

**CITY OF NAPOLEON, OHIO**  
**STORM WATER ABATEMENT CHARGE CREDIT APPLICATION**

SERVICE ADDRESS:  STREET NUMBER _____ STREET NAME _____	ACCOUNT NUMBER:  _____
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SERVICE CLASS: ☐ RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER \_\_\_\_\_ START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

ARE YOU THE PROPERTY OWNER: ☐ YES ☐ NO IF NO, THEN COMPLETE PROPERTY OWNER INFORMATION

<input type="checkbox"/> RESIDENT <input type="checkbox"/> TENANT		PROPERTY OWNER	
NAME: (LAST, FIRST, MIDDLE INITIAL)		NAME: (LAST, FIRST, MIDDLE INITIAL)	
ADDRESS: (IF DIFFERENT FROM SERVICE ADDRESS)		ADDRESS:	
CITY, STATE, ZIP:		CITY, STATE, ZIP:	
HOME PHONE:	DRIVER'S LICENSE #:	HOME PHONE:	WORK PHONE:
TID OR SOCIAL SECURITY NO. (OPTIONAL)	BIRTHDATE:	TID OR SOCIAL SECURITY NO. (OPTIONAL)	BIRTHDATE:

Total Area Of Property/Lot: \_\_\_\_\_ s.f.  
Impervious Area: \_\_\_\_\_ s.f.

Signature \_\_\_\_\_  
TENANT/AUTHORIZED AGENT OF OWNER OR TENANTS

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**FOR CITY USE ONLY:**

E.R.U.  
Credit\* \_\_\_\_\_ %

E.R.U. Credit: \_\_\_\_\_ (If zero, see explanation below.)

Net Billable E.R.U. \_\_\_\_\_

\*Multi-level resident IAL units are eligible for up to a 50% credit.

☐ APPROVED EFFECTIVE DATE: \_\_\_\_/\_\_\_\_/20\_\_\_\_

☐ DENIED  
EXPLANATION,  
IF APPLICABLE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CITY ENGINEER

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

\*\*RETURN COMPLETED APPLICATION TO ENGINEERING DEPARTMENT\*\*

**TO: All Account Customers Connected to the Sewer and those within City Limits of Napoleon**  
**SUBJECT: Sewer – Amended Overflow Abatement Charges and Sanitary Sewer Rates**

In open meetings, over the past several months, City Council has been reviewing various alternatives to fund an *Environmental Protection Agency* (EPA) mandated *Long Term Control Plan* (LTCP), running from 2004 through 2025, at an estimated cost of **\$34,990,000**. The LTCP is a series of major Sanitary and Storm Sewer construction projects to bring the City's Sanitary Sewer discharge into EPA Compliance. The LTCP is a negotiated agreed to plan between the City and the EPA, and is a result of EPA "***Findings and Orders***" placed on the *National Pollution Discharge Elimination System* (NPDES) Discharge Permit for the Waste Water Treatment (WWT) Plant.

The problem is in the City's base *Sewer Collection System*; first the sewer system (pipes) have an average age of over 45 years, with some sections close to 100 years old, allowing infiltration of rain water; second older designs, *that were legal at the time*, allowed for both sanitary sewer and storm water (rain runoff) to flow in the sanitary sewer pipes. To prevent flooding at the both the WWT plant and basements, the system previously allowed built-in Sanitary Sewer Overflows (SSO's), and Combined Sewer Overflows (CSO's). These systems are designed to surcharge (overflow) untreated sewer water directly into the Maumee River when a rain event of ½" or greater falls in a short duration of time. Overflows of any untreated sewer water are *now no longer legal*; SSO's and CSO's must be removed from the system and all newly built or reconstructed Sanitary Sewers must separate and remove Storm Water. Treatment of separated Storm Water is not currently required, but may be in the future. Projects that are part of the LTCP are designed to remove excess storm water from the system, and/or retain it for treatment prior to release into the Maumee River.

The LTCP sets date specific timeframes to meet the removal or treatment process. To date the City has spent over \$1.7 million for projects and engineering studies to meet the terms of the plan. In 2007 and 2008, the City will need to spend an additional \$6.6 million to correct certain sections of the sewer system, and to build a storm water retaining cell beside the WWT Plant. Funding for these projects come from various sources, with the primary source being the *Charges for Sewer Services* and the *Overflow Abatement Charge*, both receipted into the Sewer Fund. To fund just the Debt Service required on these projects, Rates for Sewer Services were increased last year by 18% in 2006, and were programmed to increase by 18% in 2007 and 18% in 2008. These increases are in addition to the *Overflow Abatement Charge* (\$5.00 dollar charge) that was implemented in 2000 to help fund the then anticipated final *Findings and Orders*. However, due to the size and cost of the required projects, additional sources of revenue are still needed to fund the LTCP.

The City has, *and will continually look for*, other Revenue Sources (Example: Federal and State Grants, Low Interest Loans, Special Assessments etc.) to fund these required projects; however, Federal and State Grants are very competitive, and other sources are limited and have their own respective challenges to obtain. After many hours of review, City Council decided a revised *Definition and Rate* for the ***Overflow Abatement Charge*** (also known as the *Storm Water Abatement Charge*) would be the most equitable way of partially funding the LTCP. The definition is revised to take into account rain runoff from ***Impervious Surfaces*** (*Surfaces that substantially reduces the rate of infiltration of Storm Water into the Earth*).

On November 6, 2006, City Council passed ***Ordinance No's 072-06 & 074-06*** amending City Code 931.09, regarding the definition of the Overflow Abatement Charges; established a Revised Rate Schedule for the Overflow Abatement Charges creating a Unit of Billing based on an *Equivalent Residential Unit* (ERU) of Impervious Surface; and *lowering* the 2007 Sewer Capacity and Commodity Charge from a previously approved 18% increase to a *15% increase*.

The City has calculated the *Average Impervious Surface* of a single-family residential property within the City to be **3009 Square Feet**. **One (1) ERU is equal to 3009 Square Feet of Impervious Surface, by definition in Ord. No. 072-06**. A ***TIERed Rate Structure*** is established to apply the ERU's of each entity to its established Rate. All Residential Property is assumed to have One (1) ERU; Commercial and Industrial Property will have calculated ERU's based on 3009 Square Feet of Impervious Service defined in Ordinance. An Example would be a property with large building (100' x 200' = 20,000 SqFt) with a parking lot of (100' x 100' = 10,000 SqFt), has a total 30,000 SqFt or 10.0 ERU's. ERU is calculated to the Nearest Rounded One-Tenth by definition in the Ordinance.

**Overflow Abatement Charge Schedule:**

**Residential Property**  
**Commercial and Industrial Property**

**Disclaimer – This document is for informational purposes only, and it not to be construed as a Legal Document.**

**ORDINANCE NO. 072-06**

**AN ORDINANCE INCREASING THE SEWER ABATEMENT CHARGE BY AMENDING SECTION 931.09 (SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION); ENACTING NEW SECTION 931.12 (OVERFLOW ABATEMENT CHARGE); BOTH OF THE NAPOLEON CODE OF CODIFIED ORDINANCES**

**WHEREAS**, the City is currently under "Findings and Orders" in regard to its sanitary sewer system; and,

**WHEREAS**, storm sewer improvements or enlargements are generally required to handle heavy storm water loads; it is only fair and equitable to fund such sewer improvements through a sewer abatement charge, in lieu of tax increases or additional increase in capacity and commodity charges related to the sanitary sewer in order to meet the Ohio Environmental Protection Agency's mandates; and,

**WHEREAS**, the City desires to reduce the currently established rate increase for sewer capacity and commodity charge in the year 2007 from an 18% increase down to a 15% increase and to reduce the like charges in the year 2008 to reflect an 18% increase from the adjusted year 2007 charges; and,

**WHEREAS**, the City understands that eventually, it would be prudent to establish a storm water utility; however, at present, the "overflow abatement charge" as found in this Ordinance, subject to amendment from time to time, will suffice to commence projects needed to improve conditions to the sewage system; Now Therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, Section 931.09 of the Codified Ordinances of the City of Napoleon, Ohio is hereby amended and enacted as follows:

**"931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION LIMITS.**

The sanitary sewer rates charged by the City of Napoleon shall be as follows, except as may otherwise be permitted by rule:

(a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.

(b) The following measures shall be used to determine the sewer charges provided to a premise served by the City sanitary sewer system:

(1) Any premise using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.

(2) Any owner or other interested party of a premise using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said

premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.

(3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.

~~(4) Effective with the first billing cycle in the year 2005, to be reflected in the first billing in February of the year 2005, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:~~

~~Wastewater (Sanitary Sewer) Service Charge:~~

~~Capacity Charge (Base Charge):~~

<del>Charges per Month:</del>	<del>Residential</del>	<del>Commercial or Industrial</del>
<del>Inside Corporation Limits:</del>	<del>\$15.33</del>	<del>\$15.33</del>
<del>Outside Corporation Limits:</del>	<del>\$30.76</del>	<del>\$30.76</del>

~~Commodity Charge: (To be charged in addition to the Capacity Charge)~~

<del>Commodity Charge/100cf:</del>	<del>Residential</del>	<del>Commercial or Industrial</del>
<del>Inside Corporation Limits:</del>	<del>\$2.44</del>	<del>\$2.44</del>
<del>Outside Corporation Limits:</del>	<del>\$5.17</del>	<del>\$5.17</del>

~~Industrial metering and monitoring charge: \$25.00 per sample~~

~~Excess Strength surcharges:~~

~~Charge /lb of BOD above 200 mg/l \$0.15~~

~~Charge /lb of SS above 250 mg/l \$0.15~~

~~BOD = Biological Oxygen Demand~~

~~SS = Suspended Solids~~

~~Overflow Abatement Charge: (To be charged in addition to the Capacity and Commodity Charge)~~

	<del>Residential</del>	<del>Commercial or Industrial</del>
<del>Inside Corporation Limits:</del>	<del>\$5.00</del>	<del>\$5.00</del>
<del>Outside Corporation Limits:</del>	<del>\$7.50</del>	<del>\$7.50</del>

(54) Effective with the first billing cycle in the year 2006, to be reflected in the first billing in February of the year 2006, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month:	Residential	Commercial or Industrial
Inside Corporation Limits:	\$18.09	\$18.09

Outside Corporation Limits: \$36.30      \$36.30

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf:    Residential      Commercial or Industrial

Inside Corporation Limits:    \$2.88      \$2.88

Outside Corporation Limits: \$6.10      \$6.10

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge /lb of BOD above 200 mg/l    \$0.15

Charge /lb of SS above 250 mg/l      \$0.15

BOD = Biological Oxygen Demand

SS = Suspended Solids

Overflow Abatement Charge **PURSUANT TO SECTION 931.12:** (To be charged in addition to the Capacity and Commodity Charge)

~~Residential      Commercial or Industrial~~

~~Inside Corporation Limits:      \$5.00      \$5.00~~

~~Outside Corporation Limits:      \$7.50      \$7.50~~

(65) Effective with the first billing cycle in the year 2007, to be reflected in the first billing in February of the year 2007, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month:      Residential      Commercial or Industrial

Inside Corporation Limits:    ~~\$21.35~~ \$20.80      ~~\$21.35~~ \$20.80

Outside Corporation Limits: ~~\$42.83~~ \$41.75      ~~\$42.83~~ \$41.75

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf:    Residential      Commercial or Industrial

Inside Corporation Limits:    ~~\$3.40~~ \$3.31      ~~\$3.40~~ \$3.31

Outside Corporation Limits: ~~\$7.20~~ \$7.02      ~~\$7.20~~ \$7.02

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge /lb of BOD above 200 mg/l    \$0.15

Charge /lb of SS above 250 mg/l      \$0.15

BOD = Biological Oxygen Demand

SS = Suspended Solids

Overflow Abatement Charge **PURSUANT TO SECTION 931.12:** (To be charged in addition to the Capacity and Commodity Charge)

~~Residential      Commercial or Industrial~~

~~Inside Corporation Limits:      \$5.00      \$5.00~~

~~Outside Corporation Limits: \$7.50 \$7.50~~

(76) Effective with the first billing cycle in the year 2008, to be reflected in the first billing in February of the year 2008, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month:	Residential	Commercial or Industrial
Inside Corporation Limits:	<del>\$25.19</del> \$24.54	<del>\$25.19</del> \$24.54
Outside Corporation Limits:	<del>\$50.54</del> \$49.27	<del>\$50.54</del> \$49.27

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf:	Residential	Commercial or Industrial
Inside Corporation Limits:	<del>\$4.01</del> \$3.91	<del>\$4.01</del> \$3.91
Outside Corporation Limits:	<del>\$8.50</del> \$8.28	<del>\$8.50</del> \$8.28

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge /lb of BOD above 200 mg/l \$0.15

Charge /lb of SS above 250 mg/l \$0.15

BOD = Biological Oxygen Demand

SS = Suspended Solids

Overflow Abatement Charge *PURSUANT TO SECTION 931.12*: (To be charged in addition to the Capacity and Commodity Charge)

	<del>Residential</del>	<del>Commercial or Industrial</del>
<del>Inside Corporation Limits:</del>	<del>\$5.00</del>	<del>\$5.00</del>
<del>Outside Corporation Limits:</del>	<del>\$7.50</del>	<del>\$7.50</del>

Section 2. That, there is hereby enacted Section 931.12 (Overflow Abatement Charge) of the Codified Code of the City of Napoleon, Ohio:

**"931.12 OVERFLOW ABATEMENT CHARGE.**

(A) **PURPOSE.**

**THE PURPOSE OF THE OVERFLOW ABATEMENT CHARGE, THAT IS CHARGED IN ADDITION TO THE CAPACITY AND COMMODITY CHARGE, IS AS FOLLOWS:**

(1) **TO RAISE REVENUE TO COMPLY WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY'S ISSUED FINDINGS AND ORDERS MADE AGAINST THE CITY,**

(2) **TO PAY FOR, IN PART, THE ESTABLISHMENT AND IMPLEMENTATION OF A PLAN TO ELIMINATE SANITARY AND COMBINED SEWER OVERFLOWS, INCLUDING DESIGN, COORDINATION,**

**CONSTRUCTION, MANAGEMENT, OPERATION, MAINTENANCE,  
INSPECTION AND ENFORCEMENT,**

**(3) TO IMPROVE THE PUBLIC HEALTH, SAFETY, AND  
WELFARE BY PROVIDING FOR THE SAFE AND EFFICIENT CAPTURE AND  
CONVEYANCE OF STORM WATER RUNOFF AND THE CORRECTION OF  
STORM WATER PROBLEMS, AND**

**(4) TO REDUCE WATER POLLUTION WITHIN THE  
CORPORATE LIMITS AND THOSE PREMISES OUTSIDE THE CORPORATE  
LIMITS SERVICED BY THE CITY'S SANITARY SEWER SYSTEM BY  
ELIMINATING OVERFLOW CONDITIONS.**

**(B) DEVELOPMENT OF PLAN.**

**THE CITY ENGINEER, UNDER THE AUTHORITY OF SECTION  
139.02 AND THIS SECTION SHALL DEVELOP A PLAN AND RECOMMEND  
PROJECTS UTILIZING FUNDS GENERATED BY THE OVERFLOW  
ABATEMENT CHARGE TO ELIMINATE COMBINED SEWER OVERFLOWS  
AND TO GENERALLY BRING THE CITY INTO COMPLIANCE WITH THE  
FINDINGS AND ORDERS ISSUED AGAINST THE CITY BY THE OHIO  
ENVIRONMENTAL PROTECTION AGENCY.**

**(C) APPLICATION OF FEE.**

**THIS FEE WILL BE CONSIDERED A SANITARY SEWER FEE  
THAT IS TO BE CHARGED, IN ADDITION TO ANY CAPACITY OR  
COMMODITY CHARGE, TO ANY REAL PROPERTY HAVING IMPERVIOUS  
AREA, HOWEVER SLIGHT, THAT IS LOCATED INSIDE THE CORPORATE  
LIMITS OF THE CITY, REGARDLESS IF SERVED BY DIRECT CONNECTION  
OR NOT TO THE CITY'S SANITARY SEWER SYSTEM OR TO A SEPARATE  
STORM SEWER, AND TO ANY REAL PROPERTY THAT IS LOCATED OUTSIDE  
THE CORPORATE LIMITS THAT IS UTILIZING THE CITY'S SANITARY  
SEWER.**

**(D) RESPONSIBLE PARTY FOR PAYMENT.**

**(1) UNDER THIS SECTION, THE SUBSEQUENT TERMS WILL BE  
DEFINED AS FOLLOWS:**

**(a) COMMERCIAL PROPERTY – ANY PROPERTY, WHETHER  
PRIVATELY OR PUBLICLY OWNED, WHERE SUCH PROPERTY IS OR WAS  
DEVELOPED FOR, IN FULL OR IN PART, OR ON SUCH PROPERTY THERE IS  
ENGAGED, THE BUSINESS OR ACTIVITY OF BUYING, SELLING, TRADING  
OR EXCHANGING PRODUCTS, GOODS, SERVICES, OR CROP, EITHER FOR  
PROFIT OR NOT FOR PROFIT. FOR THE PURPOSE OF THIS DEFINITION,  
SERVICES INCLUDE, BUT NOT LIMITED TO THE PROVIDING OF  
EDUCATION. ALSO, MEANS ANY PROPERTY NOT OTHERWISE CLEARLY  
FITTING INTO THE CLASSIFICATION OF RESIDENTIAL OR INDUSTRIAL  
PROPERTY.**

**(b) COMMON AREA - IMPERVIOUS AREAS ON A PREMISES  
SUCH AS DRIVEWAYS, PRIVATE STREETS, PARKING LOTS AND THE LIKE  
UTILIZED BY TENANTS, GUESTS, OR OWNERS.**



(c) **INDUSTRIAL PROPERTY – ANY PROPERTY, WHETHER PRIVATELY OR PUBLICLY OWNED, WHERE SUCH PROPERTY IS OR WAS DEVELOPED FOR, IN FULL OR IN PART, OR ON SUCH PROPERTY THERE IS ENGAGED, THE BUSINESS OR ACTIVITY OF DEVELOPING, MANUFACTURING, CONSTRUCTING, PRODUCING OR ASSEMBLING ANY PRODUCT, GOOD, OR SERVICE EITHER FOR PROFIT OR NOT FOR PROFIT.**

(d) **IMPERVIOUS SURFACE – SURFACES ON OR IN A LOT OR PARCEL OF REAL PROPERTY THAT SUBSTANTIALLY REDUCES THE RATE OF INFILTRATION OF STORM WATER INTO THE EARTH.**

(e) **RESIDENTIAL PROPERTY - ANY SINGLE-FAMILY UNIT, WHETHER PRIVATELY OR PUBLICLY OWNED, STANDING ALONE OR CONTAINED WITHIN A MULTIPLE-FAMILY DWELLING OR MIXED-USE BUILDING. THIS INCLUDES, BUT IS NOT LIMITED TO, CONTAINMENT WITHIN DUPLEX UNITS, CONDOMINIUM UNITS, APARTMENT UNITS, MANUFACTURED HOMES AND THE LIKE. THIS ALSO, INCLUDES RESIDENTIAL DWELLINGS UPON MANUFACTURED HOME COMMUNITIES OR COURTS.**

(2) **FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL PROPERTIES WHERE THE OVERFLOW ABATEMENT CHARGE IS APPLICABLE PURSUANT TO 931.12(C), THE PARTY THAT WILL BE ASSESSED AND DEEMED RESPONSIBLE FOR THE OVERFLOW ABATEMENT CHARGE WILL BE DETERMINED UTILIZING UTILITY BILLING INFORMATION FOR SUCH PROPERTY. THE CITY WILL DETERMINE THE RESPONSIBLE PARTY FOR PAYMENT AS BEING THE PARTY CONTRACTING FOR ANY CITY UTILITY SERVICE ON SAID PREMISES. THE PRIMARY CONTRACTED UTILITY SERVICE TO BE USED FOR IDENTIFYING THE RESPONSIBLE PARTY FOR PAYMENT WILL BE THE WATER METER UTILIZED BY THE CITY FOR BILLING PURPOSES. RESPONSIBLE PARTIES FOR PAYMENT FOR PROPERTIES WITHOUT INDIVIDUAL WATER METERS, SUCH AS WHERE MASTER METERS ARE USED, WILL BE IDENTIFIED UTILIZING OTHER IDENTIFIABLE CITY UTILITY SERVICES, SUCH AS ELECTRIC METERS. IN THE CASE OF COMMERCIAL AND INDUSTRIAL PROPERTY, WHEN NO SUCH CONTRACT OR METERS EXISTS, THEN THE OWNER OF THE PROPERTY, AS IDENTIFIED BY PROPERTY TAX RECORDS FOUND IN THE OFFICE OF THE HENRY COUNTY (OHIO) AUDITOR, WILL BE CHARGED AS THE RESPONSIBLE PARTY FOR PAYMENT. IN THE EVENT THAT IMPERVIOUS AREAS EXIST IN COMMON AREAS, THE OWNER OF THE COMMON AREAS SHALL BE THE RESPONSIBLE PARTY FOR PAYMENT OF THOSE COMMON AREAS.**

(E) **RATE.**

**AN OVERFLOW ABATEMENT CHARGE, CHARGED IN ADDITION TO THE CAPACITY AND COMMODITY CHARGE, IS ASSESSED MONTHLY WHERE THE OVERFLOW ABATEMENT CHARGE IS APPLICABLE PURSUANT TO 931.12(C). THE OVERFLOW ABATEMENT CHARGE WILL INCORPORATE A FEE TO SERVE AS A JUST AND EQUITABLE**

**CONTRIBUTION TO THE OVERFLOW ABATEMENT RESOLUTION AND IS CALCULATED TO REFLECT THE ESTIMATED AMOUNT OF STORM-WATER RUNOFF CREATED BY SUCH PROPERTIES.**

**THE CITY HAS CALCULATED THE AVERAGE IMPERVIOUS SURFACE OF A SINGLE-FAMILY RESIDENTIAL PROPERTY WITHIN THE CITY TO BE 3009 SQUARE FEET. FOR PURPOSES OF CALCULATING THE WATER ABATEMENT CHARGE, ONE EQUIVALENT RESIDENTIAL UNIT ("ERU") SHALL HEREIN BE EQUAL TO 3009 SQUARE FEET OF IMPERVIOUS SURFACE.**

**EACH RESIDENTIAL PROPERTY WHERE THE OVERFLOW ABATEMENT CHARGE IS APPLICABLE PURSUANT TO 931.12(C), SHALL BE ASSIGNED ONE (1) ERU. THE FEE SCHEDULE FOR RESIDENTIAL PROPERTIES IS AS ESTABLISHED IN THIS SUBSECTION (E).**

**THE TOTAL NUMBER OF ERU'S OF EACH COMMERCIAL OR INDUSTRIAL PROPERTY WHERE THE OVERFLOW ABATEMENT CHARGE IS APPLICABLE PURSUANT TO 931.12(C), SHALL BE CALCULATED BY DETERMINING THE TOTAL SQUARE FOOTAGE OF IMPERVIOUS SURFACE ON EACH SUCH PROPERTY AND DIVIDING THAT TOTAL BY 3009. IN NO CASE SHALL ANY COMMERCIAL OR INDUSTRIAL PROPERTY HAVE AN ERU OF LESS THAN ONE (1). THE FEE SCHEDULE FOR COMMERCIAL AND INDUSTRIAL PROPERTIES IS AS ESTABLISHED IN THIS SUBSECTION (E).**

**THE TOTAL SQUARE FOOTAGE OF IMPERVIOUS SURFACE SHALL BE MEASURED BY THE CITY BASED ON THE RECORDS OF THE CITY ENGINEER, OR THROUGH FIELD EXAMINATION OR PHOTO GRAMMETRIC ANALYSIS; PROVIDED, HOWEVER, THAT THE OWNERS OF PROPERTIES WHICH ARE PROPOSED FOR SUBDIVISION AND/OR DEVELOPMENT AFTER THE DATE OF THE ADOPTION OF THIS SECTION SHALL INCLUDE ON ALL PRELIMINARY PLAN AND FINAL PLAN DRAWINGS SUBMITTED TO THE CITY IN CONNECTION WITH THE PLAN APPROVAL PROCESS, A CERTIFICATION AS TO THE TOTAL SQUARE FOOTAGE OF IMPERVIOUS SURFACE TO BE LOCATED ON THE PROPERTY UPON ITS DEVELOPMENT. IMPERVIOUS AREA, AS ASCERTAINED IN THIS SECTION SHALL BE REPORTED TO THE UTILITY DEPARTMENT, INCLUDING ANY KNOWN CHANGES THERETO.**

**REGARDLESS OF ANY PROVISION TO THE CONTRARY, THE NAPOLEON CITY AREA SCHOOL DISTRICT MAY, SOLELY FOR THE PURPOSE OF THIS OVERFLOW ABATEMENT CHARGE, HAVE ALL PROPERTIES THAT ARE UTILIZED FOR PUBLIC EDUCATION AGGREGATED AS ONE.**

**EFFECTIVE WITH THE 1ST BILLING CYCLE IN JANUARY IN THE YEAR 2007, TO BE REFLECTED IN THE JANUARY 1ST BILLING OF THE YEAR 2007, AND FOR EACH BILLING CYCLE THEREAFTER, THE FOLLOWING RATE STRUCTURE SHALL BE CHARGED MONTHLY AS FOLLOWS:**

## **RESIDENTIAL PROPERTY**

**INSIDE CORPORATION LIMITS:**       \$ 9.50  
**OUTSIDE CORPORATION LIMITS:**   \$14.25

## **COMMERCIAL AND INDUSTRIAL PROPERTY**

<b>TIER</b>	<b>ERU*</b>	<b>INSIDE CORP. LIMIT</b>	<b>OUTSIDE CORP. LIMIT</b>
<b>LESS THAN</b>	<b>3.0</b>	<b>\$ 9.50</b>	<b>\$ 14.25</b>
<b>ONE</b>	<b>3.0 – 8.9</b>	<b>\$ 20.00</b>	<b>\$ 30.00</b>
<b>TWO</b>	<b>9.0 – 16.9</b>	<b>\$ 48.00</b>	<b>\$ 72.00</b>
<b>THREE</b>	<b>17.0 – 26.9</b>	<b>\$ 90.00</b>	<b>\$135.00</b>
<b>FOUR</b>	<b>27.0 – 47.9</b>	<b>\$134.00</b>	<b>\$201.00</b>
<b>FIVE</b>	<b>48.0 – 89.9</b>	<b>\$248.00</b>	<b>\$372.00</b>
<b>SIX</b>	<b>90.0 AND ABOVE</b>	<b>\$330.00</b>	<b>\$495.00</b>

**\*ERU IS CALCULATED TO THE NEAREST ONE-TENTH**

### **(F) CREDIT & REDUCTION.**

**(1) COMMERCIAL AND INDUSTRIAL PROPERTIES - RUNOFF IS DRAMATICALLY INCREASED BY THE IMPERVIOUS SURFACES CREATED BY DEVELOPMENT, SUCH AS BUILDINGS AND PAVEMENT; HOWEVER, SOME COMMERCIAL AND INDUSTRIAL PROPERTIES WHERE THE OVERFLOW ABATEMENT CHARGE IS APPLICABLE PURSUANT TO 931.12(C) HAVE FACILITIES ON SITE THAT REDUCE THE AMOUNT OR INTENSITY OF STORM WATER THAT IS DISCHARGED TO THE CITY'S STORM WATER COLLECTION SYSTEM. IN ORDER TO BE EQUITABLE AND ENCOURAGE FUTURE DETENTION OR RETENTION TO ELIMINATE OVER-FLOW CONDITIONS, THESE PROPERTIES MAY BE GRANTED A REDUCTION OF UP TO EIGHTY PERCENT (80%) OF THEIR CALCULATED ERU'S, SUBJECT TO APPROVAL OF AN APPLICATION MADE BY THE RESPONSIBLE PARTY FOR PAYMENT TO BE SUBMITTED TO THE CITY UTILITY DEPARTMENT TO BE APPROVED BY THE CITY MANAGER. IN THE CASE OF MULTIPLE RESPONSIBLE PARTIES FOR PAYMENT APPLYING FOR CREDIT IN REGARD TO COMMON DETENTION OR RETENTION, THE CITY MANAGER MAY PRORATE SAID CREDIT AT ANYTIME.**

**(2) MULTIPLE-LEVEL BUILDING REDUCTION - IN THE CASE OF MULTIPLE-LEVEL, MULTIPLE-UNIT BUILDINGS THAT CONTAINS AT LEAST ONE SINGLE FAMILY UNIT WHEREIN ONE OR MORE SINGLE FAMILY UNITS OCCUPIES SOME OR ALL OF THE SPACE ABOVE OR BELOW ANOTHER RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL UNIT, THE RESPONSIBLE PARTY FOR PAYMENT, AS IT APPLIES TO ONLY THE RESIDENTIAL PORTION, MAY BE GRANTED A REDUCTION OF UP TO FIFTY PERCENT (50%) OF THE OVERFLOW ABATEMENT CHARGE, SUBJECT TO APPROVAL OF AN APPLICATION MADE BY THE RESPONSIBLE PARTY FOR PAYMENT TO THE CITY UTILITY DEPARTMENT AND APPROVED BY THE CITY MANAGER.**

**(G) APPEAL.**

**(1) COMMERCIAL AND INDUSTRIAL PROPERTIES - IF A RESPONSIBLE PARTY FOR PAYMENT FEELS THAT SAID RESPONSIBLE PARTY FOR PAYMENT IS ENTITLED TO CREDIT OR GREATER CREDIT THAN CONFERRED PURSUANT TO (F)(1) OF THIS SECTION, THE RESPONSIBLE PARTY MAY APPEAL TO THE CITY MANAGER, IN WRITING, TO SEE IF A CREDIT OR GREATER CREDIT IS WARRANTED. APPEALS SHOULD BE MADE IN ACCORDANCE WITH THE ESTABLISHED POLICIES AND PROCEDURES OF THE WATER AND SEWER RULES, RULE 26. THE APPEAL MUST PROVIDE A DISCUSSION OF THE REASON FOR THE CREDIT OR ADDITIONAL CREDIT, DOCUMENTATION, INCLUDING HYDRAULIC CALCULATIONS, AND MUST BE IN CONFORMANCE WITH THE CITY'S ENGINEERING STANDARDS. NO MORE THAN A EIGHTY PERCENT (80%) PERCENT ERU CREDIT WILL BE GIVEN TO ANY COMMERCIAL OR INDUSTRIAL PROPERTY.**

**(2) MULTIPLE LEVEL BUILDINGS - IF A RESPONSIBLE PARTY FOR PAYMENT FEELS THAT SAID RESPONSIBLE PARTY IS ENTITLED TO A REDUCTION IN FEES, PURSUANT TO (F)(2) OF THIS SECTION, THE RESPONSIBLE PARTY MAY APPEAL TO THE CITY MANAGER, IN WRITING, TO SEE IF A REDUCTION IS WARRANTED. APPEALS SHOULD BE MADE IN ACCORDANCE WITH THE ESTABLISHED POLICIES AND PROCEDURES OF THE WATER AND SEWER RULES, RULE 26. NO MORE THAN A FIFTY PERCENT (50%) REDUCTION IN THE OVERFLOW ABATEMENT CHARGE WILL BE GIVEN TO ANY RESIDENTIAL UNIT.**

**(3) SUBJECT TO APPROVAL OF APPLICATION BY THE CITY MANAGER, A RESPONSIBLE PARTY MAY BE GRANTED SUCH CREDIT OR REDUCTION IN FEES RETROACTIVELY FOR UP TO SIXTY (60) DAYS PRIOR TO THE APPLICATION SUBMISSION DATE, BUT THE CREDIT OR REDUCTION IS NOT TO PRECEDE THE EFFECTIVE DATE OF THIS SECTION.**

**(H) CONFLICT WITH RULES FOR WATER AND SEWER SERVICE.**

**WHERE A CONFLICT ARISES BETWEEN THIS SECTION 931.12 AND THE RULES FOR WATER AND SEWER SERVICE, THIS SECTION (931.12) SHALL CONTROL.**

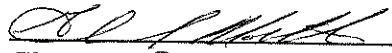
Section 3. That, Section 931.09 as existed prior to the enactment of this Ordinance is repealed.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

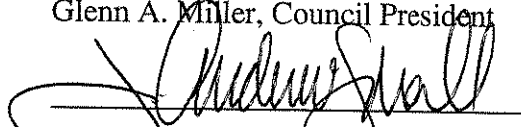
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: 11-06-06

  
Glenn A. Miller, Council President

Approved: 06 NOV 06

  
J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

**ORDINANCE NO. 074-06**

**AN ORDINANCE AMENDING RULE 1 OF THE RULES FOR  
WATER AND SEWER SERVICE; ESTABLISHING RULE 33  
(OVERFLOW ABATEMENT)**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,  
OHIO:**

Section 1. That, Rule 1 of the City of Napoleon Water and Sewer Rules is hereby amended and enacted as follows:

**"APARTMENT COMPLEXES**

Any structure or facility, excepting a single family house, containing one (1), two (2), or more family dwelling units that is contained within a primary structure or facility used for the place of abode of one (1) or more persons living together; a multiple dwelling or complex.

**APPLICANT**

A person who requests or makes an application for service.

**APPLICATION FOR SERVICE**

A request to the City to enter into a contractual agreement for water/sewer service.

**APPROVED**

Acceptance by the City and/or the Ohio Environmental Protection Agency (whichever is applicable) as suitable for the proposed use.

**BACKFLOW**

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source other than the intended source of the potable water supply.

**BACKFLOW PREVENTION DEVICE**

An approved device, method, or type of construction intended to prevent backflow into a potable water supply.

**BASE CHARGE**

An amount determined by the City through legislation for water and/or sewer service. Also known as the "capacity charge".

**BILLING CYCLE**

The time between meter readings. Generally a thirty (30) day period determined by the billing date.

**BUILDING DRAIN**

The lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

### **BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal; also called "house connection".

### **BOD**

Biological Oxygen Demand.

### **CAPACITY CHARGE**

An amount determined by the City through legislation for water and/or sewer service. Also may be referred to as the "base charge". Based on the defrayment of the general maintenance, replacement, and operation cost related to the water or sewer systems. For sewer purposes, being a fixed monthly charge for service provided, to each lot, parcel of land, building, or premises having sewer connection with the sewer system, or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the City's wastewater collection system. For water purposes, being a fixed monthly charge, based upon meter size, charged for water service provided to each lot, parcel of land, building, or premises having water connection with the City's water distribution system.

### **CAPACITY OF CHARGE**

Meter size in inches, normally, shall be equal to the size of the meter.

### **C**

Celsius.

### **CBOD**

Carbonaceous Biological Oxygen Demand.

### **CITY**

City of Napoleon, Ohio also when the context clearly indicates, means the utility service of the City. For purposes of liability, City means its officials, officer's, employees, or agents. The City Manager being the authorized person of the City who shall manage, conduct, and control the water works of a municipal corporation, furnish supplies of water, and appoint any necessary officer and agent. The City Finance Director having the duties of assessing and collecting rents and charges associated with the municipal water works and sewer works.

### **CITY ENGINEER**

The City Engineer of the City of Napoleon, Ohio, or his/her designated representative.

### **CITY ENGINEERING DEPARTMENT**

The City Engineering Department of the City and employees thereof under the direction of the City Engineer.

### **CITY FINANCE DIRECTOR**

The City Finance Director of the City of Napoleon, Ohio, or his/her designated representative.

### **CITY MANAGER**

The City Manager of the City of Napoleon, Ohio, or his/her designated representative.

### **COMBINED SEWER**

A sewer intended to receive both wastewater and storm or surface water.

### **COMMERCIAL RATE**

The rate as established in the City legislation as the commercial rate. Also construed as the industrial rate. Applicable to residential service where the water meter size is larger than one (1.0") inch nominal diameter. Applicable for service supplied to (when not individually metered) multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes), multiple dwelling units, or apartment complexes or for commercial, business, professional, industrial or other similar nonresidential use whether individually metered or not. Applicable where more than one (1) dwelling unit (such as an apartment complex or manufactured home park (mobile home park) is served through a single meter.

### **COMMERCIAL SERVICE**

Commercial service is available to residential service where the water meter size is larger than one inch (1.00") nominal diameter. Commercial service is both applicable and available for service supplied to (when not individually metered) multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes), multiple dwelling units, or apartment complexes; or for commercial, business, professional, industrial or other similar nonresidential use, whether individually metered or not. Applicable and available where more than one (1) dwelling unit (such as an apartment complex or manufactured home park (mobile home park)) is served through a single meter. For the purpose of these rules, commercial service is applicable to business establishments, factories, processing plants, apartment complexes, offices, restaurants, clubs, lodges, theaters, rest homes, hospitals, churches, multiple manufactured home parks (mobile home parks), schools, and all other establishments of a commercial, business, professional, or nonresidential in character.

### **COMMERCIAL USER**

Any person contracted or being served with the commercial service.

### **COMMODITY CHARGE**

The charge for the actual amount of water used or sewer services used based on volume.

### **COMPATIBLE POLLUTANT**

Pollutants that the wastewater treatment plant was designed to treat which are BOD, SS, phosphorus, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

### **CONNECTION CHARGE**

The amount paid by each new premises connected to the wastewater treatment system to pay for the City's share of facilities required to serve the premises.

### **CONSUMED**

Utility service used, spilled or otherwise expended by the customer or others after entering any line, pipe, valve, conduit, meter, appurtenance or structure that is under the control or ownership of the customer, property owner, or tenant; or where the utility service is used, spilled, or otherwise expended due to lines or appurtenances not being



properly installed or maintained by the customer, property owner or tenant when there is a duty to do so; or any utility service that passes through any utility meter installed for monitoring purposes.

### **CONSUMER**

Any person who is the ultimate user of water/sewer service from the City. A consumer is any person which receives water/sewer service at one (1) location from the City under one (1) rate classification, contract, or schedule. If service is supplied to a customer at more than one (1) location, each location shall be counted as a separate customer unless the consumptions are combined before the bill is calculated.

### **CUSTOMER**

Any person as herein defined, using services of the City's public water system and/or public sewer or connected, directly or indirectly, to either; further, may include the owner, tenant, or lessee of the property being served. May also mean, the owner or person in control of any commercial or industrial premises supplied by or in any manner connected to, the public water or public sewer system.

### **CUSTOMER'S WATER SYSTEM**

Any water system, located on the customer's premises, supplied by, or in any manner connected to, a public water system.

### **CONTAMINATION**

Any impairment of the quality of the water by sewage, process fluid or waste to a degree that creates, or reasonably may create, a health hazard.

### **CROSS-CONNECTION**

Any arrangement whereby backflow can occur.

### **DWELLING UNIT**

The house, manufactured home (mobile home), apartment or other structure in which a person may or does live, reside or habitats.

### **DIRECTOR**

The director of the Ohio Environmental Protection Agency, or his/her designated representative.

### **EASEMENT**

An acquired legal right for the specific use of land owned by others.

### **EPA**

The Ohio Environmental Protection Agency.

### **EXTENDING WATER SERVICE**

The providing of water service outside the corporate limits by the furnishing of water and/or lines therefore.

### **F**

Fahrenheit.

### **FLOATABLE OILS**

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

### **FORCE MAJEURE**

Any cause beyond the control of the parties, including but not limited to, failure of facilities (both direct and indirect), necessary maintenance, damage to the machinery or water or sewer lines of the City, acts of nature, including but not limited to, flood, earthquake, storm, lightning, fire, epidemic, pestilence, the public enemy, terrorist act, war, riot, civil disturbance, labor disturbance, sabotage, and restraint or action by court or public authority, which by due diligence and foresight either party, as the case may be, could not reasonably have been expected to avoid; provided however, that the party suffering such disability shall use due diligence to remove the same with all deliberate speed and provided further, nothing contained herein shall be construed to require a party to settle a labor dispute.

### **GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

### **GROSS CHARGE**

Gross charge per month per service will be the sum of all costs for water and/or sewer service as specified in the customer's bill as the gross charge, plus any delinquent charge.

### **HEALTH HAZARD**

Any condition, device or practice in a public water system or its operation that creates, or reasonably may create, a danger to the health, safety or well being of the general public or any user thereof or to the system.

### **INCOMPATIBLE POLLUTANT**

Any pollutant that is not compatible (see **COMPATIBLE POLLUTANT**).

### **INDUSTRIAL RATE**

The rate established in City legislation as the "industrial rate". Also construed as the "commercial rate".

### **INDUSTRIAL SERVICE**

Industrial service is applicable and available to any establishment being used or developed for industrial purposes. Also, any building or premises which may be used as a place of resort, assembly, education, amusement, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic or occupancy by the public.

### **INDUSTRIAL USER**

Any person contracted or being served with the industrial service.

## **INDUSTRIAL WASTES**

The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

## **MAJOR CONTRIBUTING INDUSTRY**

An industrial user of the publicly owned treatment works that: has a flow of 50,000 gallons or more per average workdays; or has a flow greater than five (5%) percent of the flow carried by the City's system receiving the waste; or has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of PL 92-500; or is found by the permit issuance authority, in connection with the issuance of a NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from the treatment works.

## **NATURAL OUTLET**

Any outlet, including storm sewer and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

## **NEW CONNECTION**

A water or sewage service connection that did not previously exist, an improvement or upgrade of an existing water or sewage service connection, or a replacement of an existing water or sewage service connection.

## **NET CHARGE**

Net charge per month per service will be the sum of the commodity charge plus the capacity charge as set forth in City legislation and/or as specified in the customer's bill as the net charge, less any delinquent charge. May also be referred to in legislation as "net rate".

## **NON-POTABLE WATER**

Water not safe for drinking, personal or culinary use.

## **NON-INDUSTRIAL USER**

All users of the wastewater facilities not classified as an "industrial user" as defined herein.

## **NONRESIDENTIAL SERVICE**

Service that is not otherwise considered to be residential service; may be commercial or industrial.

## **NPDES PERMIT**

National Pollutant Discharge Elimination System Permit as issued by the State of Ohio Environmental Protection Agency or other agency designated by the State.

## **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS**

Those costs, including labor, materials, supplies, equipment, accessories, and appurtenances, required to operate the facilities, keep facilities in operating condition, and maintain the capacity and performance during the service life of the treatment works for which such works were designated and constructed.

## **OPERATION SUPERINTENDENT**

The Operations Superintendent of the City of Napoleon, Ohio or his/her representative.

## **OUPS**

The Ohio Utility Protection Service.

## **OUT OF CITY SERVICES**

Services related to water and sewer outside the corporate limits of the City; also known as non-City services.

## **OVERFLOW ABATEMENT CHARGE**

~~The specific "earmarked" fee established by the City to pay for (in addition to the defrayment of the general maintenance, replacement and operation cost related to the sewer system) the cost of a program designed to eliminate sanitary and combined sewer overflows. Charged in addition to the capacity and commodity charge in an effort to maintain low cost future sewer rates.~~ A charge created **IMPOSED** pursuant to Section 931.12 of the Codified Code of Napoleon, Ohio **FOR PURPOSE AS STATED IN SAID SECTION 931.12.**

## **PERSON**

Any state, agency, institution, political subdivision, individual, corporation, partnership, business trust, estate, trust, association, or other legal entity.

## **PH**

The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

## **PHOSPHORUS**

The total phosphorus content of a sample including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, as referred to in "standard methods" as total phosphorus.

## **PRETREATMENT**

The treatment of wastewater from sources before introduction into the treatment works.

## **PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

## **PROPERTY OWNER**

Person owning the real estate where water/sewer service is, requested, required, or used; may at times when the text clearly indicates, be considered a customer.

## **PREMISES**

The real property where water/sewer service is requested, required, or used.

## **PROPERTY**

The real property where water/sewer service is requested, required, or used.

### **PROCESS FLUIDS**

Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that would constitute a health, pollutional or system hazard if introduced into the public or a potable customer's water system. This includes, but is not limited to: polluted or contaminated waters; process waters; used waters originating from the public water system which may have deteriorated in sanitary quality; cooling waters; contaminated natural waters taken from wells, lakes, streams, irrigation systems; oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

### **PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

### **PUBLIC WATER SYSTEM**

A system as defined in R.C. Sections 6109.01 and 6109.02, and as later amended, which are incorporated herein by reference.

### **R.C.**

The Ohio Revised Code.

### **RESIDENTIAL RATE**

The rate as established in the City Code as the residential rate.

### **RESIDENTIAL SERVICE**

Except as otherwise provided, the residential service is applicable and available for residential users at the residential rate. Applicable to persons that live in or occupy single family dwellings units, or houses whether in a form of a house, or multiple apartments when individually metered, used strictly for "residential" or "domestic" purposes and supplied from a service line generally not greater than one inch (1") in diameter.

Domestic purposes also includes agricultural pursuits where service is taken through one (1) meter primarily for residential purpose and secondary for the usual farm uses outside the home, but is not extended to operations of a commercial nature or operations such as processing, preparing or distributing products not raised or produced on the farm, unless such operation is incidental to the usual domestic and farm uses. Except for manufactured home parks (mobile home parks) or an apartment complex or a combination thereof containing six (6) or less dwelling units, that existed on a premises prior to October 20, 1997, it is not applicable or available where more than one (1) dwelling unit (such as an apartment complex or manufactured home park (mobile home park)) is being served through a single meter or where such complex or park has a service line greater than one inch (1") in diameter.

### **RESIDENTIAL USER**

Any person that contracts for and is being served with residential service.

### **SANITARY SEWER**

A sewer that carries wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

### **SERVICE CONNECTION FEE (WATER)**

The amount paid by each premises to be connected to the water system of the City to pay for the City's share of facilities required to serve the premises and to offset the cost of the City providing a copper setter, meter, installation, wiring and any applicable transmitter in residential subdivisions and developments within the corporate limits that are or have been constructed to City standards.

### **SEWAGE**

The spent water of a community. The preferred term is "wastewater", as defined in these Rules.

### **SEWER**

A pipe or conduit that carries wastewater or drainage water.

### **SEWER SERVICE CONNECTION (SANITARY)**

A sanitary sewer that carries wastes from residences, commercial buildings, industrial plants and institutions from such structures to a sanitary sewer main.

### **SLUG**

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and performance of the wastewater treatment works.

### **SS**

Suspended Solids.

### **STANDARD METHODS**

Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association (most current edition).

### **STORM DRAIN OR STORM SEWER**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

### **SUSPENDED SOLIDS**

Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "standard methods" and referred to as non-filterable residue.

### **SYSTEM HAZARD**

A condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable customer's water system.

### **TAP**

Defined as a water service connection.

### **TAP CHARGE (WATER/SEWER)**

That amount paid by each premises to be connected to the water distribution system and wastewater collection system at time of connection.

### **TEMPORARY SERVICE**

The water service to an establishment that is not installed to minimum specifications and is non-permanent in character. Such service is short term or emergency in nature.

### **TENANT**

Any person as herein defined who contracts for water and/or sewer service of the City or who receives the same but does not own or possess legal title to the property for which the person has requested or receives the utility service, but rents or leases the premises served. When the context clearly indicates may also mean consumer or customer.

### **THESE RULES**

Means all Rules contained herein as the "City of Napoleon Rules for Water and Sewer Service". "Rule" means the entire Rule including "Sub Rules" found within, unless a particular "Sub Rule" or "provision" is specifically identified.

### **USED WATER**

Any water supplied by the City from a public water system to a customer's water system after it has passed through the service connection and is no longer under the control of the supplier.

### **UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

### **UTILITY DEPARTMENT**

The Department of Utility Collections.

### **WASTEWATER TREATMENT WORKS**

The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

### **WATER SERVICE**

The furnishing of water and/or lines therefore.

### **WATER SERVICE CONNECTION**

The terminate end of a water service line from the public water system. If a meter is installed at the end of the service line, the service connection means the downstream end of the meter.

### **WATER SYSTEM**

The water system considered as made up of two (2) parts: the public potable water system and the customer's water system. The public potable water system shall consist of the City's source facilities and distribution system, including all facilities of the potable water system, under control of the City up to the backflow-prevention device. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public distribution system. The public distribution system shall include the network of conduits used for delivery of water from the source to the customer's water system. The customer's water system shall include those parts of the

facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.

### **WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Section 2. That, Rule 33 of the City of Napoleon Rules for Water and Sewer Service is hereby established as follows:

#### **"RULE 33 OVERFLOW ABATEMENT.**

**THE OVERFLOW ABATEMENT CHARGE, BILLINGS, CREDITS AND PROCEDURES SHALL BE AS ESTABLISHED IN SECTION 931.12 OF THE CODIFIED CODE OF NAPOLEON, OHIO. WHERE SECTION 931.12 DOES NOT COVER A SUBJECT MATTER RELATED TO SEWER AND OVERFLOW ABATEMENT, THEN THESE RULES SHALL APPLY WHERE APPLICABLE."**


Section 3. That, Rule 1 and Section 1 of Ordinance 077-04 as existed prior to the enactment of this Ordinance are repealed.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

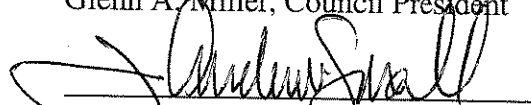
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: 11-06-06

  
Glenn A. Miller, Council President

Approved: 06NOV06

  
J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director



*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Gregory J. Heath, Clerk/Finance Director*