chapter 921 entitled Water Service be repealed, and new Oxford Codified Ordinance Chapter 921 entitled Water Service be adopted to provide necessary updates and clarifications within the code.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and hereby repeals Oxford Codified Ordinance Chapter 921 entitled Water Service, and adopts new Oxford Codified Ordinance Chapter 921 entitled Water Service as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Chapter 921 Water Service

- | | |
|--|---|
| <p>921.01 Compliance with rules and regulations</p> <p>921.02 Nonliability of City</p> <p>921.03 System control by Service Director-of
Service</p> <p>921.04 Collection and fund control by
City Auditor</p> <p>921.05 Rules and regulations authorized</p> <p>921.06 Free access for inspection or repair</p> <p>921.07 Water service application; denial
and turn-off</p> <p>921.08 Installation costs and maintenance
responsibilities</p> <p>921.09 Application for original water service
installation</p> <p>921.10 Tap and line installation-by
licensed plumber</p> <p>921.11 Installation of service lines</p> <p>921.12 Size of pipe service line</p> <p>921.13 Inspection and test of service line</p> <p>921.14 Purity of supply not to be impaired
by cross connections</p> <p>921.15 Protective appliances</p> <p>921.16 Relief valves</p> <p>921.17 Air chambers</p> <p>921.18 Private fire protection service</p> <p>921.19 Turning and shutting off water</p> <p>921.20 curb stop operation by City
employees only</p> <p>921.21 Water to be measured by meters</p> <p>921.22 City to install and maintain meters</p> <p>921.23 Meter Locations</p> | <p>921.24 Prohibited meter locations</p> <p>921.25 Meter couplings</p> <p>921.26 25 Stop and waste valves</p> <p>921.27 26 Failure of meter to register</p> <p>921.28 27 Meter testing; fee and
accuracy</p> <p>921.29 28 Authority to meter removal</p> <p>921.30 29 Remedy for use of nonmetered water</p> <p>921.31 30 Water for construction</p> <p>921.32 31 Use of hydrants for
construction</p> <p>921.33 Hydrant connections</p> <p>921.34 32 Opening of hydrants</p> <p>921.35 33 Temporary metered supply;
deposit fee</p> <p>921.36 34 Refund of monetary deposits</p> <p>921.37 35 Water rate; tap-in schedule</p> <p>921.38 36 Billing procedure and
schedule; delinquent accounts;
service resumption fee</p> <p>921.39 37 Failure to received bill</p> <p>921.40 38 City exempt from charges</p> <p>921.41 39 Extension of water line
outside City limits and sale of
water for use outside City limits</p> <p>921.42 40 Backflow protection</p> <p>921.43 41 Damage to water system</p> <p>921.44 42 Tampering</p> <p>921.45 43 Unlawful hydrant use or
connections</p> <p>921.99 Penalty</p> |
|--|---|

CROSS REFERENCES

Utility users liable for own use only – see ~~CHTR~~ **City Charter Section 2.12**

Power to provide & regulate water system – see Ohio R.C. 715.08, 717.01,
743.01

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

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

Ohio Plumbing Code

American Water Works Association Standard C700/C708

921.01 COMPLIANCE WITH RULES AND REGULATIONS.

(a) The supply of water by the City shall be governed by the requirements provided in this chapter.

(b) It is hereby stipulated as a condition of the granting of water supply by the City that all persons now under grant of such water supply, or who may hereafter make application therefore, shall be considered as having agreed to be bound by all the rules and regulations as are herein or as may hereafter be prescribed by the City.
(Ord. 959. Passed 12-17-63.)

(c) Whenever, in his judgment, the City Manager recommends the enactment of rules and regulations to protect or conserve the City water supply or the water system, the Council may, by resolution, promulgate rules and regulations relative to the use of water and/or various restrictions upon the use or conservation of water. Such a resolution may be effective for a specified time period or until altered or terminated by a subsequent resolution of Council.

Whoever knowingly violates any rule, regulation or restriction so adopted and promulgated by Council shall be guilty of violating the provisions of this chapter and subject to the penalty provisions of Section 921.99 as well as the water shut-off provisions of Section 921.07 (c). (Ord. 1555. Passed 12-04-79.)

(d) Whenever, in his judgment, the City Manager determines that a situation exists so as to require the immediate promulgation and enforcement of rules and regulations to protect and conserve the City water supply or the water system, the Manager may promulgate written rules and regulations relative to the use of water and/or various restrictions upon the use or conservation of water. Such rules, regulations and restrictions promulgated by action of the City Manager may be effective for a specified time which shall not exceed 30 days without a resolution of Council pursuant to Section 921.01 (c).

Whoever knowingly violates any rule, regulation or restriction so promulgated by the City Manager shall be guilty of violating the provisions of this chapter and subject to the penalty provisions of Section 921.99 as well as the water shut-off provision of Section 921.07 (c).
(Ord. 1540. Passed 10-02-79.)

921.02 NONLIABILITY OF CITY.

No person shall enter a claim for damage against the City or any officer thereof for damage to any pipe, fixture or appurtenance by reason of interrupted water supply, variation of pressure or for damage of any nature caused by the turning off or turning on, either wholly or partially, of the water supply for the extension, alteration or repair of any water main or premise supply, or for the discontinuance of the premise water supply for the violation of any rule or regulation contained in or authorized by this chapter. No claims shall be allowed against the City on account of the interruption of the water supply caused by the breaking of pipe or machinery, or by stoppage for repairs, on account of fire or other emergency; and no claims shall be allowed for any damage caused by the breaking of any pipe or machinery.
(Ord. 959. Passed 12-17-63.)

921.03 SYSTEM CONTROL BY SERVICE DIRECTOR OF SERVICE.

~~The operation, maintenance and repair of the waterworks and water supply system of the City and the construction, use and maintenance and repair of water mains, service lines, curb~~

~~cocks and water meters shall be under the supervision of and shall be the responsibility of the Director of Service. (Ord. 959, Passed 12-17-63.)~~

The operation, maintenance, and repair of the waterworks, water supply and distribution system of the City and the construction, use, and maintenance and repair of water mains, service lines, curb stops, water meters, water meter pit assemblies, and appurtenances shall be under the supervision of and shall be the responsibility of the Service Director.

921.04 COLLECTION AND FUND CONTROL BY ~~CITY AUDITOR~~ FINANCE DIRECTOR.

The collection and custody of water ~~rents~~ **fees** and other charges relating to the supply of water by the City and the disbursement thereof shall be under the supervision and shall be the responsibility of the ~~City Auditor~~ **Finance Director**. (Ord. 959. Passed 12-17-63.)

921.05 RULES AND REGULATIONS AUTHORIZED.

The ~~Service Director of Service and City Auditor~~ **Finance Director** are hereby authorized to adopt and enforce, subject to the approval of the City Manager, such rules and regulations as they deem necessary in this execution of their responsibilities and duties prescribed in this chapter.
(Ord. 959. Passed 12-17-63.)

921.06 FREE ACCESS FOR INSPECTION OR REPAIR.

It shall be considered a condition of the granting of water supply by the City that the owner or occupant of every premises receiving such water supply shall grant any authorized employee of the City free access to the premises or any part thereof during reasonable or business hours of the day for the inspection of the piping, water meter or appurtenances for the distribution and control of the water supply or the use of such supply; or for the installation, removal, repair or reading of any water meter, or the inspection of the location thereof. Any person who, on receipt of a notification of the purpose of entry, shall refuse free access shall be subject to the penalty provided in Section 921.99 and to the discontinuance of water service to his premises. (Ord. 959. Passed 12-17-63.)

921.07 WATER SERVICE APPLICATION; DENIAL AND TURN OFF.

(a) Except as provided in Section 921.09 relating to the original installation of water service, all applications for water service shall be made at the office of the ~~City Auditor~~ **Finance Director** by the owner of the premises to be supplied or by his authorized agent.

(b) No application for water service shall be allowed and no water shall be supplied to any applicant or consumer where it is apparent that the applicant or consumer is indebted to the City for water supplied, work done, material furnished or penalties imposed (*request Law expand the intent*). This provision shall apply whether the indebtedness was incurred at the premises for which application is made or at any other premises supplied by the City within or ~~without~~ **outside** the corporate limits.

(c) The water supply will be turned off upon the ~~written~~ request of the owner, agent or occupant of the property, or it may be turned off at the initiative of the ~~Service Director of~~ **Service Director**.

Service as a protective measure during vacancy of the premises or for violation of any rule or regulation contained in this chapter or promulgated pursuant thereto.

(Ord. 959. Passed 12-17-63.)

921.08 INSTALLATION COSTS AND MAINTENANCE RESPONSIBILITIES.

(a) It shall be the responsibility of the property owner to pay the cost of constructing the water service line from the point where such service line connects with the water main into the building or premises served **as per the City of Oxford Water and Sanitary Sewer Specifications Manual (latest edition as approved by City Council).** (~~Ord. 959. Passed 12-17-63.~~)

(b) The City shall maintain, **and repair all water lines and appurtenances in the right-of-way.** ~~and replace the curb cock corporation stop, control cocks, valve boxes, curb stops and water meters, as well as that portion of water line from the water main to the curb cock curb stop and where a water meter pit assembly has been installed within the City ROW under the current Water & Sanitary Sewer Improvement Specification Manual (Revised 2005) without expense to the property owner. Said City must maintain said items and water line free of defective condition.~~

(c) The owner ~~and/or occupant~~ of the property shall maintain, repair and replace that portion of the water line **outside of the right-of-way** ~~between the curb cock stop and the building serviced with water. Said owner and/or occupant of the property must maintain said water line free of defective condition.~~ (~~Ord. 1586. Passed 6-3-80.~~)

921.09 APPLICATION FOR ORIGINAL WATER SERVICE INSTALLATION.

Application for the original installation of a supply from a City water main, or for any extension or alteration of an existing supply from the curb line, or within the street property line, shall be filed by ~~a licensed plumber~~ **an applicant** with and for the approval of the **Service** Director ~~of Service~~ prior to the performance of any such work. Such application shall be countersigned by the owner of the property or an authorized agent therefore. The ~~plumber~~ **applicant** making such application shall provide, fully and truly, the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe and the fixtures or appliances to be supplied. Any additional information required for a full knowledge of the purpose of such supply shall be clearly and fully set forth by the applicant. The **Service** Director ~~of Service~~ is herewith empowered to withhold approval of any application wherein such required information is not fully set forth. The **Service** Director ~~of Service~~ shall withhold approval until the tap-in charges set forth in ~~Section 921.37~~ **the City of Oxford's current fee ordinance** are paid to the City Auditor. (Ord. 959. Passed 12-17-63.)

921.10 TAP AND LINE INSTALLATION ~~BY LICENSED PLUMBER.~~

Following construction and acceptance by the City, T the tap into a all existing City water mains and installation of water service lines up to and including water meters and water meter pit assemblies shall be made only by ~~a person licensed to do such work by Butler County or the City~~ **City of Oxford personnel.** (Ord. 959. Passed 12-17-63.)

921.11 INSTALLATION OF SERVICE LINES.

(a) A separate service **pipe line** must be **laid installed** from the main ~~for to~~ each building **property.**, ~~except that a service pipe line may extend from the owner's house or place~~

~~of business to his own barn or garage in the rear if desired. There shall be no combination between the curb line and the building of two or more water supply lines for the supply through a larger single line.~~

(b) No service **pipe line** shall be installed to any lot or parcel of land unless such lot or parcel of land has a frontage on a regularly platted street or public service strip in which a water main has been laid **installed** and unless the water service connection therewith is made between the property lines, extended to the main. ~~If the ground level of the thoroughfare or the lot is higher than the established or proposed grade, the water service shall be laid not less than 36 inches below such established or proposed grade line.~~ **Division of existing service lines for the creation of separate utility accounts (individual meters) shall include a curb stop, meter pit, setter and lid assembly for each meter installed and shall adhere to current City of Oxford Specifications.**

(c) No division of the water service **line** of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land without special permission of the **Service Director of Service**. ~~No division of a water supply service line shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip without special permission of the Service Director of Service.~~

~~(d) — Water service shall be laid on a solid ground bottom and shall have not less than 30 inches for ground or sand filling. When laid on a combined sewer and water trench, the service shall be laid on a shelf or solid ground not nearer than 12 inches to the side wall of the sewer trench.~~

~~(e) — No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are proved by sand filling or such insulation as may be approved by the Director of Service. Service pipes passing through curb or retaining walls shall be adequately safeguarded by the provision of a channel space or pipe casing, not less than twice the diameter of the service pipe. The space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material and made impervious to moistures.~~

~~(f) — When a change of direction of a service is made on either side of a curb or retaining wall, the fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulking joints. The bracing shall be made by concrete backing or by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall. Such clamp rods should be not less than five eighths inch diameter and when buried in soil should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws for fastening clamp rods to pipe shall not be permitted.~~

~~(g) — In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling free from hard lumps, rocks, stones, or other injurious material, around at least six inches over the pipe.~~

921.12 SIZE OF PIPE SERVICE LINE.

~~All water supplies~~ **The design of the water supply service line and water meter for each facility** shall be of undiminished size from the street main to and including the outlet valve of the water meter curb stop. Beyond ~~the meter outlet valve the piping and the service line~~ **the meter outlet valve the piping and the service line** shall be sized and proportioned to **the design of a water supply for each facility. It shall be the responsibility of the developer in accordance with the City of Oxford water supply specifications** to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures or appliance units operating simultaneously. (Ord. 959. Passed 12-17-63.)

921.13 INSPECTION AND TEST OF SERVICE LINE.

No ~~plumber person~~ **person** shall cover or permit the covering of any water service line until the installation has been inspected and approved by the **Service** Director of ~~Service~~. When so directed, ~~the plumber shall subject the piping~~ **shall be subject** to a hydrostatic test in the presence of ~~the a City Inspector~~. (Ord. 959. Passed 12-17-63.)

921.14 PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS.

~~Every person owning or occupying premise receiving its water supply from the City shall maintain such water supply free from any connection either of a direct or of an indirect nature with a water supply from a foreign source, or of any manner of connection with any fixture or appliances whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the City water system. All existing private fire protection systems having cross connection with private supplies must maintain the double check and gate valves.~~ (Ord 959. Passed 12-17-63.)

All existing private fire protection systems having cross connection with private supplies must comply and follow the current City of Oxford Backflow Cross Connection Program and all requirements.

921.15 PROTECTIVE APPLIANCES.

The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises' supply and all appliances thereof against damage arising in any manner from the use of the water supply, variation of water pressure, **excessive water pressure** or any interruption of water supply. ~~Particularly must such owner or occupant protect water-cooled compressors for refrigeration systems by means of high pressure safety cutout devices. These premises must conform to the most current Ohio Plumbing Code.~~ There shall likewise be provided means for the prevention of the transmission of water ram (**hammer**) or noise of operation of any meter, valve or appliance through the water piping of their own or adjacent premises. (Ord. 959. Passed 12-17-63.)

921.16 RELIEF VALVES.

On all closed systems, that is a system having a check valve, pressure regulator or reducing valve, water filter or softener, an effective temperature relief valve shall be installed ~~either in the top tapping or the upper side tapping of the hot water tank or on the hot water distributing pipe connection at the tank. A one-half inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed~~

~~between the hot water tank and the relief valve or on the drain pipe. (Ord. 959. Passed 12-17-63.)~~
in accordance with the current Ohio Plumbing Code.

921.17 AIR CHAMBERS.

An air chamber or approved shock absorber shall be installed in accordance with the current Ohio Plumbing Code. ~~at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it services and a length not less than 15 diameters of such supply pipe. Where possible, the air chamber should be provided with a valve and rain cock at its base for water drainage and replenishment of air.~~
(Ord. 959. Passed 12-17-63.)

921.18 PRIVATE FIRE PROTECTION SERVICE.

If the owner of any building desires to install a private fire protection system in a manner complying with the rules of the American Insurance Association to be used only in case of fire, the City will ~~lay a pipe~~ **install a water line** from the main to the curb and place a valve and valve box at the curb ~~main~~ at the expense of the owner of the premises. No fire service shall be installed which has a carrying capacity of more than 50 percent of the carrying capacity of the water main to which it is connected. ~~A swing check valve~~ **An ASSE 1015 Double Check or ASSE 1048 Double Check Detector Check backflow prevention device must** be placed in the line between the valve that is installed by the City and the sprinkler head, hose connections or ~~hydrant~~ **fire appurtenance** to prevent water backing into the City's system. The water for fire purposes shall be free **of charge**. In cases deemed necessary by the ~~Service~~ Director ~~of Service~~, the proprietor must install a meter and pay regular meter rates for all water used, except in case of fire. It shall be a condition of the grant of such supply that the owner or occupant of the premises so supplied shall maintain the system in its entirety, free from leakage or improper operation and shall prevent the unauthorized destruction of the seals, thereon, except for the control of water discharge arising from the replacement of sprinkler heads or breakage of piping.. In every case, the destruction of the seals shall be immediately reported to the City (Ord. 959. Passed 12-17-63.)

921.19 TURNING ON AND SHUTTING OFF WATER FOR DOMESTIC USE.

(a) No ~~plumber, or any employee thereof,~~ **person** shall turn on, except for the immediate test of his work, or shall leave turned on after the completion of his work, any water supply; nor shall ~~anyone plumber, or employee thereof,~~ turn on, excepting only for the test of his work; any supply which has been turned off previously by the City.

(b) No ~~plumber, or employee thereof,~~ **person** shall turn off the water supply of any premises unless in each instance he shall ~~be~~ **have** been authorized to do so by the ~~Service~~ Director ~~of Service~~.

(c) No request for the turning on of water for the initial supply of a premises shall be granted until the ~~plumber's return~~ **application** for the installation of such water supply has been approved, nor until any violation of the provisions of this chapter or any rule or regulation promulgated pursuant thereto for which the water supply has been turned off, has been satisfactorily adjusted. (Ord. 959. Passed 12-17-63.)

921.20 CURB STOP OPERATION BY CITY EMPLOYEES ONLY.

Except as provided in Section 921.19, no one ~~but~~ **except the Service Director or his designee**, while performing their official duties, shall operate curb stops and valves of the City water system and only City employees, in the performance of their official duties, shall operate any shut-off valve required or provided by virtue of Section 921.23(c). (Ord. 959. Passed 12-17-63; Ord. 1999. Passed 4-05-88.)

921.21 WATER TO BE MEASURED BY METERS.

All permanent, **domestic** water supplies within the City of Oxford water system ~~except as herein provided, and all water supplies for any purpose beyond the corporate limits,~~ shall be granted on a meter basis only, **or as determined by the Service Director**. ~~Permanent water supply for automatic sprinkler systems for private fire protection service may, when deemed advisable, be granted on an unmetered basis in accordance with the rules herein. (Ord. 959. Passed 12-17-63.)~~

921.22 CITY TO INSTALL AND MAINTAIN METERS.

All meters ~~shall be furnished and owned by the City, and the City shall furnish only one water meter up to one inch for each water tap and no one but City employees shall connect, disconnect or in any way tamper with such meters; provided that the customer shall bear the cost of meters in excess of one inch and any additional water meters in excess of one water meter furnished (up to one inch) by the City for each water tap. They~~ **Water meters** shall be maintained and replaced when necessary by the City at not cost to the water user or property owner, unless their actions or negligence caused damage to such meters. ~~All water meters shall be supplied and installed by the City. Additional water meters on one water tap for residential units may be permitted up to a maximum of four (4) 5/8" x 3/4" water meters per water tap and must conform to the current Water and Sanitary Sewer Improvement Specifications Manual. Initial costs for materials, service, and associated overhead shall be determined by the current Fee Ordinance and prepaid by the property owner. Water meters are owned, maintained and replaced as necessary by the City of Oxford.~~

921.23 METER LOCATIONS.

(a) It shall be the duty of the owner or occupant of the premises to provide a location for a water meter **pit assembly** as ~~prescribed~~ **required in the current** by the City of Oxford **Water and Sanitary Sewer Improvement Specifications Manual** and to maintain such location and passageway thereto clean, sanitary and safely accessible, and free of any obstruction or of any condition of a hazardous nature. (Ord. 959. Passed 12-17-63.)

(b) ~~Except for existing water meter locations, all~~ **W**water meters for new construction or where remodeling and expansion requires the relocation of the existing meter, or installation of a larger water meter, **shall require the location of the water meter be installed in a pit or vault that meets the current Water and Sanitary Sewer Improvement Specifications Manual.** ~~such meter shall be located inside the building with a remote reading device placed in an accessible location on the outside of the structure. Any meter which is not capable of using a remote reader shall be installed in outside meter pits as prescribed by the City and at a location that must be maintained by the property owner or occupant in a safe and accessible condition, free from any and all obstructions or any other condition of a hazardous nature.~~

(c) ~~Except for existing water meter locations referred to in Section 921.23(b), additional water meters on one water tap for residential units may be permitted up to a maximum of four water meters per water tap. All water meters, where more than one meter is on a service line with one water tap, must be installed with separate outside shut-off valves permitting each such service to be shut off independently of the other services. The required shut-off valves must be of a type approved and authorized for such use by the City. The City will read each meter separately and bill each meter on a separate utility charge basis.~~
(Ord. 1998. Passed 4-05-88.)

921.24 PROHIBITED METER LOCATIONS.

~~No connection for water meters shall be installed in any location not easily accessible, or which is or may be unclean, or in any manner hazardous to City employees in the discharge of their duties. No water meter connections shall be installed in any pit or well placed below plumbing fixtures, nor shall any connection be installed in any toilet room in proximity to any plumbing fixtures. No connection for a water meter shall be installed below any stairway, landing or platform unless there is provided a space of not less than four feet above the center line of the water meter supply pipe. The installation of a connection for a water meter below any show window platform shall not be permitted.~~ (Ord. 959. Passed 12-17-63.)

No water meter shall be installed in any location that does not conform to the current Water and Sanitary Sewer Specifications Manual. All water meter pit assemblies are to be installed within the City ROW under current specifications.

921.25 METER COUPLINGS.

~~A meter and brass meter couplings shall be furnished by the City for every service connected to the City water system. The plumber must obtain the exact overall dimensions of the meter when the couplings are obtained and must set the couplings the proper distance apart to accommodate the meter. All meters are to be located just inside of the wall through which the service pipe enters. In case of 5/8 inch and 3/4 inch meter installations, meters will be set about 30 inches above the floor. The service pipe is to be carried up to the meter couplings. All meters one inch and larger are to be set directly on the cellar floor. The service will be flushed, the meter set and the water turned on without extra charge to the consumer.~~ (Ord. 959. Passed 12-17-63.)

921.26 25 STOP AND WASTE VALVES.

~~A wheel handle stop and waste shall be placed just inside of the building wall between the curb stop and the meter in all 5/8 inch and 3/4 inch installations. Where meter boxes are used, the stop and waste must be placed in the meter box. A floor drain should be provided in all cases where services one inch and larger are installed so that the pipe lines can be drained when the water is shut off. Wherever meters have been ordered placed, the plumbing shall be so arranged that no water from the waterworks shall be taken or supplied to the building and fixtures for which the meter was intended, except that which will pass through and be registered by such meter.~~ (Ord. 959. Passed 12-17-63.)

921.27 26 FAILURE OF METER TO REGISTER.

If the meter is damaged or fails to operate for any reason, the ~~City Auditor~~ **Finance Director** will render a bill for the current period, based upon an average of the last two corresponding periods; provided that there is no particular reason why the use during that period has not been normal. In case the last two corresponding periods cannot be properly used, then the bill shall be based upon the average amount registered during such period of time, not less than three months either prior to or after the date of failure of meter registration as the ~~City Auditor~~ **Finance Director** may direct. (Ord. 959. Passed 12-17-63.)

921.28-27 METER TESTING; FEE AND ACCURACY.

~~If the water meter in any premises has not been tested within the previous five years, it may be tested without charge upon the application of the owner or tenant. If the meter has been tested within five years, the consumer may have a retest made on filing an application for a special meter test and depositing a fee as follows: 5/8 to one inch meters — \$1.00; 1 1/2 inch meters or larger — \$1.00 per inch of nominal size or fraction thereof. If the meter fails to register within the accuracy limitation herein after prescribed, the test charge shall be canceled and credit for the rate of over-registration for a period not exceeding one quarter prior to the date of test shall be entered upon the water bill following the test. A meter shall be considered accurate when registering within two percent, plus or minus, of the true amount of water delivered on the minimum flow, for the size and type of meter tested. (Ord. 959. Passed 12-17-63.)~~

If the accuracy of the water meter at any premises is questioned by the resident or owner involved in a billing dispute, the meter will be tested by the City according to American Water Works Association Standard C700/C708 at no cost to the owner or resident.

921.29 28 AUTHORITY FOR METER REMOVAL.

~~Meters shall be left in the condition and manner as set by the City and shall not be interfered with in any manner whatsoever. No meter shall be moved or disturbed without special permission from the **Service Director of Service**. ~~In no case shall a pipe line coupling be inserted in the line in place of a meter. Any person violating this section shall be required to pay an amount equal to the amount of damage sustained by the City, as determined by the **Service Director of Service**, by reason of loss of or damage to the meter, and the loss of revenue due to smaller registration of the meter. If the violator is a consumer, the water will be shut off and will remain shut off until the proper amount is paid. In addition, the violator shall be subject to the penalty provided in Section 921.99. (Ord. 959. Passed 12-17-63.)~~~~

921.30 29 REMEDY FOR USE OF NONMETERED WATER.

When the City has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water service being delivered to his equipment, the City reserves the right to estimate and present immediately, a bill for the water service unmetered as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. When the City shall have disconnected the consumer for any reason, it shall reconnect the consumer upon the following conditions:

- (a) The consumer shall be required to deposit with the ~~City Auditor~~ **Finance Director** an amount sufficient to guarantee the payment of the consumer's bills for water service.

- (b) The consumer shall be required to pay for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering;
- (c) The consumer shall further agree to comply with reasonable requirements to protect the City against further losses. (Ord. 959. Passed 12-17-63.)

921.31 30 WATER FOR CONSTRUCTION.

When water is wanted ~~requested~~ for temporary construction or for another special purpose, or for filling cisterns, tanks or tank wagons, rollers, or portable steam rollers, an application therefore shall be made to the Director of Service, in writing, upon application provided for that purpose, giving a statement of the amount of construction work to be done, or the size of the cistern, boiler, tank or tank wagon to be filled. **A Special Service Request application shall be made to the Service Director or his designee. Upon approval of written applications provided for that purpose, payment of applicable fees for the water for construction or other purposes outlined above shall be made in advance and consumption will be charged at the scheduled rate.** ~~at the scheduled rates. No connection with the service pipe at the curb shall be made without special permission from the Director of Service. (Ord. 955. Passed 12-17-63.)~~

921.32 31 USE OF HYDRANTS FOR CONSTRUCTION.

In cases where no other supply is available, permission may be granted by the Service Director of Service to use ~~access~~ a hydrant **in accordance with section 921.32. No hydrant shall be used until it is equipped with a ball valve, approved testable backflow preventer, and a water meter.** In no case shall any valve or backflow preventer and meter assembly be moved except by a member of the City of Oxford personnel. Before a valve or backflow preventer and meter assembly is set, payment must be made for its setting and for the water to be used at the **current** scheduled rates. When the contractor has finished using the hydrant, he must notify the Division of Utilities City to that effect. ~~(Ord 959. Passed 12-17-63.)~~ **A Special Service Request is required for access to a hydrant.**

921.33 HYDRANT CONNECTIONS.

~~—— In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the City. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant. (Ord 959. Passed 12-17-63.)~~

921.34 32 OPENING OPERATION OF HYDRANTS.

Only such persons as shall be authorized by the Service Director of Service or Fire Chief shall be permitted to ~~open~~ **operate** any fire hydrant for any purpose whatsoever, and no one except such persons shall be permitted to take the hydrant wrenches or wheels or permit the same to be taken from any fire house, except for Fire Department purposes. (Ord. 959. Passed 12-17-63.)

921.35 33 TEMPORARY METERED SUPPLY; DEPOSIT AND FEE.

An applicant for temporary water supply on a meter basis shall make and maintain a monetary deposit of ~~not less than fifteen dollars (\$15.00)~~ **as published in the current City of Oxford Fee Ordinance** for each meter installed as security for payment for use of water and for

such other charges which may arise from the use of the supply. ~~The charge for setting the valve and furnishing and setting the meter shall be five dollars (\$5.00), so that of the fifteen dollars (\$15.00) deposit, ten dollars (\$10.00) will be available to pay for the water used at the scheduled rates. (Ord 959. Passed 12-17-63.)~~

921.36 34 REFUND OF MONETARY DEPOSITS.

All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis **shall be refunded in accordance with the current City of Oxford Fee ordinance.**, ~~or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, shall be refunded to the depositor upon the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer. (Ord 959. Passed 12-17-63.)~~

921.37 35 WATER RATE; TAP-IN SCHEDULE.

~~(a) Temporary meter deposit~~

5/8 inch	250.00
2 inch	850.00

~~(Ord. 2736. Passed 11-20-01).~~

~~(b) Water rates~~

Volume charge per 100 cu feet	2.26
Base monthly charge meter size (inch):	
3/4 or smaller	8.24
1	13.73
1 1/2	27.45
2	43.93
3	82.38
4	137.32
6	274.64

Outside City Limits	35% added to amounts above
Late fee	10%

~~(Ord. 2827. Passed 8-3-04.)~~

~~(c) Reconnection fee following service termination~~

\$10.00 when past due payment is received before 3:00 PM. \$50.00 after 3:00 PM and for weekends/holidays reconnection	
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~~(d) Irrigation meter~~ ~~50.00~~

~~(e) Tap in fees~~

Based on tap size (inch)	
1	2,225.00
2	2,595.00
4	3,250.00
6	4,325.00

8	6,525.00
On brick street	Add 30.00 per sq. ft.
	of affected area
Non-residents	35% added to amounts above
Separate meter pit	Time and materials

(f) Meter Vault and Lid (based on meter size)

5/8 & 3/4 (inch)	included in tap fee
1	included in tap fee
2	included in tap fee
3	3,200.00
4	3,200.00
6	3,200.00
8	3,425.00

(f) Water Meter Installation

5/8 & 3/4 (Inch)	104.00
1	162.00
1 1/2	374.00
2	504.00
3	1,607.00
4	2,626.00
Larger than 4	Cost to City

(g) Water Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,000.00
1	2,600.00
1 1/2	5,200.00
2	8,400.00
3	16,800.00
4	26,200.00
6	52,500.00
8	84,000.00
10	121,000.00

Interest rate on past due	Highest rate allowable
capacity benefit permits	by law
Unpaid after 30 days	

(i) New construction inspection	no charge for initial inspection.
	\$25.00 for re-inspection of failed
	work.

(Ord. 2736. Passed 11-20-01.)

All fees shall be per the current Fees and Charges Ordinance for the City of Oxford.

921.38 36 BILLING PROCEDURE AND SCHEDULE; DELINQUENT ACCOUNTS; SERVICE RESUMPTION FEE

(a) For the purposes of this section, when the billing date falls on a weekend or a holiday, all subsequent dates listed will be adjusted forward the same number of days to the next business day.

(b) The following procedure and schedule shall be followed for transmission of water utility bills to customers, and customers' payment of utility bills:

FIRST OF THE MONTH – bills are mailed

18th Of The Month – the net amount of the bill is due on the 18th. If the net amount is not paid in full on or before the 18th, the gross amount will be due on the 19th. The gross amount is considered the "Past Due" amount, if not received by the 19th.

FIRST OF THE NEXT (SECOND) MONTH – the second month's bill is issued and indicates the current amount due plus the amount of arrearage (past due amount), and therefore serves as a past due notice. Any partial payment is first applied to the oldest unpaid balance.

18th OF THE SECOND MONTH – the first month's bill is now approximately 30 days past due, and the current month's bill is now due. If any portion of the prior month's past due amount remains unpaid at the close of business on the 18th, a termination of service (shut off) notice will be mailed on the 19th notifying the customer that the Past Due portion must be received in the utility office before 5:00 PM on the 28th.

28th OF THE SECOND MONTH – This is the customer's last day before termination notice to pay the full Past Due amount, or to contact the City to discuss a good faith dispute of the bill or enter into a Utility Payment Agreement with the City.

29th OF THE SECOND MONTH – the fourth and final notice will be in the form of a door hanger left at the service address after the 28th (as scheduling permits). If the full Past Due amount from the first month is not received in the utility billing office by 12:00 pm (noon) the following business day, water utility service will be terminated. (Ord. 2720. passed 6-5-01.)

(c) For the purposes of this section, "net amount" means the actual amount of usage billed or the actual amount of usage estimated; and "gross amount" means the sum total of the "Net amount", plus ten percent (10%) of the "net amount", which added together, equal the "gross amount". (Ord. 2579. Passed 3-17-98.)

(d) A customer may sign an agreement with the City to bring current the past due amount by making progressive monthly payments, in addition to paying the current monthly bills. Fulfillment of this written commitment by the customer assures the continuation or reinstatement of water service.

(e) The Finance Director may pursue alternative means of collection including providing the list of unpaid customers' bills to an outside agency for collection. Additionally, where cost-effective, if a bill remains unpaid for a period of 75 days from the original 15th due date, it may be certified over to the County Auditor and collected at the same time and in the same manner as all other taxes, as provided by law.

(f) The customer will be charged for reinstating water service **as per the current fee ordinance**. ~~The charge shall be ten dollars (\$10.00) if on a business day and before 4:00 PM and shall be fifty dollars (\$50.00) after 4:00 PM or on a weekend or holiday.~~

(g) The City Manager and the Finance Director are granted the authority to review a customer's circumstances and suspend the termination of service, or adjust a customer's account balance, where circumstances warrant.

(h) This section is to be effective as of June 1, 1996 (beginning with bills issued June 1). (Ord. 2451. Passed 5-7-96.)

921.39 37 FAILURE TO RECEIVE BILL.

Failure to receive a bill will not relieve the user from the responsibility for prompt payment of the bill. (Ord. 959. Passed 12-17-63.)

921.40 38 CITY EXEMPT FROM CHARGES.

No lots, parcel of land, building or premises now or hereinafter used by the City for municipal purposes shall be subject to the water charges provided in this chapter.; ~~nor shall there be any charge for water used in the extinguishing of fires, cleaning fire apparatus, cleaning service vehicles, or collection trucks at the landfill area or water used at the municipal swimming pool.~~

~~(Ord. 959. Passed 12-17-63.)~~

921.41 39 EXTENSION OF WATER LINE OUTSIDE CITY LIMITS AND SALE OF WATER FOR USE OUTSIDE CITY LIMITS.

(a) Any extension of water lines outside the City limits subsequent to the effective date hereof, as well as the sale of water outside the City limits for any new or additional use, service, or purpose, not authorized prior to the effective date of this section, is reserved to the exclusive control and jurisdiction of City Council.

(b) Council shall refer any request for water line extension outside the City limits or new or additional sale of water outside the City limits as set forth in subsection (a) hereof to the Planning Commission for its recommendation, and the Planning Commission shall have a minimum of ninety days in which to consider the matter; however, the granting of individual requests for additional sale of water outside of the City limits, where such sale would require an additional water tap into an existing line, is reserved to the exclusive control and jurisdiction of Council. Such requests do not require submission to the Planning commission for report or recommendation.

- (c) (1) Ninety days subsequent to referral of the matter to Planning Commission, Council may consider such a request on its own individual merits, and Council in its discretion may grant or deny such a request provided that the granting of any such request shall be valid and effective only upon strict compliance with subsection (c)(3), as hereinafter set forth.
- (2) If Council elects to grant such request, it may modify or alter the same and may impose such conditions, safeguards and terms as the merits of the specific request require.
- (3) Council shall grant such a request only by ordinance and must determine that:

- A. The City has a surplus of water sufficient to grant such request without any significant detriment to the City water supply; and
- B. the granting of such request will be beneficial to the City and is in the best interest of the City;
- C. Any subdivision or development resulting from the extension of a water line will be constructed in accordance with Chapter 1101 or the Oxford Codified Ordinances, Subdivision Regulations; and
- D. The proposed improvements, including, but not limited to, streets, water and sewer lines, drainage facilities and sidewalks will be build in accordance with City of Oxford municipal construction standards.
- E. The property or properties served by the extension of a municipal utility will be required to annex into the City limits upon the official request of the City. Appropriate language requiring such annexation must be placed upon the plat of the subdivision and within the language of the individual deeds, and must specifically state that the request of further annexation is binding on all future owners of the property.

(d) No such request shall be granted without full compliance with the foregoing provisions. (Ord. 2461. Passed 8-2-96.)

921.42 40 BACKFLOW PROTECTION.

(a) Ohio R.C. 6109.13 requires protection of the public water system from contamination through any connection whereby water from a private, auxiliary, or emergency water system may enter the public water system.

(b) Section 3745-95 of the Ohio Administrative Code requires protection of the public water system from contamination due to backflow of contaminants through the water service connection.

(c) The Ohio Environmental Protection Agency requires the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems. (Ord. 2373. Passed 11-15-94.)

(d) To accomplish these goals it is necessary to introduce regulations and restrictions that go beyond usual plumbing code requirements, and these regulations and restrictions will herein be incorporated by reference and hereafter referred to as the Backflow/Cross Connection Control Program, and as those regulations and restriction may hereinafter be amended by of order of the City Manager.

(e) If in the judgment of the ~~Service~~ Director of ~~Service~~, an approved backflow prevention device is necessary for the safety of the public water system, the ~~Service~~ Director of ~~Service~~ will give notice to the water consumer to install such an approved device immediately.

The water consumer shall, at the owner's expense, install such an approved device at a location and in a manner approved by the **Service Director of Service** and shall have inspections and tests made of such approved devices as required by the **Service Director of Service**.

(f) 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 or the City may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the **Service Director of Service** and by the Ohio Environmental Protection Agency.

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

(h) The **Service Director of Service** or his or its duly authorized representative shall have the right to enter at any reasonable time any property serviced by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the **Service Director of Service** any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the **Service Director of Service**, be deemed evidence of the presence of improper connection as provided in this section.

(i) The **Service Director of Service** is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section. (Ord. 2373. Passed 11-15-94.)

921.43 41 DAMAGE TO WATER SYSTEM.

In the event that the action of any person causes damage to a water line from the main to, and including, the curb stop and box or to a water main, lateral, valve, valve box, valve manhole, or to a fire hydrant, **water meter pit assembly, backflow device or any other part of the City's water system**, the repair or replacement cost to the City shall be charged to the person causing such damage **as per the current City of Oxford Fee Ordinance.** (~~Ord. 959. Passed 12-17-63.~~)

921.44 42 TAMPERING.

No person shall tamper with or cause damage to a water main, lateral, service line, **curb stop, valve box, manhole, fire hydrant, water meter pit assembly, backflow device, water meter** or to any other part of the City water system.
(Ord. 959. Passed 12-17-63.)

921.45 43 UNLAWFUL HYDRANT USE OR CONNECTIONS.

No person, not being an authorized agent, employee or officer of the City, shall open, close or interfere with any fire hydrants, ~~valve~~, regulator, gate ~~valve~~, curb ~~cock~~—**stop, corporation stop**, or any other appurtenance of a water main, service-~~pipe line~~ or other **pipe line** or apparatus, used or intended for the conducting of water, or tap, open or make any unauthorized connection with any such water main or **pipe line**, provided that nothing herein contained shall apply to anything done by, or under the authority of the Fire Department. (Ord. 959. Passed 12-17-63.)

921.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one ~~hundred~~ **thousand** dollars (\$1000.00) for each offense. A separate offense shall be deemed committed upon each day during or on which the violation has occurred or continued. In the event of a continuing violation, the **Service** Director ~~of Service~~ may cause the discontinuance of water service to the premises of the violator until the violation has ceased.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 3, 2013

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

November 22, 2013
Date Prepared

Agenda Title:	Repeal Section 1305.02 Additions, Insertions and Changes of the Oxford Property Maintenance Code and Adopt New Section 1305.02 Additions, Insertions and Changes of the Oxford Property Maintenance Code
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Recommendation:	Approval
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Discussion:

There are several amendments being proposed for City Council's consideration under this legislation, specifically dealing with carbon monoxide/photoelectric smoke detectors, foreclosure property notifications, tall grass notifications, and vacant lot mowing issues.

Several weeks ago, the City Manager reported to City Council about a meeting that took place with MU IFC and Chapel Hill Fire officials, and directed staff to look into preparing legislation to require carbon monoxide and photoelectric smoke detectors to enhance life and safety considerations for all rental properties.

The second modification is to add a notification requirement for foreclosed properties by allowing the City to monitor the condition of these properties and contact responsible entities when property maintenance concerns arise.

The other amendment to the property maintenance code is to create a mowing requirement for vacant lots where only the front yard is mowed to be consistent with the streetscape of the block face. Additionally, the side yard of a vacant lot shall be mowed when the vacant lot is abutting a developed lot with a house. The definition of front yard and side yard are defined in the Oxford Zoning Code or the recorded subdivision plat. The last amendment is to stipulate that one notification is deemed sufficient for the calendar year, since it is the property owner's responsibility to keep an eye on the property.

Staff is asking City Council to approve this legislation.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC | 11/27/13

JAE | 11/27/13

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1305.02 ENTITLED ADDITIONS, INSERTIONS AND CHANGES (TO THE OXFORD PROPERTY MAINTENANCE CODE) AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1305.02 ENTITLED ADDITIONS, INSERTIONS AND CHANGES (TO THE OXFORD PROPERTY MAINTENANCE CODE) AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Community Development Director recommend Oxford Codified Ordinance Section 1305.02 entitled Additions, Insertions and Changes be repealed, and new Oxford Codified Ordinance Section 1305.02 entitled Additions, Insertions and Changes be adopted to provide necessary updates and clarifications within the Property Maintenance Code.

SECTION 2: Council accepts the recommendation of the City Manager and the Community Development Director and hereby repeals Oxford Codified Ordinance Section 1305.02 entitled Additions, Insertions and Changes and adopts new Oxford Codified Ordinance section 1305.02 entitled Additions, Insertions and Changes as set forth on exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Council of the City of Oxford hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: Nothing in this ordinance or in the Property Maintenance Code shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

Exhibit A

PM-101.1 Replace “*International*” with “City of Oxford”.

PM-102.3 Replace “*International*” with “City of Oxford adopted”.

PM-103.5 Fee Schedule: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in the most current annual fee schedule adopted by Council.

PM-104.2 Replace entire Paragraph with “**Inspections and Enforcement.**

a) The Code Official is hereby authorized to make inspections to determine the condition of rooming houses, lodging houses, dwellings, dwelling units, or fraternity houses and other premises located within the City. The Code Official is hereby authorized to enter, examine, and survey at all reasonable times, or at such times as may be necessary in all dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses and premises. Single-family, owner-occupied dwellings will not be routinely inspected by the Code Official but will be inspected upon the filing of a written complaint as set forth hereinafter, or when the Code Official has personal knowledge of specific conditions that warrant inspection, or upon request of the owner/occupant. The Code Official will inspect owner-occupied dwellings only with the owner’s permission or in accordance with due process of law and the obtaining of an appropriate court order.

b) The Code Official will inspect any dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses, any premises upon the formal written filing of a complaint signed by a person alleging a violation of this code.

Such inspection will take place within five working days from receipt of the complaint. All dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity houses and premises requiring a rental permit shall be inspected on a regular and systematic basis. Notice shall be given to the owner or occupant or owner’s agent 24 hours in advance of any such inspection except;

1. In an emergency situation, or
2. For the purpose of validating there is no violation of Section PM-404 Occupancy Limitations, or
3. In those cases where the owner, agent, or occupant consents to inspection or when the premises are open and accessible to inspection.”

Add PM-104.7 “Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector’s authority to enforce, the inspector shall report the findings to the code official having jurisdiction.”

PM-106.4 Replace entire paragraph with “**Violation Penalties.**

Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of \$250.00 or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

PM-107.3 Replace entire paragraph with “**Method of Service.**

1. Delivered personally: or
2. Sent by first class mail with Certificate of Mailing to the last known address: or
3. Posting in a conspicuous place on or about the structure or property affected by such notice and by first class mail to the last known address.”

PM-110.1 Replace “two years” with “one year”.

PM-111.2 Replace “three” with “five”.

PM- 111.2.1 Add “but may be employees of the jurisdiction”.

PM-111.4 Replace “two-thirds” with “three-fifths”

PM-112.4. Insert “\$100.00” and “\$500.00”.

PM-201.3. Replace “*International*” with “City of Oxford adopted”.

PM-202.0 Insert the following definitions:

“Building.

Any structure occupied or intended for supporting or sheltering any occupancy.

Dormitory.

A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

Hotel.

Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

One-family dwelling.

A building containing a dwelling unit designed for a family.

Two-family dwelling.

A building containing two (2) dwelling units, each unit designed for a family.

Family.

A person living alone, or two or more persons related by blood, marriage or adoption, including minor children in the lawful custody of an adult member or members of the family, living together as a single housekeeping unit and occupying a single dwelling unit, or a group of not more than four unrelated persons living together as a single housekeeping unit occupying a single dwelling unit and using only common entrances and exists.

Fraternity/Sorority.

A building which is occupied only by a group of university or college students who are associated together in a fraternity which is chartered by a national/international fraternity or recognized by Miami University and receive from the fraternity or its agents lodging and/or meals on the premises for compensation. Occupants may also include employees and pledges of the fraternity or its agents, and non-members not to exceed ten percent (10%) of the maximum occupancy of the building whom the fraternity or its agents permit to live in the house.

Lodging house.

A dwelling where lodging, but not meals, is provided for compensation for no more than twelve (12) persons who are not transients or members of the owner's family, and do not live as a single housekeeping unit in a family-like environment on a relatively permanent basis, and in which no cooking or dining facilities are provided in individual rooms.

Public nuisance.

Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated by the code official as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises."

PM-302.4 Replace the entire paragraph with "Weeds"

All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all

grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, ~~and gardens~~ **and fields used for agricultural purposes.**

(1) All properties within the City of Oxford must be maintained in accordance with § 302.4 of the Oxford Property Maintenance Code as amended and adopted by the City of Oxford, which prohibits grass or weed growth in excess of ten inches (10”).

(2) If grass or weed growth exceeds ten inches (10”), the City will cause notice to the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City. If the grass or weeds are not brought into compliance within ten (10) days of receiving notice, the City shall cause the weeds or grass to be cut at the owner’s expense. The City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54.

(3) If a property is found to be in violation of §302.4, notice shall be issued in the following manner:

- a. For properties which are occupied:
 - i. Notice will be issued by a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property. Said posting and placard shall be of a size, shape and color to be clearly visible and shall contain the following information:
 - 1. The nature of the Code violation; and
 - 2. An order to cut or remove the weeds or grass within ten days; and
 - 3. Statement indicating that should the property owner or current tenant fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner’s expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and
 - 4. The penalties provided for removing the posting and placard before bringing the property into compliance; and
 - 5. Contact information of the appropriate city agency.
 - ii. Such posting and placard shall remain on the property until the property is brought into compliance with §302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford. Removal of the posting and placard before the property complies with § 302.4 shall constitute a violation of this section.
- b. For properties which are not currently occupied:
 - i. If the property owner’s address is known, notice will be issued by certified mail, return receipt requested, to the owner’s address. If the owner’s address is unknown, notice will be published in a newspaper of general circulation in Butler County. The notice shall contain the following information:
 - 1. The nature of the Code violation; and

2. An order to cut or remove the weeds or grass within ten days; and
3. Statement indicating that should the property owner fail to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with O.R.C. § 731.54; and
4. Contact information of the appropriate city agency.

PM 302.4.1 Vacant lots: Vacant lot shall be mowed in the manner described below on a regular basis complies with § 302.4

(1) The front yard of the vacant lot shall be mowed in accordance with the front yard setback stipulated either on the recorded subdivision plat or the minimum front yard setback of the zoning district where the vacant lot is located, whichever is larger.

(2) The side yard of the vacant lot shall be free of tall grass when the lot is abutting a developed lot with a house. The side yard is defined by the Oxford Zoning Code.

PM 302.4.2 One notification per calendar year shall be deemed notice for all subsequent violations during the same calendar year.

PM-304.1.1 Delete Paragraph.

Add "PM-304.3.1 Residential House Sign: All residential house signs shall be maintained in good repair with proper anchorage and in a safe condition.

- a.) The sign may be either a wall sign or a freestanding sign but not both.
- b.) No more than six square feet in area.
- c.) Indirect illumination only.

Add "PM-304.3.2 Interior unit identification: Every rooming unit and every dwelling unit in every rooming house, lodging house or fraternity house of more than three units shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door, or within thirty inches (30") of the door, to such rooming unit or dwelling unit."

PM-304.14 Insert "May 15" and "October 15".

PM-305.1.1 Delete Paragraph

PM-308.2.1 Replace with "Rubbish storage facilities.

It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner has agreed to supply such facilities."

PM-308.3.1 Replace with “**Garbage facilities.**

It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner has agreed to supply such facilities.”

PM-310 Add “**SECTION 310 RENTAL PERMITS**

PM-310.1 Permits required.

No person shall operate a rental unit(s), rooming house, lodging house, multiple dwelling, or fraternity house unless he has a valid rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house permit issued by the Code Official in the name of the operator for the specified rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house. No person shall rent or lease a dwelling unit, except to a member of his or her family, without a dwelling unit rental permit issued by the Code Official in the name of the owner or operator for the specific dwelling unit. The operator shall apply to the Code Official for such permit, submitting the required form, plans and paying the required processing fee. The initial required permit shall be issued by the Code Official as soon as feasible after the Code Official has an opportunity to determine by an on-premises inspection, that the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house complies with the applicable provisions of this chapter and is lawfully occupied under the relevant building code. A copy of this permit shall be protected and displayed in a conspicuous place on the premises at all times and shall state the maximum occupancy permitted under the provisions of this chapter, if any, as well as the name of the designated agent. Every person holding such a permit shall return such permit to the Code Official within ten days after having sold, transferred, given away or otherwise disposed of the ownership, interest, control or operation of any such rooming house, lodging house, multiple dwelling unit, dwelling unit, or fraternity house. Every rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house rental permit shall expire at the end of one year following the effective date of issuance, unless sooner revoked pursuant to PM-310.4, or by operation of PM-110. A rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit may not be reissued to another operator without re-inspection of the premises by the Code Official.

Application and payment of fees for renewal of a rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit shall operate as authority for the operator to continue operation of the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house for which renewal application is made, until such time as the Code Official, in writing, denies or issues subsequent permit. No permit will be renewed more than once without an inspection by the Code Official.

PM-310.1.1 Exceptions.

Permits are not required for Single family homes that are subject to a two (2) party agreement where no monetary compensation is paid by either party and the exchange does not exceed two (2) years in duration, whereby owners occupy each other’s single family home.

PM-310.2 Agent required.

Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act in his behalf and shall notify the Code Official with the telephone number of the appointed agent and the notification shall contain an acceptance of such appointment signed by the designated agent. An individual may act as his or her own agent. The agent required by this section shall be a permanent resident of Butler county, Ohio, or an adjoining county or an entity operating a permanent office in Butler county, Ohio or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble and Warren Counties in Ohio, and Dearborn, Franklin and Union Counties in Indiana.

PM 310.2.1 Definitions - Agent. An Agent is defined as a responsible person or entity who acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for the inhabitants by complying with all applicable rules and regulations.

PM-310.3 Appeal of permit denial.

Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter pursuant to PM-111 Means of Appeals.

PM-310.4 Revocation of rental permits.

Whenever, upon inspection of any premises requiring a rental permit, the Code Official finds that conditions or practices exist which are in violation of any provision of this chapter, the Code Official shall give notice in accordance with PM-107 to the owner, or owner's agent, of such premises. At the end of the time period specified in the notice, the Code Official shall re-inspect the premises and if the Code Official finds that such conditions or practices have not been corrected and if no petition for hearing has been filed, the Code Official shall give notice in writing to the owner or owner's agent that the permit has been revoked. Upon receipt of such notice, the owner or owner's agent shall immediately cease operation of such rental unit or rental units and no person shall let for occupancy or occupy for sleeping or living purposes any dwelling unit therein.

PM-310.5 Appeal of permit revocation.

Any person who has received notice that his permit is to be revoked unless existing conditions or practices at the rental premises are corrected, may within ten days after the date of such notice request and shall be granted a hearing upon the matter pursuant to PM-111.0."

PM – 310.6.1 Carbon monoxide detector required

In any residential rental property that has either fossil fuel burning equipment or an attached enclosed garage, a carbon monoxide detector must be installed in the immediate vicinity outside of each sleeping area.

PM – 310.6.2 Photoelectric smoke detectors required.

A photoelectric smoke detector must be installed outside of each sleeping area ~~and on every level or rental residence.~~ A minimum of one photoelectric smoke detector must be installed for every 1200 square feet of living space per level. Photoelectric smoke detectors or dual sensor smoke detectors may be used to meet the existing building code requirements or be installed supplemental to the existing building code requirements.

PM – 310.6.3 Installation.

Detectors must be installed according to the manufacturer's instructions. Smoke Detectors retrofitted in a rental residence that has a hardwired battery back-up smoke detection system shall be connected in to such a system.

PM-401.3. Replace “*International*” with “City of Oxford”.

PM-404.1.1. Add “Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.”

PM-404.4.1 Replace “50” with “70” and “4.6” with “6.5”.

PM404.5. Table. Living room for 1-2 occupants – replace “120” with “No requirement”

PM-505.1 Replace “*International*” with “Ohio”.

PM-602.2 Replace “locality indicated in Appendix D of the *International Plumbing Code*” with “City of Oxford”.

PM-602.3 Insert “October 15” and “May 15”.

PM-602.3. Replace “Appendix D of the *International*” with “City of Oxford”.

PM-602.4. Insert “October 15” and “May 15”.

PM-603.3 Add “Access to outdoor mechanical equipment shall be maintained under all weather conditions”.

PM-604.3.1.1 Replace “*International*” with “City of Oxford”.

PM-604.3.2.1. Replace “*International*” with “City of Oxford”.

.PM-702.1 Replace “*International*” with “City of Oxford”.

PM-702-2. Replace “*International*” with “City of Oxford”.

PM-702.3. Replace “*International*” with “City of Oxford”.

PM-704.1. Replace “*International*” with “City of Oxford”.

PM-704.5. Add. “All rental units for which a permit is required pursuant to PM-310 shall be equipped with:

- a) A fire extinguisher in or near the kitchen
- b) A smoke detector in every room used for sleeping”

CHAPTER 8

Replace in its entirety with **“REFERENCED CODES”**

This chapter lists the standard codes which the City of Oxford has adopted and that are referenced in various sections of this document. The standards are listed herein by the title and version. The application of the referenced standards shall be as specified in Section 102.7.

Title:	Version
National Electrical Code	2011
Ohio Building Code	2011
Ohio Fire Code	2011
Ohio Mechanical Code	2011
Ohio Plumbing Code	2011
Residential Code of Ohio	2013

CHAPTER 9 NOTIFICATION OF FORECLOSURE FILING

SECTION 901 DEFINITION

901.1 DEFINITION

- (a) **“Person” means a natural person or any legal entity including, but not limited to, a corporation, firm, partnership, trust or association, and specifically including the attorney and/or law firm representing a party initiating a foreclosure complaint or action.**
- (b) **“Vacant” means that no person actually resides in any part of the building on the property, or that no person conducts a lawful business in any part of the building located on the property, or that there is no primary structure on the property.**

SECTION 902 NOTICES TO THE CITY OF FORECLOSURE FILING

902.1 NOTICE REQUIREMENT. Any person who files a complaint or otherwise initiates a foreclosure involving real property located within the corporation limits of the City of Oxford shall notify the Code Official of the filing of the foreclosure complaint, within ten (10) days after filing the complaint with the relevant court, by filing with the Code Official a complete copy of the complaint and the contact name, address and phone number of the complainant.

SECTION 903 PERSONS RESPONSIBLE FOR MAINTENANCE

903.1 Responsible person for maintenance.

- (a) **If the building or structure located on the property that is the subject of the foreclosure is vacant at the time of the filing of the foreclosure, or if the property is otherwise vacant, then the person filing the foreclosure complaint shall also notify the City of the name, address and contact information of the person who will be responsible for maintaining the property.**

(b) If the building or structure located on the property that is the subject of the foreclosure becomes vacant at any time after the filing of the foreclosure, then the person filing the foreclosure complaint shall notify the City of the name, address and contact information of the person who will be responsible for maintaining the property within ten (10) days of the vacancy.

(c) If at any time during the foreclosure proceedings there is a change in the person(s) responsible for maintaining the property, then the person filling the foreclosure complaint shall notify the City of the name, address and contact information of the person who will, or who has, assumed responsibility for maintaining the property within ten (10) days.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2013

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 13, 2013

Date Prepared

Agenda Title: An Ordinance Authorizing The City Manager To Enter Into An Agreement With The Talawanda School District In A Form Substantially Similar To The Agreement Attached Hereto As Exhibit "a"; Granting The City Permanent Easements Across Three (3) Parcels Of Land Owned By The District In Exchange For The City Releasing Its Reversionary Rights To Two Parcels Totaling 9.37 Acres; And Contingent Upon The Sale Of The Former High School Property To Miami University.

Recommendation: Adopt the Ordinance

Discussion:

The City of Oxford deeded two parcels of real property to the Talawanda School Board on March 1, 1955 for \$244.25. The Ordinance authorizing the sale (No. 778) included a provision in Section 3 that stated "for so long as said property is used for school purposes." The former THS property consists of nine parcels and 25.75 acres. The two City parcels consist of 7.07 and 2.3 acres more or less. The smaller parcel is the southern half of the football/track field. The other parcel includes the front half of the football field, the bus garage, cafeteria, part of the gym, classrooms, parking and access roads.

The Talawanda School Board is interested in selling the entire former THS site to Miami University for \$1,150,000.

The City received a letter from Mark Butterfield, Board President of the Talawanda School Board, post marked September 26, 2013 requesting "that the City voluntarily relinquish its interest in the subject property". As a result of several meetings with Council and representatives of the Talawanda School District (TSD) I am recommending that the City relinquish its property interests in return for permanent road and utility easements from TSD. The permanent road and utility easements are located on three parcels of TSD property. The easements will provide for 82 feet of ROW for future road and utility construction.

The three parcels are the present THS off of University Park Boulevard, the vacant parcel located on Kehr Road, and the Middle School property on SR732.

Approved By:

Initial Date

Department Head:

City Manager:

JAE 1/2/12/2

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TALAWANDA SCHOOL DISTRICT IN A FORM SUBSTANTIALLY SIMILAR TO THE AGREEMENT ATTACHED HERETO AS EXHIBIT "a"; GRANTING THE CITY PERMANENT EASEMENTS ACROSS THREE (3) PARCELS OF LAND OWNED BY THE DISTRICT IN EXCHANGE FOR THE CITY RELEASING ITS REVERSIONARY RIGHTS TO TWO PARCELS TOTALING 9.37 ACRES; AND CONTINGENT UPON THE SALE OF THE FORMER HIGH SCHOOL PROPERTY TO MIAMI UNIVERSITY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager recommends Council authorize him to enter into an agreement with the Talawanda School District in a form substantially similar to the agreement attached hereto as Exhibit "a" granting the City permanent easements across three (3) parcels of land owned by the district for future roadway and utility expansion in exchange for the City releasing its reversionary rights to two parcels totaling 9.37 acres located on a portion of the former high school property on Chestnut Street Oxford, Ohio.

SECTION 2: The City Council of the City of Oxford has reviewed the agreement and finds the same to be acceptable in a form substantially similar to the agreement attached hereto as Exhibit "a" and finds it is in the best interest of the citizens of Oxford and the citizens of the Talawanda School District.

SECTION 3: The City Council of the City of Oxford further finds it to be in the best interest of the City and the District for the former high school property to be sold to Miami University and therefore the agreement shall be contingent upon the sale of the former high school property to Miami University.

SECTION 4: This Ordinance shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

AGREEMENT

This Agreement is hereby entered into this day of _____ 2014 by and between the City of Oxford, Ohio a municipal corporation (herein after referred to as "City") and the Talawanda City School District (herein after referred to as "District"), collectively referred to herein as the "Parties".

WHEREAS the Parties believe it to be in the best interest of the City and District for the old high school property to be sold to Miami University; and

WHEREAS the District has negotiated an agreement with Miami University to sell the old high school property to Miami University; and

WHEREAS, the City has a reversionary right in a portion of the old high school property; and

WHEREAS, to transfer the old high school property the reversionary right of the City must be released before the property can be sold to Miami University; and

WHEREAS, the City also seeks to preserve right of way across land owned by the District for future roadway and utility expansion; and

WHEREAS, the District has agreed to grant to the City permanent easements across three (3) parcels of land owned by the District in exchange for the City releasing its reversionary rights to a 9.37 acre parcel.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

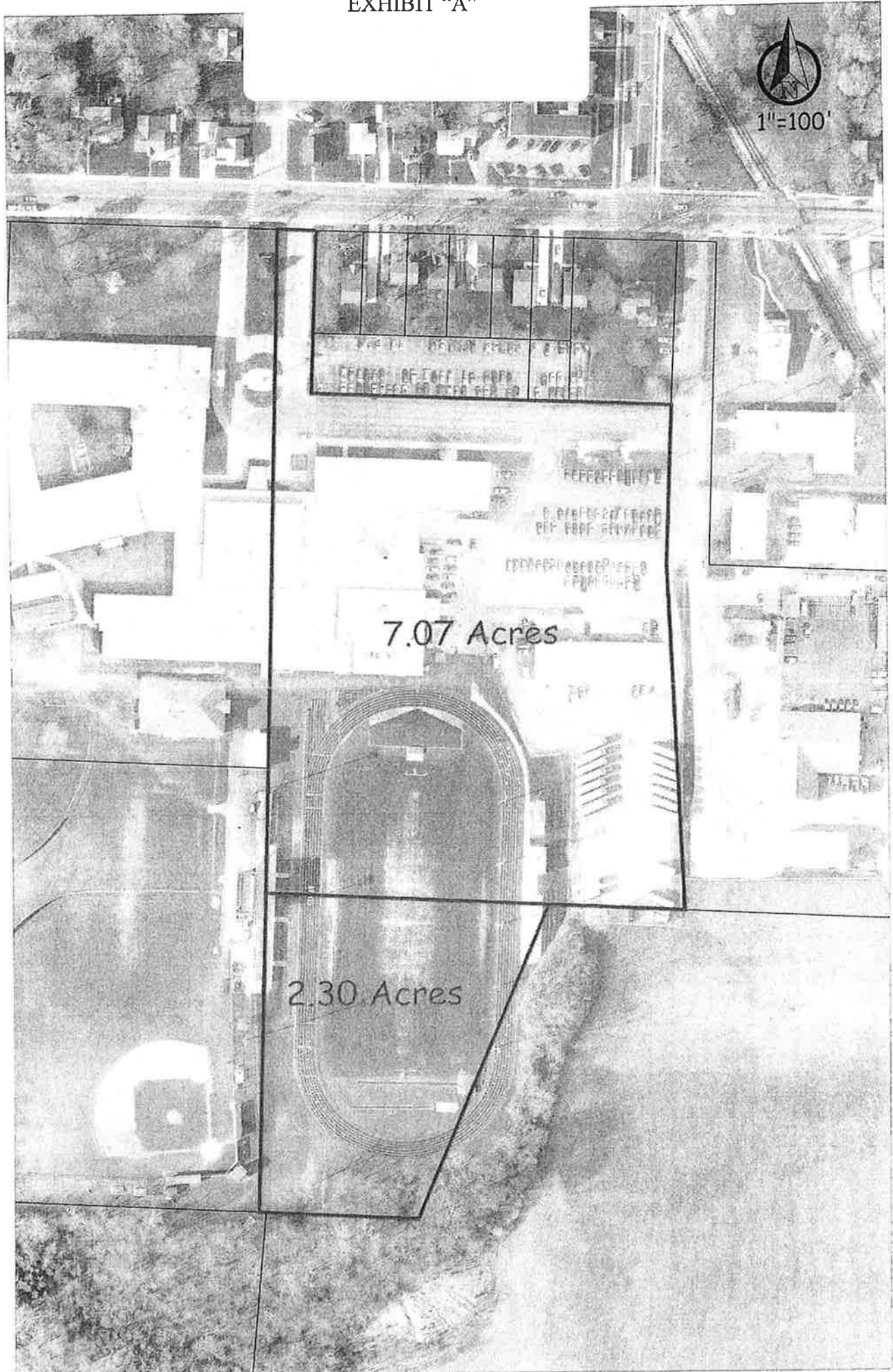
1. The City has agreed to release and convey by quit claim deed its titled interest in an approximately 9.37 acre tract of land located on the old high school site, which parcel is more particularly described on Exhibit "A".
2. The District has agreed to grant three (3) permanent easements to the City on the three (3) parcels of land for permanent roadway and utility purposes.
3. The three (3) parcels herein referred to as "Parcels" on which the City shall receive a permanent roadway and utility easement are as follows:
 - a) Lot 2665, located in the City and consisting of approximately 2.050 acres of land more or less, and more particularly described on Exhibit "B" and "B(1)".
 - b) Part of Lot 3772, located in the City and consisting of approximately 4.018 acres more or less, and more particularly described on Exhibit "C" and "C(1)".

- c) Part of Lot 2821, located in the City and consisting of approximately 3.889 acres more or less, and more particularly described on Exhibit "D" and "D(1)".
- 4. The City shall have the perpetual right in the future to construct or to have constructed roadway and/or utilities on these parcels. This right shall also include the right to construct or to allow others to construct roadway and/or utilities whether public or private.
- 5. The roadway and utility easement granted is eighty-two (82) feet except as otherwise described on Exhibits B, B(1); C, C(1); and D, D(1).

Additionally the City and or anyone acting for or with the permission of the City shall have the right to access for temporally construction purposes a 20 foot strip of land, which shall be parallel to the roadway and utility easements described herein.

- 6. The City shall allow the District to place gravel on a portion of the land comprising roadway and utility easements described in Exhibit B, B(1); C, C(1); and D, D(1). The District shall abandon its use of the gravel parking area upon notification of the City's intended use of all or a portion of the easement area.
- 7. The District agrees that no fence or other structure shall be constructed on any of the easement areas. The District further agrees that by its continued use of the parcels described that it shall not acquire nor claim to have acquired in the future any right to the land described in the easements by adverse possession, abandonment or other claims.
- 8. The terms in the Agreement are contingent upon the purchase of the old high school site property consisting of approximately twenty-six (26) acres by Miami University on or before April 30, 2014. If the old high school site property is not sold to Miami University by said date the terms set forth herein shall be null and void.
- 9. The Parties agree that as a condition of the sale of the old high school site property to Miami University, this Agreement shall be recorded of record as an exhibit to the easements at the time of the Miami University closing.
- 10. The Parties agree to split the costs of the survey, closing and recording costs of this transaction. Each party will pay their own attorney fees.

EXHIBIT "A"



Date: December 6, 2013
Description: Roadway and Utility Easement
Talawanda City School District
Board of Education



Location: Lot #2665, City of Oxford
Butler County, Ohio

Situated in part of Lot #2665 of the City of Oxford, Butler County in Ohio, and being a roadway and utility easement in the lands of the Talawanda City School District Board of Education, as recorded in Deed Book 1601, Page 419 of the Butler County Recorder's Office and being further described as follows:

Beginning at the northeast corner of said Lot #2665; being the southerly line of the lands of EVR Investments, LLC., as recorded in Official Record 7033, Page 1447 of the Butler County Recorder's Office, being the **True Point of Beginning**;

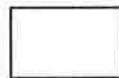
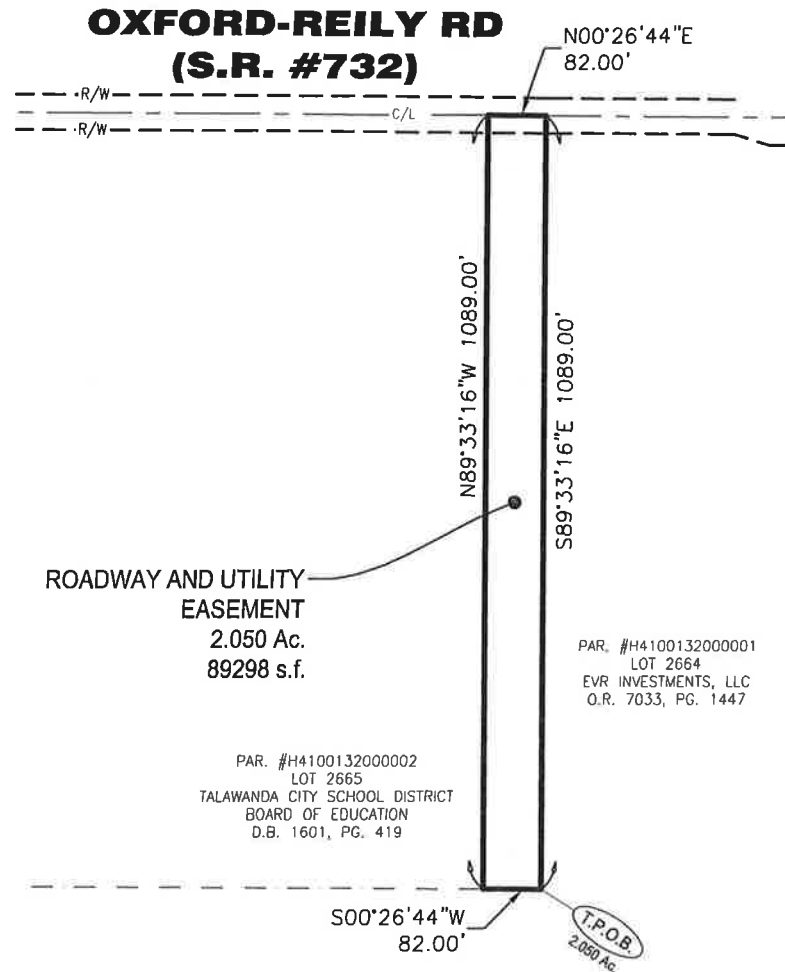
thence, leaving said southerly line of said lands of EVR Investments, LLC., and with the west line of said lands of EVR Investment, LLC., South 00° 26' 44" West, 82.00 feet;

thence, leaving said west line of said lands of EVR Investments, LLC. and through said Lot #2665, North 89° 33' 16" West, 1089.00 feet to the centerline of Oxford-Reily Road (S.R. #732);

thence, with said centerline of Oxford-Reily Road (S.R. #732) North 00° 26' 44" East, 82.00 feet to the southwest corner Lot #2664 of said lands of EVR Investments, LLC.;

thence, leaving said centerline of Oxford-Reily Road and with said southerly line of Lot #2664, South 89° 33' 16" East, 1089.00 feet to the **True Point of Beginning**, containing 2.050 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared from an Exhibit prepared by Bayer Becker, David Douglas Smith, Licensed Professional Surveyor #7121 in the State of Ohio, December 6, 2013.



DENOTES PROPOSED ROADWAY
AND UTILITY EASEMENT.



Basis of Bearing:
State Plane NAD83 GPS Observations



SCALE: 1" = 200'

NOTE: THIS EXHIBIT WAS PREPARED FROM EXISTING DEEDS AND SURVEYS OF RECORD. IT DOES NOT REPRESENT A BOUNDARY SURVEY

Drawing:
13D034-000 ES
Scale
1"=200'
Drawn by:
DDS
Checked By:
BRJ
Issue Date:
12-06-13

**TALAWANDA CITY SCHOOL DISTRICT
BOARD OF EDUCATION
PART OF LOT #2665
CITY OF OXFORD
BUTLER COUNTY, OHIO**

ROADWAY AND UTILITY EXHIBIT



318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

Date: December 6, 2013

Description: Roadway and Utility Easement
Board of Education of the
Talawanda City School District



Location: Part of Lot #3772, City of Oxford
Butler County, Ohio

Situated in part of Lot #3772 of the City of Oxford, Butler County, Ohio, and being a roadway and utility easement in part of the lands of the Board of Education of the Talawanda City School District, as recorded in Official Record 8096, Page 1518 of the Butler County Recorder's Office, and being further described as follows:

Commencing, at the northwest corner of right of way of University Boulevard being the southwest corner of Lot #3289; of Indian Trace & Arrowhead Crossing as recorded in Plat Envelope 3313, Page A of the Butler County Recorder's Office;

thence, leaving said southwest corner of Lot #3289; of Indian Trace & Arrowhead Crossing and with the west right of way of said University Boulevard, South 02° 17' 31" West, 9.01 feet to the **True Point of Beginning**; thence, continuing with said west right of way of said University Boulevard, South 02° 17' 31" West, 82.17 feet;

thence, leaving said west right of way of said University Boulevard and through said lands of the Board of Education of the Talawanda City School District for the following six courses:

- 1) with a curve to the right, having a central angle of 47° 30' 33", a radius of 411.00 feet, an arc length of 340.80 feet, and a chord bearing and distance of North 67° 17' 42" West, 331.12 feet;
- 2) North 43° 32' 26" West, 275.90 feet;
- 3) with a curve to the left, having a central angle of 45° 00' 00", a radius of 329.00 feet, an arc length of 258.40 feet, and a chord bearing and distance of North 66° 02' 26" West, 251.81 feet;
- 4) North 88° 32' 26" West, 637.24 feet;
- 5) with a curve to the left, having a central angle of 14° 54' 44", a radius of 329.00 feet, an arc length of 85.63 feet, and a chord bearing and distance of South 84° 00' 12" West, 85.39 feet;
- 6) South 76° 32' 51" West, 521.97 feet to the centerline of the CSX Railroad, being the east line of the lands of Duvall Properties, LLC, as recorded in Official Record 7362, Page 2165 of the Butler County Recorder's Office;

thence, with said centerline of the CSX Railroad and with said east of the lands of Duvall Properties, LLC, with a curve to the left, having a central angle of 01° 14' 03", a radius of 3811.23 feet, an arc length of 82.10 feet, and a chord bearing and distance of North 16° 14' 07" West, 82.10 feet to the southwest corner of Lot #2820, being the lands of Clawson Properties I, LLC, as recorded in Official Record 7577, Page 1342 of the Butler County Recorder's Office;

thence, leaving said centerline of the CSX Railroad and said east line of Duvall Properties, LLC and with the south line of said Lot #2820, North 76° 32' 51" East, 579.74 feet;

thence, continuing with said Lot #2820., South 88° 32' 26" East, 691.03 feet;

thence, leaving said Lot #2820 for the following three courses:

- 1) with a curve to the right, having a central angle of 45° 00' 00", a radius of 411.00 feet, an arc length of 322.80 feet, and a chord bearing and a distance of South 66° 02' 26" East, 314.57 feet;
- 2) South 43° 32' 26" East, 275.90 feet;
- 3) with a curve to the left, having a central angle of 48° 20' 36", a radius of 329.00 feet, an arc length of 277.59 feet, and a chord bearing and distance of South 67° 42' 44" East, 269.43 feet to the **True Point of Beginning**, containing 4.018 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared from an Exhibit prepared by Bayer Becker, David Douglas Smith, Licensed Professional Surveyor #7121 in the State of Ohio, December 6, 2013.



Drawing:	13D034-000 ES
Scale	1"=200'
Drawn by:	DDS
Checked By:	BRJ
Issue Date:	12-06-13

ROADWAY AND UTILITY EXHIBIT



318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

Date: December 6, 2013

Description: Roadway and Utility Easement
Talawanda School District
Board of Education

Location: Part of Lot 2821, City of Oxford
Butler County, Ohio



Situated in part of Lot #2821 of the City of Oxford, Butler County, Ohio, and being a roadway and utility easement in the lands of the Talawanda City School District Board of Education, as recorded in Official Record 7861, Page 23 and Official Record 6978, Page 2200 of the Butler County Recorder's Office, and being further described as follows:

Beginning at the southwest corner of Lot #3669 of South Farm Section 2A as recorded in Plat Envelope 4002, Page A of the Butler County Recorder's Office and being the **True Point of Beginning**;

thence, with the south line of said South Farm Section 2A South 88° 59' 39" East, 728.97 feet to the centerline of Kehr Road and being the southeast corner of the lands of Cobblestone Community Church, Inc. as recorded in Official Record 7665, Page 632 of the Butler County Recorder's Office;

thence, leaving said southeast corner of Cobblestone Community Church, Inc. and with said centerline of Kehr Road, South 00° 14' 19" West, 85.70 feet;

thence, leaving said centerline of Kehr Road and through part of Lot #2821, being the lands of Talawanda School District Board of Education for the following five courses:

- 1) North 89° 41' 46" West, 983.56 feet;
- 2) with a curve to the right, having a central angle of 36° 18' 19", a radius of 411.00 feet, an arc length of 260.43 feet, and a chord bearing and a distance of North 71° 32' 36" West, 256.09 feet;
- 3) North 53° 23' 27" West, 306.29 feet;
- 4) with a curve to the left, having a central angle of 36° 09' 50", a radius of 329.00 feet, an arc length of 207.66 feet, and a chord bearing and a distance of North 71° 28' 22" West, 204.23 feet;
- 5) North 89° 33' 16" West, 98.39 feet to the east line of Lot #2664 and being the lands of EVR Investments, LLC as recorded in Official Record 7033, Page 1447 of the Butler County Recorder's Office;

thence, with said east line of Lot #2664 and said east line of EVR Investments, LLC, North 00° 01' 08" West, 82.00 feet to the southwest corner of Lot #3695 of South Farm Section 3 as recorded in Official Record 7951, Page 589 of the Butler County Recorder's Office;

thence, leaving said east line of Lot #2664 and said east line of EVR Investments, LLC. and Lot #3695 for the following three courses:

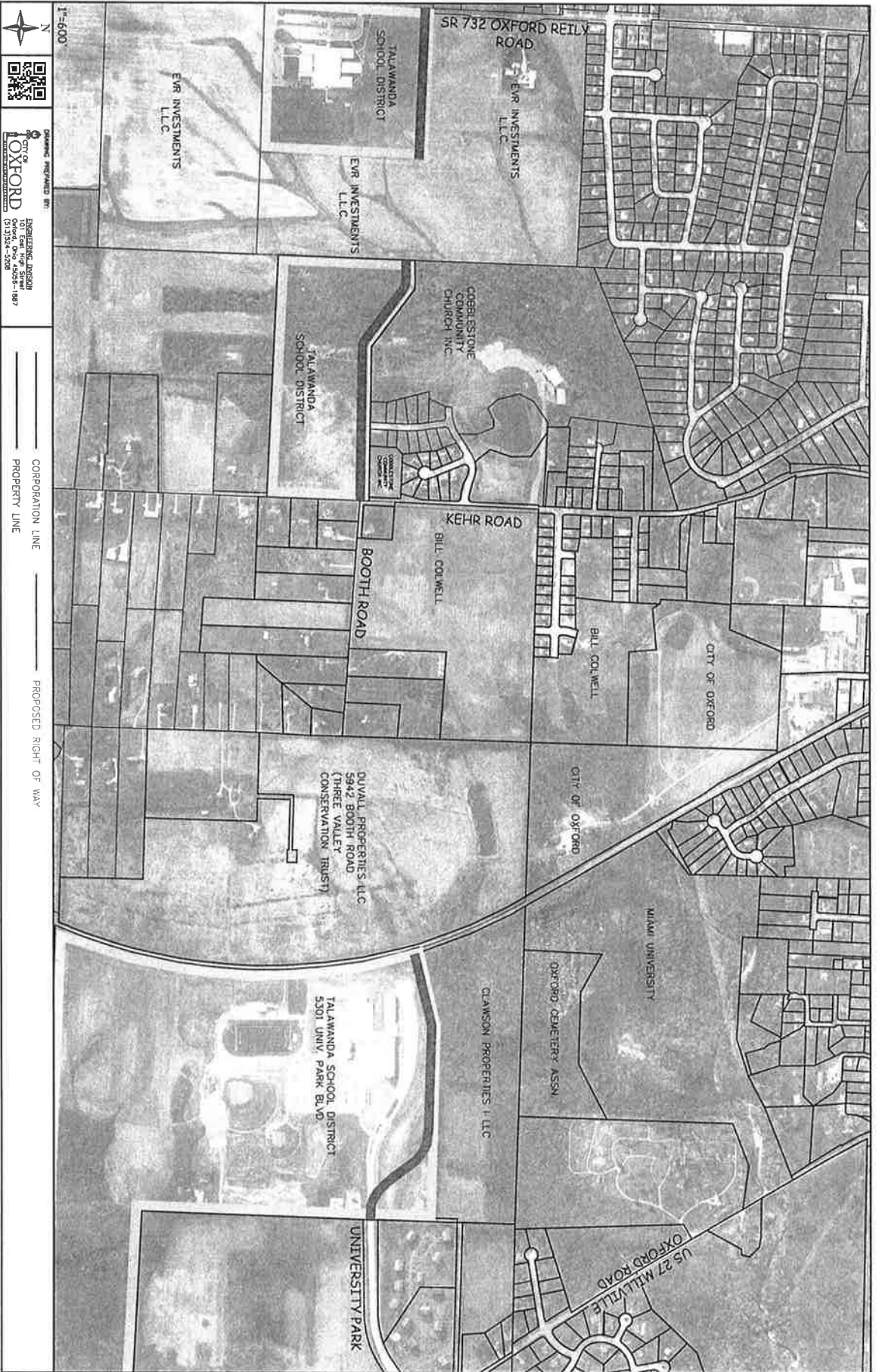
- 1) South 89° 33' 16" East, 233.20 feet;
- 2) South 55° 25' 07" East, 546.38 feet;
- 3) South 88° 59' 39" East, 352.90 to the **True Point of Beginning**, containing 3.889 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared from an Exhibit prepared by Bayer Becker, David Douglas Smith, Licensed Professional Surveyor #7121 in the State of Ohio, December 6, 2013.



ROADWAY AND UTILITY EXHIBIT

318 S. College Avenue
Oxford, OH 45056 - 513.523.4270



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: December 17, 2013

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

December 4, 2013
Date Prepared

Agenda Title: A Resolution authorizing the City Manager to close Lot 52 for the operation of the 2014 Farmer's Market.

Recommendation: N/A

Discussion:

The attached request is for the use of Lot 52 for the operation of the 2014 Farmer's Market which will occur each Saturday all year long. Previously, the market season was May through November and one Saturday each month during the winter/early spring months.

Approved By:

Department Head:
City Manager:

Initial Date

 12/13/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 EACH SATURDAY IN 2014 FROM 5:00 A.M. TO 12:30 P.M TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays in 2014 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays in 2014 from 5:00 A.M. to 12:30 P.M. to permit the operation of the 2014 Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

APPROVED

Rev. 6/11



☒ REQUEST FOR PUBLIC PARK PERMIT

☐ REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 01/01/14 Through 12/31/14 From: 5:00 a.m. To: 12:30 p.m.

Today's Date: 10/17/13 Every Saturday of the month.

☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:

(18 years of age or older)* Larry Slocum

Address: 803 Morman Road, Hamilton, OH 45013

Telephone: 513-505-5238

Cellular: _____

Fax: _____

Email: larry@myschoolfamily.com

Organization: Oxford Farmers Market Association

Advisor: Larry Slocum, Market Manager

Address: _____

PO Box 691, Oxford, OH 45013

Telephone: 513-505-5238

Cellular: _____

Email: info@oxfordfarmersmarket.com

Email: _____

Non-Profit: ☒ Yes ☐ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
- ☐ Leonard Howell Park (Bonham Road)
- ☐ Oxford Community Park (Fairfield Road) – Contact 523-6314 to confirm date(s)
- ☐ Memorial Park (E. Park Place & N. Main Street – has pavilion)
- ☐ Martin Luther King Jr. Park (W. Park Place & N. Main Street – animal sculptures & fountain)
- ☒ Other: Prking lot 52 & surrounding sidewalk. We will only use 1/2 sidewalk to allow for pedestrian traffic

RECEIVED

OCT 18 2013

City of Oxford

TITLE OF EVENT (be specific and include projected attendance)

Oxford Farmers Market Uptown

Projected Attendance: 500-900 Has this event been held previously ☒ Yes ☐ No If "YES", when? since 2004 _____

DESCRIPTION OF EVENT

Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: <u>Larry J. Slocum</u>	Date: <u>10/17/13</u>
I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required <u>before</u> final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials and/or the Oxford Community Event Coordinating Committee.	

M.U. Use Only

The organization listed above is a registered student organization in good standing with Miami University.

Signature: _____ Date: / /



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **three (3) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control. *(Note: Applicant is responsible for damages in the right of way or adjacent property.)*
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-meeting.*
3. The period of use may not exceed two (2) days without City Council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The requestor is responsible for cleanup. Failure to cleanup may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Division and the requestor may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. Miami University approval is required for student events.
12. NO markings may be made on streets or sidewalks within the public right-of-way.
13. Inflatable game requirements: 18 YOA professional operator and **copy of company's insurance policy**.
14. If food is to be distributed to the public, **written approval** from the BCHD is required.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The requestor is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.

FEE INFORMATION

No Parking Signs \$.35 ea
Metered Parking Spots \$10.00/ea
Trash Boxes \$ 5.00/ea

Personnel

Police Officer(s) Contact OPD
Sound System \$25.00
Street Dept. Personnel \$25.00/hr
Electrician \$100.00
Park & Rec Personnel Contact OPRD

Road Closures (fee includes labor)

Main Street \$135.00
US 27 Detour \$135.00

Sports Fields/Gazebo

Contact OPRD – 513-523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as part of this contract. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.

Applicant's Signature

Date: 10/17 /13

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
	Total		\$	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief: ☒ Approved

☐ Not Approved

Fire Chief: ☐ Approved

☐ Not Approved

Service Director: ☒ Approved

☐ Not Approved

Recreation Director: ☐ Approved

☐ Not Approved

City Manager: *DN* ☐ Approved

☐ Not Approved

10/21/2013

10/21/13

1

DN
City Manager's Signature

Date: *10/23/13*

Reason(s) event not approved:

RESOLUTION NO. 4713

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAYS, FROM 5:00 A.M. TO 12:30 P.M., FROM MAY 4, 2013 THROUGH NOVEMBER 23, 2013 TO PERMIT THE OPERATION OF THE FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council has determined that it would be beneficial for the City to permit the Farmer's Market to operate on Lot 52 on Saturdays, between May 4, 2013 through November 23, 2013 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturdays from 5:00 A.M. to 12:30 P.M., from May 4, 2013 through November 23, 2013 to permit the operation of the 2013 Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

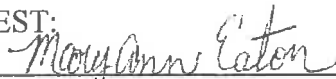
SECTION 4: This resolution shall take effect at the earliest date allowed by law.



MAYOR

ADOPTED: December 4, 2012

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 4714

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSE LOT 52 ON SATURDAY, JANUARY 19, 2013, SATURDAY, FEBRUARY 16, 2013, SATURDAY, MARCH 16, 2013, SATURDAY APRIL 20, 2013 AND SATURDAY, DECEMBER 21, 2013 FROM 5:00 A.M. TO 12:30 P.M., TO PERMIT THE OPERATION OF THE WINTER FARMER'S MARKET WITHIN LOT 52 DURING SAID TIME.

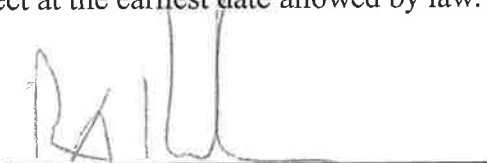
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council has determined that it would be beneficial for the City to permit the Winter Farmer's Market to operate on lot 52 on Saturday, January 19, 2013, Saturday, February 16, 2013, Saturday, March 16, 2013, Saturday, April 20, 2013 and Saturday, December 21, 2013 and that the closure of Lot 52 between the hours of 5:00 a.m. and 12:30 p.m. is required to permit this operation.

SECTION 2: Council hereby authorizes the City Manager to close Lot 52 on Saturday, January 19, 2013, Saturday, February 16, 2013, Saturday, March 16, 2013, Saturday, April 20, 2013 and Saturday, December 21, 2013, from 5:00 a.m. to 12:30 p.m., to permit the operation of the 2012 Winter Farmer's Market within Lot 52 during said time.

SECTION 3: In all other respects the City of Oxford traffic code shall remain in full force and effect.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.



MAYOR

ADOPTED: December 4, 2012

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

JRK 12/13/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH MILFORD TOWNSHIP, BUTLER COUNTY, OHIO, AND AUTHORIZING THE CITY OF OXFORD TO PROVIDE EMERGENCY MEDICAL SERVICES TO THE WESTERN PORTION OF MILFORD TOWNSHIP PURSUANT TO THE AGREEMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Fire Chief recommend Council authorize the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorize the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

SECTION 2: Council accepts the recommendation of the City Manager and the Fire Chief and hereby authorizes the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio and authorizes the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township, Butler County, Ohio, pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

**AGREEMENT BETWEEN THE CITY OF OXFORD AND
MILFORD TOWNSHIP, BUTLER COUNTY, OHIO**

This Agreement is made and entered into this ____ day of _____, 2013, by and between the City of Oxford and Milford Township, Butler County, Ohio.

WITNESSETH:

Whereas, Milford Township desires to avail itself of the emergency medical service offered and provided by the City of Oxford for the western 18 square mile portion of Milford Township and to fairly compensate the City of Oxford for such service; and

Whereas, the City of Oxford wishes to provide such services and to be fairly compensated.

Now, therefore, it is mutually agreed and undertaken by and between the parties as follows:

1. The City of Oxford, Ohio agrees to furnish Milford Township, Ohio emergency medical services in the western 18 square mile portion of Milford Township for a period beginning January 1, 2014 and continuing through December 31, 2015, unless sooner terminated by either party as provided hereafter.
2. The City of Oxford agrees to provide the above services on a twenty-four (24) hours per day, seven (7) days per week basis for the term of this agreement.
3. Milford Township agrees to compensate the City of Oxford a total sum of \$12,200 for each of the two contract years. Payment for services will be due as follows: \$6,100 on or before January 1, of the contract year and the remaining amount of \$6,100 on or before June 1 of the same year.
4. The City of Oxford shall be under no obligation to provide emergency medical service for Milford Township in the event Milford Township defaults or intentionally terminates its payments under this agreement.
5. Oxford's response under this agreement will be limited to one squad with a minimum of two (2) EMT's for emergency medical service (EMS) calls only. Oxford will not provide routine transportation that can be handled by private ambulance service.
6. All patient transportation will be to the McCullough-Hyde Memorial Hospital only, unless the Oxford Fire Department crew chief determines transportation to Fort Hamilton Hospital is required for unique emergency care. The Oxford Fire Department will only provide transport to other facilities if there is an extreme medical need.

7. When an additional squad is required within the Milford Township service area, either at the same EMS emergency or another simultaneous EMS emergency; or when Oxford does not have adequate resources to respond due to a preceding fire or EMS incident within its coverage area, Oxford will request mutual aid response, first from the squad contracted for the eastern half of Milford Township, then from surrounding departments. Oxford will not respond with a second squad into Milford Township except under an extreme circumstance or where mutual aid is not available.
8. Unless the initial dispatch indicates an on-scene injury or illness, Oxford will not automatically respond for stand-by on Milford Township fire dispatches within its response area except for reported structure fires. Subject to the limitations above, Oxford will respond to any fire scene for stand-by when the severity of the incident warrants as specifically requested by the Milford Township Fire Chief or officer-in-charge after their arrival on scene.
9. The Milford Township Fire Department will respond automatically on all motor vehicle accident or other rescue calls within Milford Township. The Milford Township Fire Department will respond as requested by Oxford for lifting assistance or other manpower assistance at any EMS emergency within Milford Township. The Milford Township Fire Department will be dispatched to all cardiac arrest calls for additional manpower.
10. The parties agree that negotiations for a new contract will begin no later than July 1, 2015.
11. The City agrees to provide general liability insurance with a limit of one million dollars (\$1,000,000) and to list Milford Township as an additional insured for any and all claims related to the services performed under this agreement. Milford Township agrees to carry general liability insurance with a limit of one million dollars (\$1,000,000) with the City of Oxford listed as an additional insured for any and all claims related to the services performed under this agreement. Each party shall be responsible for the cost of its own insurance.
12. The City of Oxford agrees to provide Milford Township with an annual report of all calls/runs in Milford Township including type of response.
13. The City of Oxford further agrees to provide Milford Township with a copy of the Comprehensive Annual Financial Report prepared by the City of Oxford, which shall include all income received and all expenses incurred by the Fire/EMS Division.
14. This agreement constitutes the entire understanding between the parties concerning the City of Oxford's obligation to Milford Township for providing emergency medical service in the western 18 square mile portion of Milford Township, Butler County, Ohio. Any amendment or modification to this agreement shall only be effective when reduced to writing and signed by both parties.
15. In order to facilitate communications between the City of Oxford and Milford Township, the following individuals are designated as the persons to whom all inquiries or communications should be directed on behalf of their respective entity:

City of Oxford
Douglas R. Elliott, Jr.
City Manager
101 E. High Street
Oxford, Ohio 45056

Milford Township
Brad Mills, President
Milford Township Trustee
1414 Trenton Oxford Road
Oxford, Ohio 45056

16. This contract shall become effective upon its execution by both parties. Executed on the day and date first above written.

CITY OF OXFORD, OHIO

MILFORD TOWNSHIP

Douglas R. Elliott, Jr.
City Manager
Pursuant to Resolution
No.

Brad Mills
Board President

Paul Gillespie
Trustee

Brad Mills
Trustee

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 17, 2013

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Victor Popescu, City Engineer

Prepared By

December 3, 2013

Date Prepared

Agenda Title: Release of a Performance Bond for the Campus Commons Phase II Subdivision.

Recommendation: Approval

Discussion:

The Engineering Division has inspected the Campus Commons Phase II Subdivision and determined that the development was constructed in accordance with the plans and specifications.

The City of Oxford holds a partial Performance Bond in the amount of \$190,033.50. The bond consists of a "letter of credit."

The Developer has requested that the above bond be released.

Since the Development was inspected and accepted by the Engineering Division, and the one (1) year maintenance period has not expired, Staff recommends City Council approve the release of the Performance Bond, minus 10% to be held as a Maintenance Bond.

The Maintenance Bond will expire on December 3, 2014. During the life of the Maintenance Bond, the Developer will be responsible to correct any and all deficiencies in the roadway and infrastructure.

Calculation of the amount to be release:

Letter of Credit (Performance Bond):	\$675,000.00
10% held as a Maintenance Bond:	\$ 67,500.00
Previously released:	\$484,966.50
Release: (\$675,000.00 - \$67,500.00 - \$484,966.50)	\$122,533.50

Approved By:

Department Head:

City Manager:

Initial

Date

VP

12/9/13

2/25 12/13/13

RESOLUTION NO.

A RESOLUTION AUTHORIZING A \$122,533.50 REDUCTION OF A \$190,033.50 LETTER OF CREDIT PERFORMANCE BOND FOR CAMPUS COMMONS SUBDIVISION, PHASE TWO, AND ACCEPTING A NEW LETTER OF CREDIT PERFORMANCE BOND IN THE AMOUNT OF \$67,500.00.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The developer, having met the terms and conditions for which a letter of credit performance bond in the amount of \$190,033.50.00 was given, is hereby released by Council, and a new letter of credit performance bond in the amount of \$67,500.00 is hereby accepted. This amount warranties the public improvements within the project footprint for a period of one year.

SECTION 2: The City Manager and the Clerk of Council are hereby authorized to execute the necessary paperwork, reducing the letter of credit performance bond and to take all other steps necessary.

SECTION 3: This reduction is hereby given upon report of the City Engineer that the work secured by the letter of credit performance bond has been satisfactorily completed.

SECTION 4: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the December 17, 2013
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: December 13, 2013

Agenda Title: Resolution releasing an existing mortgage with Michael & Michelle Patterson and replacing it with a new mortgage.

Recommendation: Approval

In June of 2009, the Oxford City Council passed Resolution #4450, approving a \$205,600 Revolving Loan to Mike & Michelle Patterson for the moving and expansion of Patterson's Café.

The original loan was for ten years. Five years and eight months are remaining on the loan. Over the last four and one half years the Pattersons have paid down the loan to its current balance of \$124,006.06.

In 2009 when the Pattersons expanded the Café, they had also acquired additional loans from other sources. The City's RLF loan, as well as, the additional loans all used the Patterson's home as collateral.

Currently the Pattersons are re-financing and consolidating these loans. The bank has asked the City to release its existing mortgage and re-apply the mortgage after the consolidation. Because the original mortgage was authorized by City Council, City Council must also approve the temporary release of the mortgage.

The existing loan was for ten years, at 3% interest. The replacement mortgage will provide the same terms, conditions and ending date.

This action will improve the City's security position on the property from third to second.

Reviewed By:

Department Head:

City Attorney:

City Manager:

Initial Date

GA / 12-13-13

ME / 12-13-13

RESOLUTION NO.

A RESOLUTION RELEASING THE MORTGAGE BETWEEN MORTGAGORS MICHAEL M. PATTERSON AND MICHELLE KRAUSE PATTERSON AND LENDER THE CITY OF OXFORD RECORDED ON SEPTEMBER 2, 2009 AT BOOK 8150 PAGE 1846 OF THE BUTLER COUNTY RECORDS AND AUTHORIZING THE CITY MANAGER TO SIGN THE RELEASE OF MORTGAGE ON THE CONDITION THAT THE PATTERSONS SIGN A REPLACEMENT MORTGAGE GRANTING THE CITY OF OXFORD A MORTGAGE IN THE AMOUNT OF \$124,006.06.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: A Request was made by the borrowers, Michael M. Patterson and Michelle Krause Patterson to release the mortgage with the City of Oxford in exchange for executing a new mortgage in the amount of \$124,006.06.

SECTION 2: Council finds that the City Manager and Economic Development Director have recommended this course of action.

SECTION 3: Council hereby accepts and approves the recommendation of the City Manager and the Economic Development Director and authorizes the City Manager to sign a release of mortgage between the City of Oxford and Michael M. Patterson and Michelle Krause Patterson on the condition the Pattersons sign a replacement mortgage granting the City of Oxford a mortgage in the amount of \$124,006.06.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: ALAN KYGER

PREPARED BY: LAW(STAFF)

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, December 3, 2013 at 7:15 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Joe Newlin, Finance Director; Mr. Bob Holzworth, Police Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director, and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Ms. Rousmaniere moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) (2) for the purpose of discussing property acquisition. Mr. Snyder seconded. The motion passed by the following roll call:

AYE: Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

Mr. Blackburn recused himself from the discussion.

RETURN FROM EXECUTIVE SESSION

Mr. Snyder moved to adjourn from Executive Session at 7:40 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Ms. Rousmaniere seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

RECOGNITION

KEN BOGARD & JOHN HARMAN

Mayor McKeehan read Resolution No. 4796 commending Ken Bogard for his service to the City of Oxford and its residents as a City Councilor from 2005 to 2013. Mayor McKeehan presented the Resolution to Mr. Bogard along with a thank you gift from the City.

Mr. Ken Bogard, thanked Council for the Resolution and thanked Council and the citizens of Oxford for 16 great years on Council. Mr. Bogard noted on a trip to England he had the opportunity to exchange gifts and have dinner with the Mayor of Oxford which was a real treat and the event was publicized. Mr. Bogard thanked everyone again for allowing him to serve as a City Councilor.

Mayor McKeehan read Resolution No. 4797 commending John Harman for his service to the City of Oxford and its residents as a City Councilor from 2009 to 2013. Mayor McKeehan presented the Resolution to Mr. Harman along with a thank you gift from the City.

Mr. John Harman, noted it was a pleasure to serve with his fellow Councilors and it was an honor to serve with the staff and wonderful employees of the City of Oxford. Mr. Harman wished everyone a great holiday season.

Mayor McKeehan thanked Mr. Bogard and Mr. Harman for their service to the City.

PRESENTATION **FARMERS MARKET**

Mr. Larry Slocum, Market Manager, advised the Farmers Market would like to be open every Saturday as farmers were expanding their growing seasons. Mr. Slocum advised 8-10 vendors wanted to be there every Saturday and starting December 6th the market would be open.

Mr. Slocum performed his rendition of "It's Beginning to Look a Lot Like Market" for Council and the audience.

Mr. Slocum updated Council with regard to the 2013 Farmers Market season and noted it was a huge bridge between people of the community and Miami University students. Mr. Slocum advised the Farmers Market sponsored food stamps and their goal was to reach every Butler County resident who wanted to eat good food.

Council members thanked Mr. Slocum for his presentation and report.

PUBLIC COMMENTS

Ms. Prue Dana, 6314 Fairfield Road, thanked Mr. Harman for his service on Council and noted Mr. Harman stepped up to run for Council with his financial expertise. Ms. Dana thanked Mr. Bogard and noted he served with her on the Planning Commission many years ago and has served as her friend and mentor. Ms. Dana noted she felt the most remarkable thing about Ken was the way he thought of Oxford as part of a region. Ms. Dana advised Ken made Oxford part of the region by serving on the OKI Board and the Butler County Land Use Coordinating Committee and representing Oxford. Ms. Dana noted that service was important, good and valuable for Oxford as a City. Ms. Dana thanked the members of Council who ran again in 2013 and thanked Mr. Keebler for serving as Mayor the last 4 years noting that was an accomplishment. Ms. Dana thanked everyone on Council and noted they were very much appreciated.

CONSENT AGENDA

MINUTES

Minutes of the November 18, 2013 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 25, 2013 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the November 20 2013 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Mr. Snyder moved to approve the consent agenda. Mr. Keebler seconded. The motion passed 7-0-0.

RESOLUTION

NEIGHBORHOOD

CONSERVATION DISTRICT

A Resolution No. 4798 of Council accepting the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was the first petition the City had received to establish a Neighborhood Conservation Overlay District and noted the enabling legislation was adopted in 2012. Mr. Chen advised the purpose of the overlay district was to preserve traditional family oriented neighborhoods and the process started with a petition being filed with the Clerk of Council who verified the signatures of 2/3 of the property owners within the proposed overlay boundary. Mr. Chen noted the boundary conformed to the provisions outlined in the zoning code and staff was asking Council to accept the petition and forward it to the Planning Commission for consideration of an overlay district.

Mayor McKeehan inquired if anyone from the neighborhood was in attendance and Mr. Chen advised no.

Ms. Rousmaniere inquired what the process would be for the Planning Commission. Mr. Chen advised it would be the same as a Zoning Map Amendment, there would be a Public Hearing, and the Planning Commission would make recommendations to City Council for legislative action.

Mr. Snyder noted there were parcels that fronted Contreras Road that were not involved with the proposed overlay district. Mr. Chen advised the proposed overlay district may be amended in the future to include additional parcels.

Mayor McKeehan noted he was happy to see the petition come forward and advised he served on the Housing Advisory Board where the enabling legislation originated.

Mr. Keebler noted this was the first step in the process and there would be 3 more opportunities for the public to speak on the proposed overlay district.

Mr. Snyder moved to adopt Resolution No. 4798. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
ASSISTANCE TO
FIREFIGHTERS GRANT

A Resolution No. 4799 authorizing the City Manager to apply for the 2013 Assistance to Firefighters Grant Program in the amount of \$480,000.00 with a \$100,000.00 match by the City. (John Detherage, Fire Chief)

Chief Detherage advised he was asking Council's permission to apply for the 2013 Assistance to Firefighters Grant. Chief Detherage noted if successful, the grant award would be used to replace a fire engine that was almost 20 years old. Chief Detherage advised the new vehicle would allow equipment to be transported on one vehicle rather than on several vehicles which would be more efficient with the current staffing levels.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Mr. Snyder inquired when the purchase of the replacement vehicle would be approved in the capital budget and Mr. Elliott advised in 2016. Mr. Keebler referred to the staff report on page 32 of the agenda and inquired if the patient transport capability was being removed from the grant application and Chief Detherage advised yes. Mr. Snyder inquired why the grant was for 2013 and not for 2014. Chief Detherage noted the program was delayed due to budget issues within the Federal Government. Mayor McKeehan noted the City may or may not be awarded the grant and if not, the project would move forward in 2016. Mr. Keebler moved to amend Section 1 on page 33 of the agenda by striking the words "and a 1996 ambulance" since the new vehicle would only replace the pumper. Mr. Elliott noted if the City was successful in receiving the grant a supplemental appropriation would be required for the City's matching funds. Mr. Keebler noted the grant could always be refused. Mr. Keebler noted concern with spending \$580,000 for a pumper and Chief Detherage advised the project amount was \$480,000 which included the City's \$100,000 match. Mayor McKeehan inquired if the words "and opening up bay space" should be stricken since only one vehicle was being replaced and Chief Detherage advised yes. Mr. Keebler suggested striking everything after "1996 pumper" to the end of the sentence in Section 1 on page 33 of the agenda and to replace the word "with" in the caption with the word "including".

Mr. Keebler referred to page 33 of the agenda and moved to strike everything after "a 1995 pumper" to the end of the sentence in Section 1 and to replace the word "with" in the caption with the word "including". Mr. Snyder seconded. The motion passed 7-0-0.

Mr. Snyder moved to adopt Resolution No. 4799 as amended. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW SECTION 1305.02

An Ordinance Repealing Oxford Codified Ordinance Section 1305.02 Entitled Additions, Insertions and Changes (To the Oxford Property Maintenance Code) And Adopting New Section 1305.02 Entitled Additions, Insertions And Changes (To the Oxford Property Maintenance Code) As Set Forth On Exhibit "A" Attached Hereto And Incorporated Herein By Reference.
(Jung-Han Chen, Community Development Director)

Mr. Chen advised there were several amendments being proposed for Council's consideration within the proposed legislation, specifically dealing with carbon monoxide/photoelectric smoke detectors, foreclosed property notifications, tall grass notifications and vacant lot mowing requirements. Mr. Chen noted after a meeting with MU IFC and Chapel Hill Fire officials the City Manager directed staff to look into preparing legislation to require carbon monoxide and photoelectric smoke detectors to enhance life and safety considerations for all rental properties. Mr. Chen noted the carbon monoxide detector was only applicable for fossil fuel burning furnaces and they were required in all new buildings. Mr. Chen advised the second modification would add a notification requirement for foreclosed properties by allowing the City to monitor the condition of these properties and contact responsible entities when property maintenance concerns arose. Mr. Chen advised another proposed amendment would create a mowing requirement for vacant lots where only the front yard was mowed to be consistent with the streetscape of the block. Mr. Chen noted the last proposed amendment would stipulate that one tall grass violation notification was sufficient for the calendar year since it was the property owner's responsibility to keep an eye on the property.

Mr. Blackburn inquired what was considered a front yard. Mr. Chen advised it was based on the zoning district or whatever the platted subdivision stipulated, whichever was larger.

Mr. Keebler advised the property maintenance code defined rooming houses, lodging houses, etc. and inquired if commercial buildings were covered in the property maintenance code. Mr. Chen advised all existing structures were covered. Mr. Keebler referred to pages 39-40 of the agenda and advised he understood weeds being allowed to grow to 10" and noted he felt 10" was excessive for a grassed yard. Mr. Chen advised 10" was the threshold for the City to notify property owners of a violation and Council could amend that if they felt it was too tall. Mr. Keebler inquired how agricultural, wooded or undeveloped land was covered and asked if staff ignored those properties. Mr. Chen advised staff looked at subdivisions that were developed but had some vacant lots within them. Mr. Elliott advised he and Mr. Chen would look at proposing an exemption for large tracts of land and agricultural properties. Mr. Keebler asked staff to look at the 10" requirement for grassed yards before the second reading of the proposed Ordinance noting he felt it was too high. Ms. Rousmaniere clarified that owners would only be notified once per calendar year with regard to tall grass violations and the City would cause the grass to be cut each time it was over 10" high.

Mr. Keebler referred to PM-310.6.1 on page 43 of the agenda and inquired if the Building Code required a carbon monoxide detector outside of each sleeping area and Mr. Chen advised yes. Mr. Keebler noted concern that the requirement for carbon monoxide detectors and photoelectric smoke detectors especially for properties built in recent years that had inter-connected smoke detectors would be a financial burden. Mr. Chen noted the City's Building Official felt it would be a simple modification. Mr. Elliott advised he was not opposed to establishing a 'grandfather' period. Mr. Chen advised staff would look into the issue and offer a suggestion for the second reading of the proposed Ordinance.

ORDINANCE
NEW CHAPTER 921

An Ordinance Repealing Oxford Codified Ordinance Chapter 921 Entitled Water Service, And Adopting New Oxford Codified Ordinance Chapter 921 Entitled Water Service. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised staff reviewed Section 921 of the Oxford Codified Ordinances and made recommendations for changes to the code with 4 goals in mind. Mr. Dreisbach noted the changes would make the code easier to understand and clear to the average reader. Mr. Dreisbach advised fees and charges related to the code would be in one location. Mr. Dreisbach noted all technical information related to the water utility would be located in a technical manual and that information would not be codified. Mr. Dreisbach advised the changes would reduce the chances for conflicting information within the code. Mr. Dreisbach noted staff was recommending the re-examination of penalties for people who violated parts of the code as they were no longer a deterrent for people willing to take the hit for a \$100 fine. Mr. Dreisbach advised the proposed new language was in bold and deleted items were struck through. Mr. Dreisbach offered to answer any questions.

Mayor McKeegan inquired if the public wished to comment on the proposed Ordinance. There were no public comments.

Ms. Rousmaniere inquired what the penalty would increase to. Mr. Dreisbach advised it would increase from \$100 to \$1,000.

Mr. Keebler referred to item 921.03 on page 49 of the agenda and noted the word Director should not be struck through. Mr. Keebler noted Chapter 923 for Wastewater had a lot of definitions and inquired why Chapter 921 had none. Mr. Dreisbach advised wastewater required definitions and the water utility was fairly simple. Mr. Keebler referred to pages 52 and 53 of the agenda and noted there seemed to be conflicting information regarding the property owner's responsibility for the installation of service lines. Mr. Dreisbach advised typically the owner's responsibility was from the curb stop to the building. Mr. Dreisbach noted in a town of this age there would be exceptions and there were exceptions now. Mr. Keebler referred to the first paragraph on page 54 and noted it didn't seem to read correctly. Mr. Dreisbach advised the word "and" in the 3rd line should be "to". Mr. Keebler noted the ordinance referred to the "City Auditor" and advised Oxford had a "Finance Director". Mr. Elliott noted that language came from the City Charter but he did not see a problem in changing the ordinance to reflect Finance Director. Ms. Southard noted a minor correction on page 63 of the agenda.

ORDINANCE
NEW CHAPTER 923

An Ordinance Repealing Oxford Codified Ordinance Chapter 923 Entitled Sewers And Sewage Disposal, And Adopting New Oxford Codified Ordinance Chapter 923 Entitled Sewers And Wastewater Disposal. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised his comments related to the water utility were applicable for wastewater. Mr. Dreisbach noted the Waste Water Treatment Plant (WWTP) was strictly regulated by the Ohio Environmental Protection Agency and there were strict discharge limits. Mr. Dreisbach advised this part of the code was more rigid and defining to protect the interest of the plant. Mr. Dreisbach advised the WWTP used natural processes to clean and remove pollution from the wastewater before it was discharged into Four Mile Creek and the plant had to be protected from solvents, chemicals and heavy metals as they could affect the City's discharge permit. Mr. Dreisbach noted if the bio-solids could not be applied to a farm field as a fertilizer product it would have to be land filled at \$60 per ton rather than \$18 per ton. Mr. Dreisbach advised the ramifications were great if the City was not able to get a fertilizer product at the end of its process. Mr. Dreisbach noted the proposed new language was in bold and deletions were struck through. Mr. Dreisbach offered to answer any questions.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Mr. Keebler referred to 923.14(a)(1) on page 83 of the agenda and inquired if reducing the amount of solids that required pre-treatment was a new standard or a new burden on certain industries. Mr. Dreisbach advised it was a reflection of the tightening of the City's permit by the Ohio Environmental Protection Agency (OEPA). Mr. Keebler inquired if there was one industry that would put this type of solid into the City's system and Mr. Dreisbach advised there were two, and there had been no compliance issues with either one.

Mr. Snyder noted during his first tenure on Council a number of years ago, compliance issues at the WWTP were frequent and he had heard of none over the past two years. Mr. Snyder advised a lot of improvements had been made in an era where the restrictions of the OEPA had tightened and there were a lot of improvements as to what went into the plant and what came out of it. Mr. Dreisbach advised over the last 15 years Council provided the funds and the means to make many improvements at the WWTP which were being made in bits and pieces. Mr. Dreisbach noted currently a 4 million dollar project was being finished at the WWTP.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3190. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2013. (Joe Newlin, Finance Director)

Mr. Newlin addressed the 5 issues contained in the Supplemental Budget as presented on pages 111 and 112 of the agenda.

Mayor McKeehan inquired if there were any comments from the public or from Council and there were none.

ORDINANCES

SECOND READING

ORDINANCE

APPROPRIATE PROPERTY

An Ordinance No. 3254 To Appropriate For Public Use All Right Title And Interest In A Certain Parcel Of Property Located At 4134 Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road.
(Mike Dreisbach, Service Director)

Mr. Dreisbach advised there were three Second Reading Ordinances on the agenda this evening which were similar and served the same purpose. Mr. Dreisbach noted this was one of the final steps to acquire all of the right-of-way necessary for the improvements to U.S. 27 South. Mr. Dreisbach advised the ordinances were similar to what Council already adopted for 11 other parcels and these were the final 3 that needed Council's approval this evening.

Mayor McKeehan inquired if the public wished to comment on the three ordinances and there were no public comments.

Ms. Rousmaniere stated this was to begin the legal process of acquisition. Mr. Dreisbach advised once the Ordinances were approved the matters would be filed with the Clerk of Courts in Butler County. Mr. Dreisbach noted the City would certify to ODOT that the right-of-way was acquired and ODOT would release the bid package and start the contract process.

Mr. Snyder moved to adopt Ordinance No. 3254. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler,
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE

APPROPRIATE PROPERTY

An Ordinance No. 3255 To Appropriate For Public Use All Right Title And Interest In A Certain Parcel Of Property Located At 4205 Millville-Oxford Road For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road.
(Mike Dreisbach, Service Director)

Mayor McKeehan inquired if there were any further comments from Council and there were none.

Mr. Snyder moved to adopt Ordinance No. 3255. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
APPROPRIATE PROPERTY

An Ordinance No. 3256 To Appropriate For Public Use All Right Title And Interest In A Certain Parcel Of Property Located At 106 Thomson Court For The Purpose Of Acquiring Permanent And Temporary Rights-Of-Way To Construct And Widen Millville-Oxford Road. (Mike Dreisbach, Service Director)

Mayor McKeehan inquired if there were any further comments from Council and there were none.

Mr. Snyder moved to adopt Ordinance No. 3256. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised a New Council Member Orientation Session was held on November 21st for Ms. Southard and Mr. Smith and they toured the Water Treatment Plant and the Waste Water Treatment Plant today.

Mr. Elliott advised the present EMS contract with Milford Township would expire on December 31, 2013 and he submitted an offer to the Milford Township Trustees to provide EMS service for \$12,200 for 2014 and the same amount for 2015 which was a 20% increase. Mr. Elliott noted if the Milford Township Trustees accepted the proposal, a Resolution would come before Council on December 17th authorizing the City Manager to sign a two year contract.

Chief Holzworth advised the Police Department was very busy over the Thanksgiving break and conducted over 345 vacant house checks. Chief Holzworth noted there were only a few incidents during the break and the Police Department would implement the same strategy over the upcoming holiday break.

Ms. Brahier thanked the Street Department for decorating the Uptown and noted it looked beautiful. Ms. Brahier advised the Oxford Chamber of Commerce and the Oxford Visitors Bureau initiated a Christmas Walk Thursday evening from 5:00 - 8:00 p.m. and encouraged community members to participate in the event. Ms. Brahier advised Oxford's Holiday Festival would take place this Friday and Saturday and invited everyone to attend.

Mr. Kyger encouraged everyone to take part in the Christmas Walk on Thursday and encouraged everyone to support the "Shop Small" initiative this weekend. Mr. Kyger noted the small businesses supported the community and Saturday would be a good day to support the small businesses.

Ms. Southard noted she was delighted to be on Council and thanked Mr. Elliott and Ms. Eaton for organizing the New Council Orientation Session that she and Mr. Smith attended. Ms. Southard thanked all of the Department Heads who gave their time to share information about their operation noting it was very helpful. Ms. Southard thanked Mr. Elliott and Mr. Dreisbach for arranging the tour of the Water and Wastewater Plants today. Ms. Southard wished everyone Happy Chanukah.

Mr. Smith noted the orientation session with everyone was great as well as the tour of the water and wastewater facilities today. Mr. Smith advised he looked forward to Council having a successful year.

Mr. Snyder, Ms. Rousmaniere and Mr. Keebler welcomed new Council members Mike Smith and Edna Southard.

Mr. Blackburn noted the Lions Club Christmas trees arrived for sale in the Uptown Park. Mr. Blackburn advised he felt the Uptown looked gorgeous and it said a lot about our City and employees.

Mr. Keebler referred to a letter Council received from Mr. Gerardo Brown-Manrique asking Council to remedy some concerns with Time Warner Cable. Mr. Keebler advised that laws in the State of Ohio changed several years ago which took control of local franchises away from municipalities and gave it to the Public Utilities Commission of Ohio. Mr. Keebler further noted that cable television in Oxford was not a monopoly and any vendor was welcome to provide services to Oxford customers. Mr. Elliott advised that staff would respond to Mr. Brown-Manrique's letter.

Mayor McKeehan advised he received a letter from the Government Finance Officers Association notifying him that the comprehensive annual financial report for the fiscal year ended December 31, 2012 qualified for a Certificate of Achievement for Excellence in Financial Reporting. Mayor McKeehan commended Mr. Newlin and his staff for their fine work.

ADJOURN

Mr. Snyder moved to adjourn at 9:02 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 17, 2013

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

December 12, 2013
Date Prepared

HAPC MEETING REPORT – DECEMBER 4, 2013

The HAPC voted to approve officers for 2014: The Commission Chair being Laura Henderson and Commission Vice-Chair being Kim Peterka. There are currently six HAPC members with one of seven seats being vacant at this time.

Requests for Review (Certificate of Appropriateness):

HAPC-12-2013, 29 East High Street, Collected Works, Scott Webb, Applicant, Agent. On behalf of the business owner, the applicant proposed to replace the existing ground floor façade with a new storefront window that extends three feet further. Lighting would also be added to the wall sign. The storefront materials would be black aluminum framed glass with painted wood panel detailing below. The storefront would allow more display space for the business owner and also fit the architectural context of the district. The HAPC voted unanimously approving the proposal as presented.

Old Business

Architect Gerry Bird, representing Phi Gamma Delta reconstruction at 130 East High Street, was present. He provided updated conceptual drawings to the HAPC. The HAPC reviewed and asked questions. Mr. Bird took the comments and questions and plans to incorporate them into a final proposal to be submitted at an upcoming HAPC meeting.

Members reported on the well-attended marker workshop on November 7th at the Smith Library of Regional History. There were at least four properties represented.

Staff updated HAPC that the Community Arts Center grant for repair to the front porch is still moving forward for completion in summer 2014.

Upcoming Meetings

The next HAPC meeting will take place on January 8, 2014, due to the first Wednesday falling on the New Year's Day holiday. Additionally, the February meeting has been rescheduled to February 12, 2014.

Department Head:
City Attorney:
City Manager:

JHC 1/12/12/13
DBE 1/12/12/13

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 17, 2013

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

December 10, 2013
Date Prepared

Agenda Title: Environmental Commission Meeting of December 4, 2013

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, December 4, 2013 meeting were: Chair, Mr. Vince Hand; Vice-Chair, Mr. Kevin Armitage; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Robert Bell; Mr. Wright Gwyn, and Mr. Ted Wong. A quorum was present.

Minutes from the November 6, 2013 Commission meeting were unanimously accepted as presented.

On Tuesday, December 3, 2013, the graduate student team from Miami University's Institute for the Environment and Sustainability made a mid-term public presentation regarding their Professional Service Project (PSP) on stormwater. Three Commissioners attended the mid-day presentation (entitled "Oxford Stormwater Management and Outreach"). The PSP has two objectives: 1) locate existing stormwater management best management practices (BMPs), while gauging citizen interest and awareness on stormwater management; and 2) prepare recommendations for stormwater education and outreach program(s). To date, the graduate students have identified 24 stormwater BMP features at 16 locations through their various surveys and interviews (14 locations are located within Oxford's corporation limits). Thus far, rain barrels are the most common BMP. Additional survey follow-up interviews are pending. The student team intends to start aerial image inspections to identify locations of stormwater retention and detention basins in the City. The students are reviewing education and outreach programs of other Ohio communities to identify features that Oxford may want to incorporate into its public education and outreach components of the stormwater management program.

Updates on developments associated with expanding alternate transportation within the community were provided by Mr. Robert Bell. Establishing bicycle lanes and "Sharrows" on several City streets is planned, with the initiation of their implementation tentatively scheduled for earlier in 2014.

The revision to the City of Oxford's Storm Water Management Design Manual (the Manual) was discussed. The Commission is preparing information regarding stormwater BMPs for inclusion in the Manual. Since the initial preparation of the Manual (pre-1993), various structural storm water BMPs not discussed in the Manual have become more accepted and common place. Commissioners have concluded

(Continued)

Approved By:

Department Head:
City Manager:

Initial Date

NTB \ 12/12/13
DGB \ 12/13/13

to have general information regarding BMPs in the text of the Manual itself, with more specific, detailed information pertaining to various BMPs included in Appendices to the Manual. Commissioners volunteered to check the accuracy of references (confirming titles and sources, functioning web addresses and/or internet links, etc.) included in the details for specific BMPs, and well as locating additional, pertinent references. The research into the references is to be completed prior to the January 2014 Commission meeting.

Staff updated the Commissioners on Oxford's application for the Arbor Day Foundation's "Tree City USA" designation. Oxford has satisfied the four standards criteria for the designation during 2013. An approximate total of \$58,000 in funds, labor, equipment depreciation, etc. had been expended on Oxford's urban forest, for a per capita cost of \$2.72. This will be the 18th consecutive year for Oxford achieving the "Tree City USA" designation.

The Commission adjourned at 8:15 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, January 8, 2014 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.