

CODIFIED ORDINANCES OF MANTUA

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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TITLE ONE - Streets and Sidewalk Areas

Chap. 905. Excavations.
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CHAPTER 905
Excavations

905.01	Consent of Council required.	905.04	Bond.
905.02	Permit required.	905.05	Cash deposit.
905.03	Application for permit.	905.99	Penalty.

CROSS REFERENCES

Liability for damage - see Ohio R.C. 723.49 et seq.
 Barricades and warning lights - see GEN. OFF. 521.03

905.01 CONSENT OF COUNCIL REQUIRED.

No person shall make any excavation, or remove any earth from any of the streets or public grounds of the Village, or disturb, remove, or interfere with any street crossing, sewer, water main, or culvert maintained by the Village without first obtaining the consent of Council except as hereinafter provided.
 (Ord. 279. Passed 3-10-58.)

905.02 PERMIT REQUIRED.

No person, except persons in the employ of the Village for such purpose, shall make any opening, excavation or tunnel in or under any street or public place, or dig, remove or carry away any stone, earth, sand or gravel which may be therein, or shall make or cause to be made any connection with any line of sewer or water main in any street or public place, until a permit in writing to do so shall first be obtained from the Clerk-Treasurer with approval of the Village Administrator.

905.03 APPLICATION FOR PERMIT.

All applications for the permit shall specify the name of the owner and the location of the connection to be made, and shall contain an agreement that the applicant will comply with all statutes, ordinances and regulations relating to the work to be done.

(Ord. 279. Passed 3-10-58.)

905.04 BOND.

No permit shall be issued unless and until the applicant has filed with the Clerk-Treasurer a bond in the sum of one thousand dollars (\$1,000) with two or more sureties, to be approved by the Mayor and Clerk-Treasurer, conditioned that the applicant will indemnify and save harmless the Village from all loss and damage that may be caused by accident or want of care, skill or attention on his part, or on the part of any person in his employ, in the prosecution, protection or completion of any such work, or that may be occasioned by reason of any opening by him or them made, or caused to be made, in any street or public place, or by any material placed or caused to be placed therein.

(Ord. 279. Passed 3-10-58.)

905.05 CASH DEPOSIT.

No permit shall be issued unless and until a cash deposit in the sum of one hundred dollars (\$100.00) if pavement is involved, or twenty-five dollars (\$25.00) if no pavement is involved, is made with the Clerk-Treasurer, to insure proper restoration of the ground and pavement if any. From this deposit shall be deducted the expense to the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense, and the balance of such deposit shall be returned to the applicant without interest after the opening or excavation is completely refilled and the surface or pavement is restored.

(Ord. 279. Passed 3-10-58.)

905.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor.

CHAPTER 909
Trees and Weeds

909.01 Purpose.	909.03 Weeds.
909.02 Trimming trees and shrubs.	909.99 Penalty.

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessments for tree planting or maintenance - see Ohio R.C.
727.011

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.

Destruction of weeds - see Ohio R.C. 971.33 et seq.

Injury or destruction - see GEN. OFF. 541.06

Noxious weeds - see Ohio OAC Ch. 901:5-31

909.01 PURPOSE.

It is declared to be in the public interest that the removal of trees and/or parts thereof and shrubs located abutting sidewalks and/or streets within the Village be regulated in the manner described herein.

(Ord. 1988-10. Passed 3-14-88.)

909.02 TRIMMING TREES AND SHRUBS.

The owner of every lot or parcel of land within the Village upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations provided in this section and Chapter 147 of these Codified Ordinances or the Village shall cause the tree, plant or shrubbery to be trimmed or cut down and removed in accordance with the regulations and assess the costs against the owner of the lot or parcel of land. Costs for the removal of trees pursuant to Section 147.17 shall be assessed or shared as set forth therein.

- (a) The owner shall trim, or cause to be trimmed, any tree, plant or shrubbery so that a clear height of ten feet between the lowest branches and the street or sidewalk is maintained.
- (b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or parts thereof, so that it shall not fall to the street or sidewalk.
- (c) The owner shall cut down or remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using the street or sidewalk or located within the vicinity of such nuisance.
(Ord. 2011-76. Passed 12-13-11.)

909.03 WEEDS.

(a) No person, firm or corporation shall permit the growth of obnoxious weeds or other vegetation to the injury of any adjoining owner, upon lots or lands located in the Village.

(b) Any person, firm or corporation permitting the growth of weeds or vegetation as recited in subsection (a) may be ordered to cut and remove the same by the Police Department of the Village, and upon such owner's neglect or refusal to comply with the order within a period of ten days, the Police Department shall have the right to cause the weeds to be cut and destroyed and the expense thereof shall be charged to the owner of the property so affected.

(c) Upon the neglect or refusal of the owner of the property to pay the charge as specified in subsection (b) hereof, the Clerk-Treasurer shall be and hereby is authorized to certify the same to the Auditor of Portage County, Ohio, to be collected as other taxes.
(Ord. 1967-25. Passed 12-11-67.)

909.99 PENALTY.

In addition to any other penalties provided in this chapter whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree.

**CHAPTER 913
Sidewalks**

913.01	Duty to maintain and repair sidewalks.	913.04	Specifications for sidewalks construction and repair.
913.02	Notice; failure to make necessary repairs.	913.05	Financial hardship.
913.03	Responsibility for sidewalks.	913.99	Penalty.

CROSS REFERENCES

Construction or repair - see Ohio R.C. 729.01 et seq.
Notice to construct or repair - see Ohio R.C. 729.03 et seq.

913.01 DUTY TO MAINTAIN AND REPAIR SIDEWALKS.

(a) No owner or occupant of property abutting on a sidewalk shall fail to keep that portion of the sidewalk upon which his property abuts in good repair and free from ice, snow or any obstruction or nuisance.

(b) A sidewalk shall be deemed to be in need of repair or replacement when removed, cracked, broken or otherwise damaged so as to have depressions or variances between abutting sections or pieces thereof greater than one inch. The Village Administrator or its authorized representative shall determine the need for repairs and notify the owner or occupant as hereinafter provided and, mark the area clearly.
(Ord. 95-25. Passed 10-9-95.)

913.02 NOTICE; FAILURE TO MAKE NECESSARY REPAIRS.

(a) When a portion of a sidewalk is found to be in need of repair or replacement, the Village Administrator or his authorized representative shall notify the owner, in writing, of the necessary repair or replacement, allowing a period of thirty days for the making of such repair or replacement, or proof of the scheduling of said repair or replacement with a bonded contractor. Contractor must complete said scheduled repair or replacement in ninety days.

(b) If, after the expiration of the thirty day period, the owners have not made the necessary replacement, repair, or the contractor has not completed the scheduled repair or replacement in ninety days, the Village shall make such repairs at the abutting property owner's expense and send a statement to such property owner or owners for such repairs or for his portion of such repairs or replacement. If not paid by the owner, the Village Administrator shall request the Clerk to certify the actual cost, together with a five percent (5%) penalty to be placed upon the tax duplicate and collected in the manner other taxes are collected.
(Ord. 95-25. Passed 10-9-95.)

913.03 RESPONSIBILITY FOR SIDEWALKS.

(a) Sidewalks are necessary in order to enhance the safety of pedestrian traffic, to provide for clear separation from the driven part of the roadway, and for aesthetics. Accordingly, the Village shall consider their installation and repair on all through streets and arterial highways.

- (1) No later than the April Council meeting each year the the Planning Commission shall review areas where sidewalks presently do not exist and, if deemed necessary, recommend installation of sidewalks for said area.
- (2) No later than the April Council meeting each year the Village Administrator shall recommend that year's sidewalk repair program and identify the next year's repair program geographical areas.
- (3) A public meeting will be held prior to the next Council meeting before plan approval.

(b) Where sidewalks or portions thereof are in need of repair or in cases where sidewalks or portions thereof existed but are now missing, it shall be the property owner(s)' responsibility per the Village Specifications.

(c) For emergency repairs and repairs from utilities and or other disturbances of sidewalks, the contractor and or homeowner will be responsible for the replacement of that damaged sidewalk.

(d) On new streets and developments or change of ownership, the Planning Commission shall require sidewalks in any site plan review at the developers expense. (Ord. 95-25. Passed 10-9-95.)

913.04 SPECIFICATIONS FOR SIDEWALKS CONSTRUCTION AND REPAIR.

(a) Sidewalks within the Village shall be constructed within the specifications that are available at the Village Administrator's Office.

(b) All sidewalks must conform to all ADA requirements. (Ord. 95-25. Passed 10-9-95.)

913.05 FINANCIAL HARDSHIP.

(a) Within twenty days after receipt of the notice to repair the sidewalk issued by the Village Administrator, an owner of property directed to make sidewalk repair may apply to Council's APF Committee for a deferment of payment of the costs of the repair on the grounds that timely payment will impose financial hardship upon him. Council's APF Committee shall examine the applicant's financial condition to the extent necessary to determine whether or not timely payment of the assessment will cause such hardship. Acceptable evidence of financial hardship shall be found if the property being assessed is the principal residence of the owner, the property is non-revenue producing and the combined income of the persons residing therein falls below fifty percent (50%) of the median income for the Mantua Village area, as reported from time to time by the U.S. Department of Commerce of Bureau of the Census, provided that proper documentation as to income level is submitted, or as otherwise determined by Council's APF Committee. If the APF Committee of Council determines that timely payment will cause such hardship, the Committee shall provide for deferred payment of all or part of the costs of the repair until the earliest of the following:

- (1) Such future date or dates as the Committee considers reasonable;
- (2) Such time as the property is sold or transferred by the applicant;
- (3) Such time as the property becomes subject to estate taxes under Ohio R.C. Chapter 5731; or
- (4) Such time as the use of the property is changed from an owner-occupied structure.

(b) Any charges, fees or other costs incurred by the Village as a result of additional accounting requirements, document preparation or borrowing made necessary by the deferment may be added to the amount of the assessment and collected in the same manner as the costs of the repairs. The amount of any repair costs deferred under this section shall be a lien upon the property until full payment is received by the Village. Appropriate interest may also be added to the amount of the costs of repairs deferred and collected in the same manner as the assessment.

(c) Evidence shall be submitted satisfactory to the Village Solicitor that the applicant has, and continues to have during the existence of the lien, a policy or policies of insurance insuring the buildings and improvements then existing or thereafter erected on the property against loss or damage by fire, lightning, wind storm, hail and such other risks as are ordinarily insured against by persons owning buildings and improvements similar to that of the applicant for the benefit of, and to the extent necessary to protect the interests of the Village until the note hereinafter provided is paid for.

(d) The APF Committee shall approve or disapprove the application within thirty days after receipt. In the event that the applicant is dissatisfied with the determination made by the APF Committee on his application, he may, within twenty (20) days of APF Committee's issuance of its determination, appeal the APF Committee determination to Village Council as a whole.

(Ord. 1998-8. Passed 5-11-98.)

913.99 PENALTY.

Whoever violates any provision of the chapter shall be fined not more than one hundred dollars (\$100.00). Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 95-25. Passed 10-9-95.)

TITLE THREE - Utilities

- Chap. 921. Water.
 Chap. 931. Sewers.
 Chap. 941. Water Lines; Sanitary and Storm Sewer Regulations.

CHAPTER 921 Water

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>921.01 Backflow prevention device.
 921.02 Water usage rates.
 921.03 Tap-in fees.
 921.04 Non-Village charge.
 921.05 Billing and delinquent bills.</p> | <p>921.06 Performance bonds for utility tie-ins.
 921.07 Drilling water wells prohibited.
 921.08 Separate meters required.</p> |
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CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
 Water pollution - see Ohio R.C. 715.08, 743.25
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Tampering; unauthorized connections - see Ohio R.C. 4933.22
 Fluoridation - see Ohio R.C. 6111.13
 Water pollution control - see Ohio R.C.Ch. 6111
 Water supply - see OAC 4101:2-51-37
 Backflow - see OAC 4101:2-51-38

921.01 BACKFLOW PREVENTION DEVICE.

(a) If in the judgment of the Village Administrator the integrity of the public water system is or can be endangered by backflow from an actual or a potential cross connection within the plumbing system of a water consumer then, the Village Administrator may order the installation of an approved backflow prevention method or device consisting of either an air gap, double sanitary check valve assembly, vacuum breaker, reduced pressure principle backflow preventor or any combination thereof at the water service connection to the premises.

(b) The consumer shall install the designated device or method at his own expense and failure, refusal or inability to install such device or method immediately shall constitute a ground for discontinuing water service to the premises until such device or method has been installed and approved by the inspector. All backflow devices shall conform to Ohio Environmental Protection Agency specifications.

(c) The use of the approved backflow preventor at the water service connection does not in any way affect or eliminate the need for individual fixture devices or air gaps as required by Section 4101:2-51-33 of the Ohio Administrative Code.
(Ord. 2005-13. Passed 11-22-05.)

(d) In the judgment of the Village Administrator or his designee(s), all backflow prevention devices with service connections from the Village of Mantua of 1" (one inch) or greater shall have all inspections and tests made of such approved devices. These inspections and tests shall be done and on file no later than the 15th day of September in each calendar year. Failure to do so may result in the discontinuation of water service to such premises.
(Ord. 2012-16. Passed 6-19-12.)

921.02 WATER USAGE RATES.

All users of the municipal water system shall be billed on a monthly basis based upon the amount of water supplied by the municipal waterworks system as shown by actual water meter readings for each calendar month or by estimated use in the discretion of the Village Administrator. Monthly rates or charges, and periodic increases thereto, for the use and service of the municipal water system shall be according to the following rates:

- (a) Effective October 1, 2015, the water rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|----------------|
| (1) <u>Residential:</u> | |
| 0 to 235 CF | \$15.00 |
| 236 CF to 2,667 CF | \$ 3.47/100 CF |
| Over 2,667 CF | \$ 1.88/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 235 CF | \$15.00 |
| 236 CF to 2,667 CF | \$ 4.57/100 CF |
| Over 2,667 CF | \$ 1.88/100 CF |
- (b) Effective October 1, 2017, the water rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|----------------|
| (1) <u>Residential:</u> | |
| 0 to 235 CF | \$17.25 |
| 236 CF to 2,667 CF | \$ 3.99/100 CF |
| Over 2,667 CF | \$ 2.16/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 235 CF | \$17.25 |
| 236 CF to 2,667 CF | \$ 5.26/100 CF |
| Over 2,667 CF | \$ 2.16/100 CF |

- (c) Effective October 1, 2018, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$19.84 |
| | 236 CF to 2,667 CF | \$ 4.59/100 CF |
| | Over 2,667 CF | \$ 2.49/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$19.84 |
| | 236 CF to 2,667 CF | \$ 6.04/100 CF |
| | Over 2,667 CF | \$ 2.49/100 CF |
- (d) Effective October 1, 2019, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$22.81 |
| | 236 CF to 2,667 CF | \$ 5.28/100 CF |
| | Over 2,667 CF | \$ 2.86/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$22.81 |
| | 236 CF to 2,667 CF | \$ 6.95/100 CF |
| | Over 2,667 CF | \$ 2.86/100 CF |
- (e) Effective October 1, 2020, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$26.24 |
| | 236 CF to 2,667 CF | \$ 6.07/100 CF |
| | Over 2,667 CF | \$ 3.29/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$26.24 |
| | 236 CF to 2,667 CF | \$ 7.99/100 CF |
| | Over 2,667 CF | \$ 3.29/100 CF |
- (f) Effective October 1, 2021, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$30.17 |
| | 236 CF to 2,667 CF | \$ 6.98/100 CF |
| | Over 2,667 CF | \$ 3.78/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$30.17 |
| | 236 CF to 2,667 CF | \$ 9.19/100 CF |
| | Over 2,667 CF | \$ 3.78/100 CF |

- (g) Effective October 1, 2022, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$34.70 |
| | 236 CF to 2,667 CF | \$ 8.03/100 CF |
| | Over 2,667 CF | \$ 4.35/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$34.70 |
| | 236 CF to 2,667 CF | \$10.57/100 CF |
| | Over 2,667 CF | \$ 4.35/100 CF |
- (h) Effective October 1, 2023, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$39.90 |
| | 236 CF to 2,667 CF | \$ 9.23/100 CF |
| | Over 2,667 CF | \$ 5.00/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$39.90 |
| | 236 CF to 2,667 CF | \$12.16/100 CF |
| | Over 2,667 CF | \$ 5.00/100 CF |
- (i) Effective October 1, 2024, the water rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|----------------|
| (1) | <u>Residential:</u> | |
| | 0 to 235 CF | \$45.89 |
| | 236 CF to 2,667 CF | \$10.61/100 CF |
| | Over 2,667 CF | \$ 5.75/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 235 CF | \$45.89 |
| | 236 CF to 2,667 CF | \$13.98/100 CF |
| | Over 2,667 CF | \$ 5.75/100 CF |
- (j) The base rate stated herein (0 to 235 CF) shall be charged for each dwelling or commercial unit regardless of the number of units on a single meter.
- (k) For users of the Village's water system outside the Village limits, the rates set forth in this section shall be subject to the Non-Village Charge as set forth in section 921.04 of this Chapter.
- (l) Bulk water per calendar day:
- | | |
|---------------------------------------------------|---------|
| First 1,000 gallons or fraction thereof | \$ 7.75 |
| Each additional 1,000 gallons or fraction thereof | \$ 6.50 |
- (Ord. 2017-24. Passed 9-19-17.)

921.03 TAP-IN FEES.

(a) Except as hereinafter provided, no person, corporation, political subdivision, partnership, association or other entity shall connect, reconnect or alter the size of a connection, connected either directly or indirectly, to the Water System for any building, apartment, living unit or other structure without first securing a permit for such purpose in a form prescribed by the Village Administrator, and without first depositing in cash or by certified check payable to the Village, subject to the provisions of this section (Establishing and Amending Charges and Fees for Water Utilities) as it may be amended from time to time, an amount that shall consist of the following: (Ord. 2008-10. Passed 4-18-08.)

- (1) Connection or reconnection charges determined in accordance with the provisions of subsections (b), (c) and/or (g);
(Ord. 2013-08. Passed 4-16-13.)
- (2) The permit fee of \$200.00, which shall also cover the cost of inspection and/or testing of the service connection by the Village Administrator or his designee. Where the application for water permit is submitted in conjunction with application and fee for sewer tap-in permit pursuant to Codified Ordinances section 931.02(g), the fee for water permit shall be reduced to \$150.00; (Ord. 2013-91. Passed 11-19-13.)
- (3) The water main tap charges if applicable;
- (4) The service connection if applicable;
- (5) The water meter charges;
- (6) If applicable, fire line costs and fire demand unit charge determined in accordance with the provisions of subsection (f). The aforesaid permit and connection charges shall not be applicable to property owned by the Village of Mantua.

(b) The Connection Charge shall consist of a Demand Unit Charge Fee calculated as follows:

- (1) Demand Unit Charges.
 - A. The term "Demand Unit" (including water plant debt) represents a charge to a building, apartment, living unit or other structure which is connected, directly or indirectly, to the Water System by means of a $\frac{3}{4}$ inch service line or water meter. For connections using service lines or water meters larger than $\frac{3}{4}$ inch, the Demand Unit Charge shall be based on the Equivalent Demand Unit Factor for the size of the service line or meter installed.

The Demand Unit Charge shall be as follows:

Service Line Or Meter Size Inches	Equivalent Demand Unit Factor	Demand Unit Charge
3/4 inch	1.0	\$2,190.00
1 inch	1.4	\$2,850.00
1 ½ inch	2.8	\$5,160.00
2 inch	4.2	\$7,460.00
3 inch	8.4	\$13,860.00
4 inch	14.0	\$23,100.00
6 inch	22.4	\$36,960.00

B. In the event the service line size or water meter size exceeds or differs from the service line or meter sizes specified above, the Village Administrator shall determine the Equivalent Demand Unit Factor applicable to such modified Service Connection on the basis of accepted engineering practices and equivalency determinations set forth herein.

(c) The Connection Charges set forth in subsection (b) hereof shall be subject to adjustment by this Council following recommendations by the Village Administrator based on changes in costs of construction or acquiring extensions and improvements to the Water System.

(d) The Charges for Demand Unit benefits as provided in this section shall not be imposed if the applicant can show that he/she or his/her predecessor in title paid, is paying or will pay by reason of pending proceedings, a special assessment for the cost of said benefits or can show that he/she or his/her predecessor in title, at his own expense, constructed the Water system Facilities that provided such water service benefits and said facilities were constructed pursuant to an agreement with the Village of Mantua Council which conferred specific Water Service benefits to property owned by the applicant and the constructed Water System Facilities were accepted by Mantua Village Council.

(e) Council and the Village Administrator shall not be obligated to the extension of any local service water lines by reasons of the provisions of this section or prior ordinances and any parts thereof in effect.

- (f) (1) In case of connection, directly or indirectly, to the Water System for the sole purpose of providing a supply of water for fire protection, there shall be paid to the Village an amount which is the cost of materials provided by the Village to effectuate such connection, the cost of related inspection and the direct and indirect costs of labor provided by the Village with respect to such connection and a fire demand unit charge, all as to be reasonably recommended from time to time by the Village Administrator and approved by Council and a fire demand unit factor for the size of the fire line installed.
- (2) The Fire Demand unit Charge shall be as follows:

Fire Line Size Inches	Fire Demand Unit Inches
2"	\$6,930.00
3"	\$13,860.00
4"	\$23,100.00
6"	\$36,960.00

(Ord. 2008-10. Passed 4-18-08.)

(g) Where a parcel of real property or structure thereon has been previously connected to the Village water system, but has been disconnected and capped, provided that the curb stop (shut-off valve) and a portion of the service line remain, applicant shall, at his own expense, have existing service lines inspected and shall update or replace to Village main to comply with current code as necessary. Copper only shall be used from the residential side of the curb stop (shut off valve) to the meter; any existing non-copper line shall be replaced. The fees specified in section (b) herein shall not apply, and the following fees for reconnection to the Village system will be paid by the applicant:

- (1) Residential. \$250.00 inspection fee and \$250.00 reconnection fee.
- (2) Commercial. For supply lines of 1" or smaller: \$250.00 inspection fee and \$250.00 reconnection fee. For supply lines of 1¼" or greater; \$400.00 inspection fee and \$400.00 reconnection fee.
- (3) This section is only intended to apply where the connection to the village system has been permanently severed, and not in cases where service has been terminated due to change in occupancy or non-payment of bills.

(h) The charges provided for in subsections (b), (c) and (g) hereof and the fire demand unit charge provided for in subsection (f) hereof shall be paid to the Village of Mantua and shall be kept in a separate and distinct fund known as Water Capital Improvement Fund.

(i) If the Village Administrator shall determine that any property has been connected either directly or indirectly to the Water System in violation of the provisions of this chapter, the Village Administrator is hereby authorized and directed to disconnect such property from said Water System until such violation shall cease.

(j) Each subdivision of this section is hereby declared to be independent and the finding or holding of any section thereof to be invalid or void shall not be deemed nor held to affect the validity of any other provision of this section.
(Ord. 2013-08. Passed 4-16-13.)

921.04 NON-VILLAGE CHARGE.

Customers of the Village's water system outside the Mantua Village municipal boundaries shall be charged one hundred and twenty-five percent (125%) of the charges outlined in Section 921.02 and one hundred and fifteen percent (115%) of the charges outlined in Section 921.03.
(Ord. 2016-47. Passed 9-20-16.)

921.05 BILLING AND DELINQUENT BILLS.

See Section 941.21.

921.06 PERFORMANCE BONDS FOR UTILITY TIE-INS.

(a) Whoever desires to excavate and construct a tie-in to the Municipal water and sewer system shall be required to do the following:

- (1) Post a performance bond in the amount of one thousand dollars (\$1,000) with the Clerk-Treasurer for purposes of reimbursement to the Village of any damage to adjoining sidewalk, right-of-way landscape, and street areas.
- (2) Where traffic control is necessary to complete excavation, the Village Police Department shall be notified by the owner or contractor for the owner at least seven days in advance.
- (3) Notify the Village Water Superintendent at least seven days prior to the excavation to obtain approval as to the method of tie-in and location of tie-in.
- (4) Notify the Village Service Department at least seven days prior to the excavation to obtain approval as to the method of tie-in and location of tie-in.

(b) Whoever violates the provision of this section shall be subject to the following sanctions:

- (1) Forfeiture of the performance bond;
- (2) Civil liability for the recovery of damages including but not limited to costs for additional safety, street, service personnel and equipment to Village property in excess of performance bond;
- (3) The fine of one hundred dollars (\$100.00).
(Ord. 2005-13. Passed 11-22-05.)

921.07 DRILLING WATER WELLS PROHIBITED.

(a) The drilling of private water wells by individuals and/or business entities other than the Village government creates a substantial health and safety risk because of the danger of cross-connections and/or contamination to the Municipal water supply and system.

(b) It is, therefore, in the best interest of the Village to prohibit the drilling of water wells by individuals, partnerships, corporations, agencies, organizations and other entities other than the Municipal government through its duly authorized officers, employees, or agents.

(c) Any individual, partnership, corporation, agency or other entity other than the Municipal government through its duly authorized officers, employees or agents shall be, and hereby is, prohibited from drilling well water within the municipal corporation limit of the Village.

(d) The prohibitions of this section shall not apply to:

- (1) Political subdivisions [as defined in Ohio R.C.. 2744.01(F)] owning property within the Village, where such well is only sought to be drilled on that property for agricultural or irrigation purposes, and where no water extracted therefrom shall enter the sanitary or storm sewer systems of the Village.
- (2) Residential lots or parcels of land within the Village where no Village water supply is located within one hundred (100) feet of any boundary of such lot or parcel. Should a municipal water supply become available within 100 feet of such lot or parcel, the owner thereof shall cause connection to be made to the municipal supply and the well abandoned within 60 days of such availability.

(e) Whoever violates the provisions of this section shall be subject to a fine of five hundred dollars (\$500.00) and may be enjoined against the drilling or installing of a water well in a court of competent jurisdiction. For purposes of this section, each day of continuation of a violation shall be deemed a separate offense. (Ord. 2010-42. Passed 11-16-10.)

921.08 SEPARATE METERS REQUIRED.

(a) A separate water meter shall be installed for each property serviced or to be serviced by the Village water system as follows:

- (1) One meter for each dwelling or structure designed or used for occupancy by a single family.
- (2) One meter for each unit designed or used for occupancy by a single family in two-family, three-family or multi-family structures.
- (3) At least one meter for each business or commercial enterprise or as approved by the Village Administrator.
- (4) At least one meter for each industrial operation, or as approved by the Village Administrator.
- (5) No person shall alter or change any water service or meter without permission from the Village Administrator.
(Ord. 2009-47. Passed 9-15-09.)

(b) Each dwelling, structure, unit, building for business or commercial enterprise, or location for industrial operation, and any other location where a municipal water meter is installed, shall pay a service charge in the amount of two dollars (\$2.00) per billing month. Said service charge shall be billed with and due at the same time as the regular monthly water and sewer billings. In the event the service charge is not paid when due, it shall be subject to the delinquency charges set forth in Section 941.21 of these Codified Ordinances. The payments received as the result of this service charge shall be placed in the Water Capital Improvement Fund to be used as permitted by law and as directed by the Mantua Village Council.
(Ord. 2014-6. Passed 4-15-14.)

CHAPTER 931
Sewers

931.01 Rates.	931.04 Billing and delinquent bills.
931.02 Tap-in permit; fees.	931.05 Prohibited discharges.
931.03 Non-Village charge.	

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Sewerage rates - see Ohio R.C. 729.49
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Untreated sewage - see Ohio R.C. 3701.59
 Interference with sewage flow - see Ohio R.C. 4933.24
 Sewerage districts - see Ohio R.C. 727.44 et seq.
 Assessments - see Ohio R.C. Ch. 729
 Household sewage disposal systems - see OAC Ch. 3701-29

931.01 RATES.

To provide necessary funds for the operation and maintenance of the Village's sanitary sewer system, the following sewer service and rental charges and periodic increases are established and levied on affected real property located inside the Village, based on the volume of water supplied by the Village, or otherwise, to the real property during each billing period for water service, subject to the provisions of this Chapter:

(a) Effective October 1, 2015, the sewer rate for users within the Village of Mantua shall be as follows:

(1)	<u>Residential:</u>	
	0 to 235 CF	\$15.36/100 CF
	236 to 1,667 CF	\$10.88/100 CF
	Over 1,667 CF	\$ 8.34/100 CF
(2)	<u>Commercial:</u>	
	0 to 235 CF	\$15.36/100 CF
	236 to 1,667 CF	\$10.88/100 CF
	Over 1,667 CF	\$ 8.34/100 CF

- (b) Effective October 1, 2017, the sewer rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|-------------------|
| (1) | <u>Residential:</u> | |
| | 0 to 100 CF | \$17.66 flat rate |
| | 101 to 235 CF | \$17.66/100 CF |
| | 236 to 1,667 CF | \$12.51/100 CF |
| | Over 1,667 CF | \$ 9.59/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 100 CF | \$17.66 flat rate |
| | 101 to 235 CF | \$17.66/100 CF |
| | 236 to 1,667 CF | \$12.51/100 CF |
| | Over 1,667 CF | \$ 9.59/100 CF |
- (c) Effective October 1, 2018, the sewer rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|-------------------|
| (1) | <u>Residential:</u> | |
| | 0 to 100 CF | \$20.31 flat rate |
| | 101 to 235 CF | \$20.31/100 CF |
| | 236 to 1,667 CF | \$14.39/100 CF |
| | Over 1,667 CF | \$11.03/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 100 CF | \$20.31 flat rate |
| | 101 to 235 CF | \$20.31/100 CF |
| | 236 to 1,667 CF | \$14.39/100 CF |
| | Over 1,667 CF | \$11.03/100 CF |
- (d) Effective October 1, 2019, the sewer rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|-------------------|
| (1) | <u>Residential:</u> | |
| | 0 to 100 CF | \$23.36 flat rate |
| | 101 to 235 CF | \$23.36/100 CF |
| | 236 to 1,667 CF | \$16.55/100 CF |
| | Over 1,667 CF | \$12.68/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 100 CF | \$23.36 flat rate |
| | 101 to 235 CF | \$23.36/100 CF |
| | 236 to 1,667 CF | \$16.55/100 CF |
| | Over 1,667 CF | \$12.68/100 CF |
- (e) Effective October 1, 2020, the sewer rate for users within the Village of Mantua shall be as follows:
- | | | |
|-----|---------------------|-------------------|
| (1) | <u>Residential:</u> | |
| | 0 to 100 CF | \$26.86 flat rate |
| | 101 to 235 CF | \$26.86/100 CF |
| | 236 to 1,667 CF | \$19.03/100 CF |
| | Over 1,667 CF | \$14.59/100 CF |
| (2) | <u>Commercial:</u> | |
| | 0 to 100 CF | \$26.86 flat rate |
| | 101 to 235 CF | \$26.86/100 CF |
| | 236 to 1,667 CF | \$19.03/100 CF |
| | Over 1,667 CF | \$14.59/100 CF |

- (f) Effective October 1, 2021, the sewer rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|-------------------|
| (1) <u>Residential:</u> | |
| 0 to 100 CF | \$30.89 flat rate |
| 101 to 235 CF | \$30.89/100 CF |
| 236 to 1,667 CF | \$21.88/100 CF |
| Over 1,667 CF | \$16.77/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 100 CF | \$30.89 flat rate |
| 101 to 235 CF | \$30.89/100 CF |
| 236 to 1,667 CF | \$21.88/100 CF |
| Over 1,667 CF | \$16.77/100 CF |
- (g) Effective October 1, 2022, the sewer rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|-------------------|
| (1) <u>Residential:</u> | |
| 0 to 100 CF | \$35.53 flat rate |
| 101 to 235 CF | \$35.53/100 CF |
| 236 to 1,667 CF | \$25.17/100 CF |
| Over 1,667 CF | \$19.28/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 100 CF | \$35.53 flat rate |
| 101 to 235 CF | \$35.53/100 CF |
| 236 to 1,667 CF | \$25.17/100 CF |
| Over 1,667 CF | \$19.28/100 CF |
- (h) Effective October 1, 2023, the sewer rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|-------------------|
| (1) <u>Residential:</u> | |
| 0 to 100 CF | \$40.86 flat rate |
| 101 to 235 CF | \$40.86/100 CF |
| 236 to 1,667 CF | \$28.94/100 CF |
| Over 1,667 CF | \$22.17/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 100 CF | \$40.86 flat rate |
| 101 to 235 CF | \$40.86/100 CF |
| 236 to 1,667 CF | \$28.94/100 CF |
| Over 1,667 CF | \$22.17/100 CF |
- (i) Effective October 1, 2024, the sewer rate for users within the Village of Mantua shall be as follows:
- | | |
|-------------------------|-------------------|
| (1) <u>Residential:</u> | |
| 0 to 100 CF | \$40.86 flat rate |
| 101 to 235 CF | \$40.86/100 CF |
| 236 to 1,667 CF | \$28.94/100 CF |
| Over 1,667 CF | \$22.17/100 CF |
| (2) <u>Commercial:</u> | |
| 0 to 100 CF | \$40.86 flat rate |
| 101 to 235 CF | \$40.86/100 CF |
| 236 to 1,667 CF | \$28.94/100 CF |
| Over 1,667 CF | \$22.17/100 CF |
- (j) For users of the Village's sanitary sewer system outside the Village limits, the rates set forth in this section shall be subject to the Non-Village Charge as set forth in section 931.03 of this Chapter.
(Ord. 2017-25. Passed 9-19-17.)

931.02 TAP-IN PERMIT; FEES.

(a) No person, corporation, partnership, association or other entity shall connect any building, or other structure either directly or indirectly with a sanitary sewer in Village of Mantua Sanitary Sewer District (hereinafter sometimes referred to as "District") for the purpose of discharging sanitary sewage or industrial waste therefrom without first securing a permit for such purpose in a form prescribed by the Village Administrator. The provisions of this section shall not be applicable in the event of a connection to a sewer in the District by another political subdivision of the State of Ohio which connections shall be subject to the terms of an agreement with such political subdivision pursuant to the Ohio Revised Code.

(b) For the purposes of this Chapter, the District is defined as any property, inside or outside of the Village corporate limits, with sanitary sewers whose wastewater is transported to and treated by the Wastewater Treatment Plant owned and operated by the Village of Mantua. (Ord. 2008-09. Passed 4-18-08.)

(c) The applicant for the permit required by subsection (a) hereof shall deposit cash or a certified check payable to the Village in the amount of the connection charge determined in accordance with the provisions of subsections (f) and (g) or (h), as applicable. (Ord. 2013-09. Passed 4-16-13.)

(d) An "Equivalent Unit" as used in this Section is defined as a discharge flow of 400 gallons per day.

(e) A tap-in fee shall be paid for each connection to a sanitary sewer system whose wastewater is transported to and treated at the Wastewater Treatment Plant owned and operated by the Village of Mantua.

(f) The amount of the tap-in fee shall be five thousand seven hundred seventy dollars (\$5,770.00) per Equivalent Unit. The tap-in fee shall be adjusted by the Village Administrator in accordance with the discharge flow determined by accepted methods and practices utilizing Ohio EPA criteria and approved solely by the Village of Mantua Village Administrator.

(g) The Village of Mantua shall also collect a fee of two hundred dollars (\$200.00) at the time of application for a permit for a sanitary sewer connection for the inspection of the service lateral connection.

(h) Where a parcel of real property or structure thereon has been previously connected to the Village sanitary sewer system, but has been disconnected and capped, provided that a portion of the lateral remains and there is a serviceable junction between the lateral and the main, applicant shall, at his own expense, have existing lateral video inspected from entry point to connection point into sewer main. If 50% or more of the existing lateral is in failure, applicant shall replace with approved plastic pipe at his own expense. The fees specified in sections (f) and (g) herein shall not apply, and the following fees for reconnection to the Village system will be paid by the applicant:

- (1) Residential. \$250.00 inspection fee and a \$250.00 reconnection fee.
- (2) Commercial (excludes Industrial). \$400.00 inspection fee and \$400.00 reconnection fee.
- (3) This section is only intended to apply where the connection to the village system has been permanently severed, and not in cases where service has been terminated due to change in occupancy or non-payment of bills.

(i) The fees provided in subsections (f), (g) and (h) hereof shall be paid to the Village Clerk and shall be kept in a separate and distinct fund to be known as Village of Mantua Sewer Capital Improvement Fund. (Ord. 2013-09. Passed 4-16-13.)

931.03 NON-VILLAGE CHARGE.

Customers of the Village's sanitary sewer system outside the Mantua Village municipal boundaries shall be charged on hundred and twenty-five percent (125%) of the charges outlined in Section 931.01 and one hundred and fifteen percent (115%) of the charges outlined in Section 931.02. (Ord. 2016-47. Passed 9-20-16.)

931.04 BILLING AND DELINQUENT BILLS.

See Section 941.21

931.05 PROHIBITED DISCHARGES.

(a) No person shall allow to be discharged or drained or to discharge or drain into the Village sanitary sewer system roof water, foundation water or other surface water.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2005-14. Passed 11-22-05.)

CHAPTER 941
Water Lines; Sanitary and Storm Sewer Regulations

941.01	Sewer definitions.	941.13	Industrial wastes.
941.02	Water definitions.	941.14	Application of the sewerage service charge.
941.03	Control of sewers and water supply.	941.15	Application of sewerage surcharge.
941.04	Standards; inspections.	941.16	Maintenance of sewerage facility.
941.05	Approval of sewer and water supply plans; specifications and bidding documents.	941.17	Use of water.
941.06	Contractors.	941.18	Application of the water service charge.
941.07	Permits.	941.19	Uniform sewer rates. (Repealed)
941.08	Inspections.	942.20	Additional non-Village residential charge. (Repealed)
941.09	Use of sewers.	942.21	Billing and delinquent bills.
941.10	Private sewers.		
941.11	Disposal of septic tank wastes.		
941.12	Building sewers and connections.		

941.01 SEWER DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (a) "Board" means the Board controlling the water and waste water systems of the Village of Mantua.
- (b) "BOD" 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 milligrams per liter.
- (c) "Building Drain" means that part of the lowest horizontal piping of the drainage system which receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning three feet outside the inner face of the wall.
- (d) "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

- (e) "Building Unit" means a building or other structure which is connected to the sewer facilities and which has a design flow from such building or structure to the system of 400 gallons per day delivered to the treatment plant at the B.O.D. strength of 200 mg/l; which results in a 0.666 pounds of B.O.D. delivered to the treatment plant. "Normal Sewage" at a B.O.D. strength of 200 mg/l; results in 400GPD delivered to the sewage collection system. A standard "Building Unit" is 0.666 pounds of B.O.D. at the appropriate strength and equivalent flow expressed in gallons per day.
- (f) "Combined Sewer" means a sewer which is designed to carry sanitary sewerage, industrial discharge and rain induced storm flow.
- (g) "Commercial user" means any aggregation of space, office, laundry, restaurant, stores, taverns, shops and other like units, which is equipped with one or more water fixtures draining into the wastewater disposal system, separate and distinct from other users of service. In office buildings or other premises containing more than one tenant, only those tenants shall be classified as users of service who occupy space equipped with a distinct opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the wastewater disposal system. Commercial user is further defined as any user of the sewage system not specifically categorized as residential or industrial and generally classified in the Standard Industrial Classification (S.I.C.) 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.
- (h) "Cooling water" means the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other. It shall be free from odor and oil and contain no polluting substances which would produce B.O.D. or suspended solids each in excess of ten parts per million by weight.
- (i) "County" means Portage County, Ohio.
- (j) "Foundation drains" means sub-surface drains laid around the foundation of a building, either within or outside the building foundation for the purpose of carrying ground or sub-surface water to some point of disposal.
- (k) "Garbage" means the liquid wastes from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.
- (l) "Government user" means any user discharging wastewater from premises utilized by public political units, including Federal, State, County and Local units.

- (m) "Industrial user" means a person or organization who discharges to the Authority's wastewater disposal system liquid, solid or gaseous wastes resulting from the processes employed in industrial or manufacturing activities, or from the development, recovering or processing of any natural resource. Industrial user is further defined as any nongovernmental user of the publicly owned treatment works identified in the Standard Industrial Classification Manual of the U.S. Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communication, Electric, Gas, and Sanitary Service; and Division I - Services. A user in the division may be excluded if it is determined that it will introduce primarily segregated domestic waste or wastes from sanitary conveniences.
- (n) "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- (o) "Institutional user" means any person discharging wastewater from premises serving educational, social or eleemosynary purposes, including but not limited to, private schools, hospitals, nursing homes, churches and charitable organizations.
- (p) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (q) "Normal domestic sewage". Sewage shall be regarded as "normal" if analysis shows by weight a daily average of not more than 1,668 pounds [200 mg. per liter] of suspended solids; not more than 1,668 pounds [200 mg. per liter] of B.O.D.; and not more than 417 pounds [50 mg. per liter] either in soluble matter [grease and oil] each per million gallons of daily flow.
- (r) "NPDES Permit" means a permit issued by the State of Ohio EPA or U.S. EPA pursuant to the Clean Water Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes as defined in the Code of Federal Regulations, 40 CFR Part 125, and under the authority of Section 402 of the Clean Water Act, into navigable waters of the United States.
- (s) "Person" means any individual, firm, company, association, society, corporation or group.
- (t) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It indicates the intensity of acidity and alkalinity of the pH scale running from 0.0 to 14.0. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 represents alkaline conditions and those below 7.0 represent acid conditions.

- (u) "Properly shredded garbage" means the waste from the preparation, cooking and dispensing of food that has 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 one-half inch in any dimension.
- (v) "Public sewer" means a sewer which is owned and controlled by the Village of Mantua.
- (w) "Residential user" means single family homes, duplex units, triplex units, etc., mobile homes, travel trailers, apartment buildings, condominiums, dormitories and any other structure used as living quarters for human habitation.
- (x) "Sanitary sewage" means a combination of the water carried wastes from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.
- (y) "Sanitary sewer" means a sewer which carries sanitary sewage and industrial wastes and to which storm, surface and ground waters are not intentionally admitted.
- (z) "Sanitary Sewer Service Connection" means "Building Sewer".
- (aa) "Sewer" means a pipe or a conduit for carrying sewage.
- (bb) "Sewerage Works" means all facilities for collecting, pumping, treating and disposing of sewage.
- (cc) "Sewer lateral" means the part of the building sewer between the public sewer and the road right-of-way line.
- (dd) "Shall" means mandatory; "May" is permissive.
- (ee) "Storm sewer" means a public or private sewer and public ditch which carries storm, surface and groundwater drainage from the point of origin to some point of disposal, but excludes sewage and industrial wastes.
- (ff) "Suspended solids" means solids that either float on the surface of, or are in suspension or will settle in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.
(Ord. 1987-43. Passed 11-9-87; Ord. 1996-44. Passed 11-11-96.)

941.02 WATER DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows.

- (a) "Backflow" means the flow of water or other liquids, mixtures or substance into the distributing pipes of a potable supply of water from any source other than its intended course.
- (b) "Backflow connection" or "condition" means any arrangement whereby backflow can occur.
- (c) "Backflow preventor" means a device or means to prevent backflow into the potable water system.
- (d) "Corporation stop" means the valve connected directly to the water main controlling the flow into the Village owner section of the water service pipe.
- (e) "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of an unknown source or of questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. [See "Backflow"].
- (f) "Curb box" means the valve box over the curb valve providing the operating access to the curb valve.
- (g) "Curb valve" means the valve located at the outlet end of the Village owned section of the water service pipe controlling flow into the privately owned water service pipe.
- (h) "Diameter" is the nominal diameter as designed commercially.
- (i) "Effective opening" means the minimal cross-sectional area of the point of the water supply discharge, measured or expressed in terms of: [1] Diameter of a circle; [2] If the opening is not circular, the diameter of a circle of equivalent cross-sectional area. This is applicable to air gap.
- (j) "Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.
- (k) "Sanitary Engineer" means the Sanitary Engineer of Portage County or his authorized representative.
- (l) "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.
- (m) "Standard specifications" means the standard specifications of the Village of Mantua, including standard drawings and supplemental specifications.
- (n) "Storm sewer" or "storm drain" means a sewer which carries storm, surface waters and drainage, but which excludes sewage and industrial wastes, other unpolluted cooling water.

- (o) "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
- (p) "Unpolluted water or waste" means any water or waste containing none of the following: Free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal, state or solution; and noxious or odorous gases. It shall contain not more than 10,000 mg per liter by weight of dissolved solids, of which not more than 2,500 mg per liter shall be chloride, with permissible volume subject to review by the Village Administrator/Village of Mantua; and not more than ten mg per liter each of suspended solids and B.O.D. The color shall not exceed fifty mg per liter.
- (q) "Village" means the Village of Mantua, Portage County, Ohio.
- (r) "Village Administrator" means the duly appointed official of the Village of Mantua, or any representative or agent in the employ of the Village of Mantua.
- (s) "Waste water treatment plant" means any arrangement of devices and structures used for treating sewage.
- (t) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (u) "Water distributing pipe" in a building or premises, means a pipe which conveys water from the water service pipe to the plumbing fixtures and other water outlets.
- (v) "Water main" means a water supply pipe for public or community use.
- (w) "Water service pipe" means the pipe from the water main or other source of water supply to the building served.
(Ord. 1987-43. Passed 11-9-87.)

941.03 CONTROL OF SEWERS AND WATER SUPPLY.

GENERAL INFORMATION

- (a) Control of Public Sewers. All "public" sanitary sewers in the Village sewer district shall be controlled by the Village.
- (b) Control of Private Sewers. All "private" sanitary sewers in the sewer district shall be controlled by the Village but maintained and operated by their owners. The Village Administrator may accept for maintenance and operation, any private sewer which meets the standards established by the Village for the same and for which a proper easement is dedicated to the Village.
- (c) Approval Required. No sanitary sewer or water service shall be constructed within the jurisdiction or added to any sanitary sewer or water service within the jurisdiction of the Village without prior written approval of the Village Administrator.
- (d) Control of Connection; Permits. Any connections, direct or indirect, to the sanitary sewer or water mains within the jurisdiction of the Village shall be subject to this chapter and to any charges, rates, fees and assessments which are or may be established by the Village as being applicable and shall be made under permits issued by the Village Administrator.

(e) Approval of Extension Required. No extension or modification shall be made to any sanitary sewer or water main controlled by the Village without the prior written approval of the Village Administrator.

(f) Main Lines and Corporation Stops Under the Control of the Village Administrator.

- (1) The curb valves and the curb box as well as the corporation stops shall be under the absolute control of the Village Administrator and shall not be tampered with or operated by unauthorized persons. Only an employee of the Village may turn water into a premises to be supplied.
- (2) No plumber or other person except the duly authorized agent of the Village Administrator shall turn water into any premises.

(g) Control of Meter.

- (1) No addition or alteration of any pipe between the water main and the meter shall be made without the permission of the Village Administrator.
- (2) No water meters are to be replaced, repaired or altered except by employees of the Village. Cost of such replacement, repair or alterations shall be paid by the user. (Ord. 1987-43. Passed 11-9-87.)
- (3) For all water meters, backflow preventers and related equipment supplied by the Village, the cost to be paid by the user shall be as set forth in Section 941.17(s). (Ord. 2013-69. Passed 8-19-13.)

(h) Effect of Partial Invalidity. The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part which can be given effect without such invalid part or parts.

(i) Interpretation. In the event that a conflict arises in the interpretation of this chapter, the decision of the Village Administrator shall be considered final and binding, subject to the right of appeals as provided by law.

(j) Special Agreements. Nothing in this chapter shall prohibit the Village from entering into any agreement with any person, firm or corporation or governmental agency for the furnishing of a service or performance of any act not specifically mentioned in this chapter, provided however, that the same is authorized by the general laws of Ohio. (Ord. 1987-43. Passed 11-9-87.)

941.04 STANDARDS; INSPECTIONS.

(a) Village Administrator to Establish Standards. The design and construction of all water and/or sanitary sewers, connected either directly or indirectly to systems controlled by the Village, shall meet all published standards as established by the Village and the Village Administrator. The Village Administrator shall have authority to make changes in design, material and construction standards used in systems under his jurisdiction at any time.

(b) Village Administrator to Establish Procedures. The Village Administrator shall establish and publish procedures to implement the Rules and Regulations and the Village Administrator shall have the authority to make changes in such procedures at any time.

(c) Standard Specifications Included. The latest revision of the Standard Specifications of the Village of Mantua, including Standard Drawings, Supplemental Specifications and Special Conditions contained herein shall govern the work and are hereby made a part of this chapter with the same effect as if the same had been set forth at length in this chapter.

(d) Expansion of District. No statement contained herein shall prevent the Village from negotiating with any other legal constituted governmental authority in regard to expanding the District subject to the approval of the Village of Mantua.

(e) Authority to Enter Upon Property. The Village Administrator and other duly authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of surveying, inspecting, observing, measuring, sampling and testing of all sewerage facilities under the jurisdiction of the Village, in accordance with the provisions of this chapter.

(f) Authority to Enter Upon a Property Through An Easement. The Village Administrator and other duly authorized employees or agents of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties, through which a proper easement is on record, for the purpose of surveying, inspecting, observing, measuring, sampling, testing, constructing, maintaining, operating, repairing and reconstructing of any portion of the sewerage system under the jurisdiction of the Village, subject to the terms of the easement.

(g) Industrial Process Information. The Village Administrator and other duly authorized employees of the Village are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the waste water collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
(Ord. 1987-43. Passed 11-9-87.)

941.05 APPROVAL OF SEWER AND WATER SUPPLY PLANS; SPECIFICATIONS AND BIDDING DOCUMENTS.

(a) Planning Meeting. Any person, firm or corporation proposing to construct sanitary sewer, storm sewer and/or water improvements which will be under the control of the Village is encouraged to meet with the Village Administrator prior to submitting plans for approval. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained or referred to herein. It is an opportunity for the developer to become familiar with the standards which will govern the plan preparation and approval.

(b) Approval of Plans, Specifications and Bidding Documents.

(1) No sanitary or storm sewers, sewage pumping facilities or sewage treatment facilities which drain, either directly or indirectly, into the sewers under the control of the Village, shall be constructed without the prior written approval of the Village Administrator of the plans, specifications and bidding documents thereof.

- (2) Plans, specifications and bidding documents for the water supply improvements which will supply water for areas to be served by the Village of Mantua owned and/or maintained water distribution systems shall be submitted to and approved by the Village Administrator and the Village Engineer.

(c) Submission of Plans, Specifications and Bidding Documents. All plans, specifications and bidding documents shall be submitted in triplicates and shall be accompanied by a written request for approval. Submittals shall show evidence of compliance with Ohio R.C. 153.64, which states the required procedure for notification and location of all underground utilities.

(d) Standards For Plans and Specifications. Plans and specifications shall be prepared in accordance with standard engineering practices and in accordance with the Village of Mantua.

(e) Area Plan Required. All plans shall be accompanied by an area plan showing all existing and proposed sewers and/or water lines within the area to be served together with copies of all pertinent computations of the design of the sewer, sewage facilities and water supply facilities. Submittals shall indicate the full intent of the improvements and the legislative authority under which such improvements are to be constructed.

(f) Numbering of Sewers. All sewers shall be numbered in accordance with the system of the Village of Mantua.

(g) Registered Professional Engineer Required. All plans shall bear the signature of the registered professional engineer who has prepared them and shall provide space for the approval of the Village Administrator and the Village Engineer.

(h) Approvals Required. All plans requiring the approval of the Ohio Environmental Protection Agency, Ohio Department of Health, Village Engineering Firm, etc., shall be submitted by owner and secured by same.

(i) Municipal Plan Review and Approval. Plans for such sewers and/or water lines which are to be constructed in municipalities must be submitted to the Advisory Board for review before final approval from the Village.
(Ord. 1987-43. Passed 11-19-87.)

941.06 CONTRACTORS.

(a) Registered Contractor Required.

- (1) No person or persons, firm or corporation or any employee of such firm or corporation, with the exception of the homeowner, shall be issued permits to connect, open or alter any public sanitary or storm sewer or any water service lines unless such person, firm or corporation shall first have obtained, from the Village of Mantua, a certificate of registration for doing such work.

- (2) Registration will be revoked if the holder violates any provisions of this chapter or any of the instructions of the Village Administrator.
- (3) The work, at all times, shall be under the supervision of the contractor registered to do such work.

(b) Homeowners Limited Registration. A homeowner personally installing his own building service lateral, or a water line [out of the road right-of-way] shall apply for a Homeowner's Limited Registration on a form prescribed by the Village Administrator describing in detail the materials to be used, method of installation and all other pertinent information required by the Village Administrator to insure that the installation will be acceptable when complete. The actual connection to the public sewer or the water line shall only be made by a registered contractor and in the presence of the Village Administrator or his representative and only after the lines have been approved by the Village Administrator.

(c) Requirements for Registering Contractors. An applicant desiring to become a registered contractor in the Village of Mantua shall be a competent, reputable person or firm and shall provide prior work history data to establish qualifications in order to be approved by the Village Administrator.

(d) Application and Bond for Road Opening.

- (1) An application form which is supplied by the Village Clerk must be completed and returned to the office of the Clerk together with a bond to the benefit of the Village of Mantua in an amount not less than one thousand dollars (\$1,000).
- (2) The bonding company must be licensed to do business in the state of Ohio.

(e) Insurance Required.

- (1) The registered contractor shall annually submit proof that he has public liability, property damage and automobile insurance covering any and all claims for damage to personal injury, including accidental death, as well as from claims for property damages which may arise from his operation or those of his sub-contractors. The minimum amounts of such insurance shall be set by the Village Administrator.
- (2) Policies shall contain the following Provisions:
"The company agrees that ten [10] days prior to the cancellation or reduction of the insurance(s) afforded by this/these policies with respect to work performed as a utility contractor registered by the Village of Mantua, written notice of such cancellation or reduction will be mailed to the Clerk."

(f) Protection of Property Owner [Mechanics Liens].

- (1) A registered Utility Contractor is expected to protect property owners by providing proper affidavits to the property owner that all labor and material costs incurred doing the owner's work have been paid prior to receiving payment from the owner.

- (2) Failure in this regard will be considered when determinations are necessary to continuation of the registrations by the Village.

(g) Supervision Required. The utility contractor is expected to exercise close supervision over the work being performed under his registration. If occasionally, the utility contractor is not able to be present, he must have a thoroughly competent and capable foreman in charge of the work. If the utility contractor wishes to maintain various crews, he must select competent foremen who must be named in his application for registration. In all instances, when the registered utility contractor wishes to sub-contract, with the permission of the Village Administrator, his sub-contractors shall also be registered.

(h) Contractor Responsibility.

- (1) It shall be the responsibility of any contractor to comply with the requirements of this chapter and to properly correct any violation of this chapter.
- (2) Any contractor failing to correct such violations within a reasonable time, after being notified by the Village Administrator to make the corrections, shall be charged for all costs incurred by the Village Administrator in correcting such violations.
- (3) A registered contractor is expected to protect property owners by providing proper affidavits to the property owner that all labor and material costs have been paid prior to receiving payment from the owner.

(i) Pavement Replacement.

- (1) Contractors opening trenches and removing pavement for extension of water or sewer service connections or repair work specified under this chapter shall immediately remove all stone, brick, earth, concrete, macadam, sand or whatever other material that may have been excavated or penetrated and shall restore such pavement to traffic within twenty-four hours. Permanent pavement must be replaced within thirty days from the time of commencement of the work or within the limits specified within road opening permits.
- (2) All rubbish and excess material must be immediately removed from the site. The street, roadway, pavement, sidewalks or yard areas shall be immediately restored to their original condition. The installation and repair work done, including the work site, shall be maintained and repaired for a period of one year by the contractor at his expense.
- (3) The contractor after receiving notification in writing from the Village Administrator of the necessity for making repairs for the above described work, shall at once perform the work described in such notification. Upon failure of the contractor to do this work within a period of ninety-six hours of notification, the Village Administrator may cause such work to be done either by contract with any qualified person, without advertising, or by any other satisfactory method. The entire cost of such repair work shall be billed to the contractor who shall be liable for and pay such bill at once.

(j) Protection of Structures.

- (1) The presence of the Village Administrator or his authorized inspector does not relieve the contractor of his duty to protect any structure either above, below or at the surface of the ground. Should any damage arise due to the negligence of the contractor, it shall be the duty of the contractor to repair such damage within a period of ninety-six hours.
- (2) The safety, welfare and health of the general Public will be considered in a case of an emergency. The Village Administrator may order that repairs be made in a reduced period of time depending on the nature of the emergency.
- (3) Upon failure of the contractor to complete the necessary repair work within the times specified by the Village Administrator, the Village Administrator may cause such damage to be repaired or the damaged property replaced either by contract with some capable persons, without advertising or by such other arrangements as may be most convenient.
- (4) The entire cost of the work done shall be billed to the contractor who shall be liable for and shall pay the same at once. Failure to make such repairs in the time allotted by the Village Administrator or to pay the cost billed for such repairs shall be reason for revocation of the registration of the contractor by the Village Administrator.

(k) Contractor Liability.

- (1) The safety and convenience of the General Public and the residents along the street and the protection of persons, animals, vehicles and property shall be the legal responsibility and liability of the contractor. The contractor shall at all times so conduct his work as to assure the least possible obstruction to traffic. The contractor shall at all times provide and maintain access to fire hydrants, gas valves and all utilities.
- (2) In the event of the closure of the street, alley or private drive, the contractor shall notify the occupants of all the premises affected by such closures at least twenty-four hours in advance of closure.
- (3) The contractor shall enclose each opening which he may make in the public streets, roads or alleys with sufficient barriers and shall maintain warning lights at night. Braces shall be used to comply with all applicable State and Federal requirements.
- (4) The contractor shall meet all the requirements of the Village of Mantua's Rules and Regulations.
- (5) The contractor and surety shall save harmless the Village of Mantua and all its representatives, from all suits, actions or claims of any character brought on account of any injuries or damage sustained by any person or property in consequence of any neglect in safe guarding the work or through the use of unacceptable material in the construction of the improvement or on account of any act or omission, by the contractor or his agents and he shall pay any judgement obtained or growing out of any claim or suits.

(Ord. 1987-43. Passed 11-9-87.)

941.07 PERMITS.**(a) Application for Sewer Permit.**

- (1) No application for sewer permit shall be approved until the Village Administrator has determined that sewer service is or will be available and all required connection charges, permit fees, inspection fees and deposits have been paid in full. Payment of connection charges, etc., must be made by cash, certified check or cashiers check payable to the Village of Mantua.
- (2) A site plan of sufficient detail to determine that a proposed building sewer connection will meet the requirements herein contained is required to be submitted and approved by the Village Administrator prior to an approval of an application for a sewer permit. This site plan shall show which method by which all clean water, including but not limited to, storm water, surface water, ground water, roof run-off, sub-surface drainage [including footer drains], cooling water or unpolluted industrial process water shall be permanently plumbed and drained, by gravity where possible, to an approved suitable discharge point. This site plan shall also show all necessary plumbing and building locations and elevations. When deemed necessary, the Village Administrator may require a site elevation plan prepared by a registered professional engineer or surveyor who agrees to supervise the construction to the extent necessary to assure the construction will be acceptable on completion. The following site criteria shall be considered the minimum acceptable requirements for approval.
 - A. If positive gravity drainage is provided for all sources of clean water; full gravity sewer service to the lowest occupied area [basement] of the building will be permitted, where possible. The lowest occupied area may not be less than one foot above the high water elevation of either the sanitary sewer and storm sewer drainage systems.
 - B. If possible gravity drainage is not provided for all sources of clean water; gravity sewer service shall not be provided lower than one foot above the lowest occupied area of the building. No connection will be permitted to the sanitary sewer below this level including grey water sump pump connections. The lowest occupied area of the building may not be less than one foot above the high water elevation of the storm sewer drainage system. No connection may be made lower than one foot above the high water elevation of the sanitary sewer system.
 - C. In lieu of a site plan for an existing building, the Village Administrator or his agent, may inspect the property in consultation with the owner and/or his contractor. The site criteria herein contained shall be considered the basis of review, however, the Village Administrator may authorize

the connection if the purpose and intent of this chapter may be met by such other means as he may find acceptable. The Village Administrator may require the installation of such meters as he may deem necessary and access to such meters shall be provided to the Village Water and Sewer Department on a regular basis.

- (3) A homeowner installing his own building service lateral or a registered Contractor installing a building sewer lateral where extra inspections are anticipated by the Village Administrator, shall deposit with the Village a sum determined by the Village Administrator to be sufficient to guarantee payment of any extra inspection costs to be incurred during the installation.
 - (4) No application for permit nor permit shall be issued to any sewer contractor which has an outstanding balance with the Village of extra inspection charges until such charges have been paid in full.
 - (5) On approval of an Application for Sewer Permit, a copy of such application shall be delivered to the Portage County Building and Plumbing Inspectors or the Building and Plumbing Inspectors of the appropriate agency as proof that sewer service can be provided.
 - (6) Upon completion and approval of the rough plumbing system a copy of the Plumbing Inspectors approved inspection report shall be delivered to the Village Administrator. The Village Administrator or his agent shall then, upon proper requests of the owner, inspect the building and site for conformance to this chapter including clean water drainage requirements. Upon approval of the required plumbing, site and building improvements and upon proper scheduling of the work and inspection(s), the sewer permit may be issued.
- (b) Application for Water Permit.
- (1) No connection with any water main or repair or removal, thereof, shall be made without a permit from the Village of Mantua.
 - (2) Application for permits shall be made on the prescribed form and signed by the property owner agreeing to comply with the Rules and Regulations of the Village of Mantua and to be responsible for the payment of all water used on the premises. Applications must state the correct lot and street number of the premises.
 - (3) The Village Administrator may require applications to include accurate plans showing the locations and character of the work to be done, including the material and construction specifications.
 - (4) Any misrepresentation in such applications shall constitute sufficient grounds for revocation of the applicants registration and any permits issued.
 - (5) Permits shall be kept on the job at all times while work is in progress. The permit shall become void if the work covered under it is not completed and approved within one year of issuance. The permit fee shall not be refunded under any circumstances.

- (6) A separate permit shall be issued for each water connection.
- (c) Sewer Connection or Tap-in Charges.
 - (1) Any required connection charges or tap-in fees shall be paid in full before a sewer application is approved or a sewer permit is issued. The rates for sewer connections shall be determined by Council. The amount of such connection charges or tap-in fees shall not be less than the amount assessed for similar properties and shall be in addition to any permit fees or other fee required. The Village may, by resolution, provide for the payment of connection charges in installments with such security carrying charges or penalties as may be found by the Village in such resolution to be fair and appropriate.
 - (2) The Village Administrator may require the submittal of building plans, a statement of use and/or other information pertinent to the calculation of connection charges. Such submittals shall contain information sufficient to determine the character, volume and strength of waste being discharged to the sanitary sewer. In addition, such plans shall also show the proposed plan for the elimination of clear water from the premises.
- (d) Water Connection Charges or Tap-In Charges. Any required connection or tap-in charges shall be paid in full before a water permit application is approved or a water permit is issued. The amount of water or connection charges shall be determined by Council.
- (e) Permits Required. No authorized person shall uncover, make any connection (directly or indirectly) with, or opening into, use, alter or disturb any public or private sanitary sewer or water main or appurtenance thereof without first obtaining a permit from the Village Administrator.
- (f) Types of Sewer Permits.
 - (1) There shall be three types of sewer connection permits: [1] for residential service; [2] for commercial service and [3] for service to establishments discharging industrial wastes.
 - (2) In each case, the owner shall make application on a special form to be obtained from the Village Administrator. The application for permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village Administrator.
 - (3) The fee for residential permits shall be the current fee in effect at the time of application. This fee may be changed as necessary by Council. In the event a residential sewer lateral is excessively long, excessively deep, complicated or through poor soils, the amount of the permit fee may be established using the method described for commercial or industrial permits.

- (4) The fee for commercial permits and industrial permits shall be all costs of issuance, plan review, inspection and start up of facilities, but not less than the fee for residential permits. Applications shall be accompanied by building plans, site plans and any other information pertinent to determine the volume and character of the waste to be discharged. The Village Administrator may require the installation of any interceptors, trash-traps or other pre-treatment devices necessary for commercial or industrial discharges. Commercial or industrial discharges shall be subject to an annual review of compliance with the applicable standards then in effect.
 - (5) The registered contractor or the owner shall make application for each permit. Any misrepresentation in such application shall constitute sufficient grounds for revocation of the applicant's registration and any permit issued.
 - (6) Permits shall be kept on the job at all times while work is in progress. A permit issued for work in connection with existing buildings shall become void if the work covered under it is not completed and approved within sixty days of issuance. Permits issued for work in connection with new construction shall become void if the work covered under it is not completed and approved within one year.
 - (7) The permit fee shall not be refunded under any circumstances.
 - (8) A separate permit shall be issued for each sewer connection. No permit shall be issued for connection to any sanitary sewer which has not been completed and accepted for operation by the Village Administrator.
- (g) Types of Water Permits.
- (1) There shall be three types of water connection permits: [1] for residential service; [2] for commercial service and [3] for line extensions.
 - (2) In each case the owner shall make application on a special form to be obtained from the Village Administrator. The application for permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village Administrator.
 - (3) The fee for residential and commercial permits shall be the current fee in effect at the time of application. The fee may be changed as necessary by Council.
 - (4) The fee for line extension permits shall be all costs of issuance, plan review and inspection.
 - (5) The registered contractor or the owner shall make application for each permit. Any misrepresentation in such application shall constitute sufficient grounds for revocation of the applicant's registration and permit issued.
 - (6) Permits shall be kept on the job at all times while work is in progress. A permit issued for work in connection with existing buildings shall become void if the work covered under it is not completed in sixty days from issuance. Permits issued for work in connection with new construction shall become void if the work covered under it is not completed and approved within one year from date of issuance. The permit fees shall not be refunded under any circumstances.

- (7) A separate permit shall be issued for each water connection. No permit shall be issued for connection to any water main which has not been completed and accepted for operation by the Village Administrator.
- (h) Responsibility of Permit Holder. The person, firm or corporation to whom a permit is issued will be held responsible for the proper installation of the building sewer or water line in accordance with this chapter, subject however, to the condition that he or it holds the Village of Mantua harmless from any loss or damage.
- (i) Road or Street Opening Permits. The person, firm or corporation to whom a permit is issued shall be responsible for obtaining any required permits to open cut or bore any street, road or highway from the appropriate political body or official having jurisdiction over such street, road or highway and shall comply with all conditions required by such permits.
- (j) Application and Bond for Road.
- (1) An application form which is supplied by the Village Clerk must be completed and returned to the office of the Clerk together with a bond to the benefit of the Village of Mantua in an amount not less than one thousand dollars (\$1,000).
 - (2) The bonding company submitting the bond must be licensed to do business in the state of Ohio.
- (k) Connection May be Denied. In addition to the other provisions of this chapter, connection to any sanitary sewer may be denied if the proposed connection would be made in a manner whereby the premises may be subjected to flooding in the event of mechanical or power failure at a pumping station or if the connection would be below other known high water elevations of the sewer system. Connections to the sewer may also be denied if the proposed connection would be below the flood elevation of the storm drainage system or if the property is subject to localized storm water flooding thus subjecting the premises and the sanitary sewer system to storm water flooding.
(Ord. 1987-43. Passed 11-9-87.)

941.08 INSPECTIONS.

- (a) Sewers. All sanitary sewers which connect either directly or indirectly into the sewerage system under the jurisdiction of the Village of Mantua shall be inspected by and subject to testing under the supervision of the Village Administrator or his designated representative.
- (b) Water Supply. Water supply improvements which will supply for areas to be serviced by Village owner and/or maintained water distribution systems shall be inspected by and subject to testing under the supervision of the Village Administrator or his designated representative.
- (c) Construction by Others. All sewers and water supply facilities which will connect either directly or indirectly into the sewerage system or the water supply system under the jurisdiction of the Village of Mantua and which are to be constructed by any person, firm or corporation, other than the Village, shall be inspected and subject to testing under the supervision of the Village Administrator or his designated representative.

(d) Construction by Municipalities. All sewers and water supply facilities which will connect either directly or indirectly into the sewerage system or the water supply system under the jurisdiction of the Village of Mantua shall be subject to inspection and testing under the supervision of the Village Administrator or his designated representative, when and as deemed necessary by the Village Administrator.

(e) Accessibility. All work performed shall be inspected by an authorized inspector representing the Village of Mantua. No connection shall be covered until the work has been inspected and approved in writing. Any work covered previous to inspection shall be uncovered by the contractor or owner. Access to the building will be required to inspect the connections.

(f) Sewer Connection. The actual connection to the sewer main shall be done only in the presence of the Village Administrator or his authorized representative. He shall investigate fixtures connected to building sewer. He shall investigate storm water system of the building to determine that no clean water such as footer drains, down spouts or storm sewers are connected to the sanitary sewer system.

(g) Water Connection. Tapping of the water main shall only be done in the presence of the Village Administrator or his authorized representative. He shall investigate the water piping system of the building to determine that no other water supply, such as wells, cisterns, etc., is connected to the water supply system of the Village.

(h) Scheduling and Hours. No inspector's services will be available unless proper scheduling or arrangements have been made with the office of the Village Administrator at least twenty-four hours prior to the time of inspection requirements.

(i) Obligation to Provide Inspectors. The Village Administrator shall be under no obligation to approve requests for inspection on Saturdays, Sundays or holidays or for the overtime hours or to provide inspectors for times not scheduled.

(j) Approval Required for Acceptance. No sewer or water line shall be acceptable to or accepted by the Village Administrator without his written approval.

(k) Stop Work Order. If the Village Administrator has proof or evidence that any such work is being improperly done or the work is being conducted in an unsafe manner, endangering the public or the workmen, he may revoke or suspend any permits granted and order all work to be stopped and, if necessary, order the contractor to disconnect the sewer lateral or water line under construction, from the Village owner facilities. The owner or his contractor shall thereupon stop the work and shall not resume work until authorized in writing by the Village Administrator.

(Ord. 1987-43. Passed 11-9-87.)

941.09 USE OF SEWERS.

(a) Clean Water Discharge Prohibited.

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

- (2) Any such connection made either before or after the effective date of this chapter shall be considered illegal and shall be subject to immediate removal by the owner of the premises so connected and at such owner's expense.
- (3) Should the owner of such illegally connected premise fail to remove the connection within ninety days of official notice to do so, the Village Administrator shall cause the connection to be removed and cost thereof shall be billed to the owner of the premise.

(b) Sewage Discharge to Storm Sewers Prohibited. No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer, any sanitary sewerage or other polluted waters. Effluent from privately owned individual household disposal devices, shall not be discharged to storm sewers.

(c) Combined Sewers Prohibited. The construction of and extension to combined sewers is hereby prohibited.

(d) Requirement to Separate Sewers. Individual properties now connected from a point three feet outside the building to the public sewer for the purpose of discharging wastes to a combined sewer, may be required, at the individual property owner's expense to separate sanitary discharges from clear water discharges beginning at a point three feet from the building to the public sewer system whenever such separation is deemed necessary for the public health, welfare and safety by the Ohio Environmental Protection Agency or the Village Administrator.

(e) Storm Water Discharges. Storm water and all other unpolluted drainage shall be discharged into such sewer as are specifically designed and designated as storm sewers or a natural outlet approved by the Village Administrator.

(f) Protection of Facilities During Construction. No person, firm or corporation or municipality constructing a sanitary sewer, building or house connection shall leave same open, unsealed or incomplete in such a fashion as to permit storm, surface or sub-surface water to enter such sewers.

(g) Prohibited Wastes. No person shall discharge or cause to be discharged to any public sewer any of the following described substances, materials, waters or wastes:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit [65 degrees Centigrade].
- (2) Any water or wastes which contain grease, oil or other substance that will solidify or become discernibly viscous at temperatures between 30 degrees and 150 degrees Fahrenheit.
- (3) Any water or wastes containing edible type oil and grease exceeding on analysis an average of 100 parts per million [833 pounds per million gallons] of other soluble matter.
- (4) Any water or wastes containing non-edible type oil or grease such as petroleum or mineral oil or grease.
- (5) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive, "solid or gas".

- (6) Any water or wastes that contain more than ten parts per million by weight of the following gases: Hydrogen sulphide, sulphur dioxide or nitrous oxide.
- (7) Any garbage that has not been properly shredded.
- (8) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, asphaltic materials, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery spent grains, chemical residues, paint residues, cannery wastes, bulk solids or any other solid or viscous substances, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (9) Any waters or wastes that contain phenols in excess of 0.50 parts per million by weight. These limits may be modified if the aggregate of contributions throughout the area of service create treatment difficulties or produce a plant effluent discharge to receiving waters which may be prohibitive.
- (10) Any waters or wastes, acid or alkaline, in reaction and having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the Village of Mantua. Free acids or alkalines of such waste must be neutralized at all times within the permissible range of pH, which range is between 5.5 and 9.5.
Violation of this requirement is subject to the penalties stated in subsection(j) hereof, provided however, that the illegal flow shall be continuous for the following time periods:
30 minutes for pH 5.4 to 4.5 or 0.6 to 10.5
15 minutes for pH 4.4 to 3.5 or 10.6 to 11.5
5 minutes for a pH 3.4 to 2.5 or 11.6 to 12.5
(Ord. 1987-43. Passed 11-9-87.)
- (11) Any wastewater discharge to the Village's wastewater treatment plant shall comply with Federal Pretreatment Standards per 40 CFR Part 403 of Chapter 307B of the Clean Water Act. Any water or wastes containing a toxic or poisonous substance of high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to the receiving waters or storm water overflows or the effluent of the waste water treatment plant. Material such as copper, zinc, chromium and similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the waste water treatment plant exceed three times the average concentration:
- | | |
|-----------------------------|----------------------|
| Iron as Fe | 15 parts per million |
| Chromium as CR [hexavalent] | 5 part per million |
| Copper as Cu | 3 parts per million |
| Zinc as Zn | 2 parts per million |
| Chloride demand | 30 parts per million |
- with contributions from individual establishments subject to control in volume and concentration by the Village Administrator.
(Ord. 1987-43. Passed 11-9-87; Ord. 1996-44. Passed 11-11-96.)
- (12) Any cyanides in excess of two parts per million by weight as CN in the wastes from any outlet into the public sewers.

- (13) Any water or wastes containing the discharge of strong acid iron pickling wastes or concentrated plating solution whether neutralized or not.
- (14) Any noxious 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 sewers for repairs or maintenance.
- (15) Any long half-life [over 100 days] of toxic radioactive isotopes. The radioactive isotopes such as I¹³¹ and P³² used in hospitals are not prohibited, if properly diluted at the source and discharged in accordance with Atomic Energy Commission regulations.
- (16) Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the waste water treatment plant.
- (17) Any water or wastes that for a duration of fifteen minutes has a concentration greater than five times that of "normal" sewage as defined in 941.01, as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute.
(Ord. 1987-43. Passed 11-9-87.)

(h) Special Industrial Wastes - A. Any wastewater discharge to the Village's wastewater treatment plant shall comply with Federal Pretreatment Standards per 40 CFR Part 403 of Chapter 307B of the Clean Water Act. Concentrated dye wastes, spent tanning solutions or other wastes which are highly colored or wastes which are of unusual volume, concentrated of solids or composition, as for example in total suspended solids of inert nature [such as fuller's earth] and/or in total dissolved solids [such as sodium chloride, calcium chloride or sodium sulfate] or unusual B.O.D. shall be subject to special review by the Village Administrator for:

- (1) Approval or rejection of admission to the public sewers; or
- (2) Modification at the point of origin to admit admission; or
- (3) Pretreatment by owner to permit admission.

(i) Special Industrial Wastes - B. Any wastewater discharge to the Village's wastewater treatment plant shall comply with Federal Pretreatment Standards per 40 CFR Part 403 of Chapter 307B of the Clean Water Act. Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, or develops color of undesirable intensity; or forms suspended solids in objectionable concentration or violates subsection (g)(10) hereof or any other conditions deliterious to structures and treatment processes, shall be subject to control or shall be debarred from the systems as determined by the Village Administrator. (Ord. 1987-43. Passed 11-9-87; Ord. 1996-44. Passed 11-11-96.)

(j) Penalties.

- (1) Violation of any individual provision of this section except for subsection (h) and (i), is subject to penalties stated in Ohio R.C. 6117.99.
- (2) The above penalties shall in no way relieve any individual, company or industry of any liabilities for damage to any facilities, injury to persons or animals, nor shall it relieve any individual, company or industry from being liable for any expense, loss or damage occasioned by the Village of Mantua by reason of such violation.

- (3) Prior to the application to any of the above prescribed penalties, the individual, company or industry found in violation, will be notified in writing by the Village Administrator, advising of the violation and the necessary action to be taken. The individual, company or industry will be granted a period of time as determined by the Village Administrator in which to effect the remedial measures. Thereafter, the individual, company or industry will be on notice that further violations shall be immediately subject to the penalties as provided in Ohio R.C. 6117.99.

(k) Accidental Discharges.

- (1) The accidental discharge of any prohibited liquid or solid material into any sewer or natural outlet, either directly or indirectly, shall be reported to the Village Administrator immediately by the individual, company or industry responsible for the discharge.
- (2) Although no penalty, as such, will be levied as a result of such accidental discharge, it shall be understood that the individual, company or industry shall not be relieved of its responsibility and shall be liable for any expense, loss or damage occasioned the Village by reason of such accidental discharge.

(l) Tampering or Damage to Facilities. No unauthorized person, firm or corporation shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the sewerage facilities. Any person violating this provision shall be subject to the penalties stated in Ohio R.C. 6117.99.

(m) Approval Required for Changing Grade.

- (1) Every person owning or any one having the possession, charge or management of any lot or parcel of real estate on which a fill, partial fill, cut or any construction or change in the surface use is to be made, shall be responsible for ascertaining whether or not the proposed fill, cut or any construction or change in surface would obstruct, damage or interfere with lawfully existing sewerage facilities.
- (2) In the event it becomes necessary to adjust, relocate or otherwise modify the existing sewerage facilities as a result of placing the fill or making the cut, such person shall at his expense, make such adjustments, relocations or modifications required by and to the satisfaction of the Village Administrator before or during the filling or cutting operation.

(n) Changing Grade; Responsibility for Damages. Any person, firm or corporation making a cut or fill, construction or change in surface without the approval of the Village Administrator and in the opinion of the Village Administrator, such cut or construction or change in surface has obstructed, damaged or interfered with lawfully existing sewerage facilities, such act shall be considered a violation of subsection (l) hereof and each day shall be considered a separate offense. In addition, such person, firm or corporation shall be liable for any expense, loss or damage occasioned by such violation.

(o) Disconnection. For any violation of any provision of this section the Village Administrator shall have the authority to cause the immediate disconnection of the service connection.
(Ord. 1987-43. Passed 11-9-87.)

941.10 PRIVATE SEWERS.

(a) Maintenance of Private System. The owner shall, at his own expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times to the satisfaction of the Village of Mantua.

(b) Connection to Public Sewers Prohibited. It shall be unlawful for any residential, commercial or industrial sewage disposal to be connected to any public sanitary or storm sewer.

(c) Connection to Available Public Sewers Required.

- (1) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made thereto, by and at the expense of the owner, within ninety days of official notice to connect, in compliance with this chapter and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned to the satisfaction of the appropriate public authority.
- (2) Additionally, the Village may order the owner of any premises located in a sewer district in the Village to connect to the sanitary sewer as provided in Ohio R.C. 6117.51.
- (3) A sewer shall be considered available even though a tap-in charge is required and even though a pump is required.
(Ord. 1987-43. Passed 11-9-87.)

941.11 DISPOSAL OF SEPTIC TANK WASTES.

(a) Discharge to Storm Sewers Prohibited. No person, firm or corporation shall discharge septic tank wastes into any watercourse or storm sewer.

(b) Discharge to Sanitary Sewers Prohibited. No person, firm or corporation shall discharge septic tank wastes into any manhole or other appurtenance of any sewer which discharges either directly or indirectly into the sewerage facilities of the Village.

(c) Penalty for Violation. Any person, firm or corporation violating the provisions of this Item shall be subject to the penalties stated in Section 941.09(j). In addition, such person, firm or corporation shall be liable for any expense, loss or damage occasioned by reason of such violation.

(d) Approval to Discharge Required. No person, firm or corporation shall discharge or cause to be discharged, either directly or indirectly, into the sewerage facilities of the Village, wastes other than domestic sewage without the prior written approval of the Village Administrator.

(e) Approval of Sites for Discharge. Septic tank wastes shall be discharged to facilities or sites approved by the Portage County Health Department and the Ohio Environmental Protection Agency.
(Ord. 1987-43. Passed 11-9-87.)

941.12 BUILDING SEWERS AND CONNECTIONS.

(a) Specification, Standard Drawings and Design Criteria. The latest revision of the Standard Specification of the Village of Mantua, including Standard Drawings, Supplemental Specifications and Special Conditions contained herein shall govern the work and are hereby made a part of this chapter with the same effect as if the same had been set forth at length in this chapter.

(b) Sewer Connection Locations. All sanitary sewer building connections constructed under Section 941.09 shall be located at a minimum of:

- (1) Ten feet from gas lines.
- (2) Five feet from lot lines.
- (3) Ten feet from water lines, unless water line can be benched two feet from private well.
- (4) Fifty feet from private well.
- (5) One hundred feet from semi-public well.
- (6) Three hundred feet from public well.

Where possible, all sanitary sewer connections shall have a 4'0" minimum cover except where the sewer is under pavement when a minimum of 5'0" cover shall apply. In no case shall the sewer have less than 3'0" of ground cover or 4'0" where the installation is under pavement.

(c) Tracer [Tape-Wire] Required. All installation shall have tracer tape or wire installed the entire length of either new or replacement sewer lines.

(d) Separate Building Sewer Required.

- (1) A separate and independent building sewer shall be provided for each single family residential building, each single family residential condominium, each unit of a duplex or triplex, etc. and each service unit of a commercial structure.
- (2) The Village Administrator shall determine what units can be considered as single service units and single family residential units for sewer service to structures such as shopping centers, connected apartment buildings, some condominiums and other structures which are of such construction that they can be sold as units, for the purpose of enforcing one connection per single service unit or single family unit or single family residential.
- (3) No connection shall serve more than one building. Structures such as shopping centers, apartment buildings, industrial installations and other structures of such construction that they cannot be sold as units shall have a separate and individual sewer connection per building.
- (4) No connection shall serve more than one single family residential building or more than one building, unless specific authority is given by the Village Administrator. Such variance from the above stated rules shall only be considered where it is impossible to meet the above rules for specific reasons.

(5) An individual permit shall be issued for each sewer connection.

(e) Sewer Connection Materials, Size, Grade. The building sewer shall be constructed of a size not less than and of materials meeting standards of the Village Administrator. The standard building sewer shall be four inch pipe with compression type premium joints. It shall be laid at a minimum grade of 1.00% [1 foot per 100 lineal feet] from the building to the public sewer, except that the Village Administrator may authorize the grade to be as little as 0.70% [0.70 foot per 100 lineal feet] if he determines such to be desirable or necessary. In no case shall the basement floor be less than thirty-six inches above the crown of the sewer at the point of connection.

(f) Sewage Pumps Required. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drains shall be lifted by an approved means, outside the building and discharged to the sanitary sewer. The sewage pump shall be installed in an external location and at an elevation suitable to protect the building from damage in the event of power or mechanical failure.

(g) Maintenance of Building Sewer. The owner of the premises served by a sewer shall be responsible for the maintenance, operation and cleaning of the building sewer from the building to the main sewer on his property. If the owner of a defective building lateral fails to make the required repairs after ninety days of official notice to do so and the Village is called upon or finds it necessary to repair or maintain such building lateral, the cost of such repairs or maintenance shall be billed directly to the homeowner.

(h) Testing Connection.

(1) After the sanitary sewer main has been determined to be operable, the building sewer shall be connected to the public sewer and extended into the building. At the time of the inspection, the Village Administrator may require the pipe and any fittings to be tested to determine if the connection is leaking. Any leaks which appear shall be cause for rejection of the work.

(2) If clean water inspection cannot be made, the Village Administrator may require testing to determine the presence of illegal clean water connections to the building sewer. If clean water connections are determined to be present, either inside or outside the building, the sewer connection permit shall become void and the connection to the sanitary sewer shall be prohibited.

(Ord. 1987-43. Passed 11-9-87.)

941.13 INDUSTRIAL WASTES.

(a) Approval to Discharge Required. No industrial wastes shall be discharged either directly or indirectly into any sewer within the Village or any sewers connected to the sewer system of the Village without the prior written approval of the Village Administrator.

(b) Requirement to Control Discharge. Whenever necessary, in the opinion of the Village Administrator, a person, firm or corporation discharging or proposing to discharge industrial wastes into the sewer, shall at his expense, provide such facilities as may be necessary to:

- (1) Reduce or modify the objectionable characteristics or constituents of such industrial wastes to meet the limits or conditions provided for in Section 941.05.
- (2) Control the quantities and rates of discharge of such industrial wastes over a twenty-four hour day and seven day week.

(c) Order to Install Not Required. Any person, firm or corporation may install the facilities as noted in subsection (b) hereof, if he so chooses, without order from the Village Administrator.

(d) Approval of Plans Required. Plans, specifications and any other pertinent information relating to such treatment or control facilities shall be submitted for the approval of the Village Administrator and the Village Engineer and no construction of such facilities shall be commenced until such approval is obtained in writing.

(e) Maintenance of Facilities. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to periodic inspection by the Village Administrator. The owner shall maintain operating records and shall submit to the Village Administrator a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities.

(f) Cooling Water Discharges. Unpolluted water from air conditioning, cooling or condensing systems or swimming pools shall be discharged to a storm sewer or natural outlet approved by the Village Administrator.

(g) Polluted Cooling Water Discharges. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of the pollutants and the resultant clear water shall be discharged in accordance with Section 941.09(f).

(h) Control Manholes. When required by the Village Administrator, the owner of any property served by a building sewer carrying industrial wastes or other "normal sewage" as defined in Section 941.01 shall construct and maintain suitable control manholes together with such meters and appurtenances as the Village Administrator may determine, to permit observation, measurement and sampling of the wastes.

(i) Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Village Administrator, 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 or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Village Administrator and shall be so located as to be readily and easily accessible for cleaning and inspecting. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, gas tight, water tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner at his expense in continuously efficient operation at all times.

(j) Responsibility to Correct Design. Approval of proposed facilities or equipment by the Village Administrator does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purposes.

(k) Special Agreement. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Village Administrator and any person, firm or corporation whereby an industrial waste of unusual strength or character may be accepted by the Village Sewer Department for treatment, subject to payment therefor. (Ord. 1987-43. Passed 11-9-87.)

941.14 APPLICATION OF THE SEWERAGE SERVICE CHARGE.

(a) Sewer Service Charge Required. Every person, firm or corporation whose premises are served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewerage facilities under the jurisdiction of the Village will be charged for the use of such facilities and for the collection, treatment and disposal of such sewerage and wastes at rates established under ordinance of the Village.

(b) Normal Sewage Defined. "Normal sewage" means waterborne waste from residences, business buildings, institutions and industrial establishments contributed by reason of human occupancy and which is discharged from sanitary plumbing facilities and when analyzed, shows by weight, a daily average of not more than 200 mg per liter of B.O.D.; and not more than 50 mg per liter of soluble material [grease and oil].

(c) Initiation of Unmetered Sewer Service Charge. The sewer service charge will be applied to each and every premise having a sanitary sewer connection as of the beginning of the next full month following the completion of the building sewer connection and as of the beginning of the next regularly scheduled billing period thereafter.

(d) Initiation of Metered Sewer Service Charge. The sewer service charge will be applied to each and every premise having a connection to the sanitary sewer as of the date of connection to the sanitary sewer and as of the beginning of the next regularly scheduled billing period thereafter.

(e) Schedule of Design Flow. The Village Administrator, with the recommendation of the Advisory Board, shall prepare a schedule of design flows, generally based on design flows published by the Ohio Environmental Protection Agency. Such schedule of design flows shall be used to calculate the number of equivalent building units for each connection. The Village Administrator, with the approval of the Advisory Board, has the authority to change the design flows at any time.

(f) Unmetered Sewerage Service. Each person, firm or corporation whose premises have a connection with the sewer facilities under the jurisdiction of the Village, or otherwise discharge sewage, industrial wastes, water or other liquids, either directly or indirectly into such sewers, shall pay a sewerage service charge calculated by multiplying the number of equivalent building units determined by the Village Administrator, times the rate per unit established by the Village. The rate per building unit may be changed as necessary by the Village.

(g) EDITOR'S NOTE: Former subsection (g) hereof was repealed by Ordinance 2013-106.)

(h) Sewerage Service Charge.

(1) If the Village Administrator determines, in accordance with subsection (g) hereof, that the sewerage service charge be based on metered flow, the sewerage service charge shall consist of the quantity of water used, as measured by the water meter or meters, which meters shall be acceptable to the Village Administrator. The minimum charge and rate for the metered sewerage charge shall be set by Council and such rate schedule may be changed by the Village as necessary.

(2) In addition, certain classes of users may be determined by the Village Administrator to be billed on a metered basis. These metered users shall be charged in accordance with the above stated procedures. In any case, no user shall be charged less than the minimum single family rate.

(i) More Than One Meter. When a premise is served by more than one meter, a minimum charge will be made for each meter.

(j) Supplementary Water Supplies. When a premise is supplied either in whole or in part with water from wells or any source other than a public water supply, such wells or source of supply shall be registered in writing to the Village Administrator. The owner of the premise shall install and maintain at his expense, a meter or meters acceptable to the Village Administrator on all such supplies and the quantity of water used to determine the sewerage service charge shall be the quantity as measured by the meter or meters. (Ord. 1987-43. Passed 11-9-87.)

(k) Fixed Sewer Capital Improvement Charge. In addition to the sewer service charge, each person, firm or corporation whose premises are served by a connection with the sewer facilities under the jurisdiction of the Village, or otherwise discharges sewage, industrial wastes or water or other liquids, either directly or indirectly, into such sewers, shall pay an additional fixed charge of two dollars (\$2.00) per month. Said fixed charge shall be billed with and due at the same time as the regular monthly water and sewer billings. In the event the fixed charge is not paid when due, it shall be subject to the delinquency charges set forth in Section 941.21 of these Codified Ordinances. The payments received as the result of this fixed charge shall be placed in the Sewer Capital Improvement Fund to be used as permitted by law and as directed by the Mantua Village Council. (Ord. 2014-6. Passed 4-15-14.)

(l) Water Diverted From Sanitary Sewer.

- (1) When a commercial or industrial customer can show to the satisfaction of the Village Administrator that a portion of the water as measured by the water meter[s] does not enter the sanitary sewerage system, such commercial or industrial customer may submit in writing an application for the installation of an auxiliary water meter. The Village Administrator has the authority to permit or to require additional meter[s] to be installed at the applicant's expense, so as to measure the quantity of water actually entering the sanitary sewerage system. The quantity of water used to determine the sewerage service charge shall be the quantity of water actually entering the sanitary sewerage system as so determined. The provisions of this section shall not apply to residential customers or to any premises used for residential purposes.
- (2) When a residential customer can show to the satisfaction of the Village Administrator that the water used to fill his/her pool does not enter the sanitary sewerage system, such customer may request an application from the Village Administrator for a one time per year reduction in sewerage charge for the portion of water used in filling the pool. The application must be submitted and approved prior to the pool being filled. The reduction may be taken once per year on the initial fill-up of the pool only. (Ord. 2014-53. Passed 1-20-15.)

(m) Reduction of Sewerage Service Charge. When a person, firm or corporation has reason to believe that a reduction in or exemption from the sewerage service charge is justified, pursuant to subsection (l) hereof, that person, firm or corporation shall submit a written application to the Village Administrator and shall furnish such information as is required in support of the request. The Village Administrator shall have the authority to approve or deny or adjust the application. (Ord. 1996-44. Passed 11-11-96.)

(n) Supplementary Water Supply. When a well or wells are used as "supplementary" water supply and are used for a period not exceeding six months in any calendar year, the minimum portion of the sewerage service charge may be waived by the Village Administrator for the period of non-use subject to the requirements as he may deem necessary.

(o) Water Leakage Adjustment. Where the agency supplying the water makes an adjustment in the water charges as a result of water leakage, having definitely determined that such leakage could not enter the sewerage system, an adjustment in the sewerage service charge shall automatically be made in the same portion as the adjustment in the water charges.

(p) Fire Protection Branches. Fire protection service branches shall be exempt from all sewerage service charges.

(q) Meter Requirements.

- (1) Where an auxiliary meter [or meters] is required for the proper determination of water subject to the sewerage service charge, such meter shall be installed only after approval has been granted by the Village Administrator. Venturi meters, flumes, weirs and other methods of measuring flow shall be used only when authorized by the Village Administrator.
- (2) Meters shall be approved as follows:
 - A. Meters purchased from the Village of Mantua.
 - B. Meters equal to or similar to #1 above purchased elsewhere and tested by #1 above.

- C. Meters used currently for tax purposes by the United States Government will be accepted without tests.
 - D. Existing private meter now in place, may be continued in use on a conditional basis. If such meters are suspected of faulty registration, they are subject to a test, when so ordered by the Village Administrator.
- (3) Other meters shall be tested by the manufacturer of the meter and a certificate of test shall be furnished to the Village Administrator. Such meters shall not be used without the written approval of the Village Administrator.
- (r) Meter Installation Requirements.
- (1) All meters shall be installed in accordance with the Standards, Rules and Regulations of the Village.
 - (2) Where private meters are used on wells or in an industrial water distribution system and such meters are set behind the primary water supply meter, the aforementioned Standards, Rules and Regulations may be modified or waived by the Village Administrator.
(Ord. 1987-43. Passed 11-9-87.)

941.15 APPLICATION OF SEWERAGE SURCHARGE.

- (a) Strength Surcharge.
- (1) In addition to the sewer service charge, every person, firm or corporation premises are served by a sewer connection which discharges sanitary sewerage, industrial wastes, water or other liquids, either directly or indirectly, into the sewerage system under the jurisdiction of the Village, which sewage strength is in excess of that assigned to the user's classification, shall be charged and shall pay a surcharge for extra strength waste.
 - (2) The basis of the strength surcharge shall be determined by either or both of the following factors:
 - A. Total Suspended Solids.
 - B. BOD 5 days at 20 degrees centigrade.
 - (3) When either or both the Total Suspended Solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their assigned strengths, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:
 - A. Pounds of excess Suspended Solids per day x rate per pound = S.S. surcharge per day.
 - B. Pounds of excess BOD per day x rate per pound = BOD surcharge per day.
 - (4) The Village Administrator has the authority to change the schedule of strengths assigned to the various classifications at any time.
- (b) Industrial Waste Questionnaire. Each such person, firm or corporation shall complete and file with the Village Administrator an industrial waste questionnaire containing pertinent information of the quantity of flow and a chemical analysis of the wastes to be discharged before the discharge begins.

(c) Sampling and Measuring Chamber. When required by the Village Administrator, the owner of any property discharging such wastes shall install a suitable chamber or chambers in the building sewer to permit observation, sampling and measurement of the combined wastes from his premise. Such chamber shall be constructed in accordance with approved plans, shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 1987-43. Passed 11-9-87.)

(d) Method of Analyses. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with 40 CFR Part 136 and with the latest edition of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation. (Ord. 1996-44. Passed 11-11-96.)

(e) Determination of Strength of Wastes.

- (1) The strength of the wastes shall be determined from the samples taken at the aforementioned chamber at any period or time and of such duration and in such manner as the Village Administrator may elect, or at any place mutually agreed upon between the owner and the Village Administrator. The results of routine sampling and analysis by the owner may also be used in determining the amount of the surcharge after verification by the Village Administrator.
- (2) The strength so found by analysis shall be used in determining the amount of the surcharge. The surcharge shall be applied to the total water consumption less that portion exempted by order of the Village Administrator and shall be based on the average strength of all wastes discharged to the sewerage system.

(f) Right to Conduct Gaging and Sampling Operation.

- (1) The Village Administrator shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gaging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the Village Administrator will observe all Safety Rules applicable to the premise, established by the Company.
- (2) Where a company or premise has security measures in force which require proper identification and clearance before entry into such company or premise is granted, such company or premise shall either make the necessary arrangements with their security guards that upon showing proper identification, personnel from the Village Sewer Department will be permitted to enter, without delays for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company or premise shall install suitable gaging and sampling manholes outside the security limits which manholes will at all times be immediately accessible to Village personnel.

(g) Disagreement with Analyses. If a person, firm or corporation disagrees with the analysis on which the sewerage surcharge is based, he or it may request in writing, an additional sampling and analysis which shall be conducted in a manner acceptable to the Village Administrator. The cost of such additional sampling and analysis shall be borne in full by the requestor.

(h) Requested Analyses Not Furnished. In the event an analysis of the wastes is not furnished to the Village Administrator when requested, the sewerage surcharge shall be based on a chemical analysis of a similar process or other data acceptable to the Village Administrator and shall continue in effect until such time as an analysis of the wastes is submitted by the company and confirmed by the Village Administrator.

(i) Clear Water Discharge. Where certain types of business and industrial users discharge clear water, not contaminated as the usual sewage entering into the system, if such users shall install and have in operation equipment to dispose of or divert such water from entering the system they shall be exempt from payment of sewerage service charges for the water so disposed or diverted. When the equipment is installed and in operation, the owner shall install a meter or meters at his expense to measure the amount of water so disposed of or diverted.

(j) Village Administrator May Determine Waste Discharge. If the Village Administrator finds that it is not practicable to measure such waste by meters, he shall determine the waste in any manner or method as he may find practicable, in order to arrive at the percentage of metered water entering the sewerage system and the quantity of water used to determine the sewerage service charge shall be that percentage so determined.

(k) Damaging Wastes Prohibited.

- (1) In cases where the character of sewage waste from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system or cannot be treated satisfactorily in this sewerage system the Village Administrator has and shall use, the authority to compel such users to dispose of such wastes and prevent it from entering the system.
- (2) In cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon such sewerage system, the Village Administrator may, if he deems advisable, compel such manufacturing or industrial plant, building or premises to pretreat such sewage in such manner as he shall specify before discharging such sewage into the sewerage system.
- (3) If such pre-treatment is not so ordered or accomplished, the Village Administrator shall recommend to the Village the levying of a surcharge which shall be in addition to the regular charge; the Village thereupon by ordinance may fix the amount of the surcharge.

(l) Right to Appeal.

- (1) If the findings, order or decision of the Village Administrator made in pursuance of the provision of this chapter are not acceptable to any industry, such industry shall have the right to appeal as follows:
- (2) Two Professional Engineers shall be chosen, one by the industry and the other by the Village Administrator, neither of who shall be a regular employee of either principal. Such persons shall act as

referees. As soon as such referees are chosen, the Village Administrator shall file with them a certified copy of the complaint and the decision of the Village Administrator and it shall be the duty of such referees to investigate the complaint and agree either to affirm or reject the findings of the Village Administrator and file a report with the Village Administrator within a reasonable time, setting down their decision. If the referees so chosen are unable to agree, they shall choose a third Professional Engineer and the decision or recommendation of the majority shall be reported to the Village Administrator. The decision or ruling shall be final and shall be reported to the industry and the Village Administrator.

- (3) The fees and expenses of the referees appointed by the industry shall be paid by the industry and the fees of the referee appointed by the Village Administrator shall be paid from funds appropriated by the Village for such purposes, from the surcharge collections. The fees and expenses of the third referee shall be equally divided between the industry and the Village.

(m) Special Agreements. No statement contained herein shall be construed as preventing any special agreement or arrangement between the Village Administrator and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village Administrator for treatment subject to the payment thereto by the industrial concern.

(Ord. 1987-43. Passed 11-9-87.)

941.16 MAINTENANCE OF SEWERAGE FACILITY.

(a) Maintenance, Unincorporated Areas. All sanitary sewers which are located within the unincorporated areas of the Village and which are properly conveyed to and accepted by the Village shall be maintained and operated by the Village Water and Sewer Department.

(b) Maintenance of Lift Stations and Treatment Facilities. All sewage lift stations and treatment facilities constructed by the Village shall be operated and maintained by the Village Water and Sewer Department.

(c) Maintenance of Lift Stations and Treatment Facilities. All sewage lift stations and treatment facilities constructed by any person, firm or corporation or municipality and approved by the Village Administrator and which are properly conveyed to and accepted by the Village shall be maintained and operated by the Village Water and Sewer Department.

(d) Responsibility for Damage Claims. The Village expressly disclaims any responsibility for damages caused by or arising from any stoppage of the main sewer unless reasonable notification, in writing, of such stoppage has been given to the Village of Mantua and the Village Administrator by the affected property owners and the Village fails to make an effort to remove the cause of such stoppage.

(Ord. 1987-43. Passed 11-9-87.)

941.17 USE OF WATER.

(a) Specification, Standard Drawings and Design Criteria. The latest revision of the Standard Specifications of the Village of Mantua, including Standard Drawings Supplemental Specifications and Special Conditions contained herein shall govern the work and are hereby made a part of this chapter with the same effect as if the same had been set forth at length in this chapter.

(b) Payment for Service Connections.

- (1) All water service connections and service pipes located in a street right-of-way or easement shall be installed under the direction and control of the Village Administrator or his authorizing agent, at the expense of the party ordering the same.
- (2) Such extension shall be installed at the street right-of-way line but not less than two feet behind the curb line. Such installations shall include the corporation stop, pipe, curb box and valve for same. The expense of such installations shall be determined by the Village Administrator and shall be collected by the Village of Mantua before making the installation.

(c) Extension of Service Connections.

- (1) No water service connections shall be extended from the curb box or valve at the curb, to a building until a permit has been issued.
- (2) The extension of a water service connection from the curb box or valve at or near the curb shall be the responsibility and at the expense of the property owner. The pipe must be left uncovered in the trench until it has been inspected by the Village Administrator. The water shall not be turned on until the pipe has been inspected and approved. If a water service connection is made into a house or commercial building for which the plumbing has not been completed, the water service connection shall be turned off at the curb box by the Village Administrator upon completion of the inspection.

(d) Individual Water Connections.

- (1) A separate and individual water connection shall be made to each single family residential building, each single family residential unit of a condominium, each unit of a duplex or a triplex etc. and each single service unit of a commercial structure.
- (2) The Village Administrator shall determine what units can be considered as single service units and single family residential units for water supplied to structures such as shopping centers, connected apartment buildings, some condominiums and other structures which are such construction that they can be sold as units, for the purpose of enforcing one connection per single service unit or single family residential unit.
- (3) No connection shall serve more than one building.

- (4) Structures such as shopping centers, apartment buildings, some condominiums, industrial installations and other structures of such construction that they cannot be sold as units shall have a separate and individual water connection per building.
 - (5) No connection shall serve more than one single family residential building or more than one building unless specific authority is given by the Village Administrator. Such variance from the above stated rules shall only be considered where it is impossible to meet the above stated rules for specific reasons.
 - (6) An individual permit shall be issued for each water connection.
- (e) Water Connection Material.
- (1) The Village Administrator shall allow or disallow the use of any materials for water service connections or water mains in accordance with the design criteria and specifications of the Village and he shall have the authority to make a change in material authorized for use in systems under his jurisdiction at any time.
 - (2) The extension of any service connection one inch or less nominal diameter from the stop cock or valve at the curb to the building shall be made with copper or polyethylene pipe and the extension of service larger than one inch in diameter in size shall be of copper, cast iron pipe or PVC plastic.
- (f) Water Connection Locations. All water service connections shall be located at a minimum of:
- (1) Ten feet from gas lines.
 - (2) Five feet from lot lines.
 - (3) Ten feet from sewer lines.
 - (4) Five feet from sewer lines unless water line can be benched two feet above sewer in same trench maintaining four feet of cover over the water line.
- (g) Tracer [tape-wire] Required. All installations shall have tracer tape or wire installed the entire length of either new or replacement water lines.
- (h) Single Residence Connections.
- (1) The water service connection for a single family residence shall be constructed of three-fourths inch copper tubing [type "D"] or three-fourths inch polyethylene [SDR-9 Water Service Tubing] meeting or exceeding ASTM D-1248 and ASTM D-2737, 160 PSI working pressure.
 - (2) The Village Administrator may permit the closure piece with a flared fitting when the connection is longer than normal length copper or polyethylene pipe is manufactured.
 - (3) All service lines shall have curb valves and boxes of approved pattern. Curb valves with extension rod, shall have curb box and not be installed less than one foot from the sidewalk.

(i) Commercial, Industrial or Multi-Family Dwellings. The building connection for a commercial, industrial or multi-family building shall be constructed of a size and type of material as determined by the Village Administrator when an application and a plan have been submitted to the Village Administrator and approved.

(j) Service Connections for Fire Protection.

- (1) The installation of fire extinguisher service connections to supply water to sprinkling system or private fire hydrants for fire extinguisher use only will be permitted when applications and plans for such service have been submitted to the Village Administrator and approved.
- (2) The installation shall include a detector check with a bypass meter. At the direction of the Village Administrator, the installation shall be provided with a double check valve, backflow preventor and/or a full size meter. Such meter and check valve installation shall be installed in a concrete meter vault with a cast iron cover and a drain to a storm sewer.
- (3) Water for such fire extinguishing purposes shall be furnished at rates approved by Council. The Village reserves the right to change the rates at any time.
- (4) When any premises has one or more fire extinguishing service connections, each service shall be equipped with a check valve easily accessible so that the water can flow into the premises but cannot flow out. Pipes intended for protection against fire shall not be tapped or used for the general water supply to any premises.

(k) Connections to Mains.

- (1) When it is necessary to install a "tap" on an existing water main, the installation shall be done only under the direction and control of the Village Administrator or his authorized representative, upon payment of the applicable fees.
- (2) No connections will be permitted to any premises not abutting a street or an easement in which a water main is situated. No more than one building shall be supplied by one service connection.
- (3) In supplying water to structures such as shopping centers, connected apartment buildings, some condominiums and other structures that are of such construction that they can be sold as units, the Village Administrator shall determine what units can be considered a single service unit or single family residential unit for the purpose of enforcing one connection per single service unit or single family residential unit.

(l) Testing Connection. After the water main has been determined to be operable, the water service connection shall be connected to the curb valve at the curb box extended into the building. At the time of the inspection, the water shall be turned on to enable the Village Administrator or his authorized representative to inspect the pipe and any fittings, under pressure, to determine if the connection is leaking. Any leaks which appear shall be cause for rejection of the work.

(m) Abandoning Wells and Cisterns. After a water service connection has been completed and inspected, the previous water supply of the building, such as a well or cistern, shall be abandoned as a potable water source and disconnected from the water distributing system in accordance with the regulations of the Village. (Ord. 1987-43. Passed 11-9-87.)

(n) Meters.

- (1) Meters and registers shall be maintained on all water service connections in use and such meters shall be installed prior to delivery of water through such connections. All meters and registers located on service connections shall be installed by and at the expense of the property owner and inspected by the Village Administrator or his authorized representative. Meters shall be located either in vaults or near the curb line or in a location determined to be satisfactory by the Village Administrator. Meters shall not be permitted to be installed in cold (unheated) cellars or other inaccessible places. Meters shall register and be read in cubic feet.
- (2) A water meter vault shall be installed to house the water meter serving mobile homes, other portable or mobile structures, structures providing inadequate protection of the service line or meter against freezing or structures where no acceptable and easily accessible meter location is available.
- (3) The expense of the meters and registers shall be borne by the owner as set forth in Section 941.17(s), herein. (Ord. 2014-25. Passed 5-20-14.)
- (4) Existing meters and registers that do not meet the specifications of the Village Administrator shall be replaced at the expense of the owner. If the Village Administrator deems it a simple installation/re-installation, the Village of Mantua will install the meter and remote register. Where there is an existing approved meter that will accommodate a remote register, said register will be required to be installed by qualified personnel, or if deemed by the Village Administrator a simple installation, by the Village of Mantua, at the expense of the owner and title thereto be assigned to the Village. (Ord. 2017-09. Passed 2-21-17.)
- (5) New connections shall be provided with meters and remote registers by the Village Administrator at the expense of the owner and title thereto assigned to the Village.
- (6) The property owner shall maintain a passage way to the meter and any associated remote register and keep the same accessible for reading at all times. Installation of a remote register shall not relieve the owner from the requirements to maintain access to the meter. Meters or remote registers found to be inaccessible in the judgment of the Village Administrator shall be cleared or relocated by and at the cost of the property owner within fourteen (14) days of notification do to so by the Village Administrator. Should the property owner fail to make the meter/register accessible within the required time, the Village Administrator may cause the work to be done by a licensed/registered plumber and shall recover the costs thereof from the property owner by inclusion in the next regular water and sewer billing, by legal action, or by any other remedy available by which water and sewer charges may be collected.
- (7) All service pipe must be provided with an approved stop and waste valve where the pipe enters the building. Such valve must be easily accessible and installed so that water can be shut off and drained from all pipes and meters.
- (8) All service larger than three-fourths (3/4) of an inch in diameter must have a shut off on each side of the meter so that the meter may be removed without draining all pipes in the building.

- (9) Installation of backflow preventors or check valves may be required in meter vaults or other approved locations as required by State or local codes. (Ord. 2014-25. Passed 5-20-14.)

(o) Meter Damages, Tampered or Stolen.

- (1) All costs of replacement or repair of meters and remote registers which have been stolen, vandalized, damaged by freezing or by heat while in use, tampered with or disconnected by any unauthorized personnel, shall be paid by the property owner.
- (2) If any meter in use shall fail to register correctly within the limitation established by the Village, the owner shall be charged for the water at the average daily rate of consumption estimated by the Village Administrator, as based on use registered under similar conditions when the meter is in good order.
- (3) If the meter seal is found broken or other proof of tampering with the meter is found, the bill for the price in question will be estimated and the service may be shut off until the charges are paid. (Ord. 2011-16. Passed 3-10-11.)
- (4) If persistent tampering is found, such tampering may be considered sufficient reason to turn off the water. The bills will be estimated on the average of three previous billing periods for which accurate meter readings were received. (Ord. 2014-6. Passed 4-15-14.)
- (5) A meter shall be removed by an authorized employee of the Village only. Unauthorized persons removing or tampering with meters will be prosecuted to the full extent of the law.

(p) Leaks in Service Lines, Fire Lines and Inactive Services, Deteriorated Service Connections.

- (1) The water service pipe between the curb box and the meter must be maintained at the expense of the property owner. Accordingly, the property owner will be held responsible for any leakage which may occur in such service lines. The Village Administrator reserves the right to turn off the water in cases where such leakage exists. The cost of repairing leaks in fire lines and inactive services must be paid by the owners of the property connected with such service.
- (2) When a service connection is found to have deteriorated to the extent that permanent repairs cannot be made, installation of a new service will be required, at the owner's expense, of the property. The failure of the owner, upon notification to authorize such new service to be installed, will be sufficient cause to discontinue the supply water to the premises without further notice.
- (3) In case of street improvements such resurfacing old pavements or new pavements being on unpaved streets, upon notice from the Village Administrator, old service lines must be renewed and new services placed for vacant lots at the expense of the property owner.
- (4) Materials used shall be as specified by the Village Administrator in accordance with this chapter.
- (5) The failure of payment for the above will be deemed sufficient cause to discontinue the supply of water to the premises without further notice.

- (6) In the interest of preserving and protecting the public water supply, water will not be furnished to the premises where there are leaky pipes or fixtures. The Village Administrator reserves the right after giving reasonable notice, to shut off the water until necessary repairs are made.
- (q) Water Pressure and Supply.
- (1) The Village does not guarantee any fixed pressure or continuous supply of water. In case of an accident that will cause a shortage or cause water to be shut off, the Village Administrator will endeavor to notify the customers affected thereby.
- (2) Consumers who require a constant and steady supply of water should install and maintain a large enough tank to hold an ample amount for emergency purposes. (Ord. 1987-43. Passed 11-9-87.)
- (r) Use of Fire Hydrants.
- (1) The fire hydrants are intended primarily for the use of the Fire Department and no interference with such use in any other way will be allowed. Permits for use of fire hydrants for other purposes are given reluctantly and only in cases where such use cannot be avoided.
- (2) Drawing of water from fire hydrants without a permit, by unauthorized persons is strictly prohibited and violations of this rule may cause arrest and fine.
- (3) Bulk water may be sold by the Village at the discretion of the Village Administrator, who will designate hydrant locations from which bulk water will be supplied. Rates for bulk water shall be as set forth in Section 921.02. (Ord. 2011-16. Passed 3-10-11.)
- (s) Cost of Equipment. For all water meters, backflow preventers and related equipment supplied by the Village, the cost to be paid by the user shall be the actual cost to the Village plus twenty percent (20%). (Ord. 2013-69. Passed 8-19-13.)

941.18 APPLICATION OF THE WATER SERVICE CHARGE.

(a) Water Service Charge Required. Every person, firm or corporation whose premises are served by a water service connection, either directly or indirectly, by facilities under the jurisdiction of the Village will be charged for water service at the rates in effect established by Council.

(b) Water Service Charge. The water service charge will be applied to each and every premises having a water connection as of the beginning of the next regularly scheduled billing period following the completion of the water service connection.

(c) More Than One Meter. When a premises is served by more than one meter a minimum charge will be made for each meter. This includes meters installed to measure the flow of water that does not enter the Village's sanitary sewerage system as per Section 941.14(1) herein.

(d) Master Meter. A single meter serving an individual water connection to a duplex, triplex, apartments, etc, will be classified as a "Master Meter" and the bill be charged accordingly. [Example: Duplex - \$22.00 for the first 1400 cubic feet + 1400-8000, etc., Triplex - \$33.00 for the first 2100 cubic feet + 2100-8000, etc., six unit - \$66.00 for the first 4200 cubic feet + 4200-8000 cubic feet, etc.]

(e) Water and Sewer Accounts.

- (1) Water and sewer bills will be made out in the name of the property owner or the tenant/lessee and mailed to the proper address.
- (2) A water/sewer account may be held in the name of a tenant/lessee only in instances where the rental unit is served by its own meter, and does not share a meter with any other unit. In all other instances, the water/sewer account must be held in the name of the property owner.
- (3) If the owner of any premises elects to have his tenant /lessee pay the water charges as they accrue, such tenant/lessee does so as the agent of the owner. Such owner shall thereby not be relieved from the payment of any delinquencies that might occur. (Ord. 2011-06. Passed 3-10-11.)
- (4) In rendering final bills where customers move out or request service discontinuation at odd times in the month, the full minimum charge for the month will be billed. (Ord. 2014-6. Passed 4-15-14.)
- (5) When any service requires shutting off at the main for non-payment of the bill or for any other reason, the cost of doing so will be charged against the property and must be paid before service is resumed.
- (6) In the event the curb box has been tampered with, removed or lost, the charge for replacing same will be added to the account.

(f) Service to be Discontinued.

- (1) Any account holder wishing to have his/her water service discontinued shall notify the Village Administrator.
- (2) The regular minimum rate will be charged unless such notice is given and must be paid before further service will be given.
- (3) Any property owner wishing to have water service discontinued in property occupied by a tenant/lessee shall notify the Village Administrator in writing. Such discontinuation shall only be effected upon a showing that the premises have been vacated. The Village will not discontinue service to tenant-occupied premises on the basis that such tenant has defaulted on an obligation to the property owner.
- (4) When transferring property, the seller shall request a meter reading and shall pay all outstanding water/sewer rents. Unpaid water and sewer charges are debts of the user and/or property owner rather than debts of the property until the charges are made a lien on the property. (Ord. 2011-06. Passed 3-10-11.)

(g) Access to Property.

- (1) The authorized employees of the Village shall have access to the premises supplied with water at all reasonable hours for the purposes of reading meters on no less than a quarterly basis, and at any time deemed necessary to see that all rules are observed or to make any necessary examination of plumbing and water fixtures. (Ord. 2016-58. Passed 11-15-16.)
- (2) In case a meter cannot be read in reasonable length of time, the service may be shut off until a reading is obtained and the bill paid or an estimated bill may be rendered and adjusted by the reading at the next regular time for the reading.
- (3) In case any authorized inspector, meter reader or employee is refused admittance to any premises or shall be hindered or prevented from making such examination, the water will be turned off and not turned on again until free access is given.

(h) Water for Public Improvements. Water used for public improvements performed under contract must be paid for before receiving final estimate from the Village Administrator. If such water supply is obtained from the fire hydrants, a permit for use of such hydrant must be obtained from the Village Administrator. (Ord. 2011-06. Passed 3-10-11.)

941.19 UNIFORM SEWER RATES. (REPEALED)

EDITOR'S NOTE: Former Section 941.19 was repealed by Ordinance 2014-1.

941.20 ADDITIONAL NON-VILLAGE RESIDENTIAL CHARGE. (REPEALED)

EDITOR'S NOTE: Former Section 941.20 was repealed by Ordinance 2014-1.

941.21 BILLING AND DELINQUENT BILLS.

(a) Meters will be read during the last week of the month. Bills will be mailed during the first week of each month ("Billing Date").

(b) All bills will be due no later than the 24th day of the month in which they are mailed ("Due Date").

(c) Bills not paid by the Due Date will be considered delinquent, and a late penalty of 10% will be applied to the unpaid balance at that time.

(d) If a delinquent bill is not paid within ten (10) days after the Due Date, a final notice will be mailed to the account holder, and the property owner if different from account holder, by the Administrative Services Officer, stating that the account must be paid in full or satisfactory arrangements made for payment by the 24th day of that month, or the water/sewer service will be discontinued without further notice at the property to which the delinquent bill relates. (Ord. 2014-6. Passed 4-15-14.)

(e) Service will remain discontinued until all bills, including a turn-on charge of twenty-five dollars (\$25.00) and any other penalties and interest, have been paid in full or unless satisfactory arrangements are made to pay the bill ("Payment Plan"). No discontinued waster/sewer service will be reinstated outside of the normal business hours of the Service Department, which are 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. (Ord. 2012-40. Passed 9-18-12.)

(f) Payment Plans.

- (1) All Payment Plans shall be in writing and signed by the customer.
- (2) During the term of any Payment Plan, additional late fees and/or delinquency charges will not accrue on the principal amount that is the subject of the Payment Plan.
- (3) A Payment Plan is not a "budget plan". In addition to payments pursuant to the Payment Plan, the customer must pay all new and current bills when due. Any failure to do so will constitute a violation of the Payment Plan.
- (4) Failure to comply with any and all terms of the Payment Plan shall result in termination of service until the account is paid in full including penalties, shut-off and restoration fees.
- (5) If the principal amount due pursuant to any Payment Plan is satisfied in full according to its terms, the Village Administrator may, at his discretion, waive any penalties, late fees or other charges above and beyond the principal amount so paid.
- (6) Upon agreement between the customer and the Village Administrator, any monies received pursuant to a payment plan which are in excess of the amount due under said plan may be applied to the next regular billing relating to the same account.

(g) Additional Remedies of Village. Should any water/sewer account become delinquent, in addition to the remedies described herein, the Village may:

- (1) Certify the delinquency to the Office of the Portage County Auditor for placement on the Real Property Tax List and Duplicate;
- (2) Initiate litigation against the account holder and/or property owner for the recovery of any amounts past due and owing on the account;
- (3) Pursue any other remedy allowed by law not specifically mentioned herein.

(Ord. 2011-52. Passed 6-21-11.)

TITLE FIVE - Other Public Services

Chap. 951. Parks.
Chap. 955. Hillside Cemetery.
Chap. 957. Garbage and Rubbish.

**CHAPTER 951
Parks**

951.01	Board of Park Commissioners.	951.04	Residents/guests.
951.02	Control and management of parks.	951.99	Penalty.
951.03	Rules and regulations.		

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01
Playgrounds - see Ohio R.C. 755.12 et seq.
Board of Park Trustees - see Ohio R.C. 755.19 et seq.
Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07(E)

951.01 BOARD OF PARK COMMISSIONERS.

(a) There is hereby created a Board of Park Commissioners, consisting of five members, to be selected by the Mayor with the approval of Council, two of whom shall be members of Council, whose terms of office shall coincide with their term of office as councilmen. The other three members shall be residents of the Village, and shall serve for period of two years beginning on the first day of January of the odd numbered years. There shall also be one alternate member appointed annually by the Mayor, who shall serve when required to constitute a quorum in the event of member absence or vacancy of one or more seats. (Ord. 2012-22. Passed 4-17-12.)

(b) The Board of Park Commissioners shall meet in regular session four times per year.

(c) The meetings of the Board of Park Commissioners shall be held during the months of April, May, August and December, upon the call of the Chairman of the Board of Park Commissioners, at a time and place to be set by the Chairman.

(d) Members to be notified by the Clerk-Treasurer.

- (e) Any two members has the right to arrange and call a special meeting.
- (f) One of the Board Members selected from Council shall be designated by the Mayor as the Chairman of the Board.
- (g) The Council members of the first Board to be appointed shall serve until January 1, 1974.
- (h) The other three members of the Board shall serve until January 1, 1975.
- (i) All vacancies shall be filled by the Mayor with the approval of Council and the person so appointed shall serve the unexpired term of the person whom they replace.
(Ord. 1970-15. Passed 7-13-70.)

951.02 CONTROL AND MANAGEMENT OF PARKS.

- (a) The Board of Park Commissioners shall have the control and management of the Village Park and its facilities and all improvements and additions thereto.
- (b) The Village Park shall be defined as the following parcels of real property:
 - (1) Parcel One: The real property located at the corner of Main Street and West Prospect Street, commonly referred to as the "Mini-Park" and further described by the legal description attached to Ordinance 1982-59 and marked "Exhibit A".
 - (2) Parcel Two: The real property bisected by East High Street, commonly referred to as the Village Park, the portion of the Park located on the south side of East High Street, being bordered on the north by East High Street, the east and south by the Cuyahoga River, and on the west by Mantaline Corporation. The portion of the park located on the north side of East High Street being bordered on the north by property owned by William A. and Rose M. Sontag, the east by the Cuyahoga River, the south by East High Street and the west by property owned by Robert W. and June L. Bevington and further described by the legal description attached to Ordinance 1982-59 and marked "Exhibit B".
- (c) The Board shall supervise and control the use of the Park and its facilities and shall enforce the rules and regulations adopted by Council.
- (d) The Board shall schedule the use of the recreational facilities to avoid confusion and conflicts.
(Ord. 1982-59. Passed 11-8-82.)

951.03 RULES AND REGULATIONS.

The following rules and regulations for persons using the Village Park and its facilities are hereby adopted:

- (a) There shall be no swimming in the waters of the Cuyahoga River adjoining the Mantua Village Park from Mantua Village Park lands.
(Ord. 1976-22. Passed 8-9-76.)
- (b) No firearms or fireworks shall be brought into the park.
- (c) No person shall ride, drive, or operate an all terrain vehicle, a motorcycle, mini-bike, or other motor bike within the park or upon park grounds.
- (d) No firearms or fireworks shall be discharged on or across the park.
- (e) No person shall be permitted on the park grounds between the hours of 9:30 p.m. and 7:30 a.m.
- (f) No vehicle shall be operated on the park grounds, streets and drives at a speed greater than ten milers per hour.
- (g) League type baseballs or hardballs may be used in regularly scheduled league games in the Village park and be permitted, if approved by the Board of Park Commissioners.
- (h) No one shall bring or consume beer, intoxicating beverages or liquors on the park grounds.
- (i) The public water provided at the park shall be for the use and enjoyment of all persons using the park and its facilities and shall not be taken from the premises for purposes not connected with such use of the park.
- (j) No person shall use profane or indecent language in or about the park.
- (k) No indecent, immoral or lewd behavior shall be permitted about the park or in the park.
- (l) Every person using the park shall conduct himself in such a manner, as to not unreasonably interfere with the use and enjoyment of the park by all others.
- (m) No person shall intentionally or unreasonably damage or destroy the facilities, grounds, trees and other physical property in the park.
- (n) No fires shall be built for any purpose except in the fire places provided for the convenience of persons using the park.
- (o) Groups desiring to use the park should apply to the Chairman of the Board of Park Commissioners, and one person from the group should be made responsible for the care of the park facilities and clean-up work during the time his or her group is in the park.
(Ord. 1970-15. Passed 7-13-70.)

951.04 RESIDENTS/GUESTS.

The park and its facilities are for the use and enjoyment of the residents of Mantua Village and the Crestwood School District and their guests.
(Ord. 1970-15. Passed 7-13-70.)

951.99 PENALTY.

Whoever violates any of the rules and regulations as adopted in Section 951.03 shall be guilty of a minor misdemeanor.

**CHAPTER 955
Hillside Cemetery**

955.00 Administration.	955.10 Maintenance.
955.01 Definitions.	955.11 Monuments, gravestones, footstones and markers.
955.02 Charges and fees.	955.12 Floral decorations, vases and urns.
955.03 Indigent burial policy.	955.13 Plantings and adornments.
955.04 Sale of lots.	955.14 Deteriorated, unsightly and inappropriate.
955.05 Transfer of lots.	955.99 Penalty.
955.06 General rules.	
955.07 Premises rules.	
955.08 Interments.	
955.09 Disinterment.	

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
 Management and control - see Ohio R.C. 759.20
 Union cemeteries - see Ohio R.C. 759.27 et seq.
 Burial permits - see Ohio R.C. 3705.24 et seq.
 Burial of indigent persons - see Ohio R.C. 5113.15

955.00 ADMINISTRATION.

(a) Hillside Cemetery is located on the West side of Mantua Village off of Cemetery Drive at the curve on W. Prospect Street.

(b) The Cemetery is maintained for the use and benefit of the public, and such Rules and Regulations as have been adopted for its care and conduction are designed to give all Lot Owners equal rights and protection therein. All visitors are requested to respect the solemnity of the place, and strictly observe the Rules and Regulations which have been established by the Village for the purpose of securing quiet and good order at all times within the grounds.

(c) In order to promote a safe and reverent environment for the families and friends of the deceased and for the mutual protection and benefit of the owners and/or purchasers of the Right of Interment and the Village of Mantua, the following Policies and Procedures and Rules and Regulations for Cemetery Interments have been adopted. All owners, purchasers and visitors on the property owned by the Village of Mantua shall be subject to these dictates. The reference to these Policies and Procedures, Rules and Regulations in the Certificate of Right of Interment shall have the same effect as if set forth in full therein. All determinations as to the interpretation of these dictates shall be at the sole and final discretion of the Village of Mantua Cemetery Superintendent and the Village of Mantua Council.

(d) The Certificate of Right of Interment, these Policies and Procedures, Rules and Regulations and any amendment thereto shall be the sole agreement between the Village of Mantua and the Owner/Purchaser of the Right of Interment. Any oral or written statements of any person, unless in a notarized statement approved by the Village of Mantua, shall in no way bind the Village of Mantua. The Council of the Village of Mantua reserves the right to make amendments to these Policies and Procedures, Rules and Regulations through proper legislative action, and all owners, purchasers and visitors will be subject to the contents of this Chapter in place at the time.

(e) Residents and Nonresidents. Since the Village is obligated to pay from the General Fund all costs involved in the operation and maintenance of the cemetery over and above the income derived from the sale of lots, burials, the Perpetual Ordinary Care Fund, the Special Lot Endowment Fund, gifts and bequests and since nonresidents of the Village do not necessarily contribute to the General Fund by way of taxes, a distinction is made between nonresidents and residents of the Village in charges and fees for the lots and services rendered. (Ord. 2017-47. Passed 1-16-18.)

955.01 DEFINITIONS.

(a) "Cemetery" The place or area set apart for interment of the dead by burial in the earth or entombment in a mausoleum and all walks, drives and grounds set aside for meditation and other natural ornamentation.

(b) "Cemetery Board" The persons duly appointed by the Mayor of the Village of Mantua for the purpose of general policy review and planning at Hillside Cemetery as defined in the Codified Ordinances of Mantua.

(c) "Certificate of Right of Burial" the document which is provided to the purchaser of the right of burial upon payment in full and shall denote any burial rights or restrictions.

(d) "Disinterment" The recovery of human remains by exhumation, disentombment or disinterment. "Disinterment" does not include the repositioning of an outside outer burial container that encroaches an adjoining burial space.

(e) "Foundation" Permanent cement or stone placed for the setting of monuments, monument bases and markers.

(f) "Grave" A lot sub-space within the cemetery used or intended to be used for earth burial. An excavation in the earth in which a deceased person is buried or is to be buried.

(g) "Immediate Family Member" A spouse, parent, grandparent, child, grandchild, sibling, in-laws (mother, father, brother, sister). Includes adopted, half- and step- relations.

(h) "Interment" The act or process of burying a deceased person in a grave or inurning the cremains of a deceased person in a niche or grave. The permanent disposition of the remains of a deceased person by burial or inurnment.

(i) "Lot" A space within the cemetery used or intended to be used for earth burial and containing two or more graves.

(j) "Marker" Also referred to as a "flat marker," or memorial.

(k) "Mausoleum" The stone building with places for entombment of the dead above ground.

(l) "Monument" A memorial made of granite that is placed on a grave or family plot. A monument stands above the ground in an upright position.

(m) "Monument Base" A permanent granite piece placed on the foundation on which a Monument sits.

(n) "Niche" A space in a columbarium sufficient in size for the inurnment of the remains of a deceased person.

(o) "Niche Front" The granite cover that is fastened on the crypt or place of inurnment and upon which the memorialization is engraved.

(p) "Owners" and "Purchasers" Persons who have purchased a Right-of-Burial in Hillside Cemetery.

(q) "Private Mausoleum" A granite structure designed and constructed for the interment of the family for whom the structure has been constructed or other persons as may be designated by the Owner of the Right of Interment.

(r) "Resident" A person who has been a bona fide resident of the Village of Mantua for one day or more, or who was a bona fide resident of the Village of Mantua immediately prior to entering a nursing home.
(Ord. 2017-47. Passed 1-16-18.)

955.02 CHARGES AND FEES.

(a) Grave and Burial Plot Costs.

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$200.00	\$400.00
Two-Grave Lot	400.00	800.00
Four Grave Lot	700.00	1,000.00
Five Grave Lot	900.00	1,250.00

Beginning January 1, 2020, the following rates apply:

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$220.00	\$440.00
Two-Grave Lot	440.00	880.00
Four Grave Lot	770.00	1,100.00
Five Grave Lot	990.00	1,375.00

Beginning January 1, 2022, the following rates apply:

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$240.00	\$480.00
Two-Grave Lot	480.00	970.00
Four Grave Lot	850.00	1,210.00
Five Grave Lot	1,090.00	1,500.00

(b) Mausoleum Fees.

First Level	\$2,000.00	\$3,000.00
Second Level	1,500.00/crypt	2,500.00
Third Level	1,000.00/crypt	2,000.00
Mausoleum Interment	300.00	600.00

Beginning January 1, 2020, the following rates apply:

First Level	\$2,200.00	\$3,300.00
Second Level	1,650.00/crypt	2,750.00
Third Level	1,100.00/crypt	2,200.00
Mausoleum Interment	330.00	660.00

Beginning January 1, 2022, the following rates apply:

First Level	\$2,420.00	\$3,630.00
Second Level	1,820.00/crypt	3,030.00
Third Level	1,210.00/crypt	2,420.00
Mausoleum Interment	360.00	730.00

(c) Grave Opening/Close.

Adult	\$250.00	\$450.00
Child Vault - 3 foot long	150.00	250.00
Child Vault - 4 foot long	200.00	350.00
Disinter/Re-inter same grave	1,000.00	1,500.00
Disinter/Re-inter new grave	1,400.00	2,000.00

Beginning January 1, 2020, the following rates apply:

Adult	\$275.00	\$495.00
Child Vault - 3 foot long	165.00	275.00
Child Vault - 4 foot long	220.00	385.00
Disinter/Re-inter same grave	1,100.00	1,650.00
Disinter/Re-inter new grave	1,540.00	2,200.00

Beginning January 1, 2022, the following rates apply:

Adult	\$300.00	\$545.00
Child Vault - 3 foot long	180.00	300.00
Child Vault - 4 foot long	240.00	435.00
Disinter/Re-inter same grave	1,210.00	1,815.00
Disinter/Re-inter new grave	1,800.00	2,420.00

(d) Cremations.

Interment	100.00	200.00
Disinter/Re-inter same grave	200.00	400.00
Disinter/Re-inter new grave	300.00	500.00

Setup and removal of awning for burials 75.00

Beginning January 1, 2020, the following rates apply:

Interment	110.00	220.00
Disinter/Re-inter same grave	220.00	440.00
Disinter/Re-inter new grave	330.00	550.00

Setup and removal of awning for burials 85.00

Beginning January 1, 2022, the following rates apply:

Interment	120.00	240.00
Disinter/Re-inter same grave	240.00	485.00
Disinter/Re-inter new grave	365.00	600.00

Setup and removal of awning for burials 95.00

(e) Foundations.

Regular Marker/Monument	\$100.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	50.00
Veteran Marker Removed	100.00

Beginning January 1, 2020, the following rates apply:

Regular Marker/Monument	\$110.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	55.00
Veteran Marker Removed	110.00

Beginning January 1, 2022, the following rates apply:

Regular Marker/Monument	\$120.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	60.00
Veteran Marker Removed	120.00

(f) Additional Charges. An additional two hundred dollars (\$200.00) shall be charged for burials after 3:30 p.m., Monday through Friday and any time on Saturday, holidays or for special request when granted.

(g) Costs for Nursing Home, etc., Residents. Any resident of the Village who, due to medical or other reasons beyond their control, are placed in a nursing home, convalescent center, comparable facility, but who had their last individual residence within the Village shall be entitled to resident fees for burial, burial plots and grave sites as set forth in this section.

(h) Extra Services. The Superintendent shall, upon request, give estimates on work not covered in the foregoing schedules to be done by Village employees, agents or contractors on the cemetery grounds. The charges for such extra work shall be determined in advance.

(i) Every two years, starting 2022-2030, the Cemetery Board must review the charges and fees set forth in this section. A recommendation must be made to Council by the October Council meeting of said year for changes to the charges and fees set forth in this section. (Ord. 2017-47. Passed 1-16-18.)

955.03 INDIGENT BURIAL POLICY.

(a) Purpose. This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 9.15 pertaining to the burial of indigent persons whose legal residence at the time of death was the Village of Mantua, who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

(b) Application of Policy.

(1) When the body of a dead person is found within this County or in another County of this State and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the Village shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

- A. The deceased is determined to be an indigent person; and
- B. The person was a legal resident of the Village of Mantua at the time of their death.

(2) When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the Village shall be liable for the cremation or interment expenses, in the amounts set forth herein, if:

- A. The deceased is determined to be an indigent person; and
- B. The person was a legal resident of the Village of Mantua at the time of their death; and
- C. The claimant is determined to be an indigent person.

(c) Administration. The Village Administrator and the Clerk-Treasurer are hereby appointed as the proper officers of the Village, in accordance with Ohio R.C. 9.15, to be responsible for the administration of this indigent burial policy. If the next-of-kin of the deceased are not available or are unknown, the Village Administrator and the Clerk-Treasurer shall have the authority to sign all documents necessary for the cremation.

(d) Determining Indigence.

- (1) Prior to the cremation authorization the Village Administrator and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person is in fact indigent and, where the deceased person is claimed by an indigent person, whether the claimant is in fact indigent.
- (2) "Indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration. The estate of the decedent shall include, but is not limited to, the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.
- (3) The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent include the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

(e) Determining Legal Residency.

- (1) Prior to the cremation authorization, the Village Administrator and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village.
- (2) "Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.
- (3) In cases where the decedent was living in a nursing home or hospital located within the Village, legal residency shall mean intent to make the nursing home or hospital a permanent residence.

(f) Policy.

- (1) Upon finding that the deceased was a legal resident of the Village and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Village Administrator and the Clerk-Treasurer shall authorize the funeral director or other party to cremate the decedent.
- (2) The Village shall dispose of the remains of indigent persons by cremation only. The Village shall pay a maximum of eight hundred dollars (\$800.00) for the cremation and interment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and a temporary urn for the storage of the deceased's cremated remains. The Clerk-Treasurer is hereby authorized to pay such expenses, upon certification from the Village Administrator and receipt of an invoice or bill from the funeral director.

- (3) The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the Village may cause the remains to be buried, and the Clerk-Treasurer is hereby authorized to pay such expenses, upon certification by the Village Administrator and receipt of an invoice or bill for the burial.
 - (4) The Village shall also provide at the grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.
- (g) Limitations.
- (1) If the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes, the Village shall not pay all or any part of the expenses for the same.
 - (2) The Village's Indigent Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Clerk-Treasurer containing the following information:
 - A. The name and age of the deceased;
 - B. Place of burial;
 - C. Services performed;
 - D. Total costs of services;
 - E. Amount received from other sources; and
 - F. Amount due from the Village.
 - (3) The funeral director or funeral home shall reduce the cost to the Village by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the Village has paid as herein provided, the Village shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty days (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Clerk-Treasurer indicating his understanding and compliance with the provisions of this Policy.
 - (4) In the event that it is found after the cremation of the deceased and payment of the cremation and/or burial expenses by the Village, that such indigent decedent and/or indigent claimant had means, assets, insurance or other benefits or allowances available for the payment of all or part of such expenses, such proceedings may be taken to recover such costs and expenses as may be authorized by law.

(h) Potters Field. There is hereby established and set aside for the burial of any person determined to be indigent pursuant to the provisions of this section, a "Potters Field" for Hillside Cemetery. The section of the cemetery for the purpose provided herein is more specifically described as Graves 1 and 2 in Lot numbers 63, 65, 67 and 69, consisting of 8 graves.

(Ord. 2017-47. Passed 1-16-18.)

955.04 SALE OF LOTS.

(a) The purchase of lots/graves shall be arranged through the Superintendent who shall show the lots/graves which are for sale.

(b) When a section of the cemetery has been platted and prepared for sale, the price of lots shall be fixed from time to time by the Village Council.

(c) The deed to a lot or grave conveys only burial rights and the title to the land remains with the Village of Mantua.

(d) Deeds to Lots/Graves shall be signed and approved by the Village Administrator and the Village Clerk-Treasurer.

(e) All graves are for burial purposes only and are not to be sold for use as extensions of adornments, statues, additional monuments/markers etc. from adjoining graves.

(f) In general all lot and grave sales are for cash and the bill is payable at the time of purchase to the Village of Mantua and received by the Village Clerk Treasurer.

(g) As the deed to a lot or grave conveys only the right of burial, the Village retains control and supervision of all lots which have been sold and the Superintendent shall enter upon any lot and prohibit, modify or remove any structure, object, adornment or improvement on such lot which may have been placed in violation of cemetery rules or which may be considered, in the Superintendents judgment, to be objectionable or injurious to the lot or adjoining lots, or to the general appearance of the cemetery.
(Ord. 2017-47. Passed 1-16-18.)

955.05 TRANSFER OF LOTS.

(a) Lots may be sold to residents or non-residents of the Village of Mantua by the Village Clerk-Treasurer and Village Administrator. Lots cannot be resold by the purchaser/owner to any other individual; however, on application of the owner, lots can be returned to the Village for refund of the original purchase price by the Village of Mantua.

(b) Transfer of Title. Upon application to and approval of the Village Administrator, lot owners may be permitted to transfer their interest in such lots only to an immediate family member.
(Ord. 2017-47. Passed 1-16-18.)

955.06 GENERAL RULES.

(a) No grave shall be opened except by order of court or upon a permit issued and properly executed by the proper authority.

(b) No person shall remove any object from any place in the cemetery or make any excavation without the consent of the Superintendent.

(c) All rubbish, unsightly material or debris accumulation from any work or any cause must be removed at once by the person causing its accumulation. All derricks, tools, etc., must be removed immediately upon completion of any work necessitating their use, and the grounds left in as good condition as found.

(d) No person shall obstruct any drive or path in the cemetery or in any way injure, deface, or destroy any stone, structure, grass, flower, tree, shrub, vine or any other thing in the cemetery.

(e) Tents, artificial grass, matting, lowering devices and other equipment controlled by either the Superintendent or contractor designated by the Superintendent used in making interments, disinterment and removals shall be provided by the Funeral Director at no charge to the Village.

(f) Any person in the cemetery, including undertakers/funeral directors, shall be under the control and subject to the direction of the Superintendent.

(g) All cemetery waste and debris shall be deposited in receptacles designated for such use. (Ord. 2017-47. Passed 1-16-18.)

955.07 PREMISES RULES.

(a) Children under the age of 16 must be under adult supervision while in the cemetery.

(b) Vehicles must remain on drive surfaces at all times.

(c) Animals and pets are not permitted in the cemetery unless leashed or used to assist the disabled.

(d) No vehicle shall be driven faster than 10 miles per hour within the grounds of the Cemetery. No motorized recreational vehicles are allowed on cemetery property. Bicycles are to stay on maintained roadways and off the grass.

(e) The drinking of alcoholic beverages in the Cemetery is strictly prohibited at all times, except upon the occurrence of official ceremonies or functions for which permission has been granted by the Superintendent or his designated representative.

(f) Visitors are prohibited from plucking any plants, whether cultivated or wild, unnecessarily disturbing the birds or animals, breaking or injuring any tree or shrub, marring any monument or landmark or in any way defacing cemetery grounds, fences or buildings thereon.

(g) Standing or sitting upon monuments is not permitted.

(h) No advertising of any form shall be permitted within the cemetery.

(i) No person shall discharge firearms within the cemetery except for military funerals or Memorial Day services.

(j) The cemetery grounds are closed to everyone except cemetery employees and other authorized persons, during the hours of darkness. Violators of this provision are subject to arrest and prosecution.

(k) Any person acting in a boisterous or loud manner, or in any way improper to the sanctity of the grounds, may be expelled by the Village Service Department staff or other appropriate department.

(l) All persons are reminded that the grounds are sacredly devoted to the burial of the dead, and that the provisions and penalties of the law shall be strictly enforced to maintain this principle. (Ord. 2017-47. Passed 1-16-18.)

955.08 INTERMENTS.

- (a) Interment includes grading, fertilizer and seeding of lot.
- (b) All burial receptacles, which exceed fifty (50) inches in length, shall be constructed of reinforced concrete, metal or other similar permanent material commonly accepted for burial purposes; the composition and design of which shall be subject to the approval by the Superintendent. This rule does not apply to indigent interments.
- (c) In any one gravesite, one of the following combinations is permitted:
- (1) One vault interment.
 - (2) One ash interment.
 - (3) One vault interment with one ash interment on top of vault.
 - (4) Two ash interments.
- (d) The number of interments which may be properly made on a grave space is definitely fixed at the time of purchase, and no more shall be permitted. In order that uniformity may be sustained, the Superintendent shall determine the location of graves on a lot. Every reasonable effort will be made to comply with the wishes of owner.
- (e) Only one body shall be allowed in a grave. A cremains or infant burial over an adult's grave may be permitted, provided that the adult burial is of sufficient depth and in a permanent vault and approved by the Superintendent.
- (f) Interment in a lot shall be permitted for the owner of the lot named as the grantee in the deed, and for his/her immediate family and heirs, and for such other person or persons as may be designated in writing to the Superintendent and Village Clerk Treasurer by the lot owner during his/her lifetime. However, the burial of any person other than the lot owner or his/her immediate family and heirs may be refused, notwithstanding the written designation of the lot owner, if the lot owner accepts or agrees to accept any compensation of payment for granting the right to such burial. Upon the death or judicially-declared incompetent lot owner, it is the duty of any person or persons having the right of burial upon the lot under the terms of the deed thereto and the cemetery rules to file with the Superintendent and Village Clerk Treasurer proof of their right to the use of the lot, and further burials upon the lot may not be permitted until such proof is presented.
- (g) Interments on Sunday or general holidays as observed by the Village of Mantua are not permitted, except when ordered by the Board of Health. No interment may be made unless the body or cremains is accompanied by a burial permit, (usually procured by the Funeral Director). Cremains may not be scattered on the ground; they must be buried by an employee of the Village of Mantua.
- (h) Funerals may only enter the cemetery between the hours of 9:00 a.m. and 4:00 p.m. on weekdays and 9:00 a.m. and 2:00 p.m. on Saturdays, except by permission by the Superintendent.
- (i) The Superintendent shall be contacted before setting the time of any funeral to avoid conflict with another funeral. Notice of not less than 48 hours shall be given for the opening of a grave. Special religious traditions will be provided for. All funeral processions, while within the cemetery grounds shall be under the direction and control of the Superintendent and/or his designee(s).
- (j) Wooden vaults or outer boxes are prohibited.

(k) The schedule of grave service charges shall be furnished upon request by the Superintendent or Clerk Treasurer.

(l) Interment charges are due and payable when the order is given and includes opening and closing of the grave.

(m) Interments shall be made by Village Service Department staff or a contractor designated by the Superintendent only.

(n) In unusual circumstances the Village Service Department or funeral director has the right and obligation to defer or delay burial proceedings until a decision is made to remedy the situation. All concerned parties will receive an explanation for the delay.
(Ord. 2017-47. Passed 1-16-18.)

955.09 DISINTERMENT.

Disinterment's shall only be conducted in compliance with sections 313.18, 517.23, 517.24 and 759.491 of the Ohio Revised Code
(Ord. 2017-47. Passed 1-16-18.)

955.10 MAINTENANCE.

(a) All mowing and/or machine weed trimming will be done by the Village Service Department. No individuals may operate a private mower on cemetery grounds. Permitting residents to perform work at the cemetery in return for reduced fees is inconsistent with the Codified Ordinances and will not be authorized.

(b) The cemetery does not allow elevated graves bordered with sod. No sod is permitted to be placed on any grave. The Village Service Department will level, seed and maintain all graves including the settling of gravesites.

(c) Poinsettia flowers, wreaths, and small seasonal decorations are welcome from November 15th to March 31st and must be removed no later than April 1st of each year. After April 1st the decorations will be removed and discarded by the Service Department employees. Due to safety considerations, grave blankets are not to be used.

(d) The Village Service Department reserves the right to remove any shrub, flowers, vases, etc. that are damaged or diseased, or not lending to the appearance of the cemetery. In the interests of safety of visitors and Service Department personnel, metal stakes, glass vases and wire shall not be used for decorations or ornaments on the grave site and will be removed and discarded without notice.

(e) All requests or orders for special work on any lot or grave must be authorized through the Superintendent's office. No employee is permitted to perform such services without written or oral instructions from said office.

(f) Lot owners shall not change the grade of any lot or interfere in any way with the general plan of the improvement of the cemetery. Except for permitted plantings, no holes may be dug on or near gravesite. No fences or enclosures of any description shall be permitted which interfere with the maintenance of the grounds.

(g) Lot enclosure of concrete, brick, wood, stone, metal, and plastic are permitted within the headstone area. The enclosure may not exceed 12" from headstone base.

(h) The Village of Mantua Service Department will exercise reasonable care in performing maintenance and other work on the cemetery grounds. However, recognizing the vulnerability of graves, lot markers and memorials as well as floral tributes, the Village of Mantua disclaims any liability for accidents or damage to such items occurring in the normal scope of cemetery work.

(i) The Service Department conducts two annual cemetery cleanups, spring and fall. On a semi-annual basis, all ground mounted decorations will be removed for general cleanup purposes. Spring cleanup will start April 1st and fall cleanup will start October 15th. Any items desired to be retained must be removed before these dates. (Ord. 2017-47. Passed 1-16-18.)

955.11 MONUMENTS, GRAVESTONES, FOOTSTONES AND MARKERS.

(a) Benches, Statues and other accessory items: Requests to place such items must be submitted to the Superintendent in advance of items being ordered. The Superintendent may request additional information in order to make a decision. To be considered, benches must be made of the following materials only: granite, marble or concrete. Wooden benches will not be permitted under any circumstances. Permitted benches must be placed on a foundation poured by the Service Department. Foundation fee shall be paid in advance by lot owner. The Superintendent may permit the placement of such items provided they do not violate any of these Rules and Regulations, the Codified Ordinances of the Village of Mantua or encroach upon the property of another.

(b) No grave markers (flush mounted) or monuments (above ground mounted) may be erected or placed in the cemetery unless specifications, plans and location have been first submitted to and approved by the Superintendent. In the event the Superintendent disapproves of the specifications, plans, or location, the applicant may, within in ten days, submit a written appeal to the Cemetery Board. The Board shall have a hearing and render a decision within twenty days of receipt of the appeal. In no case shall more than one monument be allowed on one grave space.

(c) To ensure permanency, all foundations shall be built by employees of the Service Department at the expense of the grave owners.

(d) The Superintendent or his designee shall have authority to inspect the setting of any monument or marker, and if improperly done, order the resetting of same at no charge to Village.

(e) After a monument or marker has been placed in the cemetery, it may not be removed without permission of the Superintendent.

(f) On grave spaces where monuments may be placed, the monument base or marker shall not exceed the following:

<u>Number of Grave Spaces</u>	<u>Width of Grave Space</u>	<u>Width of Monument Base or Marker</u>
One (1)	40 inches	36 inches
Two (2)	40 inches	76 inches
Three (3) or more	40 inches	(contact Superintendent)

*Minimum monument base shall not be less than 6" (six inches).

(g) Only one grave monument or marker shall be placed on each grave space as surveyed, and centered at the head of the grave space except that bronze or stone military markers supplied by the Veterans' Administration may be placed flush with the ground at the foot of a grave. Bronze military markers shall be permitted to be placed on the back of upright monuments, if space is available.

(h) The Village will allow non-military flat memorial markers at the foot of a grave. One such marker will be permitted per grave in addition to the headstone and may be placed on graves also having military markers. Markers must be installed with a suitable foundation per cemetery regulations. All costs associated with the installation of the marker will be the responsibility of the family of the interred.

(i) Monument foundations shall be installed only by Village employees and the cost thereof billed and paid for by the monument company, or the lot owner before installation. The Village shall provide a foundation free of charge one time for a veteran's marker furnished by the U.S. Government. Depending on ground contours, all foundation bases shall be below ground and/or flush with existing ground elevation.
(Ord. 2017-47. Passed 1-16-18.)

955.12 FLORAL DECORATIONS, VASES AND URNS.

(a) All flower beds must be in front of headstones. No flower beds are permitted behind headstones.

(b) The planting of annual/perennial flowers or placement of artificial flowers and miscellaneous decorations are permitted at the gravesite throughout the year. Those who place decorations on the gravesites are requested to maintain these items; there are trash cans available for disposal of items and access to water.

(c) Glass containers are strictly prohibited and will be removed where found. Also any other substance considered hazardous will also be removed.

(d) Potted plants, cut flowers and arrangements are encouraged on Easter, Mother's Day, Father's Day, Memorial Day, etc. Plants placed on graves should be removed within seven 7-14 days of the holiday. After that period, plants may be removed by Service Department staff. Shepherd hooks and monument saddles will be permitted. The planting of flowers may not exceed 18" from headstone base. Cut flowers may be placed on any grave. All floral baskets, designs and wreaths shall be removed and discarded when they become withered, faded or unsightly.

(e) The maintenance of planted flowers, boxes, cut, live, and artificial flowers and wreaths is permitted throughout the year and is the responsibility of the lot owner or family. Those which are not maintained, which become overgrown and/or unsightly, will be removed without notice by the Service Department.

(f) Only artificial flowers are permitted from October 1 to March 1, except immediately following interment.

(g) Hanging baskets shall be suspended from a single shepherd hook, made of steel only. Only one shepherd hook per family lot shall be permitted. No other decorations may be attached to the hook. If a shepherd hook is not in use, it will be removed and stored by the Service Department.

(h) When an urn remains unplanted later than the first of July, or when it becomes worn out and dilapidated, it shall be removed and discarded without notice.

(i) Funeral designs and floral pieces shall be removed from the graves when they become wilted or unsightly. Persons desiring to retain any must remove the same within forty-eight hours after the interment.

(j) No more than two urns may be placed on any individual grave. Location of an urn upon a grave is preferably at the side of the monument. One-piece urns or pots which can be moved for mowing may be used for potted plants.

(k) Summer decorations shall be removed from lots before October 15.

(l) Winter decorations, such as wreaths, shall be allowed to remain in place during the winter season while the grass is dormant, but shall be removed from lots before April 1st.

(m) Flowers shall be placed on all graves that have trust fund accounts each Memorial Day along with additional decorations as may be specified in each decedent's will. (Ord. 2017-47. Passed 1-16-18.)

955.13 PLANTINGS AND ADORNMENTS.

(a) Families must be aware that any decoration used on the gravesite may be subject to the elements and vandalism. The Village cannot be held responsible for such damage or theft.

(b) All holiday decorations, religious symbols, and wreaths shall be removed within 30 days after such national or religious holiday.

(c) Only those shrubs permitted may be planted beside monuments. Live flowers may be planted around monuments in beds. Any planting of shrubs must be approved by the Cemetery Superintendent before any work is commenced. The Superintendent has the authority to remove any and all plantings, including shrubs which are dead, have outgrown their usefulness, have spread beyond control, or were planted without permission.

(d) For other than Baby Rows, balloons, toys and stuffed animals are permitted only on the birthday of the deceased and holidays, and may remain for one week.

(e) For Baby Rows, toys or stuffed animals will be permitted when securely affixed to a monument or on a foundation.

(f) No planting of permanent plants, such as trees, shrubs, flowers, etc., is permitted without prior approval of the Superintendent.

(g) All trees, shrubs, and/or bushes must be maintained within the boundaries of the lot or grave and must in no way interfere with or touch adjoining lots or graves. Trees and shrubs may not be cut off above ground level for removal; they must be removed completely including roots.

(h) No fences or enclosures of any kind will be permitted.

(i) Plantings of trees and shrubs must be approved by the Superintendent and shall be done by the lot owner or family and heirs at their own expense. Placement shall be in accordance with the directions of the Superintendent in conformity with the general beautification plan. The Superintendent is authorized to enter upon any lot to make improvements deemed necessary by the Superintendent. (Ord. 2017-47. Passed 1-16-18.)

955.14 DETERIORATED, UNSIGHTLY AND INAPPROPRIATE.

(a) In order to maintain a neat appearance, the Superintendent or his representative reserves the right to trim, cut down or remove any existing tree, shrub, plant or flower on lots within the cemetery.

(b) Any existing tree, shrub or bush becoming unsightly may be removed when considered necessary. If a tree or shrub on a lot becomes detrimental, dangerous or inconvenient to adjacent lots or walks or if it becomes unsightly, the Service Department shall have the right to remove such tree or shrub or any portion thereof.

(c) Subject to the approval of the Superintendent, the planting of shrubs and flowers shall be permitted on cemetery lots; however, no planting of any kind shall be permitted on center over graves. Any planting made in violation of the rule may be removed without notice. It is advisable to make the necessary arrangements at the cemetery before planting material is purchased.

(d) Due to safety concerns, the difficulty in performing appropriate maintenance on the Cemetery grounds, and to avoid the appearance of clutter, items that are not permitted on the grounds of the Cemeteries at any time include, but are not limited to, the following: styrofoam decorations, fences, coat hangers, rocks and stones, wires, ornaments, ceramics, glass, shells, food items, cardboard and paper, signs, tires. If such items are found, they will be removed by the Service Department staff.
(Ord. 2017-47. Passed 1-16-18.)

955.99 PENALTY.

Except as otherwise specified, violation of any provision of this Chapter shall be a minor misdemeanor. (Ord. 2017-47. Passed 1-16-18.)

**CHAPTER 957
Garbage and Rubbish**

957.01	Definitions.	957.04	Unauthorized removal or collection.
957.02	Franchises for residential trash collection services.	957.05	Hours of collection.
957.03	Payment for curbside trash collection.	957.99	Penalty.

CROSS REFERENCES
Burning - see FIRE PREV. 1511.05

NOTE: Pursuant to Resolution 2010-29, approved by the electorate of the Village on November 2, 2010, the Village has awarded an exclusive franchise to J & J Refuse Collection Services, Inc., for residential garbage removal.

957.01 DEFINITIONS.

The following terms, phrases, words or their derivation shall have the meaning given herein:

- (a) "Village" means the Village of Mantua, Ohio.
- (b) "Commercial establishment" means any structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering of professional service for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including, by way of example only, motels, hotels, public buildings, office buildings, stores, trailer parks, theaters, houses or buildings consisting of four or more residential units, factories and all outhouses, sheds, barns and other structures on premises used for business purposes and not defined as residential.
- (c) "Residential" means a house, building, room or suite of rooms so constructed or equipped as to provide residence quarters for not more than three families and excludes all premises and buildings defined as commercial establishments.
- (d) "Garbage" - shall include all animal and vegetable matter, singularly or in combination, which has been used as food, or intended to be used as food for humans. Specifically excluded from garbage shall be any yard waste, such as leaves, grass, weeds, branches, flowers, and fruits.
- (e) "Rubbish" - shall include all household waste not considered recyclable, including, but not limited to, contaminated paper, broken glass and crockery, floor sweepings, disposable diapers and other personal hygiene products, clothes, shoes, rubber, leather, and general household scraps. Specifically excluded from rubbish shall be: construction debris such as stones, masonry, concrete, lumber, shingles, tar paper, auto parts, engines, batteries, paints, liquids, and any hazardous waste materials.

- (f) "Bulk items" - shall include tires, household furnishings and appliances, which must be set at curbside on regular trash pickup day. Customers to have Freon removed from appliances (e.g. refrigerators, dehumidifiers and air conditioners), and have them properly tagged for removal by trash hauler.
- (g) "Yard Waste" - shall include leaves, grass, weeds, branches, bushes, flowers, fruits, and any vegetable matter commonly associated with residential property maintenance. Christmas trees are included in the definition of yard waste.
- (h) "Waste or Refuse" - shall include Garbage, Rubbish, and Bulk Items.
- (i) "Recyclables" means those materials designated by the Portage County Solid Waste District for separate collection and processing.
(Ord. 2011-52. Passed 11-16-10.)

957.02 FRANCHISES FOR RESIDENTIAL TRASH COLLECTION SERVICES.

(a) The Mayor is hereby authorized and directed to prepare specifications and to authorize the issuance of a franchise to a person, firm or corporation after advertising and receiving bids as required by law, for the collection, transportation and disposal or processing of residential garbage, rubbish, yard waste and bulk items of residents of the Village for a period not to exceed five years, subject to the provisions of this chapter.

(b) The franchise shall entitle the holder thereof to be the only collector of refuse and rubbish for hire from residents in the Village living in individual residential units, duplexes and triplexes that have curbside collection.

(c) A franchise may be terminated by the Mayor if any franchise fails to comply with the provisions of this chapter, any rule or regulation promulgated by the Village, or the terms of the franchise agreement. (Ord. 2010-52. Passed 11-16-10.)

957.03 PAYMENT FOR CURBSIDE TRASH COLLECTION.

(a) The refuse collection franchisee, as defined in Section 957.02, shall bill directly to the owner(s) or resident(s) as applicable, of individual residential units, duplexes and triplexes for the cost, as specified under the terms of the applicable contract, of curbside collection of garbage, rubbish, yard waste and bulk items.

(b) All owners and residents of individual residential units, duplexes and triplexes are required to utilize the services of the authorized franchisee for curbside pickup and to make payment to said franchisee under the terms of the contract in effect. Failure of any such owner to comply with the terms of this section shall be subject to the penalty set forth in Section 957.99. (Ord. 2010-52. Passed 11-16-10.)

957.04 UNAUTHORIZED REMOVAL OR COLLECTION.

No person, firm or corporation, who is not the authorized franchisee for residential refuse collection within the Village of Mantua, shall collect, remove, or carry away any residential waste or refuse, or contract with any resident for such removal, or be or operate any vehicle upon the streets of the Village for such purpose, in conformance with the provisions of this chapter and the franchise agreement then in effect. (Ord. 2010-52. Passed 11-16-10.)

957.05 HOURS OF COLLECTION.

Collection of trash and recyclable materials within the Village shall not commence before 7:00 a.m. (Ord. 2016-46. Passed 9-20-16.)

957.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for a second or subsequent offense. Each day of operation in violation of Section 957.04 shall be deemed to be a separate offense. (Ord. 2011-60. Passed 7-19-11.)

