

CITY OF NAPOLEON RULES

FOR

WATER AND SEWER SERVICE

CITY OF NAPOLEON
255 WEST RIVERVIEW AVENUE
P.O. BOX 151
NAPOLEON, OHIO 43545

HISTORY OF WATER-SEWER RULES
From Passage of Ordinance No. 82-97

Rule 1: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 90-00, passed August 21, 2000; Amended Ordinance No. 107-01, passed October 15, 2001; Ordinance No. 077-04, passed July 19, 2004; Amended Ordinance 074-06, passed November 6, 2006.

Rule 2: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000.

Rule 3: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 4: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000 (repealed with passage of Ordinance No. 074-06, passed November 6, 2006).

Rule 5: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 77-04, passed July 19, 2004; Amended in part Ordinance No. 089-2008, passed December 8, 2008; Ordinance No. 057-12, passed August 20, 2012.

Rule 6: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000; Amended in part Ordinance No. 026-14, passed May 19, 2014.

Rule 7: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 8: Adopted Ordinance No. 82-97, passed October 20, 1997; Amend in part Ordinance No. 53-00, passed June 19, 2000; Amended in part Ordinance No. 026-14, passed May 19, 2014.

Rule 9: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 10: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 107-01; passed October 15, 2001.

Rule 10.1(E) Amended Ordinance No. 023-20, Passed July 6, 2020

Rule 11: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 90-00; passed August 21, 2000.

Rule 11(E) Amended Ordinance No. 023-20, Passed July 6, 2020

Rule 12: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000 (repealed old Rule 12 by repealing Section 13 of Ordinance No. 029-06, passed June 5, 2006); Amended Ordinance No. 107-01, passed October 15, 2001; Amended Ordinance No. 005-07, passed April 16, 2007.

Rule 13: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 14: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 15: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000; Amended in part Ordinance No. 107-01, passed October 15, 2001; Amended Ordinance No. 100-03, passed December 1, 2003; Amended Ordinance No. 005-07, passed April 16, 2007.

Rule 16: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 100-03, passed December 1, 2003; Amended Ordinance No. 005-07, passed April 16, 2007; Repealed old working of Rules 16 as was contained in Section 2 of Ordinance No. 100-03 with passage of Ordinance No. 047-07, passed May 7, 2007.

Rule 17: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 107-01, passed October 15, 2001; Amended Ordinance No. 100-03, passed December 1, 2003; Ordinance No. 029-06, passed June 5, 2006; Amended Ordinance No. 029-06, passed April 4, 2011.

Rule 18: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 19: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 20: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 107-01, passed October 15, 2001; Ordinance No. 029-06, passed June 5, 2006.

Rule 21: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 22: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 107-01, passed October 15, 2001; Ordinance No. 100-03, passed December 1, 2003; Amended Ordinance No. 005-07, passed April 16, 2007; Amended in part Ordinance No. 089-2008, passed December 8, 2008.

Rule 23: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000.

Rule 24: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 25: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 100-03, passed December 1, 2003.

Rule 26: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended in part Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 029-06, passed June 5, 2006.

Rule 27: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 28: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 29: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 30: Adopted Ordinance No. 82-97, passed October 20, 1997.

Rule 31: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 53-00, passed June 19, 2000.

Rule 32: Adopted Ordinance No. 82-97, passed October 20, 1997; Amended Ordinance No. 12-98, passed February 16, 1998; Ordinance No. 72-98, passed September 8, 1998; Ordinance No. 85-9999, November 1, 1999; Ordinance No. 100-03, passed December 1, 2003; Ordinance No. 53-00, passed June 19, 2000; Amended Ordinance No. 90-00, passed August 21, 2000; Repealed old wording of Rule 32 as was contained in Section 1 of Ordinance No. 72-98 with passage of Ordinance No. 029-06, passed June 5, 2006; Amended in part Ordinance No. 089-08, passed December 8, 2008.

Rule 33: Adopted Ordinance No. 074-06, passed November 6, 2006.

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CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE

RULE 1 DEFINITIONS

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.

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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.

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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

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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.

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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.

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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.

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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.

OPERATIONSUPERINTENDENT

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

A charge 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.

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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

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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 off set 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).

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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.

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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.

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RULE 2 RESIDENTIAL WATER SERVICE

Rule 2.1 Availability Of Residential Water Service

Residential service for water is available to persons having a premises that qualifies for "residential service". Such service shall be considered available when the premises is located within the corporate limits of the City and where public water lines are installed within two hundred (200') feet of the property line of such premises.

Rule 2.2 Residential Water Rate

- (A) The residential rate is the charge applicable pursuant to the definition of "residential rate" and is available to "residential users" as defined in these rules.
- (B) Water charges are determined on a monthly basis per service ("net charge") and is the sum of the commodity charge and capacity charge as established by the City and as may be amended from time to time.
- (C) For all installations of water service, the size of the service and meter shall be determined by the City; in all such cases the size of the service shall determine "capacity of service" for billing purposes (see "capacity of service" as defined herein).
- (D) A base charge is also established by the City.

Rule 2.3 Dwelling Unit

Except for those multiple establishments that are grandfathered pursuant to Rule 3.3 (Multiple Establishments), all dwelling unit(s) desiring to receive the residential rate, after the effective date of these Rules, shall be individual metered and plumbed before water service is established; this will include separate taps and tap charges.

Rule 2.4 Use Of Service

The service under this Rule is available for strictly "residential users" as is defined in these Rules. For all other nonresidential service that does not conform to said requirements, the City's commercial rate schedule as established by the City and as may be amended from time to time shall apply.

Rule 2.5 Minimum Charge Per Month Or Part Thereof

The minimum charge shall be not less than the sum of the applicable commodity charge and the capacity charge. Disconnection of service will affect customer's liability to pay the applicable minimum charge; however, reconnection of water service shall be subject to City's charge for such

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service, as established by the City and as may be amended from time to time.

Rule 2.6 Non-City Services

Any service (water or sewer) outside the corporate City limits shall be only by written contract.

Rule 2.7 Tap Charge

The initial establishment of water service is subject to a tap charge as established by the City and as may be amended from time to time.

Rule 2.8 Direct Connection Required To Water Lines

Direct connection is required to public water lines pursuant to Rule 23.

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RULE 3 NONRESIDENTIAL WATER SERVICE

Rule 3.1 Availability Of Nonresidential Water Service

Nonresidential service for water, (also known as "commercial or industrial water service") is available when the premises qualifies for "commercial or industrial service". Such service shall be considered available when the premises is located within the corporate limits of the City and where public water lines are installed within two hundred (200') feet of the property line of such premises.

Rule 3.2 Nonresidential Water Rate

- (A) The nonresidential rate is the charge applicable pursuant to the "industrial rate" or "commercial rate" and is available to industrial or commercial users as defined in these rules.
- (B) Water charges are determined on a monthly basis per service ("net charge") and is the sum of the commodity charge and capacity charge as established by the City and as may be amended from time to time.
- (C) For all installations of water service, the size of the service and meter shall be determined by the City; in all such cases the size of the service shall determine "capacity of service" for billing purposes (see "capacity of service" as defined herein).
- (D) A base charge is also established by the City.

Rule 3.3 Multiple Establishments (Metering)

Except for those establishments that existed prior to October 20, 1997 being served in a manner contrary to these rules, all individual businesses, establishments or activities located on the same premises having six (6) or less apartments, dwellings, manufactured homes (mobile homes), or the like, shall be individual metered and tapped. Any such premises having more than six (6) apartments, dwellings, manufactured homes (mobile homes), or the like, shall be mastered metered unless otherwise approved for individual metering by the City Manager; said approval not to be unreasonably withheld; such decision appealable in accordance with the appeal procedure established in these rules (See Rule 25). Except as otherwise provided, all establishments shall be metered and plumbed before service is established; when applicable, this will include separate taps and tap charges.

Rule 3.4 Minimum Charge Per Month Or Part Thereof

- (A) The minimum charge shall be not less than the sum of the applicable commodity charge and the capacity charge. Disconnection of service will affect customer's liability to pay the applicable minimum charge; however,

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reconnection of water service shall be subject to the City's charge for such service, as established by the City and as may be amended from time to time.

- (B) For tax free and nonprofit public activities such as county fairs, athletic fields, swimming pools, and the like, the minimum charge shall be applicable every month that service is turned on; further, the minimum charge shall be applicable for not less than three (3) months for fairs and six (6) months for athletic fields and swimming pools.
- (C) Each reconnection of water service shall be subject to the City's charge for such service, as established by the City and as may be amended from time to time. For connections related to paragraph (B) above, it shall be construed as reconnection.

Rule 3.5 Special Line Extensions

All new special line extensions, including extensions of water mains required for fire protection, shall be paid for by the owners/customers involved and in accordance with the provisions set forth herein. If the City deems it necessary to install oversize lines, then the City may pay the difference in cost.

Rule 3.6 Tap Charge

The initial establishment of water service is subject to a tap charge as established by the City and as may be amended from time to time.

Rule 3.7 Direct Connection Required To Water lines

Direct connection is required to public water lines pursuant to Rule 23.

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RULE 4 INSTALLATION OF WATER UTILITY

Rule 4.1 General Rules

- (A) Necessary water service tap shall be as provided pursuant to these Rules after the required cash payment of deposit has been made and after the customer has fulfilled customer's portion necessary for the completion of the service.
- (B) The City will not be required to furnish service to the customer or property owner until a reasonable time after the application has been accepted by the City Utility Department.
- (C) The City will operate, maintain and repair the service line and appurtenances extending from the main to and including the curb stop. The property owner shall be responsible for the maintenance of all lines entering the property owner's property from the curb stop.
- (D) Normal maintenance and repair of the meter will be done by the City at City's expense; however, extraordinary maintenance and repairs caused by freezing, backup of hot water through meter, or by other negligence on the part of the customer, shall be paid for by the customer, including, but not limited to, the cost of all labor and the meter.

Rule 4.2 Tap & Service Line Installation

- (A) The City will install the necessary tap and will furnish, install and maintain the service line extending from the main to and including the curb stop and box. The curb shut off box will be installed by the City at a location to be determined by the City. The fee for installation shall be as established by the City, as may be amended from time to time, governing utilities. The cost of the installation of the necessary tap will be paid by the requesting customer.
- (B) In the case of a new multiple lot subdivision or development, all taps and service lines must be installed at the time the water mains are installed. The service line installation shall extend from the main to and include the curb box and shut off valve. The cost of the taps and service lines will be paid by the property developer, builder, or contractor. Service connection fees shall apply to residential subdivisions or developments within the corporate limits when constructed to City standards.
- (C) In all cases where new water mains are being installed, every property owner will be required, at property owner's expense, to install at that time the tap, the service line, curb shut off box, and incidentals thereto.
- (D) All service lines from the main to the curb stop shall be of not less than one (1") inch inside diameter of Type K soft copper pipe.

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Rule 4.3 *Meter Installation*

The property owner shall furnish a suitable frost free location, within the owner's building, as per mounting drawings on file at the building department, for the location of City's water meter. The installation shall be such as to be protected from injury by the elements or through negligence or deliberate acts of any person. The City will furnish, install and maintain the meter and mounting yoke where required. All other piping and valves on the property owner's side of curb box shall be furnished, installed and maintained by the property owner/designee.

Rule 4.4 *Cross Connections Prohibited*

- (A) Due to possible contamination of the City's water supply, no cross connections whatsoever will be permitted between another water supply and/or piping system and the City's water supply and/or piping system. Further, no connections of any kind whatsoever will be permitted that would make it possible for any other water supply sources, including wells, cisterns, drainage, sewage or other contamination, to enter the City's water system.
- (B) The City has the right to refuse to furnish service or to discontinue service after the same has been once established where possible water contamination can result from use of the water service.

Rule 4.5 *Private Installation Of Service*

- (A) The City may immediately refuse service or to discontinue service whenever the installation is of such nature that it would jeopardize, contaminate or otherwise affect the service to customers.
- (B) Private installation shall conform to City rules or code or other governmental authority having jurisdiction over the same, and regular water service shall not be established until installation is inspected and approved by the City.
- (C) All installations shall have shut off valves installed on both sides of the meter, as specified by the City's Zoning Administrator (who also serves as the City's Building Inspector) or other person so designated by the City Manager, before service is established or reconnected.
- (D) The service line and all connections extending from the curb box to and throughout the property owner's premises shall be installed, owned, operated and maintained by the property owner. Said service line extending to the City's utility meter shall conform to and be installed in accordance with City specifications.
- (E) All properties being served shall be maintained, at the property owner's expense, keeping their service pipes and connections in good repair. All

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service lines shall be located below the frost line four (4') feet below finished grade) in order to protect same from frost or other damage.

- (F) The owner of a property to be served shall install in the property owner's water piping system a suitable backflow device, the installation of which shall be approved by the City, so as to prevent contaminants or hot water or excessive pressures from entering the City's system.
- (G) If the City's meter is damaged by hot water, freezing, steam, rough use, or any cause other than normal wear and usage, the customer shall be charged the amount of repair. The amount shall be placed upon the water/sewer bill of the customer for the succeeding month and shall be due and payable within the payment period specified for bills. If said amount is not paid within the time provided for the payment of such bill, the water service may be disconnected as in other cases for nonpayment of bill.
- (H) In order to avoid possible contamination of the City's water supply, under no circumstances shall cross connections be permitted between any piping of the property owner/customer and any other sources of water supply or drainage. When any such cross connections exist, the City may immediately shut off without notice, its water service to the customer involved, in which event service will not be reestablished until the condition, at the property owner's/customer's expense, is corrected to the City's satisfaction.
- (I) If problems occur between the main and the curb stop or in the meter, the City Utility Department should be called. If the problem is beyond the meter, the curb stop will be shut off by the City and a private plumber contacted.

Rule 4.6 Digging And/Or Marking Excavation Site For Water Service

When water service locating is desired, persons desiring the same shall physically mark the proposed excavation site with white paint, flags, or other acceptable marking methods utilized by the industry and approved by the City. Excavation, the applicant, or property owner must call the OUPS forty-eight (48) hours prior to commencement of digging. Damages resulting from failure to contact the OUPS forty-eight (48) hours prior to digging will be at the expense of the person digging or causing the same to be done. When the City locates service at the excavation site, all cost associated therewith, including time and material, shall be at the expense of the person proposing the excavation if they fail to properly mark the excavation site.

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RULE 5 SPECIAL SERVICE AND EXTENSION

Rule 5.1 Fire Protection Service (Outside Corporation)

- (A) Where water main extensions are required solely for the purpose of providing fire protection to the property owner/customer, the property owner/customer shall pay the entire cost of such special mains including any special meters and/or approved backflow prevention device as may be required. In any event to avoid the possibility of cross-connecting, no special extensions of water mains will be made to provide fire protection service unless the customer agrees in writing to purchase 100% of customer's other water requirements from the City.
- (B) Upon the expiration of any such agreement where such special fire protection has been established and the property owner/customer subsequently obtains his/her normal water supply from sources other than the City, the charge for the remaining fire protection service shall be in accordance with the minimum charges set forth in the City's commercial & industrial rate schedules based, at the City's option, on the size of the water service line or main line required for the fire protection.
- (C) The City may, but is not required to, maintain fire hydrants and flushing outside the corporate limits where the City furnishes water thereto.

Rule 5.2 Fire Protection Service (Within Corporation Limits)

- (A) Unless waived in writing by the City Manager after consulting with the City Fire Chief, for all desired fire protection service installations within the corporation limits made after the October 20, 1997, there is required a special dedicated fire service line located on premises at the property owner's expense subject to City's inspection and approval, including all of the necessary complete and separate piping system extending from the property owner's system and connection to the City's existing water main; such installations being subject to all applicable backflow regulations.
- (B) If any illegal diversion is suspected from old fire service lines, the property owner will be given reasonable written notice to properly install meters, and if not installed by the date specified by the City, the fire service line may be disconnected.
- (C) Potable water supply off of fire lines will be permitted only when connections and valving are made outside of structure foundations and metered; moreover, such connections shall be made in a manner that will allow shut off of water supply without interruption of the fire protection system line.

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- (D) No water shall be diverted from a fire service line without the City's knowledge and consent, such diversion can constitute theft of a utility and be charged under the applicable section of law.
- (E) No charge will be made for any measured water flow through said fire line resulting from use of water for fire fighting or flushing purposes.
- (F) Under no condition will new fire service line extensions or connections be made, after the effective date of these Rules, unless customer purchases one hundred (100%) percent of his/her water requirements from the City. Where customer purchases one hundred (100%) percent of customer's water requirements from City and where all of customer's water requirements, including fire protection service, are taken through a single metered service line, no additional charge will be made for any fire lines or sprinkler systems connected to the regular metered service line.

Rule 5.3 Temporary Service

Whenever the service requested by the property owner/customer is temporary, special short term or emergency, the written application or contract for such service shall specify the period of service and the character of service. The property owner/customer shall pay for all extra charges, including deposits, if any, as determined by the Utility Department, involved in connection, installation and removal of the service together with all material, labor and other expenses incidental thereto.

Rule 5.4 Special Watering

For summer watering of grass or the like, hose meters will be issued for a maximum period of ninety (90) days upon payment of a deposit as determined by the City Utility Department. Meters are limited; therefore, meters will only be issued to people watering a new yard, or newly planted trees, shrubs or the like, or filling swimming pools or the like, and will be distributed on a first come first serve basis. During prolonged drought conditions, and at the City Manager's discretion, hose meters will be available to customers doing summer watering of grass, trees, shrubs or the like for a maximum of thirty (30) days. When filling swimming pools or the like, the maximum period of time for hose meter use will be seventy-two (72) hours. The fee for using a hose meter shall be as contained in Rule 32, pro rated to the nearest day.

Rule 5.5 Hydrant Meter Use

- (A) Any request for a hydrant meter will need to be made a minimum of twenty-four (24) hours in advance. At the time of the request, the City shall be notified as to how many feet of hose is required. The City, upon payment of a deposit as determined by the City Utility Department and when determined practical for the intended use as determined by the City's

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Operations Department, will attach it to the fire hydrant, turn the hydrant on and place the hose beside the hydrant. When the customer is finished, the hose is required to be rolled back up and placed beside the hydrant. Any hoses left unrolled will result in additional charges for labor at the City's current hourly rate. Upon completion the customer is required to contact the City Utility Department to have the hoses picked up and the hydrant closed and meter removed. Under no circumstance will the City allow either the customer or contractor to operate the City's hydrant.

- (B) For people requesting a hydrant meter for reasons such as: to start a new lawn, fill a swimming pool, or the like, the service may only be allowed for a period not to exceed one (1) week.
- (C) Due to limited availability of ramps, in cases where a hose must cross a road, the person requesting this service will be put on a list and will receive the service as soon as practical.
- (D) All meters will be set and picked up during normal working hours. No request for hydrant meters will be handled on an overtime basis.
- (E) Charges will be as follows: one (1) hour to set and pickup hydrant meter and hoses (at the City's current rate for labor), plus the cost of the water (which will be the current charge for bulk sales for water at the Water Treatment Plant) and any additional charges for rolling up hoses.

Rule 5.6 Bulk Water Sales To Tank Trucks

Bulk water sales will be available at the City of Napoleon Water Treatment Plant. Rates shall be pursuant to the current rate schedule. If no special rate is developed for "bulk" sale, then it shall be the standard water rate.

Rule 5.7 Special Line Extensions

- (A) Special extensions of the City's water mains will be made only where the property owner/customer pays the entire costs of such extensions. Where a property owner/customer or group of property owners/customers pay for the cost of a special extension, the terms and security of payments shall be as prescribed by the City and must meet the approval of the City.
- (B) The size, specifications, and installations of all water main extensions shall be determined by the City and no connections will be made by the City unless the extensions conform to the City's specifications.
- (C) This Rule does not supersede the Rules pertaining to water/sewer service outside the corporation limits.

Rule 5.8 Second Meters

When a second meter is installed on a premises for irrigation or other non potable purposes, utilizing City water, where no discharge enters the

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sanitation sewer, the Customer shall pay all cost associated with installation, including time and material therefore and shall be charged the standard water rate applicable to the particular type premises with a 50% reduction in the regular capacity charge, and excluding any sewer charges. (This Rule is subject to Rule 24, Backflow Prevention.)

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RULE 6 RESIDENTIAL SEWAGE SERVICE

Rule 6.1 Availability Of Residential Sewage Service

- (A) Residential service for sewage (also known as "residential sewer service") is available to persons having a premises that qualifies for "residential service". Such service shall be considered available to the premises when the premises is located within the corporate limits of the City and where public sanitary sewer lines are installed within two hundred (200') feet of a building or structure foundation wall that is to be served on the residential premises.
- (B) The sewer service line and tap shall be installed by property owner at property owner's expense and the complete installation shall conform to City's standards and inspection requirement. No sanitary sewer connections will be permitted until the tap charge, as prescribed by the City, has been paid in full to the City.

Rule 6.2 Residential Rate

- (A) The residential sewer rate is the charge as established by the City, and is amended from time to time, and is applicable for any sanitary sewage discharged to the City's wastewater treatment works by residential users as defined in these rules.
- (B) For rate classification purposes, sewage service will be classified the same as customer's water service; however, where sewage is discharged as provided for in provision (C) of this subsection, then the rate shall be same as if the customer was utilizing the City's water service.
- (C) Where sewage is discharged into the City's sewage system and water is obtained from a source other than from the City, property owner will be required to install, at property owner's own expense, suitable metering equipment, to be approved by the City that will accurately determine the amount of sewage being discharged into the City's system.
- (D) Determination of responsibility of sewer lateral: It is the overall intent of this Rule for the City of Napoleon to assist and work with the property owner during this process in a customer friendly manner.
 - 1. Any and all maintenance of the customer's sewer lateral is the responsibility of the property owner, regardless of the location of the maintenance (for example, any maintenance such as cleaning out roots is the full responsibility of the property owner, even if said roots are in the sewer lateral between the right of way and the main.)

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2. The City will compensate the property owner if the undertaking is a repair, not maintenance, and the repair is located at or between the right of way and the main.
3. If a property owner believes there is an issue with the operability of the sewer lateral, it is the responsibility of the property owner to prove to the City that a repair is necessary and that said repair is at or between the right of way and the main.
4. Once it has been established, and the City acknowledges in writing that a repair is necessary and that said repair is at or between the right of way and the main, then the customer has several of options:
 - a. The City or a contractor acting on the City's behalf may perform the repairs.
 - b. The property owner may hire a contractor to perform the repair, subject to the permits, inspection, and adherence to the City of Napoleon's rules and regulations, the Water and Sewer Rules, and any other State or Federal rules or regulations.
 - c. (With the City of Napoleon's Engineer's express written approval) property owner may do the repair themselves, it is the responsibility of the property owner to make sure that they have all of the proper permits and inspections conducted for the repair. All repairs must be done according to the City of Napoleon's rules and regulations, the Water and Sewer Rules, and any other State or Federal rules or regulations.
5. The City will only compensate the property owner for any repairs at or between the right of way and the main, if it is later discovered that the repair was not at or between the right of way and the main the City may bill the property owner, and the property owner would be liable to the City, for any compensation or work performed that was not in the proper area.
6. Once the City acknowledges in writing that the repair is necessary and is in the proper area for compensation, the City has the right to prioritize performing said repair, taking into consideration several factors, including but not limited to: time, availability of resources, availability of workers, availability of funds, budget considerations, the severity of damage to the sewer lateral in comparison to other damaged sewer laterals, and the severity of damage that could be caused by the damaged sewer later in comparison to other sewer laterals in need of repair. Nothing in this rule creates a right of the property owner to demand

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performance and nothing in this rule obligates the City to undertake the repair, other than the prioritizing mentioned above.

7. For purposes of this rule the following definitions apply:
 - a. **Maintenance:** The general maintenance and upkeep of a sewer lateral is maintenance and shall include, but not limited to, items such as augering or snaking of the line, clean out of any blockages, and any other treatment of the line that could be done to resolve the situation short of replacement of any pipe or line.
 - b. **Repair:** damage that is so catastrophic that the only option is replacement of any section of the pipe or line.

Rule 6.3 Direct Connection To Sanitary Sewer Required

- (A) Where sewage is being discharged, and where sewage service is available to property owners, a direct connection shall be made to the sanitary sewer within ninety (90) days of the effective date of these Rules; and any septic tanks, cesspools and similar private wastewater disposal facilities are prohibited where sewage service is available (see *VIOLATION* section).
- (B) The owners of all houses, buildings, structures or properties used for human occupancy or other purposes, or other buildings which qualifies for residential rates, situated within the City and abutting on any street, alley, or right-of-way in which there is not located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein directly with the proper public sewer in accordance with the provisions of these Rules and other applicable law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200') feet of the building or structure foundation wall that is to be served on the premises (see *VIOLATION* section).

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RULE 7 ACCESS TO PREMISES

Any identified representative or employee of the City Utility Department shall at all reasonable hours have access to the premises of the customer for the purpose of installing and/or examining pipes, meter, connections and other appurtenances involving the City's water supply or sewer system and for the further purpose of reading, examining, replacing, repairing or removing any meter, piping, instrument or connection that is part of the City's water/sewer system or for the reason of potential hazards for cross-connection control or backflow; also to ascertain that compliance is given to concerning all requirements as set forth in these Rules. Also, any identified representative shall have the power to take action as deemed appropriate to the situation to avert any public calamity or emergency. The City may apply to a court of competent jurisdiction for an administrative search warrant if the facts of the situation suggest this to be an appropriate action (see also Rule 24.5).

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RULE 8 NONRESIDENTIAL SEWAGE SERVICE

Rule 8.1 Availability Of Nonresidential Sewage Service

- (A) Nonresidential sewage service (also known as "commercial or industrial sewer service") is available to persons having a premises that qualifies for "commercial or industrial service". Such service shall be considered available to the premises when the premises is located within the corporate limits of the City and where public sanitary sewer lines are installed within two hundred (200') feet of a building or structure foundation wall that is to be served on the commercial or industrial (nonresidential) premises.
- (B) The sewer service line and tap shall be installed by property owner at property owner's expense and the complete installation shall conform to City's standards and inspection requirements. No sanitary sewer connections will be permitted until the tap charge and if applicable, the connection charge, both as prescribed by the City, has been paid in full in advance to the City.

Rule 8.2 Commercial Or Industrial Rate

- (A) The commercial or industrial rate is the charge applicable for sanitary processing of commercial and industrial and other waste resulting from use of water from the City's water system by commercial, industrial and all other classes of service not provided for in the residential rate as established by the City and as may be amended from time to time.
- (B) For rate classification purposes, sewage service will be classified the same as customer's water service; however, where sewage is discharged as provided for in provision (C) of this subsection, then the rate shall be same as if the customer was utilizing the City's water service.
- (C) Where sewage is discharged into the City's sewage system and water is obtained from a source other than from the City, property owner will be required to install, at property owner's own expense, suitable metering equipment, to be approved by the City that will accurately determine the amount of sewage being discharged into the City's system.
- (D) Determination of responsibility of sewer lateral: It is the overall intent of this Rule for the City of Napoleon to assist and work with the property owner during this process in a customer friendly manner.
 - 1. Any and all maintenance of the property owner's sewer lateral is the responsibility of the property owner, regardless of the location of the maintenance (for example, any maintenance such as cleaning out roots is the full responsibility of the property owner, even if said roots are in the sewer lateral between the right of way and the main.)

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2. The City will compensate the property owner if the undertaking is a repair, not maintenance, and the repair is located at or between the right of way and the main.
3. If a property owner believes there is an issue with the operability of the sewer lateral, it is the responsibility of the property owner to prove to the City that a repair is necessary and that said repair is at or between the right of way and the main.
4. Once it has been established and the City acknowledges in writing that a repair is necessary and that said repair is at or between the right of way and the main, then the customer has several of options:
 - a. The City or a contractor acting on the City's behalf may do the repairs.
 - b. The property owner may hire a contractor to perform the repair, subject to the permits, inspection, and adherence to the City of Napoleon's rules and regulations, the Water and Sewer Rules, and any other State or Federal rules or regulations.
 - c. (With the City of Napoleon's Engineer's express written approval) property owner may perform the repair themselves. It is the responsibility of the property owner to make sure that they have all of the proper permits and inspections conducted for the repair. All repairs must be done according to the City of Napoleon rules and regulations, the Water and Sewer Rules, and any other State or Federal rules or regulations.
5. The City will only compensate the property owner for any repairs at or between the right of way and the main, if it is later discovered that the repair was not at or between the right of way and the main the City may bill, and the property owner would be liable to the City, for any compensation or work performed that was not in the proper area.
6. Once the City acknowledges in writing that the repair is necessary and is in the proper area for compensation, the City has the right to prioritize performing said repair taking into consideration several factors, including but not limited to: time, availability of resources, availability of workers, availability of funds, budget considerations, the severity of damage to the sewer lateral in comparison to other damaged sewer laterals, and the severity of damage that could be caused by the damaged sewer later in comparison to other sewer laterals in need of repair. Nothing in this rule creates a right of the property owner to demand

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performance and nothing in this rule obligates the City to undertake the repair, other than the prioritizing mentioned above.

7. For purposes of this rule the following definitions apply:
 - a. **Maintenance:** The general maintenance and upkeep of a sewer lateral is maintenance and shall include, but not limited to, items such as augering or snaking of the line, clean out of any blockages, and any other treatment of the line that could be done to resolve the situation short of replacement of any pipe or line.
 - b. **Repair:** damage that is so catastrophic that the only option is replacement of any section of the pipe or line.

Rule 8.3 *Direct Connection To Sanitary Sewer Required*

- (A) Where sewage is being discharged and where sewage service is available to property owners, a direct connection shall be made to the sanitary sewer within ninety (90) days of the effective date of these Rules; and any septic tanks, cesspools and similar private wastewater disposal facilities are prohibited where sewage service is available (see *VIOLATION* section).
- (B) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, or other buildings which qualify for commercial or industrial rates, situated within the City and abutting on any street, alley, or right-of-way in which there is not located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein directly with the proper public sewer in accordance with the provisions of these Rules and other applicable law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200') feet of a building or structure foundation wall that is to be served on the premises (see *VIOLATION* section).

Rule 8.4 *Multiple Establishments*

Shall be applied in the same manner stated in Rule 3.3 (nonresidential water service/multiple establishments).

Rule 8.5 *City Measures*

- (A) If at any time within a twenty-four (24) hour period sewage flow from a premises is greater than 2% of the total twenty-four (24) hour sewage flow to City's treatment plant, the City may require the owner of the premises involved to install such storage, pumping facilities and other appurtenances as are required to control the quantity and rate of discharge

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of the sewage flow involved so as to not interfere with the normal operation of the City's treatment plant.

- (B) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is herein made shall be determined in accordance with "standard methods for the examination of waters and wastes" and shall be determined at the control manhole previously specified. In the event that no special manhole has been required, then the control manhole shall be considered to be the nearest down stream manhole in the City's sewage system to the point at which the building sewer is connected.
- (C) If necessary, in the opinion of the City, the individual, firm or others discharging any waste of the prohibitive character into the City's sewage system shall provide, at their own expense (individual, firm, or others discharging the waste), such preliminary treatment as may be necessary to stop or reduce within the acceptable limits, the objectionable characteristics or constituents. The plans, specifications and other pertinent information pertaining to such proposed preliminary treatment shall be submitted to the City for written approval in advance of any construction work.
- (D) When commercial or industrial waste exceed 250 mg/l of suspended solids and/or 200 mg/l of CBOD5 by weight, excess strength surcharges will be levied as outlined in the City rules or legislation.

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RULE 9 USE OF PUBLIC SEWERS AND PROHIBITIONS

- (A) The discharge of any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any City owned or operated or controlled sanitary sewer is prohibited (see *VIOLATION* section).
- (B) Whenever the City Manager shall find that any provision of provision (A) is being violated, he/she shall issue a written order to the person responsible for the removal, elimination, or correction of such condition, or to remove such connectors or drains from such sewer within ninety (90) days after service of the order. The service of the order, as mentioned herein, may be made upon the person to whom it is directed, either by delivering a copy of the order to the offending person, or by delivering it to and leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place on the on the door to the entrance of the premises.
- (C) No new taps shall be permitted into a combined sewer for stormwater. Stormwater and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers or to a natural outlet with the approval by the Ohio Environmental Protection Agency when required.
- (D) Whenever sewers are about to be or have been constructed for the purpose of carrying off sewage and drainage from lots and lands outside the corporate limits, no permission shall be given or granted to connect the sewers or sewage treatment works of the City for carrying off such sewage or drainage, nor shall the use of the sewers or sewage treatment works of the City be permitted for the sewage and drainage of the lots and lands outside of the corporate limits, unless there shall have been secured written permission from the City Manager which shall be given only if the sewers or system of sewers for which such connection or use is sought conform to the plans adopted by the City. A certificate of approval of the sewers by the Ohio Environmental Protection Agency shall also be furnished where, by law, such plans are required to be approved.
- (E) In addition to the City Manager's approval as required in this Rule, applicants for permission to use or connect with City sewers shall execute such agreements as to terms, conditions, and compensation for the use of the sewers and treatment works as shall be required by the City and authorized by law.

Rule 9.1 Use Of Public Sewers Required

- (A) It shall be a violation of these Rules for any person to place, deposit, or permit to be deposited, in any unsanitary manner on public or private

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property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or objectionable waste (see *VIOLATION* section).

- (B) It shall be a violation of these Rules for any person to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters except where suitable treatment has been provided accordance the provisions of these Rules (see *VIOLATION* section).
- (C) Except as hereinafter provided, it shall be a violation of these Rules for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City (see *VIOLATION* section).

Rule 9.2 Private Waste Water Disposal

At such time as a public sewer becomes available to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer within ninety (90) days in compliance with these Rules and other applicable law, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material (see *VIOLATION* section).

Rule 9.3 Building Sewers Taps Or Openings

It shall be a violation of these Rules for any person to open or tap a building sewer without a permit from the City (see *VIOLATION* section).

Rule 9.4 Public Sewer Disturbance

It shall be a violation of these Rules for any unauthorized person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer within a right-of-way. (see *VIOLATION* section)

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RULE 10 BUILDING SEWERS

Rule 10.1 Building Sewers And Construction

- (A) Every person desiring a permit to make a connection with, open, or tap any public sewer or drain shall first make application to the City Engineer, who shall consult his/her records with regard to the sewer or drain desired to be connected with, opened, or tapped. If such connection, opening, or tap can be made, the City Engineer shall give such applicant the exact location with which the connection, opening, or tap is to be made, or if necessary shall cause a stake to be set on the premises at which the connection, opening, or tap is to be made. The City Manager shall issue to the applicant a permit stating that permission is granted to connect with, open, or tap such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the City Manager; however, permits will not be issued unless the City Engineer determines that there is or will be capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.
- (B) For each permit issued by the City Manager, a charge shall be made as established by the City and as may be amended from time to time. A connection charge shall be made for all new buildings, major additions, or alterations; to buildings causing increased sewage discharge; any land use causing the discharge of sewage into the sewage system; and any change in sewage flow distribution ordered by the City Manager when the redistribution of sewage flow requires the construction of a new trunk line sewer and a new service connection thereto. The connection charge shall be an amount as established for each connection inside the corporation and an amount as established for each connection outside the corporation. The connection charge provided herein shall also be made where any dwelling or building is connected to the sewage disposal system. Before the permit can be used, evidence that the connection charge has been paid shall be filed with the City Manager.
- (C) The City Manager shall devise and procure the permit forms. The City Finance Director shall collect all funds as a result of connection charges which will be credited to the sewer fund of the City.
- (D) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner.
- (E) *Unless approved by the City Engineer, a separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as*

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one (1) building sewer, but the City shall not be liable for damage caused by or resulting from any such single connection aforementioned.

- (F) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City's Engineering Department, to meet all requirements of these Rules.
- (G) The building sewer shall be of the best quality PVC sewer pipe and having a standard dimension ration (SDR) of not greater than thirty-five (35). The pipe shall have an integral bell, and joints shall be gasketed. The pipe shall be colored green for in-ground identification as sanitary drainage pipe. Connections to unlike types and sizes of pipe shall be accomplished using the proper adapter and/or connector as manufactured by Fernco, Inc., or an approved equal.
- (H) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (I) Residential sanitary service connections shall be six (6") inches in diameter, or greater, as required to serve the structure and shall be laid at no less than 1.00% slope.
- (J) Connections or lateral extending to private property from a public sewer or drain shall be in accordance with specifications issued by the City Engineer (see *VIOLATION* section).
- (K) All connections, tappings, or openings shall be only in the presence and upon the approval of the City Engineering Department. The applicant for the building sewer permit shall notify the City Engineering Department when the building sewer is ready for inspection and connection to the public sewer (see *VIOLATION* section).
- (L) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. All refilling of the excavation made for such connection shall be in the presence and upon the approval of the City's Engineering Department. Any excavation done within the right-of-way shall not commence until a bond or its equivalent in an amount equal to the total cost of the work performed is posted with the City (see *VIOLATION* section).
- (M) An applicant shall be given a hearing in front of the City Manager related to the non-issuance of a permit as found in this Rule. Any decision of the City Manager in regard to this permit may be appealed, after hearing, to the water, sewer, refuse, recycling and litter committee of Council in the

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same manner as other appeals are taken under these Rules. No application for a building sewer permit which has been denied by the City Manager shall be resubmitted to the City for a period of sixty (60) days from the date of such denial, except upon the grounds of new and material evidence or proof of changed conditions. The committee's order shall be a final order.

Rule 10.2 Digging And/Or Marking Excavation Site For Sewers

When any sewer service locating is desired, persons desiring the same shall physically mark the proposed excavation site with white paint, flags, or other acceptable marking methods utilized by the industry and approved by the City. Excavation, the applicant, or property owner must call the utility department forty-eight (48) hours prior to commencement of digging. Damages resulting from failure to contact the utility forty-eight (48) hours prior to digging will be at the expense of the person digging or causing the same to be done. When the City locates service at the excavation site, all cost associated therewith, including time and material, shall be at the expense of the person proposing the excavation if they fail to properly mark the excavation site.

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RULE 11 CONTRACT FOR WATER/SEWER SERVICE

- (A) Contract for water/sewer service shall be made in writing at the office of the City Utility Department on its standard form. Customer/designee should be present at the site at any time service is activated.
- (B) All contracts involving an original or new service line installation shall be made by and only in the name of the property owner. By such contract the "property owner" shall agree and commit him/herself to all rules and charges relating to the furnishing and utilization of water/sewer service, except to charges related to daily usage in cases when the utility is removed from the owner's name. Subsequent contract for service maybe made by the tenant occupying the premises to be served with water/sewer; however, once a tenant becomes the customer the owner restricts his/her authority to order disconnection of service. An owner may enter into a separate contract with the City to assure non-disconnect when tenant(s) vacate the premises under terms and conditions determined by the City Manager and when approved as to form and correctness by the Law Director.
- (C) Where the customer's installation requirements for water/sewer service are unusual, the utility requires a suitable contract and deposit from the customer so as to protect the City's investment required to render the service involved.
- (D) There shall be set forth in the contract, the class of service to be furnished i.e., residential, commercial or industrial as defined herein. Except as otherwise may be provided, any contract for water and/or sewer service shall be construed as being for an initial term of one (1) month with an automatic renewal for the same duration of time after the initial term and any subsequent term, unless otherwise agreed to in writing by the parties, or unless otherwise terminated by the parties in accordance with the terms of a written contract; however, if no termination terms are contained in a written contract, then in accordance with these rules.
- (E) Except as otherwise provided *or approved by the City Engineer*, the City requires that all future dwelling units established after the effective date of these Rules, be individually tapped, metered, and plumbed before water/sewer service is established.
- (F) The customer shall advise the Utility Department of the purpose for which the water/sewer will be used and the probable quantity required in order that the Utility Department can properly determine the necessary size of the service line and meter required to adequately serve the customer. The size of service line and meter required for any customer will be determined by the City.

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- (G) The minimum and other charges will be determined by the size of the meter and service installation as established by the City's rate schedule and as may be amended from time to time.
- (H) Where the contract for service requires a tap and a new service line, the property owner/designee shall make a cash payment in advance before work is commenced to cover the expense involved.

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RULE 12 BILLING AND PAYMENT FOR SERVICE

Rule 12.1 Billing And Payment For Service

- (A) Bills for utility service will normally be rendered on a monthly billing cycle. All bills will be due and payable on or before the date specified due date on the bill. A contract for utility will be considered a contract for all utilities being furnished and received; therefore, if all utility accounts of the customer are not so paid on the specified date, the gross charge shall be paid. Such gross charge shall be the net charge as shown on such bill plus a delinquent charge of ten (10%) percent. The City will allow at least fifteen (15) days between the date of the bill and the final payment date (due date) specified on the bill.
- (B) Except as otherwise provided in paragraph (J) below, bills are payable in person or by mail at the City building or at any authorized and designated collection agency of the City, on or before the due date specified on the bill. Alleged failure to receive bills will not constitute excuse for non payment unless the City is notified in writing within the fifth (5th) business day of the subsequent month of the month of the billing cycle that such bill was not received, depending on and as it relates to the billing cycle. No reduction in late fees or penalty will be made unless customer can demonstrate, to the satisfaction of the City Finance Director, that failing to receive the bill was at the fault of the City. One (1) late fee may be waived by the utility department, upon approval of the City Manager or Finance Director, per calendar year, upon the request of the customer, so long as a request for waiver is made within thirty (30) days of the late fee charge.
- (C) A returned check for payment due to non-sufficient funds or closed account constitutes nonpayment. A fee will be charged for all returned checks as set forth in the fee schedule in Rule 32.
- (D) Any utility bill that is not paid on the due date will be considered delinquent and will result in the utility service being discontinued to said premises in accordance with the utilities disconnect procedures, unless payment arrangements are made that are satisfactory to the utility department.
- (E) In the event of the stoppage of or the failure of any meter to register the full amount of water consumed, the customer will be billed for such billing period on an estimated consumption basis which will be based upon customer's normal use of water in a similar period during the time the meter was registering correctly.
- (F) In the case of a question arising as to the accuracy of the meter, the customer may request the Utility Department to test the meter. The City

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reserves the right to send the meter out for testing. If the meter is found to be accurate (utilizing the normal test flow rates) as determined in the table below, the Utility Department shall charge, and the customer shall pay, the cost of the testing, the labor to remove the meter, and the cost to reinstall the meter.

TABLE:

Meter Type (all sizes)	Normal Test Flow Rates (Percent)
Displacement	96-102
Multi-Jet	96-102
Propeller and Turbine	96-103
Compound and Fire Service	95-104

- (1) Any adjustment to be made where a meter inaccuracy is found (not within the above standards) shall not cover a period of water usage in excess of thirty-six (36) months, as determined by the City Manager who serves as the City's director of public service in accordance with City code, in conjunction with the Finance Director, based on history of use. Should any meter fail to register, the amounts of service delivered shall be estimated from the best available data.
- (G) All meter readings and billings shall be in units of either 100 or 1,000 cubic feet and/or 1,000 gallons, depending upon the size of the meter.
- (H) For service involving a partial billing period and where the "capacity charge" is not applicable, where either the initial billing period after service is first established or the final billing period up to the time of discontinuance of service by the customer is less than the regular billing period, the following billing procedure will apply:
 - (1) When service is initially established to the customer or where the customer's account is being transferred from one (1) location to another and the period of service involves seven (7) days or less of the utility's regular billing period, the customer's initial usage at the new location will be carried over into the next succeeding regular billing period at that location and shall be combined with and be considered as part of the same.
 - (2) For all other service furnished for a partial billing period, including all final bills, the bill shall be calculated in accordance with the rate blocks and charges (including minimum charges) as set forth in the applicable rate schedule with no proration of rate blocks or minimum charge being made.

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- (I) For initial service to customers where the "capacity charge" is applicable, said "capacity charge" will be billed as follows:
 - (1) Where the initial period of service is less than seven (7) days, the billing will be combined and made a part of the succeeding billing period.
 - (2) When requested by the customer, where the initial period of said service is from eight (8) to fifteen (15) days inclusive, the capacity charge (if applicable) will be prorated and billed on a fifty (50%) percent basis. The commodity charges shall be billed as is actually set forth in the rate schedule. Such proration of service request must be made to the Utility Department within ten (10) days from initiation of service or it will be considered waived.
 - (3) Where the initial period of service is sixteen (16) days or more and in all cases where a final bill is involved, the billing will be as set forth in the rate schedule with no proration of capacity or any charges whatsoever.
- (J) Payment of utility bills by other than cash means, including but not limited to credit card payment, electronic payment, or internet payment is authorized subject to implementation and acceptance by the Finance Director.

Rule 12.2 Budget Billing

In the event that a customer qualifies for "budget billing" under the City's Rules, Terms and Conditions Governing the Sale of Electric Service, the water and sewer bill shall be budgeted in the same manner.

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RULE 13 RESPONSIBILITY OF BILLS BY PROPERTY OWNER

- (A) Upon the effective date of these Rules, in addition to other legal action allowed by law to collect unpaid charges, the City is entitled to follow the below procedure:
 - (1) All bills and other charges due customers who are owners and occupy the premises served by utility service, if not paid after same are due and payable, shall be certified to the Auditor of Henry County along with certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served. Such shall be a lien on the property served, and the Auditor shall place same on the tax duplicate of the County, together with the interest and penalties allowed by law and to be collected by the County Treasurer. The lien shall be released only upon payment in full of the certified amount.
 - (2) In addition, the City may disconnect the service and take any other measures authorized by State or local law or regulation until all bills for said premises have been paid in full.

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RULE 14 VOLUNTARY TERMINATION OF SERVICE & REPAIRS

Rule 14.1 *Voluntary Termination Of Service*

- (A) Requests for voluntary disconnection of utility service must be made, in writing, at the City Utility Department and shall be approved by the customer contractually obligated to pay charges incurred at the service premises.
- (B) If the billing address and the service address are different, notification of the disconnection shall be given, in writing, to the service address premises no less than fourteen (14) days prior to the disconnection date. The customer may have this requirement waived by either demonstrating to the City's satisfaction that the premises are unoccupied or by bringing in a signed waiver form from the tenant(s) of the premises waiving their right to the fourteen (14) day notice. Mailing the notification regular U.S. mail to the service premises shall constitute sufficient notice.
- (C) If the tenant actually residing on the service premises petitions the City not to disconnect, stating under oath that to the best of his/her knowledge he/she is a legal tenant of the service premises, disconnect shall not be made for a period of fourteen (14) days from said petition, in order for the alleged tenant to seek a court injunction as it relates to disconnect. During such fourteen (14) day period, the contracted customer shall be liable for all charges incurred; however, nothing in this provision shall be construed to bar recovery by the owner from the tenant of all incurred charges as may result from a civil proceeding. Any bona fide co-owner or legal tenant may take steps to establish service in his/her name (for the purpose of this provision, a spouse would be considered a co-owner if legally occupying the service premises). The contract customer remains liable for all fees and charges up until the time of transfer of service into the co-owner or legal tenant's name.
- (D) A customer who intends to move from the service premises or discontinue the use of water/sewer service or in any way terminate their liability hereunder, shall give the City's utility department a notice of such intention not later than forty-eight (48) hours before moving. The customer shall be liable for all water/sewer service and related charges that may be used upon the service premises until such notice is given and the utility department has made the final meter reading.
- (E) Disconnect procedures contained in these Rules shall apply to this Rule so far as practical.

Rule 14.2 *Disconnection For City Repairs*

If the purpose of the disconnection is for City repairs, except in emergency situations where no notice is required, repairs shall not be processed unless

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reasonable notice has been given to those affected by the disconnection. Reasonable notice shall include, but not be limited to, any of the following: publication in a local newspaper, announcement on a local radio station, by personal contact, telephone contact, or knocking on the door with placement or furnishing of a door hanger.

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RULE 15 DISCONTINUATION OF SERVICE

Rule 15.1 Right To Disconnect

- (A) The City has the right to discontinue the supply of water and/or sewer service or refuse to furnish the same for any of the following reasons:
- (1) The nonpayment or untimely payment of any City owned or operated utility bill, including any other charges referred to herein, regardless of location of account; or, for non payment of any water or sewer utility bill that is the responsibility of the City to collect;
 - (2) For refusing entry, or failing to allow access or entry, to a premises that is receiving utility service, for purpose of repair and/or replacing meters or appurtenances related to utilities, or for purpose of inspection, upgrade or reading of utility meters;
 - (3) For repairs or unavoidable shortage or interruptions in the source of supply;
 - (4) If the customer's water usage or requirements of connections are detrimental to the water service as supplied to other customers or to City's water system in general;
 - (5) For fraud or illegal diversion of water;
 - (6) For improper installation of a nature that would jeopardize, contaminate or otherwise effect the service to customers;
 - (7) For installing any water or sewer line or apparatus in a manner that is contrary to these Rules or City specifications;
 - (8) Failing to timely pay an administrative fine or penalty related to a violation of the City's Rules for Water and Sewer Service;
 - (9) Other just or reasonable cause; or,
 - (10) For any violation of these Rules which is related to health, safety, or welfare of the citizens and/or customers as determined jointly by the City Manager and City Finance Director.
 - (11) For convenience, when the utility service is provided by the City outside the corporation limits.
 - (12) Failure to comply with any annexation requirement.
- (B) Whenever service is discontinued for fraudulent reasons, nonpayment, or obstruction as to inspection, repair or upgrade, a charge will be made by the City to cover the cost of disconnecting and reconnection service when the same is again reestablished.

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- (C) The City may establish trip fees for connections/disconnections related to customer maintenance.
- (D) The City reserves the right to refuse any application if the applicant is indebted to the City for any service thereto, rendered at any location, provided the City advises applicant of the same, and the City reserves the right to discontinue to serve any customer without notice in case of emergency or to prevent fraud upon the City.
- (E) Any discontinuance of service shall not terminate the contract between the City and the customer nor shall it abrogate any base or minimum charge which may be effective.

Rule 15.2 *Disconnect Procedures*

The following procedure is established for disconnection of water/sewer service for any valid reason, except in the case emergency or maintenance disconnect, where notice under this rules may be dispensed with:

- (A) First, notice of disconnect will be furnished, in writing, to the contracted customer by personal service or by serving such notice via U.S. regular mail to the last known address that is on file with the utility department at least (14) fourteen days prior to the scheduled disconnect date. If the billing address and service address are different, by also serving the premises being served with the utility at least fourteen (14) days prior to disconnect by door hanger, posting, serving an adult occupant, or by U.S. regular mail. Next, a second notice shall follow at least five (5) days in advance of the scheduled disconnect date in the same manner and form as the first notice.
- (B) The notices shall contain the following information:
 - (1) The proposed date of disconnection;
 - (2) The reason for termination;
 - (3) The amount left unpaid, if any;
 - (4) The action to be taken to cure the reason for disconnect;
 - (5) The potential reconnection fees such as trip charges;
 - (6) The right of the customer or consumer of the utility to a hearing and an appeal to challenge the reason for the proposed disconnect;
 - (7) The location, business hours, and telephone number of the utility representative that may be contacted pay a bill or otherwise resolve disconnect issues and/or request a hearing to challenge the utility department's right to disconnect;

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- (8) That, a consumer of utility services, other than the contracted owner/customer, may avoid disconnection by paying current charges and assuming responsibility for payment of future charges;
 - (9) That a tenant has the ability to have the contracted utility placed into their name.
- (C) Where a hearing has been requested in writing at least one day prior to the scheduled disconnect, no disconnect will occur until after the hearing officer's decision or order is either personally served on the person that requested the hearing or five (5) business days after mailing of the decision, by U.S. regular mail, to the last known address of the person that filed the request for hearing. Notice shall be given of the right of appeal from a decision of the hearing officer in accordance with the appeal procedure as established in these rules. (See Appeals Process).

Rule 15.3 Disconnection

- (A) Disconnection of utilities shall not occur on any day which precedes a holiday or weekend, or any other day on which all services necessary to reconnect service are not available. All disconnection of service shall be documented by written service order recording the date, time, and identity of the service employee effectuating the disconnection; such documentation shall be retained in the business file kept the City relating to the service premises so affected.
- (B) If a person desires to pay a delinquent amount to avoid disconnect, an employee will give the customer one (1) hour to make arrangements to go to the City Utility Department and pay the amount required to avoid disconnection or otherwise resolve the disconnect issues. The time to commence from receipt of notice to the employee by the delinquent customer of an intent to pay.
- (C) No service employee dispatched to disconnect service shall disconnect service until he/she makes reasonable efforts to personally contact an adult occupant, if any, of each service premises to be affected to:
 - (1) advise of the disconnection; and
 - (2) verify the propriety of the disconnection.
- (D) Reasonable efforts shall include, but not necessarily be limited to, knocking on the door or doors of each household at the service premises.
- (E) Notice that the utility has been disconnected shall be placed in a prominent place at the entry to each service address affected by disconnection. The service employee shall document of the service order the efforts made to personally contact the occupants prior to disconnection and the delivery of the disconnect notice, including the date and time such acts were performed and his/her identity.

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Rule 15.4 Trip Charge

If disconnection action commences by the utility department, trip charges, as established and as may be amended from time to time, will be assessed to the customer whenever utility department or operation department employees respond to the premises being served in relation to disconnect or subsequent reconnection when response is due to an act or omission by the property owner or customer which resulted in the disconnection action. Regardless of reconnection, if disconnection is because of non-payment, a trip charge for disconnection will be added to the final bill. The utility may require the customer or designee be present for any reconnection.

Disconnection Jeopardizing Health

- (A) Disconnection of service for nonpayment will not occur when disconnect of service would be especially dangerous to health as certified pursuant to the certification provisions of this Rule; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.
- (B) Disconnection of service will not occur for nonpayment when the disconnect of service would make operation of necessary medical or life-supporting equipment impossible for impractical; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.

Rule 15.5 Disconnection Jeopardizing Health

- (A) Disconnection of service for nonpayment will not occur when disconnect of service would be especially dangerous to health as certified pursuant to the certification provisions of this Rule; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.
- (B) Disconnection of service will not occur for nonpayment when the disconnect of service would make operation of necessary medical or life-supporting equipment impossible for impractical; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.

Rule 15.6 Certification Procedure

- (A) The City utility department shall provide application forms for licensed physicians or local board of health physicians for certification upon request of any residential customer. The City utility department shall give notice of availability of medical certification to its residential customers by

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means of bill inserts or special notices at the beginning of winter and summer periods. If disconnect is to occur as a result of nonpayment, written notice shall be given to the customer prior to disconnect that a medical certification program and forms are available from the City.

- (B) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (C) The condition must be certified to the utility department by a licensed physician or local board of health physician.
 - (1) The certification of special danger to health shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and the period of time during which termination will be especially dangerous to health.
 - (2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility department within seven (7) days.
 - (3) In the event service has been disconnected within twenty-one (21) days prior to certification of special dangerous to health for qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
 - (4) Certification shall stop disconnection of service for thirty (30) days. Certification may be renewed two (2) additional times (thirty (30) days each) by a licensed physician or local board of health physician by providing an additional certificate to the utility department. The total certification period is not to exceed ninety (90) days in any twelve (12) month period.
 - (5) Upon renewal of certification, the City utility department shall make contact by reasonable means with the customer and advise the customer of the governmental assistance programs that may be available. Assistance information will be provided by mail as a last resort of contact.

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RULE 16 BILLING DISPUTES

Rule 16.1 Authorized Personnel To Settle Billing

- (A) Disputes concerning billing and/or statement errors may be brought by customer within thirty-six (36) months from date of the bill and/or statement that is the subject of the dispute. All said disputes need to be brought to the attention of the City Finance Director; however, the City Manager, who also serves as the City's Director of Public Service in accordance with City Code shall, in conjunction with the Finance Director, have the power and authority to settle billing disputes. If not brought, in writing, within said thirty-six (36) month period from the date of billing, the dispute will be considered waived and settled. Except in case of fraud or theft of service, the City shall have thirty-six (36) months to initiate recovery of undercharges or under billings or it will be considered waived. In case of fraud or theft, the time shall commence to run from the date the City discovers the fraud or theft. Nothing in this Rule shall be construed as prohibiting overpayment of a customer to be credited by the City when discovered by the City on its own initiative; however, such overpayment shall only go back 36 months for purpose of credit.
- (B) In case a portion of any amount included in a statement is in bona fide dispute, the entire amount shall be payable when due and the difference between the billed amount and the correct amount, if any, shall be promptly refunded after the determination of the correct amount.
- (C) In the event that a billing or statement error exists in favor of the customer, then the amount owed by the City to the customer may either be by credit to the account or paid in a lump sum payment as determined by the Finance Director. Also, when the amount due as a result of the error exceeds \$500.00 and the error is of no fault of the customer, then the amount due as a result of the error shall be paid with interest at the same rate of interest as paid on deposits as found in Rule 17.1. The interest shall accrue from the date that the error was first made, subject to the maximum period of time in which claims may be brought under Rule 16.1(A).
- (D) In the event that a billing or statement error exists in favor of the City, then the amount due the City by the customer shall be reimbursed by the customer to the City in a lump sum payment or paid over a period of months as determined by the Finance Director. Also, when the amount due as a result of the error exceeds \$500.00 and the error is of no fault of the City, then the amount due as a result of the error shall be paid with interest at the same rate of interest as paid on deposits as found in Rule 17.1. The interest shall accrue from the date that the error was first made,

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subject to the maximum period of time in which claims may be brought under Rule 16.1(A).

- (E) In the case of theft or fraud, amounts due the City as the result of the theft or fraud shall accrue interest at the same rate of interest as on deposits as found in Rule 17.1.

Rule 16.2 Prevention Of Connection Of New Or Additional Utilities

No municipal utilities will be provided at a location for a person who has failed to pay previously incurred utility billings at a different location unless a payment plan has been set up with the City Finance Department for payment of the said bill(s).

Rule 16.3 City's Ability To Waive Payments

Notwithstanding any other provision herein, the City Manager, upon recommendation from the Finance Director, may negotiate and reduce any delinquent water or sewer service utility bill if it is determined that a pending or impending bankruptcy, foreclosure or other legal action threatens the collection of the delinquent bill, or when fairness dictates that the water or sewer bill should be adjusted.

Rule 16.4 Collection Of Delinquent Accounts

The City Finance Director shall cause to be mailed a letter to the last known address of the customer of the delinquent account demanding payment thereof. If no payment is received, or arrangements for payment made to the satisfaction of the City, (ie. agreement for payment and/or promissory note) the accounts may be turned over to the City Law Director or a collection agency for further action. Any accounts deemed non-collectable, as determined by the City Finance Director and City Manager, may be removed from the collection roles and the debt removed from the finance report of the City, for purpose of demonstrating a more accurate portrayal of the financial condition of the City; however, the debt shall not be construed as forgiven and any person or entity owing said debt may be refused service until the debt is satisfied. For the purpose of this section, if the cost of pursuing a debt is greater than the debt, it may be deemed not worthy of collection and therefore, uncollectible.

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RULE 17 SECURITY DEPOSITS

Rule 17.1 General Rule Related To Deposits

- (A) Residential accounts shall be required to have a minimum deposit of: seventy dollars (\$70.00) for water service and eighty dollars (\$80.00) sewer service, regardless of being inside the corporation limits or not. Residential account deposits may be waived by the Finance Director upon applicant demonstrating a good payment history from the City utility or another utility for the immediate prior twelve (12) consecutive months and credit worthiness. Every other type of water and/or sewer account shall be required to have a security deposit not exceeding an amount sufficient to cover an estimate of the monthly average of the annual consumption (usage for both water and sewer) by such customer, as may be determined by viewing prior history at the premises to be served or by viewing similar accounts, plus thirty (30%) percent will be required. The deposit shall earn interest (which shall be simple interest) at the rate of not more than three (3%) percent per annum and, except for the three (3%) percent cap, not less than the month ending rate posted for "STAR" Ohio. The earned interest shall be allowed and paid to the customer if the deposit is held for six (6) months. A performance or security bond by a surety authorized to do business in the State of Ohio or a letter of credit, all as approved by the City Finance Director may be used in lieu of a cash deposit; however, no interest shall accrue or be paid on such performance bond, security bond, or letter of credit. Except as herein provided, for residential service deposits held for six (6) months, interest shall commence to accumulate retroactive to the original date of deposit and shall be held for a period of not to exceed (12) twelve months. At the expiration of twelve months, the deposit, plus interest, shall be returned by crediting the account if it is determined by the Finance Director that (1) payment is not at risk due to a poor payment history on a particular person and that; (2) the customer has good credit worthiness. If such determination is not made by the Finance Director, then the deposit shall be held until termination of service and then applied and/or distributed in accordance with these Rules. For nonresidential deposits held for six (6) months, unless otherwise specified in a particular agreement, interest shall commence to accumulate retroactive to the original date of deposit and shall be held until termination of service and then applied and/or distributed in accordance with these Rules, except that for any account established prior to January 1, 1998, the original date of deposit for interest accrual purposes shall be construed as January 1, 1998. Moreover, interest may be calculated to the nearest month without detriment to the person or entity named on the account. Also, when an account accumulates interest over and above the necessary security need as established in this Rule 17, then the interest may be credited to the account.

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- (1) Where on a residential premise that has more than one meter, the Finance Director may consider the same to be one account for deposit purposes.
 - (2) Where a residential customer has established a worthiness to pay based on twelve (12) continuous months and there is no more than a ninety (90) day re-activation of a utility account with the City, said deposit may be waived by the City Finance Director.
 - (3) Where a landlord of a residential premises has established a worthiness to pay based on prior account activity within the last two years, and requests an account of his/her rental premises to be placed into his/her name, said deposit may be waived by the City Finance Director.
- (B) In cases of industrial or commercial establishments, manufactured home parks (mobile home parks), apartments, apartment complexes, condominiums or duplexes, that are master metered, a deposit not exceeding an amount sufficient to cover an estimate of the monthly average of the estimated annual consumption by all potential customers of such a premises being master metered, plus thirty (30%) percent, shall be deposited by the owner or manager of such premises. The interest requirement as provided for in paragraph (A) is applicable to this provision.
- (1) The City Manager may negotiate the amount of deposits required by this paragraph (B).
- (C) Upon the effective date of these Rules, no demand shall be made of a customer to deposit cash as security for payment of water/sewer bills if not demanded within thirty (30) days of initiation of service, except this provision does not apply where the account of a customer is in the arrears or when there exists a lack of credit worthiness.
- (D) The City Finance Director, jointly with the Operations Superintendent, shall establish a schedule relating to estimated usage for deposit purposes; however, the Finance Director shall determine the estimated amount to be placed on deposit which may be reevaluated after ninety (90) days usage; moreover, in cases where payment is at risk, due to a poor payment history on a particular person or establishment, or the lack of credit worthiness, larger deposits may be demanded when found to be reasonable to do so by the City Finance Director.
- (E) This Rule shall supersede and replace R.C. §4933.17 as being determined by the legislative authority that it is inapplicable to municipal utilities, the legislative authority exercising its "home rule" authority.

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Rule 17.2 *Deposits For Temporary Service By Contractors, Builders, & Developers*

An annual flat security deposit may be charged, in an amount as determined by the Finance Director (based on estimated usage, to contractors, builders, and developers). This deposit shall be returned upon the end of the calendar year with any accrued interest as applicable to other security deposits.

Rule 17.3 *Return Of Deposit*

Except as provided in Rule 17.1(A) pertaining to deposits, the City shall have a reasonable time in which to read, remove or disconnect the meters after receiving notice of removing utilities from customer name. City shall ascertain that all obligations of the customer, concerning water and sewer have been settled in full prior to the return of any deposits or interest by the City to the customer. Upon discontinuance of service, such deposit and accumulated interest as may remain in excess of any such indebtedness owed to City's Utility Department shall be refunded to customer, or in the case the deposit is in the form other than a cash deposit, the deposit obligation shall be discharged.

Rule 17.4 *Payment On Accounts*

The City shall apply any money paid on utilities first to the most delinquent amount owed to the City.

Rule 17.5 *Use of Deposits; Bankruptcy*

Rule 17.5 shall control over all other rules contained herein. Deposits placed with the City in relation to utilities will be applied to set-off monetary amounts the customer owes to the City for any utility service furnished by the City to or on behalf of the customer when finalizing the customer's bill, regardless if finalization is for voluntary or non-voluntary termination of service. Further, when a petition for bankruptcy is filed, the current account number will be finalized and pre-petition bankruptcy deposits will be applied as first stated in this Rule 17.5, without notice or necessity of court order. In the event bankruptcy is filed, a new account number will be assigned to the service agreement and assurance of payment (deposit) in the form of a cash deposit, letter of credit, certificate of deposit, surety bond, prepayment of utility consumption, all in a reasonable amount as determined by the Finance Director, shall be timely placed on account with the City. For consistency purposes, the assurance of payment for the account, regardless of the type of account, shall be placed with the City within thirty (30) days after the date of the order for relief. The Finance Director may negotiate another form of security that is mutually agreed upon between the City and the debtor or the trustee. The Finance Director shall endeavor to serve notice on the debtor and trustee of the deposit requirement to avoid termination. The failure to timely place on account with the City adequate assurance of payment (a replacement deposit) shall constitute grounds for termination.

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RULE 18 LIABILITY OF PARTIES

Rule 18.1 City's Disclaimer

The City will use reasonable diligence in supplying a regular and uninterrupted supply of water and flow of its sewers, but does not guarantee uninterrupted service; further, the City shall not be liable for damages in case such service should be interrupted or by reason of "force majeure". This includes the interruption of service to any customer, taken to prevent or limit the extent or duration of interruption, instability or disturbance on the water/sewer system of the City or any other system interconnected directly or indirectly with the City's system, whenever such act is necessary or indicated in the sole judgment of the City.

Rule 18.2 Customer's Liability

- (A) The property owner is owner of the necessary piping and connections beyond the water meter, or in the case of an inside meter, from the curb box and is liable therefore.
- (B) In the event of loss or injury to the property of the City through misuse by, or the negligence of, the customer or the employees of the same, the cost of the necessary repairs or replacement and/or cleanup thereof shall be paid to the City of the customer.
- (C) The Customer may be held liable for any tampering, interfering with or breaking of the seals of meters or other equipment of the City utility installed on the customer's premises and will be subjected to both civil and criminal penalties (except for criminal acts of third parties without collusion of Customer) for the same, including any illegal diversion of water according to law.
- (D) Only authorized employees of the City shall have the power to turn the water service on or off at the curb stop. Customers may be held liable for unauthorized turning on or off of utility at the curb stop.
- (E) The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall hold the City harmless from any loss or damage that may in any way result from or be occasioned by such installation or connection.
- (F) The owner/customer shall indemnify and hold harmless the City from any loss or damage to the City as a result of violations of EPA regulations by the owner/customer.
- (G) Customer shall be responsible, without liability to the City, for any loss of their sprinklers, piping, plumbing or other apparatus placed in City right-of-way.

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RULE 19 PRETREATMENT OF INDUSTRIAL WASTE REQUIRED

Rule 19.1 Pretreatment

- (A) All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through, or otherwise be incompatible with the treatment works in accordance with EPA approved standards.
- (B) If the major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment shall be subject to being approved.

Rule 19.2 Limitations Of Discharge

- (A) The following described substances, materials waters, or waste shall be limited in discharges to the municipal system from all users to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City Manager may set limitations established in the regulations below, or in Rule 19.1(A) if in his/her opinion the more severe limitations are necessary to meet the objectives above. In forming his/her opinion as to the acceptability, the City Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers; the wastewater treatment the process employed; the capacity of the wastewater treatment plant; the degree of treatability of the waste in the wastewater treatment plant; and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the City Manager are as follows:
 - (1) Wastewater having a temperature higher than 150°F (65°C) at the point of entrance to the public sewer.
 - (2) Wastewater containing more than ten (10) mg/liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
 - (3) Wastewater from industrial plants containing floatable oils, fat, or grease.
 - (4) Any garbage that has not been properly shredded as provided for in Rule 26.1(A-4). Garage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates

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from the preparation of food kitchens from the purpose of consumption on the premises or when served catered.

- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substance to such a degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City Manager for such materials.
 - (6) Any waters or wastes containing odor producing substance exceeding limits which may be established by the City Manager.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with applicable state or federal regulations.
 - (8) Quantities of flow, concentrations, or both, which constitute slug as defined herein.
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (B) The City Manager shall require all discharges to conform to all NPDES permit requirement and any other unspecified state or federal regulations.
- (C) If any water or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Rule 26.1 and which, in the judgment of the City Manager, may interfere with, pass through, or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to live or constitute a public nuisance, the City Manager may do any of the following:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or,

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- (4) Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges as established by the City.
- (D) If the City Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the City Manager.
- (E) When considering the alternatives listed in provision (C), the City Manager shall give consideration to the economic impact of each alternative on the discharger.
- (F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in (A)(3) or any flammable wastes, sand or other harmful ingredients; except that these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City Manager. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- (G) Where pretreatment or flow-equalizing facilities are proved or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- (H) When required by the City Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Manager. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.
 - (I) The City Manager may require a user of sewer services to provide information needed to determined compliance with these Rules. These requirements may include:
 - (1) Wastewater's peak discharge rate and volume over a specified time period;
 - (2) Chemical analyses of wastewater;

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- (3) Information on raw materials, processes, and products affecting wastewater volume and quantity;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
 - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities;
 - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (J) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in using EPA approved methods. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City Manager.
- (K) No statement contained in this Rule 19 shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

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RULE 20 MISCELLANEOUS PROVISIONS/SEWAGE

Rule 20.1 General

- (A) Where the services are available, no premises within the City shall receive City sewer service without also receiving City water service.
- (B) The property owner shall install and maintain at property owner's expense, suitable metering equipment that will properly ascertain the quantity of sewage being discharged into the City's system; what is suitable equipment is in the sole discretion of the City.
- (C) The City's applicable sewage charge and minimum charge will be applied to the metered quantity in the manner specified in the rate schedule and the same minimum charge provisions shall apply.
- (D) The discharge into the City's sewage system of industrial wastes of such character as to be detrimental to the normal operation of the treatment plant or to City's sewage system, is hereby prohibited. The City shall in any such case require preliminary treatment or rectification of such industrial wastes before discharge into the system so as to render them properly susceptible to the City's standard sewage treatment without damaging the treatment plant processes or the structures of the system.
- (E) When required by the City, the property owner (from which processing or industrial waste is discharged into City's sewage system) shall install a suitable control manhole on the sewage service line connected to the property in order to facilitate observation, sampling, and measurement of the sewage. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the City. The manhole shall be installed by the property owner at property owner's expense, and shall be maintained by such owner so as to be safe and accessible to City at all reasonable times.
- (F) When required for the proper handling of certain wastes (ie. grease, oil, sand) so that the normal operation of City's sewage treatment or the City's sewage system is not interfered with, there shall be installed grease, oil, and sand interceptors by the property owner at property owner's expense, subject to inspection and approval by the City. If required, such interceptors shall be operated and maintained on the premises at property owner's expense when, in the opinion of City, the same are necessary.
- (G) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters are prohibited.

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- (H) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release malodorous or noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes are prohibited.
- (I) Subject to Ohio E.P.A. Regulations, sewage or waste discharged into the City's sewage system shall be considered detrimental to the normal operation of the City's sewage treatment or City's sewer system and are hereby prohibited if it contains or has any of the following characteristics or is any of the following monthly concentrations based on the arithmetic average of all determinations of daily concentrations made during any calendar month:
 - (1) A liquid or vapor sewage waste having a temperature higher than 150°F; or
 - (2) Sewage containing gasoline, benzene, naphtha, fuel oil, or other flammable explosive liquid, solid or gas; or
 - (3) Any garbage that has not been properly shredded; or
 - (4) Any commercial or industrial wastes, that prior to mixing with sanitary sewage will not meet the following concentration limits:
 - (a) Have a pH greater than 9.0 or less than 6.5;
 - (b) Contain cyanide greater than 0.02 ppm;
 - (c) Contain more than 1.00 ppm. hexavalent chromium;
 - (d) Contain more than 0.50 ppm. of trivalent chromium;
 - (e) Contain more than 5.00 ppm. of nickel as Ni;
 - (f) Contain more than 2.00 ppm. of zinc as Zn;
 - (g) Contain more than 50 ppm. of chloroform extractable substances;
 - (h) Contain more than 0.50 ppm. of copper as Cu;
 - (i) Contain more than 0.10 ppm. of cadmium as Cd;
 - (j) Contain more than 0.3 ppb. of mercury as Hg;
 - (k) Contain more than 0.02 ppm. of lead as Pb;
 - (l) Contain more than 7.0 ppm. of phosphorus as total P;
 - (m) Contain more than 10.0 ppm. of oil and grease;
 - (n) Contain more than 250 mg/l of suspended solids;
 - (o) Contain more than 200 mg/l of CBOD5 by weight; or,

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- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to sewage flow in City's sewage system or other interference with the proper operation of the sewage works; or
- (6) Any sewage or waste that contains a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or to City's public sewage system; or
- (7) Any sewage or waste that contains suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at City's sewage treatment plant; or
- (8) Any noxious or malodorous gas or substance discharged into City's sewage system that is capable of creating a public nuisance.

Rule 20.2 Exceptions

No statement contained in this Rule 20 shall be construed as preventing any special agreement or arrangement between the City and any industrial entity concerning an industrial waste of unusual strength or character as provided for in Rule 31.

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RULE 21 POWERS AND AUTHORITY OF INSPECTORS

- (A) The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the City's water/sewer system.
- (B) The City Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Any industry may withhold information considered confidential but, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- (C) While performing the necessary work on the private properties, referred to in provision (A), the City Manager or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company where the work is being performed.
- (D) The City Manager and other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of it's facilities lying within said easement. All entries and subsequent works, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (E) It is in the interest of the customer to property install and maintain their infrastructure and they shall at all times be responsible for the character and condition thereof. The City in no event shall be responsible therefore under these Rules.
- (F) Where a customer's premises are located within the City or other governmental subdivision where inspection laws or ordinances are in effect, the City may withhold furnishing service to new installations until it has received evidence that the inspection laws or ordinances or EPA regulations have been complied with. In addition, if the City or other governmental subdivision shall determine that such inspection laws or ordinances are no longer being complied with in respect to an existing installation, the City may suspend the furnishing of service thereto until it has received evidence of compliance with such laws or ordinances or EPA regulations.
- (G) Where a customer's premises are located outside of an area where inspection service is in effect, the City may require the delivery by the

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customer to the City of an approved inspection, the customer assuming responsibility therefore.

- (H) No responsibility shall attach to the City because of any waiver of these requirements.

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RULE 22 EXTENSION OF SERVICE OUTSIDE CORPORATION LIMITS

Rule 22.1 Extension Of Service Outside The Corporate Limits

- (A) Unless otherwise provided, the City reserves the right not to extend or upgrade water and/or sewer service to any water or sewer user outside the corporate limits of the City. In making its decision to extend or not to extend service outside the corporation limits, the City shall take into consideration: (1) whether or not the revenue is sufficient to justify the cost of making such additions, (2) the impact the additional loads will place upon the City's system, (3) any findings and orders the City may be under by the Environmental Protection Agency of Ohio or the United States, (4) the impact such extension will have on future annexation; and, (5) the economic benefit the extension will have on the City. When considering sufficient revenue, the City may require a long term contract, which may include contribution in aid of construction, and/or a definite written guarantee, in addition to any minimum payment required by the schedule as may be necessary. Rule 22 is subject to any federal or state law, rules or regulations, orders or agreements prohibiting or limiting the enforcement hereof, whether now or hereafter in effect. For the purpose of Rule 22 water/sewer means Water and/or Sewer Service. Further, for the purpose of this Rule, extension shall include but not necessarily be limited to: (1) physically extending of lines outside the corporation limits, (2) extending service to existing customers by the taking of new or additional loads into or upon the City's system; and, (3) the taking of any new or additional loads into or upon the City's system that originate from outside the corporate limits of the City.
- (B) The provision of Rule 22.1 may also be applied to cover the payment by the customer of the cost of connecting existing infrastructure for water and/or sewer service when such service will not otherwise provide sufficient revenue to justify the cost of connecting said infrastructure.

Rule 22.2 Land Contiguous

- (A) Except as provided for in Paragraph (B), the City shall not extend or provide water/sewer service to land which is contiguous to any part of the City, until such land is annexed to the City.
- (B) Land that is contiguous to the City and being provided water/sewer service from the City on or before February 1, 2007 shall have a period of 365 calendar days to be annexed to the City or suffer loss of water/sewer service. The 365 calendar days shall commence to run from the mailing of the notice of this Rule by the City Utility Department, mailed by regular U.S. mail to the owner(s) of the land at the address as listed on the City's utility records or the County Auditor records.

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- (C) In the event that the annexation sought pursuant to the requirements of Rules 22.2 (B), 22.3, or 22.5 is denied by the Henry County Commissioners or a court of competent jurisdiction, the owner(s) may obtain or continue to have water/sewer service, at the discretion of the City Manager, by entering into an agreement with the City having those terms and conditions deemed appropriate by the City Manager; however, such agreement shall contain the minimum provisions, that: (1) the owner(s) will continue to exert all reasonable and lawful efforts to obtain annexation of such land, including but not limited to appeals; and, (2) the agreement shall be binding on all heirs, successors, and assigns of the owner(s) to be reflected in a memorandum or affidavit to be recorded in the official records of the Henry County, Ohio, Recorder. Prior to the City Manager entering into such an agreement, there must be a showing by the owner(s) of the subject land to the City Manager that reasonable efforts were made to complete annexation.

Rule 22.3 Land Not Contiguous

The City may directly extend and/or continue to provide water/sewer service to land which is not contiguous to any part of the City, provided that, the owner(s) of such land contract with the City agreeing to those terms and conditions deemed appropriate by the City Manager; however, such agreement shall contain the minimum requirements that: (1) the owner(s) of the land will no later than 365 calendar days after becoming contiguous to the City accomplish annexation of the subject land; (2) in the event the annexation is denied by the Henry County Commissioners or a court of competent jurisdiction, the owner(s) shall continue to exert all reasonable and lawful efforts to obtain annexation of such land, including but not limited to appeals; and, (3) the agreement shall be binding on all heirs, successors, and assigns of the owner(s) to be reflected in a memorandum or affidavit to be recorded in the official records of the Henry County, Ohio, Recorder.

Rule 22.4 Persons Seeking Extension

Those persons seeking the extension of water/sewer service direct from the City to an area outside the corporate limits of the City shall be required to bear the entire cost of such extension, construction and installation, unless the City Council determines that it is in the best interest of the City to do otherwise. All plans, specifications, and work therefore shall be subject to the approval of the City. Services extended by the Henry County Regional Water and Sewer District shall be in accordance with its rules.

Rule 22.5 Annexation Required Of Land Being Served By Regional Water & Sewer District

Unless otherwise prohibited by law, land being served or to be served by the Henry County Regional Water And Sewer District with potable water

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first purchased from the City by the district is required to be annexed to the City upon becoming contiguous to the City as a condition of receiving water/sewer service by the district. Also, land being served by the Henry County Water And Sewer District with sewer that is connected to the City's sewage system is required to be annexed to the City upon becoming contiguous to the City as a condition of receiving sewer service by the district. Annexation of the contiguous land being served shall be completed no later than 365 calendar days after becoming contiguous to the City. Land that is contiguous to the City and being provided water or sewer service as provided for in this Rule 22.5 on or before February 1, 2007 shall have a period of 365 calendar days to be annexed to the City or suffer loss of water and/or sewer service. The 365 calendar days shall commence to run from the mailing of this annexation requirement, to be mailed by the City Utility Department, mailed by regular U.S. mail to the owner(s) of the land at the address as listed on the City's utility records or the County Auditor records.

Rule 22.6 Political Subdivision Contracts Authorized

Nothing in this Rule 22 shall be construed as limiting the authority of the City to contract as provided for in Rule 31.

Rule 22.7 New Subdivisions Within The City

- (A) Subject to any federal or state law, rules or regulations, orders or agreements prohibiting or limiting the enforcement hereof, whether now or hereafter in effect, and subject to budgetary constraints, the cost of water/sewer service installation to a new subdivision within the City may be paid by the City if not otherwise installed as an assessed project. The developer or subsequent land owner, as applicable, shall be responsible for any upgrade in service requested by the developer or landowner. Nothing in this Rule shall be construed as prohibiting the developer or landowner from paying the entire costs of the project.
- (B) The initial installation cost of the services within the subdivision, plus the maintenance costs for one (1) year after installation, is the responsibility of the property developer or subsequent land owner. The City will maintain ownership of the installations [water infrastructure in the right-of-way & sewer main in the right-of-way; however, building owner responsible for all sewer infrastructure from the face of the building to the sewer main] upon completion and acceptance following the City's inspection routine, subject to the one (1) year maintenance cost requirement by developer or subsequent land owner as stated herein which shall be guaranteed with an appropriate bond or other security, unless waived by the City Manager.

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RULE 23 WELLS, PONDS, RESERVOIRS, LAGOONS

Rule 23.1 Permit Required

No person is permitted to drill, construct, reconstruct, and/or commence to use any well, pond, reservoir, lagoon, or similar bodies of water, for private, semiprivate, public, commercial, and/or industrial potable water purposes within the City corporate limits unless and until a special use well, pond, reservoir, lagoon permit is obtained therefore as provided in these Rules (see *VIOLATION* section).

Rule 23.2 Connection To City Water System, When Required

- (A) After the passage of ninety (90) days immediately following the date of written notice from the City Manager or other duly authorized representative of the City that such operation and/or use shall cease, it shall be a violation of the Rules for any person to operate and/or use any well, pond, reservoir, lagoon or similar bodies of water, for private, semiprivate, public, commercial, and/or industrial potable water purposes in, under, or upon any real property within the City upon there being constructed or placed a waterline, which is a part of or connected with the City's potable water supply and/or water system, within two hundred (200') feet of any property line of such property, unless and until a special use permit is obtained therefore as provided in these Rules (see *VIOLATION* section).
- (B) After the passage of ninety (90) days immediately following the date of written notice from the City Manager or other duly authorized representative of the City that such connection shall be made, every owner of real property within the City that is used for human occupancy, employment, recreation, or any other purpose, at the owner's expense, shall make a direct connection to the City's potable water system upon there being constructed or placed a waterline, which is a part of or connected with the City's potable water supply and/or water system, within two hundred (200') feet of any property line of such property (see *VIOLATION* section).
- (C) It shall be a violation of the Rules for any person to operate and/or use any well, pond, reservoir, lagoon, or similar bodies of water, for private, semiprivate, public, commercial, and/or industrial potable water purposes in, under, or upon any real property within the City unless and until a special use well, pond, reservoir, lagoon permit is obtained therefore as provided in these Rules (see *VIOLATION* section).

Rule 23.3 Permit Application And Fee; Issuance

- (A) After receiving approval from the Ohio Environmental Protection Agency a special use well, pond, reservoir, lagoon permit as described in these

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Rules for the drilling, construction, reconstruction, operation, commencement of use, and/or use of any well, pond, reservoir, lagoon, or similar bodies of water, for private, semiprivate, public, commercial and/or industrial potable water purposes within the City may be granted, but only in the form of a special use well, pond, reservoir, lagoon permit, upon the applicant therefore demonstrating the requirement set forth in provision (1) below and the requirement of either provision (2), (3) or (4) below:

(1) That the special use will not be detrimental to or endanger the health, safety, and security of the City's potable water supply, water system, and wastewater system;

(2) That the City's potable water supply and/or water system is deficient in quality for the applicant's special use; or

(3) That the City's potable water supply and/or water system is deficient in quantity for the applicant's special use.

(4) That City water is not available for usage; not available being defined as not being constructed or placed a waterline, which is a part of or connected with the City's potable water supply and/or water system, within two hundred (200') feet of any property line of such property where the well, pond, reservoir, lagoon or similar body of water is desired to be constructed or used.

(B) Every application for a special use well, pond, reservoir, lagoon permit under these Rules shall be filed with the City's Engineering Department by or on behalf of the legal or beneficial owner of the real property for which the special use well, pond, reservoir, lagoon permit is sought on a form prescribed by the City and shall include the following items:

(1) A nonrefundable application fee as established;

(2) A written statement and supporting data stating that the proposed special use will not be detrimental to or endanger the health, safety, and security of the City's potable water supply, water system, and wastewater system, including substantiation thereof, and demonstration of Ohio Environmental Protection Agency approval;

(3) A written statement and supporting data setting forth any alleged unavailability of water and/or deficiencies in the quality and/or quantity of the City's potable water supply and/or water system and the effect thereof upon the applicant, including substantiation thereof; and,

(4) Plans and drawings for the proposed well, pond, reservoir, lagoon, or similar bodies of water, and such system in sufficient detail to allow proper review by the City for cross connections to and for the health, safety, and security of the City's potable water supply, water system, and wastewater system.

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- (C) For the purposes of divisions (B) (2) and (3) above, the term substantiation shall include references to potable-water standards recognized by the Ohio Department of Health and Ohio Environmental Protection Agencies and shall include the results of all tests conducted by competent persons for the purpose of demonstrating that the City's potable water supply and/or water system does not meet, or economically cannot be made to meet, such recognized standards.
- (D) For the purposes of provision (C) above, the term economically shall mean that, if the applicant's cost (excluding the cost of supplying water for such re-treatment) to retreat City water to meet the applicant's desired standards exceeds the cost of treating the proposed well, pond, reservoir, lagoon (or similar body of water) water by a factor greater than one hundred fifty (150%) percent, then the applicant shall be presumed to have demonstrated that the City's potable water supply and/or water system economically cannot be made to meet such recognized standards.
- (E) Upon receipt of an application for a special use well, pond, reservoir, lagoon permit, the City's engineer shall complete, within twenty (20) days from filing of application, an investigation concerning the permit make recommendations considering the requirements and criteria set forth in divisions (A) and (B) above. After the investigation is complete, the City Manager, within thirty (30) days from the filing date of the application, shall cause a public hearing to be held related to the topic of issuance of a special use well, pond, reservoir, lagoon permit. After such hearing, (which shall be informal in nature) the City Manager shall, based on the criteria set forth in divisions (A) and (B) above, either approve (with modification or not) or deny the issuance of the permit and shall cause to be written a finding of fact which was the basis of his/her decision. Any decision of the City Manager in regard to this permit may be appealed to the Water, Sewer, Refuse, Recycling and Litter Committee of Council in the same manner as other appeals are taken elsewhere under these Rules. No application for a special use well, pond, reservoir, lagoon permit which has been denied by the City Manager shall be resubmitted to the City for a period of one (1) year from the date of such denial, except upon the grounds of new and material evidence or proof of changed conditions. The Committee's order shall be a final order.

Rule 23.4 Term; Renewal; Fee

Each special use well, pond, reservoir, lagoon permit and each renewal thereof shall be valid for one (1) year from the date such permit or renewal is issued. If the holder of a special use well, pond, reservoir, lagoon permit issued under these Rules desires to renew such permit, the holder shall so notify the City not less than sixty (60) days prior to the expiration of such permit. No such renewal shall be issued unless the City has

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conducted an on-site inspection and the holder thereof has paid to the City a renewal fee as established.

The holder's request for renewal shall be denied if any one or more of the following events has occurred:

- (A) The City has substantially corrected the alleged deficiency in the quality and/or quantity of its potable water supply and/or water system on account of which the holder's permit was issued; or,
- (B) The holder has failed to timely apply for renewal of such permit; or,
- (C) The holder has violated any provision of these Rules; or,
- (D) The holder has violated such permit and/or term or condition upon which the holder's permit was issued; or
- (E) There becomes available City water to wit: constructed or placed waterline, which is connected with the City's potable water supply and/or water system within two hundred (200') feet of any property line of such property which is the subject of the special use well, pond, reservoir, lagoon permit.

Rule 23.5 Revocation

- (A) Any special use well, pond, reservoir, lagoon permit issued under these Rules shall be revoked by the City Manager without unnecessary delay, and upon serving notice thereof to the permit holder by regular U.S. mail to the last known address on file with the City. The City Manager shall hold a hearing (informal in nature) within ten (10) days of date of revocation. Revocation shall be for any one (1) or more of the following reasons or events:
 - (1) The holder violates any provision of these Rules concerning wells, ponds, reservoirs, lagoons or similar bodies of water;
 - (2) The holder violates such permit and/or any term or condition upon which the holder's permit was issued;
- (B) In the event any such permit is revoked, the former holder thereof shall be given written notice thereof and may appeal in accordance with the appeal procedure as provided for in these rules after a decision by the City Manager is made. (See Rule 25)

Rule 23.6 Enlargement Or Modification Of Well, Pond, Reservoir Or Lagoon; New Permit Required

No holder of any special use well, pond, reservoir, lagoon permit issued under these Rules shall alter, enlarge, modify, reconstruct, or improve the well, pond, reservoir, lagoon or similar body of water, and/or such system for which such permit was issued unless and until such holder obtains a new special use well, pond, reservoir, lagoon permit therefore from the

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City upon compliance with all the requirements and criteria of provisions concerning permit application and fee issuance (see *VIOLATION* section).

Rule 23.7 Administration

This Rule shall be administered and enforced by the City Manager or by an administrative officer who shall be designated by the City Manager. The City Manager, in furtherance of such authority, shall:

- (A) Cause to issue all special use well, pond, reservoir, lagoon permits under these Rule after approval thereof;
- (B) Conduct inspections of all wells, ponds, reservoir, lagoon (or similar body of water) and/or such systems, and the operation and/or use thereof, to determine compliance with the provisions of these Rules;
- (C) Make and maintain permanent and current records concerning all matters provided for in these rules, including, but not limited to all plans, drawings, applications, special use well, pond, reservoir, lagoon permits, and renewals thereof;
- (D) Assure that the City Engineer forwards to the City Manager all applications for special use well, pond, reservoir, lagoon permits and renewals thereof;
- (E) Cause to have investigated all alleged violations of these Rules and all special use well, ponds, reservoir, lagoon permits issued under these Rules and, if the facts elicited by such investigation are sufficient to establish that a violation has occurred, revoke such permit and/or institute legal action for all legal and equitable relief including, but not limited to injunctive relief and the revocation of such permit, to assure compliance with the provisions of these Rules.

Rule 23.8 Wells, Ponds, Reservoirs Or Lagoons To Be Metered

Any well, pond, reservoir, lagoon or similar body of water for which a special use permit has been issued under these Rules shall be metered by the City to determine the wastewater charges to be imposed and collected by the City, the meter charges, tap charges, and service charges for which shall be those set forth in the City's existing rate schedule, as amended from time to time.

Rule 23.9 Well, Pond, Reservoir Or Lagoon Inspections

Any well, pond, reservoir, lagoon or similar body of water, and/or such system for which a special use well, pond, reservoir, lagoon permit has been issued under these Rules shall be open for inspection by the City at all times during its usual business hours and without prior notice thereof.

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RULE 24 BACKFLOW PREVENTION

Rule 24.1 General

There is hereby adopted by the City, the Rules pertaining to backflow prevention as adopted by the State of Ohio in the Ohio Revised Code and/or any Ohio State Administrative Code, including but not limited to Sections 6109.13 R.C. and the Ohio Administrative Code Rule 3745-95.

Rule 24.2 Back Flow Device Necessity

If in the judgment of the Operations Superintendent, an approved backflow prevention device is necessary for the safety of the public water system, the Operations Superintendent will give notice to the water customer and/or property owner to install such an approved device immediately. The water customer and/or property owner, at his/her own expense, shall install such an approved device at a location and in a manner approved by the Operations Superintendent and shall have inspections and tests made of such approved devices as required by the Operations Superintendent (see *VIOLATION* section).

Rule 24.3 Prohibition Regarding Backflow Device

No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Operations Superintendent and by the Ohio Environmental Protection Agency (see *VIOLATION* section).

Rule 24.4 Surveys And Inspections Related To Backflow

The Operations Superintendent shall cause surveys and investigations to be made of industrial and any other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Operations Superintendent shall deem necessary.

Rule 24.5 Right To Enter To Investigate Backflow

The Operations Superintendent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Operations Superintendent any information which he may request regarding the piping system or systems of water use on such property. The refusal of such information, when demanded, shall, within the discretion of the

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Operations Superintendent, be deemed evidence of the presence of improper connections as provided in these Rules (see also Rule 7).

Rule 24.6 Discontinue Of Service Related To Backflow

The Operations Superintendent is hereby authorized and directed to have service discontinued after reasonable notice to the occupant thereof, as contained in these Rules, the water service to any property wherein any connection is in violation of the provisions of this Rule 24 is known to exist, and to take such other precautionary measures as he/she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this Rule 24. The hearing process and appeal process for disconnection is applicable to this Rule 24.6, except that disconnect may occur prior to hearing if the public's health, safety or welfare is at issue. Such appeal shall be considered an appeal from the Order of the City Finance Director.

Rule 24.7 Backflow Prevention Program

The City Manager, with assistance of the Operations Superintendent, may establish rules and regulations to govern the application of the backflow prevention program, including but not limited to, developing necessary questionnaires, forms, and reports.

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RULE 25 APPEAL PROCESS

Rule 25.1 Appeals In General

All decisions made by those other than the Finance Director or City Manager may be taken to the employees applicable appointing authority for review and decision.

Rule 25.2 Appeals From Decision Of Finance Director

- (A) After hearing by the Finance Director, a decision shall be rendered and either personally delivered or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the Finance Director, after hearing, may be taken to the Water, Sewer, Refuse, Recycling and Litter Committee of Council, so long as notice of appeal is filed in writing with the Finance Director within ten (10) business days after mailing of the decision or order of the Finance Director by regular U.S. mail or five (5) business days after rendering the decision or order by personal service, to the person who filed the appeal.
- (C) Appeals will not stay the finding or order of the Finance Director as a result of his/her decision, after hearing, unless a bond (in cash or other acceptable method) is posted in an amount necessary to guarantee payment of any unpaid charges and any future charges that may incur during the appeal process.
- (D) A filing fee, as established by the City and as may be amended from time to time, will be charged for all appeals to the water, sewer, refuse, recycling and litter committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 25.3 Appeals From Decision Of City Manager

- (A) After a hearing by the City Manager, a decision or order shall be rendered and either delivered by personal service or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the City Manager, after hearing, may be taken to the water, sewer, refuse, recycling and litter committee of Council, so long as notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal.

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- (C) Appeals will not stay the finding or order of the City Manager as a result of his/her decision.
- (D) A filing fee, as established and as may be amended from time to time, will be charged for all appeals to the Water, Sewer, Refuse, Recycling and Litter Committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 25.4 *Scope Of Appeals*

The scope of all appeals to the Committee shall be limited to the question of whether the City Manager or City Finance Director acted unreasonable, arbitrary or capricious in their decision.

Rule 25.5 *Appeal Process/Bond/Disconnect*

The appeal process will not stay a disconnect order unless there is a posting of a bond (in cash or other acceptable method) with the Finance Director in the amount equal to the amount in dispute and including those estimated amounts that may incur during as a result of the appeal process; further, the filing of an appeal does not stay the disconnect order during the appeal process related to Rule 24.6 (Backflow Disconnection), regardless of the posting of bond.

Rule 25.6 *Appealable Decisions*

The appeal process established in this Rule is applicable only to matters identified as appealable decisions of the City Finance Director and City Manager. For issues where the City Finance Director and City Manager both make a decision that is subject to an appeal, then the hearing may be in front of either the City Finance Director or City Manager as assigned by the City Manager; moreover, in the event it is not clear which official should be the hearing officer, then, either the City Finance Director or City Manager may hold the hearing as assigned by the City Manager.

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RULE 26 VIOLATIONS AND PROHIBITIONS

Rule 26.1 Wrongful Discharge Into Public Sewers

- (A) It shall be a violation of these Rules for any person, regardless of intent, to discharge or cause to be discharged any of the following described waters or waste to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; or,
 - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant; or,
 - (3) Any waters or wastes having a pH lower than 6.0, or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works; or,
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, or similar substance, either whole or ground by garbage grinders.

Rule 26.2 Discharge Of Detrimental Industrial Wastes

It shall be a violation of these Rules for any person, regardless of intent, to discharge or cause to be discharged into the City's sewage system industrial wastes of such character as to be detrimental to the normal operation of the treatment plant or to the City's sewage system.

Rule 26.3 Pretreatment Of Industrial Waste Required

It shall be a violation of these Rules for any person, being a major contributing industrial user of the treatment facilities, regardless of intent, to permit any pollutant which may interfere with, pass through, or otherwise be incompatible with the treatment works, to be discharged without pretreatment in accordance with these Rules.

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Rule 26.4 *Wrongful Discharge Into Sanitary Sewers*

Except for condensation water discharge from residential furnaces or cooling systems, it shall be a violation of these Rules for any person, regardless of intent, to discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any City owned or operated or controlled sanitary sewer.

Rule 26.5 *Unauthorized Taps Prohibited*

Except as provided in these Rules, it shall be a violation of these Rules for any person, other than an authorized employee of the City while in performance of their duties, to knowingly, recklessly or negligently tap a water main or extend a service in the street from the main to the curb; unless, however, application for said has been made in writing to, and approved by the City.

Rule 26.6 *Cross Connections Prohibited*

- (A) It shall be a violation of these Rules for any person to knowingly, recklessly or negligently, make or cause to be made, or permit on their premises, or the premises of another within the corporation limits, cross connections whatsoever between another water supply and/or piping system and City's water supply and/or piping system.
- (B) It shall be a violation of these Rules for any person, regardless of intent, to make or cause to be made connections of any kind whatsoever that would make it possible for any other water supply sources, including wells, cisterns, drainage, sewage or other contamination, to enter the City's water system.

Rule 26.7 *Backflow Device Required*

- (A) It shall be a violation of these Rules for any person to knowingly, recklessly or negligently establish or permit to be established or maintain or permit to be maintained any connection to a private, auxiliary or emergency system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Operations Superintendent and by the Ohio Environmental Protection Agency.
- (B) It shall be a violation of these Rules for an owner or possessor of real property, being served by a City water service, to knowingly, recklessly or negligently have or continue such service of water until a suitable backflow device, as approved by the Operations Superintendent and the Ohio Environmental Protection Agency, has been properly installed and is properly working.

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Rule 26.8 *Tampering With Curb Stop, Hydrant Or City Owned Valve Prohibited*

It shall be a violation of these Rules for any person, regardless of intent, except City employees while in the performance of their duties, without a written permit from the Operations Superintendent, to turn a curb stop, hydrant or City owned valve, excepting, however, members of the fire division in the performance of their duties.

Rule 26.9 *Adjustments To Meters Prohibited*

It shall be a violation of these Rules for any person, except the employees of the City while in performance of their duties or persons authorized thereby (ie. equipment repairman), to knowingly, recklessly or negligently make any internal or external adjustments of any meter or any other piece of apparatus which is the property of the City.

Rule 26.10 *Connection To Water And Sewer Required*

It shall be a violation of these Rules for any owner of real property located within the City's corporation limits, regardless of intent, to fail to connect to a water or sewer line of the City when required by these Rules.

Rule 26.11 *Disturbance Of Public Sewer Prohibited*

- (A) It shall be a violation of these Rules for any unauthorized person, regardless of intent, to:
- (1) uncover any public sewer or appurtenance thereof, except under the provisions of these Rules; or,
 - (2) make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, except under the provisions of these Rules.

Rule 26.12 *Permits Required*

- (A) It shall be a violation of these Rules for any person, except employees of the City while in the performance of their duties, regardless of intent, to install or cause to be installed any pipe, conduit or other appurtenances related to water or sewer, or permit the same to be done on their premises, or make any connection to a public water or sewer system of the City without first obtaining and maintaining a valid permit as required by these Rules.
- (B) It shall be a violation of these Rules for any person, regardless of intent, to drill, construct, reconstruct, and/or commence to use any well, pond, reservoir, lagoon or similar bodies of water for private, semiprivate, public, commercial, and/or industrial potable water purposes within the City corporate limits unless and until a special use well, pond, reservoir or lagoon permit is obtained as required in these Rules.

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- (C) It shall be a violation of these Rules for any holder of any special use well, pond, reservoir or lagoon permit issued under these Rules, regardless of intent, to alter, enlarge, modify, reconstruct, or improve the well, pond, reservoir or lagoon and/or such system for which such permit was issued unless and until such holder obtains a new special use well, pond, reservoir or lagoon permit therefore from the City upon compliance with all the requirements and criteria of provisions concerning permit application and fee issuance.

Rule 26.13 Destruction Of City Appurtenance Or Equipment Prohibited

It shall be a violation of these Rules for any person to knowingly, recklessly, or negligently break, damage, destroy, or deface any structure, appurtenance, or equipment which is a part of the water or wastewater facilities.

Rule 26.14 Meeting Specifications Required

- (A) It shall be a violation of these Rules for any person, regardless of intent, to install or construct on any premises in the City, any water or sewer piping or apparatus, unless installed or constructed in accordance with City specifications, unless otherwise permitted by an authorized person of the City. For the purpose of this section, an authorized person shall be the City Manager, City Engineer or City Construction Inspector.
- (B) It shall be a violation of these Rules for any person, regardless of intent, to make a connection or lateral extending to private property from a public sewer or drain except in accordance with specifications issued by the City Engineer.

Rule 26.15 Violations Related To Excavation Work

- (A) It shall be a violation of these Rules for any person, regardless of intent, during all excavations for building sewer or water installation, to fail to adequately guard with barricades and lights so as to protect the public from hazard.
- (B) It shall be a violation of these Rules for any person, regardless of intent, to fail to restore to its original condition prior to excavation, all streets, sidewalks, parkways, and other public property disturbed in the course of excavation work related to water and sewer.
- (C) It shall be a violation of these Rules for any person, regardless of intent, to refill or cause to be refilled the excavation made for such connection related to excavation work within the public right-of-way or upon public grounds unless in the presence and upon the approval of the City's Engineering Department.
- (D) It shall be a violation of these Rules for any person, regardless of intent, to excavate or cause excavation to be done within the City right-of-way until

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a bond or its equivalent in an amount equal to the total cost of the work performed is posted with the City.

Rule 26.16 Private Use Of Public Water Prohibited

Except for provided drinking fountains, it shall be a violation of these Rules for any person to knowingly, recklessly or negligently take water for private usage from any City owned or controlled fountain, City hydrant, or City spicket, without the written consent from an authorized person of the City. For the purpose of this section, an authorized person shall be the City Manager, City Finance Director, Operation's Superintendent, City Engineer, or City Fire Chief.

Rule 26.17 Treatment Required For Discharge

It shall be a violation of these Rules for any person to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of these Rules.

Rule 26.18 Constructing Or Maintaining Privy, Septic Tank Or Cesspool Prohibited

Except as provided by these Rules, it shall be a violation of these Rules for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City.

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RULE 27 PENALTY SECTION

Penalties for violations of the City of Napoleon's Rules for Water and Sewer Service are pursuant to Ordinance No. 82-97, as may be amended from time to time.

(Comment: Any violation cited should include the Rule Violation as well as said Ordinance number; below is merely a restatement of the Penalties and current Ordinance should be examined for verification of accuracy.)

- (A) *Any person found violating Rules 26.1 (A-1), (A-2), or (A-3); 26.2; 26.6; 26.7; 26.9; 26.11(A-2); 26.13 or 26.16 shall be deemed guilty of a misdemeanor of the first degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.*
- (B) *Any person found violating Rules 26.3 or 26.15(C) shall be deemed guilty of a misdemeanor of the fourth degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.*
- (C) *Any person found violating Rules 26.1 (A-4); 26.4; 26.5; 26.8; 26.10; 26.11(A-1); 26.12; 26.14; or 26.15 (A),(B) or (D); 26.17; 26.18 shall be deemed guilty of a misdemeanor of the minor degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.*
- (D) *When a person is found violating any Sub Rule ("provision") found in Rule 26, the appeal procedure as set forth in these Rules shall not apply.*
- (E) *In addition to any criminal, civil, or administrative penalty that may be applied for a violation of any Rule contained within these Rules, if such violation creates a condition which may be harmful to the health, safety, and welfare of the public, the violation shall be deem a public nuisance and the City may seek a civil injunction and abatement from a court of competent jurisdiction; further, violations of any water or sewer Rule or the failure to pay in a timely manner an administrative fine will be just cause for termination of service.*
- (F) *Organizational penalties as provided for in Chapter 501 of the Codified Ordinances of the City of Napoleon, Ohio shall apply to this penalty section.*

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RULE 28 ADMINISTRATION OF RULES/VARIANCES AND EXCEPTIONS

Rule 28.1 General Administration

The City Manager is hereby empowered to make supplementary Rules as may be necessary to properly administer these Rules; however, no change shall be made in Rules 26 or 27, or Sub Rules ("provisions") thereof, unless duly authorized by Napoleon's City Council in accordance with law. Nothing in this Rule shall be construed as requiring Council approval for Rule changes related to specifications, methods or techniques.

Rule 28.2 Variances And Exceptions

Where applicant, owner or customer can show that strict adherence to provision(s) of these Rules would cause unnecessary hardship and where, in the opinion of the City Manager, because of abnormal conditions or events peculiar to a site or operation a departure may be made without destroying the intent of such provision, the City Manager may grant a variance or exception. Any such variance or exception is required to be entered in writing and attached to the application and/or contract for utility service along with the reasoning by the City Manager deemed to be justification for such variance and exception.

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RULE 29 SAVINGS CLAUSE

If any Rule or part thereof is found to be unlawful by any court of competent jurisdiction, only that Rule or part thereof shall be considered unlawful and the remainder of the Rule or rules shall have full force and effect and be considered valid.

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RULE 30 CORRECTION/ERROR PROVISION

If a manifest error be discovered in the Rules for water and sewer service consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

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RULE 31 CONTRACTS PREVAIL

Rule 31.1 General

- (A) In order to be competitive, the City Manager may enter into contract(s), in accordance with paragraph (B) below, with persons or entities desiring water/sewer service under separate terms and conditions that may be contrary to these Rules, after review by the Board of Public Affairs and approval by motion of Council; however, no term or condition shall be contrary to State or Federal Law, except where State or Federal Law may be superseded. (Amended June 19, 2000 - Ordinance No. 53-00)
- (B) In situations where current or potential customers may be offered an alternative source of service or where the customer may choose to locate its facilities to another site, the City of Napoleon may offer special contracts for service which contain alternative rates and terms and conditions for service. These contracts may be offered where it is determined that the loss of potential revenue, loss of employment, and/or other negative effects from the loss of those customers may be detrimental to the economic interest of the customers on the system.

Rule 31.2 Contract With Political Subdivisions

Nothing in these Rules shall be construed as limiting the authority of the City to contract with other political subdivisions of this State for the purpose of supplying water/sewer outside the corporation limits under separate terms and conditions that may be contrary to these Rules.

Rule 31.3 U.C.C. Not Controlling

The Uniform Commercial Code shall have no force and effect as these rules shall be considered as governing a service.

Rule 31.4 Rule Conflict

If any Rule herein is found to be in conflict with the same subject matter rule contained in the Rules and Conditions Governing the Sale of Electricity in the City of Napoleon, Ohio, and such rule is not unique to the utility, then the utility may apply the rule which was passed more recent in time.

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RULE 32 APPENDIX "A" FEES

To partially offset the additional expense to the City in furnishing special services requested or caused by the customer, such as the connection service, collection of accounts, etc. the charges for such services are set forth in this Appendix "A". Normal connections will occur during regular business hours of the City. Any service connections after normal business hours may have an added fee to cover the additional cost of services. This appendix also covers other current rates, fees and charges. All rates not contained in this Appendix shall be as contained in Chapter 931 of the Codified Ordinances of the City or other policy, resolution or ordinance.

Trip Charges:

Initial Customer Requested Water Connection (Trip Charge)	\$0.00
Other Customer Requested Water Connection (Trip Charge)	\$20.00
City Maintenance Connection/Disconnection (Trip Charge)	\$0.00
Customer Emergency Maintenance Connection/Disconnection (Trip Charge)	\$0.00
City Disconnection Water Service (each trip) pursuant to RULE 15 (b)	\$50.00

Other:

Filing of Appeal Fee	\$35.00
Return Check Service Fee	\$25.00
Well, Pond Reservoir, Lagoon Permit Application Fee	\$50.00
Temporary Water Service Fee (Includes Permit Fee)	\$100.00
Hose Meter Charge	10.00 Per Month

Meter Testing Fee at Customer's Request
(when no meter problem found) the customer's cost shall be time and material as determined at the actual cost to City

* Fees listed under this Rule (Appendix) only during normal business hours. Services performed after normal business hours will have an additional \$40.00 added fee for each service, except for appeals.

* Placement and/or removal of a limiter constitutes disconnect/connect for purposes of trip charges.

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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.