

CODIFIED ORDINANCES OF NEW LONDON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

Chap. 901. Sidewalks.

TITLE THREE - Utilities

Chap. 921. Water.

Chap. 925. Sewers.

Chap. 927. Utility Rules.

Chap. 929. Identity Theft Prevention Program.

Chap. 931. Storm Water Drainage Utility.

TITLE FIVE - Other Public Services

Chap. 955. Parks.

Chap. 959. Garbage and Refuse.

CODIFIED ORDINANCES OF NEW LONDON
PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas
 Chap. 901. Sidewalks.

CHAPTER 901
Sidewalks

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|---|---|
| 901.01 Required for new housing units; waiver.
901.02 Council's powers.
901.03 Sidewalk inspection.
901.04 Village-wide sidewalk construction program. | 901.05 Specifications.
901.06 Obstruction.
901.07 Snow, ice removal. |
|---|---|

CROSS REFERENCES

- Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
 Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
 Duty to keep clean and in repair - see GEN. OFF. 521.06
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901.01 REQUIRED FOR NEW HOUSING UNITS; WAIVER.

All new housing units shall have sidewalks installed within sixty days of first occupancy unless the need thereof is temporarily waived in writing by the Village Administrator. Any such waiver shall be specific as to the duration thereof. This requirement shall prevail, regardless of the timelines set forth for the Village-wide sidewalk construction as described in Section 901.04. (Ord. 01-06. Passed 8-14-01.)

901.02 COUNCIL'S POWERS.

Whenever it is necessary, in the opinion of Council, Council shall require construction and/or repair of necessary sidewalks, curbing or gutters, or parts thereof, within the limits of the Village and shall follow the procedures set forth in Chapter 729, Ohio Revised Code with respect to the assessment therefor. Sidewalk repairs may be required at any time, within any quadrant of the Village, notwithstanding the Village-wide sidewalk construction program.
(Ord. 01-06. Passed 8-14-01.)

901.03 SIDEWALK INSPECTION.

(a) The Village Administrator, or his designee, shall serve as the Sidewalk Inspector at no addition compensation.

(b) Any complaints or requests concerning sidewalks may be submitted to the Sidewalk Inspector for investigation; and the Sidewalk Inspector shall report his findings to the Council. The Sidewalk Inspector shall identify locations brought to his attention where there is a variation in height of 3/4" or more between sections of sidewalk.
(Ord. 01-06. Passed 8-14-01.)

901.04 VILLAGE-WIDE SIDEWALK CONSTRUCTION PROGRAM.

(a) Council hereby declares its intention that sidewalks shall generally be constructed along all public streets in all areas of the Village not presently serviced by sidewalks in accordance with the provisions of this chapter. (Ord. 01-06. Passed 8-14-01.)

(b) For purposes of the Village-wide sidewalk construction program, the Village is divided into four quadrants, formed by the intersections of State Routes 162 and 60 as they cross within the Village of New London. Being denominated as that South-East, South-West, North-West, and North-East quadrants of the Village. It is Council's intention that new sidewalks shall be constructed according to the following timetable:

- (1) Within the South-East quadrant, on or before June 1, 2002;
 - (2) Within the South-West quadrant, on or before June 1, 2003;
 - (3) Within the North-West quadrant, on or before August 1, 2006;
 - (4) Within the North-East quadrant, on or before August 1, 2006.
- (Ord. 04-09. Passed 5-4-04.)

(c) On or before February 1, 2002, and for each year thereafter through 2005, the Village Administrator shall cause plans, specifications, and an estimate of cost for the proposed sidewalk work for the respective quadrant designated in subsection (b), above, to be prepared and filed with the Clerk-Treasurer according to Ohio Revised Code Section 729.02. In determining where sidewalks are to be constructed, the Administrator shall consider these guidelines:

- (1) In the areas surrounding municipal parks, sidewalks shall lead only to the entrances, and shall not continue within the park grounds. In the area of the reservoir, "bike paths" may be substituted for sidewalks.
- (2) Along "dead-end" streets, sidewalks may be constructed directly adjacent to the curb; curbs may be required where they do not presently exist.

The Administrator may include within the scope of the proposed work for any year repair of existing sidewalks located anywhere within the Village which have been identified as needing repairs.

(d) After the Village Administrator has filed the plans, specifications, and estimate of cost with the Clerk-Treasurer, normally on or before the first meeting in March of each year, the Council may enact a resolution of necessity satisfying the requirements specified in Ohio Revised Code Section 729.02. This resolution shall:

- (1) Approve the plans, specifications, and estimate of cost of the proposed construction or repair on file;
- (2) Describe the lots and lands abutting upon the sidewalks, curbs, or gutters to be constructed or repaired by the termini of the improvement or by street address;
- (3) Set forth that such sidewalks, curbs, or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk-Treasurer;
- (4) Set forth the time within which such sidewalks, curbs, or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than thirty days from the date of service of notice on the owner of the lots or lands;
- (5) State that in the event such sidewalks, curbs, or gutters are not constructed or repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this resolution, the Village will so construct or repair such sidewalks, curbs, or gutters and assess the cost thereof against the lots and lands abutting thereon.

(e) Upon the passage of the resolution of necessity, the Clerk-Treasurer shall cause a notice to be served upon the owners of the lots effected, in accordance with the requirements of Ohio Revised Code Section 729.03.

(f) Upon the expiration of the time provided to each landowner to construct or repair sidewalks as specified, the Village Administrator shall cause the same work to be done according to law.

(g) Upon completion of any such construction or repair of sidewalks, the total costs of construction, repairs, or installation shall be ascertained and reported to the Council by the Clerk-Treasurer; whereupon, the Council shall proceed to cause a list of estimated assessments to be prepared such list shall include the total cost of such construction, repair, or installation to each lot or land abutting upon such construction, repair, or installation and shall be filed in the office of the Clerk-Treasurer and be available for public inspection.

(h) The Clerk-Treasurer shall cause a notice to be published for three consecutive weeks in a newspaper of general circulation in the Village stating that such list of estimated assessments has been made and is on file in the office of the Clerk-Treasurer for the inspection and examination of persons interested therein. If any person objects to an assessment on such list, he shall file his objection in writing with the Clerk-Treasurer within two weeks after the expiration of the notice.

(i) The Clerk-Treasurer shall deliver the objections received to the Council. The Council shall review the written objections and shall adopt an ordinance levying upon the lots and lands enumerated in the list of estimated assessments the amounts set forth on such list with such changes or corrections as the Council shall determine to be proper after consideration of the written objections filed. Such ordinance shall state the number of annual installments, not exceeding ten, over which the assessments shall be payable and shall establish a period of time during which the assessments shall be payable cash. Thereafter, the Clerk-Treasurer shall cause all steps necessary as provided by law, including but not limited to Section 729.10, Ohio Revised Code, to be taken in order to perfect and collect the assessments as levied by Council.

(j) Nothing in the foregoing provisions shall prevent the Village or the Council from proceeding in any other manner authorized by State law to construct or repair sidewalks or to compel the payment therefor by any landowners.
(Ord. 01-06. Passed 8-14-01.)

901.05 SPECIFICATIONS.

(a) All public sidewalks constructed in the Village shall be of concrete not less than four inches in thickness of concrete mixture, one of cement, two of sand, three of stone. No sidewalks in the Village shall be constructed in whole or in part of brick, without a written waiver from the Village Administrator. Portions of walks used as a driveway surface for vehicular traffic, and sidewalks in the business district shall be not less than six inches thick of concrete, or asphalt at the discretion of the Village Administrator. A four inch granular base is required prior to pouring a sidewalk. Such shall be either of stone or gravel. If the assessed valuation of any property abutting any sidewalk ordered is insufficient to pay the cost of the same, under the limitations provided by the Ohio Revised Code, Council may order the sidewalks to be constructed of other material and the cost of which shall not exceed the amount which may be legally assessed against the abutting property for the construction of the same.

(b) A four foot minimum width of sidewalk, with replacement being at least the size of adjacent sidewalk is required. Sidewalks shall be constructed with P.C. Concrete which shall contain six percent (6%) minimum cubic yards and a 3 maximum slump. Also 4,000 lbs. test at twenty-eight days.

(c) All concrete shall be placed in one course and finished with a wood float, steel trowel edging and joints.

(d) Expansion joints shall be placed wherever new concrete touches existing construction and at thirty foot intervals or less.

(e) Water valve and gas valve boxes in sidewalk area shall be adjusted to proper grade.

(f) Thickness of small area repairs shall equal existing sidewalks four inches for sidewalks, and six inches at driveways and equal existing width. Uneven joints may be repaired by adjusting the elevations of adjacent sidewalk sections to uniform grade. Where fill is required, material shall be cinders, sand or screening. Depth of contraction joints shall be one-fourth inch of thickness. Sawing permitted. Longitudinal contraction joints shall be placed when width exceeds six feet premoulded expansion joints: 0"-20', none: 20'-20', one: over 50', 50 intervals.

(g) When any existing five foot sidewalk is repaired or replaced the sidewalk shall be repaired or replaced to five feet.
(Ord. 01-06. Passed 8-14-01.)

901.06 OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk or other public way within the Village, by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon such public way, shall be deemed a separate offense. (Ord. 01-06. Passed 8-14-01.)

901.07 SNOW, ICE REMOVAL.

Any person being the owner, agent, tenant, or occupant of any premises within the limits of this Village, shall, not later than eight (8) hours after a snowfall of two inches (2") or greater subsides, remove all snow, ice and filth, as the case may be, or make such sidewalks in front of said premises, and if a corner lot the front and side, safe for travel.
(Ord. 01-06. Passed 8-14-01.)

TITLE THREE - Utilities

- Chap. 921. Water.
 Chap. 925. Sewers.
 Chap. 927. Utility Rules.
 Chap. 929. Identity Theft Prevention Program.
 Chap. 931. Storm Water Drainage Utility.
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**CHAPTER 921
Water**

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|---------------|-------------------------------------|---------------|-------------------------------|
| 921.01 | Billing procedures; meters. | 921.07 | Fire protection. |
| 921.02 | Connections; tampering. | 921.08 | Subdivisions. |
| 921.03 | Liability. | 921.09 | Line extensions. |
| 921.04 | Multiple occupancy building. | 921.10 | Water rates. |
| 921.05 | Swimming pools. | 921.11 | Deposit. |
| 921.06 | Payment extensions. | 921.12 | Miscellaneous charges. |
| | | 921.13 | Backflow protection. |

CROSS REFERENCES

- Power to provide and regulate - see Ohio R.C. 715.08, 717.01, 743.01
 Water pollution - see Ohio R.C. 715.08, 743.25
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Weekly deposit of water works money collected - see Ohio R.C. 743.06
 Fluoridation - see Ohio R.C. 6111.13
 Water pollution control - see Ohio R.C. Ch. 6111
 Water supply - see OAC 4101:2-51-37
 Backflow - see OAC 4101:2-51-38
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921.01 BILLING PROCEDURES; METERS.

- (a) It is the duty of the Clerk-Treasurer to render bills for water service and all other charges in connection therewith and to collect all moneys due therefrom.
- (b) All revenues and moneys derived from the operation of the water system shall be paid to and held by the Clerk-Treasurer separate and apart from all other funds of the municipality and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the Clerk-Treasurer, shall be deposited in a separate fund designated the "Waterworks Fund Account" and said Clerk-Treasurer shall administer said fund in every respect in a manner provided by the Ohio Revised Code and all other laws pertaining thereto.

(c) The Clerk-Treasurer shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular intervals Council shall cause to be made an independent audit of the books to show the receipts and disbursements of the water system.

(d) Monthly bills will be rendered by the Clerk-Treasurer. Meter readings will be taken monthly, normally on or about the 20th of each month or as close thereto as is practical.

(e) If the meter reader is unable to obtain a reading by reason of the meter being out of order, it will be replaced and an estimated charge will be made. If the meter reader is unable to gain entrance to the premises on a second call, the current bill be estimated. Estimates will be based on the two previous readings. Water consumption will not be estimated two quarterly billing periods in succession. Water service will be shut off if meter reader cannot gain entrance after proper notification.

(f) Meters shall remain the property of the Village of New London and the Village. Its employees shall have access thereto at all reasonable times for the purpose of reading, removing or replacing any that may become defective.
(Ord. 2013-29. Passed 1-13-14.)

921.02 CONNECTIONS; TAMPERING.

(a) No person or firm shall make or maintain physical connection between any other source of water or liquid and the public supply piping. No spigot or outlet shall be physically connected to a drain or sewer, nor shall such be below a free over-flow or submerged.

(b) No person, other than an authorized agent of the water department, may connect to any public waterline, tamper with or remove any meter, or parts thereof, or any seal, or insert a meter by-pass without the permission of the superintendent of water. In addition to any criminal penalty the violator may have his service discontinued.

921.03 LIABILITY.

The water department does not guarantee any fixed pressure or continuous supply, but it will, in case of any emergency or accident that will cause a shortage, or water to be shut off, endeavor to notify consumers affected thereby. Those using steam boilers and receiving their supply directly from the Village mains should have a storage tank of sufficient gallonage to hold an ample supply for any emergency, as no claims will be considered for damage of any nature whatsoever arising from such action.

921.04 MULTIPLE OCCUPANCY BUILDINGS.

(a) Differently owned or differently occupied buildings shall not be supplied from a single tap, except apartment complexes. Owners or tenants are not permitted to supply others with water from their lines, except with written permission from the superintendent of water.

(b) Apartment complexes so desiring to have a second meter or more, each meter will cost two hundred dollars (\$200.00). Installation of meter is to be done according to Village specifications by the owner. After installation is complete, the Village will make an inspection and hook up the meter and/or remote.
(Ord. 2013-29. Passed 1-13-14.)

921.05 SWIMMING POOLS.

(a) Any water used for a swimming pool will be billed sewer rates unless metered separately. An additional meter expressly and only to service a swimming pool may be installed at the property owner's expense, subject to rules and inspection of the Water Department. For purposes of this section, an eligible "swimming pool" means any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing which has a diameter of at least twelve feet, surface area of at least 100 square feet, and a regularly maintained water depth of at least eighteen inches of water.

(b) Pool meters as described in Section 921.05(a) will be available at a cost of two hundred dollars (\$200.00). This fee must be paid in advance to the Clerk-Treasurer. The Village will provide a meter and two couplings. Installation of the meter is to be done according to Village specifications by the homeowner. After installation the Village will make an inspection and hook up the remote where applicable. At all times, the pool meter shall be and remain the property of the Village.

(c) Pool meters will be read monthly. There will be no estimated bills. Charges will be based on actual usage to service a swimming pool and will be payable monthly. The first 2,000 gallons/month will be charged at the existing water rates, prorated per 1,000 gallons of water used. Any additional usage will be billed at existing rates. There will be no sewer charges for water running through pool meters which water is being used exclusively to service a swimming pool. Regardless of the presence of a pool meter, sewer charges will be assessed in those cases where there is no pool being actively serviced on the site or the water is being used for purposes other than servicing a pool.
(Ord. 2013-29. Passed 1-13-14.)

921.06 PAYMENT EXTENSIONS.

When the last day for payment of the net bill falls on a Saturday, Sunday, or legal holiday, the time for payment of the net bill will be automatically extended to include the first full business day following.

921.07 FIRE PROTECTION.

The installation of fire protection service connections to supply water to standpipes and sprinkler systems for fire protection only, shall be permitted when application and plans for such services have been submitted and approved and the classification of such service determined by the Superintendent of the Water Distribution System. Pipes intended for fire protection shall not be tapped or used for the general water supply of any building, structure or premises unless, so authorized by the Superintendent of the Water Distribution System.

921.08 SUBDIVISIONS.

The developer of any new subdivision, or parts thereof, shall install all water mains, fire hydrants, valves and fittings at his expenses. Lines from main line to curb box, also designated as taps, will be installed by the Superintendent of Water on a labor plus materials basis at the developer's expense. Fire hydrants with watch valves must be approved by the Water Department Director. Only standard hydrants and valves used by the New London Water Department will be approved. All work performed shall be in accordance with plans and specifications approved by the Water Department. All lines after completion shall become the property of the water department.

921.09 LINE EXTENSIONS.

(a) Line extensions in previously established subdivisions having no water service must be petitioned for by the adjoining lot owners and will be installed on an assessment basis. Main line to curb box service lines must be paid in advance by the property owners.

(b) No extension of any water main will be approved for less than the entire frontage of properties involved in the petition.

(c) Six inches is the established minimum size water line. Where the Superintendent of the Water Department specifies a large size pipe the water department will pay the difference in cost of the larger size pipe specified than six inch pipe.

(d) Materials to be used by the customer from the curb box to the structure main shut off shall be Type K copper or copper tubing size polyethylene. If a leak is discovered by the property owner or the water department between the curb stop and the structure, the owner has 72 hours to repair or replace the service line or service will be disconnected.

921.10 WATER RATES.

Each user shall pay for water based on the amount as follows:

(a) Meter Rates.**WATER SERVICE WITHIN THE VILLAGE LIMITS**

For up to the first 2,000 gallons	\$19.22 per month (minimum bill)
For the next 6,000 gallons	\$ 3.66 per 1,000 gallons
For all water over 8,000 gallons	\$ 2.82 per 1,000 gallons

Each user shall pay a minimum charge of \$19.22 per month.

WATER SERVICE OUTSIDE THE VILLAGE LIMITS

For up to the first 2,000 gallons	\$24.03 per month (minimum bill)
For the next 6,000 gallons	\$ 4.58 per 1,000 gallons
For all water over 8,000 gallons	\$ 3.53 per 1,000 gallons

Each user shall pay a minimum charge of \$24.03 per month.

That in accordance with the rate increases being assessed against the Village's other water users, effective from and after January 1, 2008, the water rates being assessed against the Rural Lorain County Water Authority and Northern Ohio Rural Water pursuant to the existing water contract shall be set as follows:

RURAL LORAIN COUNTY WATER AUTHORITY

2.04 per 1000 gallons	first 550,000 gallons per day monthly average
1.98 per 1000 gallons	next 50,000 gallons per day monthly average
1.92 per 1000 gallons	over 600,000 gallons per day monthly average

NORTHERN OHIO RURAL WATER

2.04 per 1000 gallons	first 100,000 gallons per day monthly average
1.98 per 1000 gallons	next 50,000 gallons per day monthly average
1.92 per 1000 gallons	over 150,000 gallons per day monthly average

(Ord. 2013-29. Passed 1-13-14.)

(b) Tap Fees.

- (1) Applications for water service shall be filed with the Water Treasurer or Clerk-Treasurer upon a form to be supplied by the Municipality. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the water system shall be accompanied by a fee, payable to the Clerk-Treasurer, for the connection charge. All tap fees must be paid in full before the tap is installed as per the Ohio Revised Code.
- (2) Each user, inside the Village of New London, at the time he is connected with the waterworks systems, shall pay a connection charge of one thousand five hundred dollars (\$1,500). Each user outside the Village of New London shall pay a charge of one thousand five hundred dollars (\$1,500). A higher fee will be assessed if the connection is larger than $\frac{3}{4}$ " , based upon the additional cost of materials and labor.

(c) Reconnection Fee. Editor's Note: Former subsection (c) was repealed by Ordinance 2007-14.

(d) All water users located outside the corporate limits of the Village of New London and served by the New London Township Water Line Extension Project shall be subject to the following charges and fees:

- (1) In addition to the water rates set forth in subsection (a) hereof, a surcharge in the amount of seventeen dollars (\$17.00) per month; and
- (2) In lieu of the tap-in fees set forth in subsection (b)(2) hereof, a tap-in fee in the amount of one thousand five hundred dollars (\$1,500).

In the event that, in the future, the Administrator and the Clerk-Treasurer, should determine that a further increase in the number of customers within the Phase I territory should raise sufficient additional funds to warrant a proportionate reduction in the surcharge while still maintaining adequate funding to retire related debt, they shall so advise the Council; and the surcharge rate set forth in subsection (d)(1) hereof shall then be proportionately reduced in the next billing cycle by the amount certified as appropriate by the Administrator and Clerk-Treasurer

(e) Notwithstanding anything to the contrary in paragraph (d) hereof, all water users located outside the corporate limits of the Village and served by the New London Township Water Line Extension Project (Phase II) shall be subject to the following charges and fees:

- (1) In addition to the water rates set forth in subsection (a) hereof, a surcharge in the amount of seventeen dollars (\$17.00) per month; and

In the event that, in the future, the Administrator and the Clerk-Treasurer should determine that a further increase in the number of customers within the Phase II territory should raise sufficient additional funds to warrant a proportionate reduction in the surcharge while still maintaining adequate funding to retire related debt, they shall so advise the Council; and the surcharge rate set forth in subsection (e)(1) hereof, shall then be proportionately reduced in the next billing cycle by the amount certified as appropriate by the Administrator and Clerk-Treasurer.

(f) Hauled water will be charged at the rate of five dollars (\$5.00) per 1,000 gallons. (Ord. 2013-10. Passed 3-11-13.)

921.11 DEPOSIT.

The owner of the premises served and the occupant and/or user of the water service shall be jointly and severally liable for the water service provided said premises. Water rent shall be a lien on the property supplied, and if not paid as herein provided, the same shall be collected as other taxes and assessments are collected, and the Clerk-Treasurer is hereby directed to certify to the Auditor of Huron County such delinquent water rents with a description of the premises, and the Auditor shall place the same on the duplicate and collect according to law and certify to the Solicitor such delinquent water rents for collection in a Court of Law in the name of the Village. A deposit shall be required from all tenants. Such deposit may be applied to any final water rent bill, and any balance shall be returned to the applicant. Any person who rents a property and leaves without paying the final bill with a balance due or more than the deposit will not be able to have water turned on in their name until the balance is paid.
(Ord. 2007-14. Passed 7-10-07.)

921.12 MISCELLANEOUS CHARGES.

(a) Meter Test. Any meter will be tested at the request of the patron served thereby, with the provision that a charge of ten dollars (\$10.00) will be made for such test if meter is found to be measuring correctly within three percent (3%). If registering incorrectly, no charge will be made, but an adjustment with the patron on the basis of error found will be made for the period of three months prior to such test, and said meter will be replaced. Meter tests shall be performed by the Village employees with the customer present. This service is for 5/8, 3/4 and one inch meters only. Larger meters will have to be tested by an independent testing company at their rate of charge.

(b) Frozen Meter. Any person, firm or corporation having a connection to the public water supply system who permits public water to be wasted from such connection either by unnecessary use or to prevent freezing, or fails to prevent such wastage shall have, after notification, such water connection turned off. All water wasted shall be paid for by the party causing, or failing to prevent, such waste, and a twenty-five dollar (\$25.00) charge will be levied for 3/4, 5/8, or one inch frozen meters. Larger meters will be charged time and material for the repair.

(c) Service Charges. A fee of five dollars (\$5.00) shall be levied to initiate service and set up an account.

(d) An additional charge of twenty-five percent (25%) of regular water rates shall be made for water service outside the Village corporation limits.

(e) Bills for the rates and charges as herein established by the Municipality shall be sent monthly. All bills shall be payable on the first day of the month and shall be paid at the office of the Fiscal Officer. If any charge for the services of the system is not paid by the tenth day of the month in which it shall become due and payable, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith. A final notice will be sent on the due date or soon thereafter. Water may be shut off ten days after the due date.

(f) Customers with sprinkler systems will be charged twenty five dollars (\$25.00) per month per system.

(g) Whenever water/sewer service has been disconnected by the village for non-payment, a reconnect fee shall be charged before service may be reinstated. The fee shall be \$30.00, and the proceeds shall be applied \$15.00 to the water fund and \$15.00 to the sewer fund. (Ord. 2013-06. Passed 2-28-13.)

921.13 BACKFLOW PROTECTION.

(a) If, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of New London may enter the supply or distributing system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water of New London and by the Ohio Environmental Protection Agency.

(c) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be done by a certified technician, and shall be made at a minimum annually or as often as the Superintendent of Water shall deem necessary. These surveys and investigations must be sent to the Superintendent of Water to be kept on file as a matter of public record.

(d) The Superintendent of Water or his or its duly authorized representative 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 New London 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 Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section. (Ord. 96-10. Passed 9-17-96.)

CHAPTER 925
Sewers

925.01	Definitions.	925.06	Violations, penalties and right of appeal.
925.02	Nonacceptable wastewater and industrial pretreatment.	925.07	User charges and sewer service charges.
925.03	Use of public sewers.	925.08	Sewer tap-in fees.
925.04	Wastewater monitoring and inspection.	925.09	Discharge of storm water.
925.05	Protection from accidental discharge.	925.99	Penalty.

CROSS REFERENCES

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

925.01 DEFINITIONS.

(a) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

(b) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

(c) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

(d) "Commercial" means retail or wholesale business establishments that discharge wastewater, as defined in (wastewater definition), into the public wastewater treatment system, works, and facility.

(e) "Foundation drains" means subsurface drains laid around the foundation of a building, either within or outside the building foundation for the purpose of carrying ground or subsurface water to some point of disposal.

(f) "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the commercial handling, storage and sale of produce.

(g) "Industrial" includes users discharging waste resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products. These activities occur in establishments usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment.

(h) "Industrial waste" means any solid, liquid, or gaseous waste discharge resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products.

(i) "Institutional/Governmental" means hospitals, nursing homes, schools, city, county, state or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works, and facility.

(j) "May" is permissive; "shall" is mandatory.

(k) "Natural outlet" means an outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(l) "NPDES (National Pollutant Discharge Elimination System) Permit" means the same as such as defined in the Code of Federal Regulations, 40 CFR Part 125, and in Public Law 92-500, Section 402.

(m) "Nonsanitary flow" means storm water originating from downspouts, storm and groundwater drains, and foundation drains.

(n) "Person" means any individual, firm, company, association, society, corporation, or group.

(o) "Public sewer" means any sewer owned by the Village, including storm, sanitary, or combined sewer.

(p) "Residential" means a principal family residence or habitation classified as a single family, multifamily, or apartment dwelling that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter biochemical oxygen demand and 200 milligrams per liter suspended solids into the public wastewater treatment system, works and facility.

(q) "Sanitary sewer" means a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

(r) "Sewage" means the combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions (including polluted cooling water).

(s) "Sewage system" means the structures, equipment, and process required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "wastewater treatment systems".

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

(u) "Shall" is mandatory; "may" is permissive.

(v) "Slug" means 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 15 minutes more than five times the average 24 hours concentration of flows during normal operation.

(w) "User" means any person who discharges, causes, or permits the discharge of wastewater into the wastewater treatment system.

(x) "Village" means the Village of New London, Ohio, acting through its duly authorized officials and employees.

(y) "Wastewater" means the liquid and water-carried waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, or storm water that may be present, whether treated or untreated, which is discharged or permitted to enter the wastewater treatment system.

(z) "Wastewater treatment system" means the structures, equipment, and process required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "sewage system".
(Ord. 92-05. Passed 4-7-92.)

925.02 NONACCEPTABLE WASTEWATER AND INDUSTRIAL PRETREATMENT.

(a) The Village shall make and enforce rules and regulations establishing the types and characteristics of sewage, industrial wastes, and other matters which shall be discharged into the sanitary sewerage system, the types and characteristics of sewage and industrial wastes admissible to the system only after pretreatment, requisites for pretreatment, and otherwise governing the discharge of sewage, industrial wastes, and other matters into the system in the interest of safety and efficient operation of the wastewater treatment plant. Applicable industrial pretreatment conditions and industrial pretreatment regulations, as promulgated under Section 307(b) of the Clean Water Act and included in 40 CFR Part 403, are hereby incorporated in this chapter and made a part thereof.

(b) An industry must, upon application for sewer service, present to the Village a tabulation of the chemical analysis of the wastes to be discharged to sewerage system and the volume of such wastes, or if this is not available, the expected waste analysis based on similar processes now in operation. New industries or industries with significant increases in discharge volume or strength must submit information on wastewater characteristics and obtain prior approval from the Village before discharging to the sanitary sewer system.

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

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

(e) The discharge of nonacceptable industrial wastewater into the sewerage system, whether directly or indirectly, is prohibited. Wastewater shall be deemed nonacceptable when the concentration of harmful or toxic substances in the wastewater exceeds certain prescribed tolerable limits. Toxic or harmful substances include those pollutants subject to the Clean Water Act and defined in Section 307(a). Limits on toxic or harmful substances of this ordinance are as shown below:

<u>Toxic or Harmful Substance</u>	<u>Tolerable Limits</u>
Arsenic	0.2 mg/l
Barium	1.0 mg/l
Boron	5.0 mg/l
Cadmium	0.1 mg/l
Chromium ⁺³	0.5 mg/l
Chromium ⁺⁶	0.5 mg/l
Cobalt	1.0 mg/l
Copper	0.5 mg/l
Cyanide (H)	0.5 mg/l
Fluoride	5.0 mg/l
Iron	5.0 mg/l
Lead	0.5 mg/l
Mercury	0.02 mg/l
Molybdenum	5.0 mg/l
Nickel	2.0 mg/l
Phenols	5.0 mg/l
Selenium	0.10 mg/l
Silver	0.03 mg/l
Sulfides	50.0 mg/l
Total Dissolved Solids	1,500.0 mg/l
Tungsten	5.0 mg/l
Zinc	2.0 mg/l
Radioactive Substances	Gross Beta activity (in the known absence of strontium and Alpha emitters) - 1,000 micro curies per liter

The preceding listing and allowable concentrations of toxic or harmful substances is subject to revisions as required to meet current water quality standards, effluent standards imposed by state or federal agencies, or the requirements of Section 307(a) of the Clean Water Act. In special cases (low volume users), the concentration of toxic or harmful substances in the wastewater may be exceeded if it is determined by the Village that the total pounds of toxic or harmful substances discharged to the sewage system are not harmful to or will not interfere with the sewage treatment process or will not violate water quality or effluent standards.

- (f) No person shall discharge or cause to be discharged, either directly or indirectly to the sewerage system, any of the following described substances, materials, waters, or wastes:
- (1) Any liquid or vapor having a temperature higher than 150⁰ F.
 - (2) Any gasoline, benzene, naphtha, fuel, oil, mineral oil, or other volatile flammable or explosive liquid, solid, or gas.
 - (3) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers for their maintenance and repair.
 - (4) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property of causing damage or hazard to structures, equipment, or personnel of the sewerage system.
 - (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, punch manure, hair and fleshings, entrails, lime slurry, lime, chemical, or paint residues, cannery wastes bulk solids, or any other solid objects or viscous substance capable of causing obstruction to the flow operation of the sewerage system.
 - (6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewerage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewerage system.
 - (7) Any water or wastes containing emulsified oil or grease exceeding, on analysis, an average of 50 milligrams of oil and grease per liter determined as total soluble matter.
 - (8) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than 1/2 inch in any dimension.
 - (9) Any water or wastes containing suspended solids of such character or quality that unusual attention or expense is required to handle such materials at the sewage treatment plant, or having a chlorine demand greater than 25 parts per million.
 - (10) Any waste containing substances that would result in a violation of the NPDES permit.

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

(g) No statement contained in this chapter shall limit the right of the City to reject wastes, require the pretreatment of waters, levy surcharges for the treatment of wastes, or to contract for a special agreement or arrangement for the treatment and disposal of wastes unless such actions are contrary to State and/or Federal laws and or regulations.

(h) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuous efficient operation at all times.
(Ord. 92-05. Passed 4-7-92.)

925.03 USE OF PUBLIC SEWERS.

(a) It shall be unlawful to discharge into any natural outlet within the Village or in any area under the jurisdiction of the Village, any wastewater or other polluted water.

(b) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater without first obtaining the required permits from the Village.

(c) No person, firm, or corporation shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer. Where public sewers specifically designated by the Village as storm sewers are reasonably available, any storm water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters shall be discharged to such public storm sewers, such connection to be made by the landowner at the landowner's expense. A separate and independent pipeline to the public sewer shall be provided for each lot.

(d) It shall be unlawful to discharge into the building sanitary sewer the surface water which collects in basement or foundation excavations. If the building sanitary sewer is complete before the plumbing can be connected thereto, the building or sewer tapper shall keep the end of the building sanitary sewer tightly closed with a plumber's plug or other watertight plug.

- (e) (1) The owner(s) of all houses, building, or properties used for human occupancy, employment recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the rules and regulations within sixty days after the date of official notice to do so, provided the foundation wall of the structure from which sewage or other wastes originated is less than ten feet from the nearest boundary of the right-of-way within which the sewer is located. Separate and independent pipeline to the public sewer shall be provided for each lot.
- (2) Where a "clean-out" is installed within the village right of way, the village shall assume ownership and maintenance responsibility for the public sewer system ending at the clean-out; and the abutting property owner shall retain maintenance responsibility of the pipeline from the clean-out onto the owner's private property. Where a clean-out is not installed within the village right of way, the village shall assume ownership and maintenance responsibility for the public sewer system to the edge of the right of way; and the abutting property owner shall retain maintenance responsibility of the pipeline on the owner's private property.

(f) No person, firm, or corporation shall be permitted to connect to or discharge wastewater to the Village sewage system unless it has been determined by the Village that there is sufficient capacity in the system to collect, convey, and treat the proposed wastewater discharge of such person, firm, or corporation.

(g) All new or replacement sewers that are now connected to or that will be connected to the Village sewage collections system and thereby discharging to the wastewater treatment plant shall have pipe and joints that meet the requirements of ASTM C700, ASTM C 425, ASTM D 3034, ASTM D 3212, ASTM C76, ASTM C 443, ASNI/AWWA C151/A21.51 AND ANSI/AWWA C111/A21.11, and such pipes shall be a minimum of six inches (6") in diameter from the juncture where they connect to the Village sewer within the right of way, back to within three feet of the foundation on the property owner's land.

- (h) (1) The Village Administrator shall adopt regulations describing when a sewage pumping system may be required as a condition of connecting to the public sewer and specifications describing the type of pumping system(s) which will be permitted to connect to the public sewer; and such regulations and specifications shall be maintained for public inspection.
- (2) No person, firm, or corporation shall connect a sewage pumping system which is not in compliance with such regulations and specifications to the Village's public sewer system.

(i) The holder of a permit to tap-in into a village sanitary or storm sewer shall notify the administrator or his designee when the permit holder is ready for inspection and connection to the public sewer. The connection shall be made under the direct inspection of the Village Administrator or his designee and shall not be covered without the inspector's consent.

(j) All excavations by a permit holder for public sewer tap-ins shall, at the permit holder's expense, be adequately guarded with barricades and lights so as to protect the public from any attendant hazards; and streets, sidewalks, tree lawns, and other public property disturbed in the course of the work shall be restored to their previous condition.
(Ord. 2013-30. Passed 1-13-14.)

925.04 WASTEWATER MONITORING AND INSPECTION.

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

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

(c) If so ordered by the Village, the owner or operator of any premises or facility discharging industrial wastes into the system shall installation at his own cost and expense a control manhole and suitable monitoring equipment to be used for the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

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

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

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

(g) Compliance determinations with respect to the prohibitions and limitations stated in Section 925.02 may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24 hour period, or over a longer or shorter time span, as determined necessary by the Village in order to meet the needs of specific circumstances.

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

(i) Sampling of industrial wastewater for the purpose of compliance determination, with respect to the prohibitions and limitations stated in Section 925.02, will be done at such intervals as designated by the Village.

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

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

(l) While performing necessary work for private properties, referred to in subsection (j), the Village or duly authorized employees of the Village shall observe all safety rules applicable to the premises. (Ord. 92-05. Passed 4-7-92.)

925.05 PROTECTION FROM ACCIDENTAL DISCHARGE.

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

(b) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this chapter, the facility responsible for such discharge shall immediately notify the Village so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Village detailing the date, time, and cause of the accidental discharge; the quantity and characteristics of the discharge; and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.
(Ord. 90-05. Passed 4-7-92.)

925.06 VIOLATIONS, PENALTIES AND RIGHT OF APPEAL.

(a) Whenever the Village finds that any person has violated or is violating any prohibition, limitation, or provision of this chapter, they may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty days for a satisfactory correction thereof. Such notice shall also state that any person in violation of this chapter shall be liable for any resulting damages or applicable fines.

(b) If the violation is not corrected by timely compliance, the Village may order any person who causes or allows an unauthorized discharge to show cause before the Village Administrator why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Village Administrator regarding the violation, and directing the offending party to show cause before Village Administrator why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(c) The Village Administrator may conduct the hearing and take the evidence, or may designate any employee of the Village to:

- (1) Issue in the name of the Village Administrator notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Administrator for action thereon.

(d) At any public hearing, testimony taken before the Village Administrator or any other designated person, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part of the hearing upon payment of the usual charges therefore.

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

(f) Any discharge in violation of the substantive provisions of this chapter or an order of the Village Administrator shall be considered a public nuisance. If any person discharges sewage, industrial wastes, or other wastes into the Village treatment system contrary to the substantive provisions of this chapter, or any Order of the Village Administrator shall commence an action for appropriate legal and/or equitable relief in the Huron County Common Pleas Court.

(g) Any person who is found to have violated an Order of the Village Administrator, or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. Each day on which a violation shall occur or continue shall be deemed as separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, and regulations issued hereunder.

(h) Any person found guilty by the Village Administrator of violating any provisions of this chapter shall have the right to appeal that decision before the full Council. They shall also have all rights of appeal available to them through the court system.
(Ord. 92-05. Passed 4-7-92.)

925.07 USER CHARGES AND SEWER SERVICE CHARGES.

Be it enacted by the Council of the Village of New London, Ohio.

(a) Definitions.

- (1) "User charge" means the charge assessed users of the sewage system to recover the cost of operation, maintenance, and replacement of the sewage collection and sewage treatment system, and the cost of rendering bills and collecting sewer service charge.
- (2) "Operation and maintenance costs" means the costs incurred in the act of keeping all facilities for collecting, pumping, treating, and disposing of sewage, in a good state of repair and functioning properly including the replacement of said facilities when necessary.
- (3) "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (4) "Debt service" means the funds used for the retirement of and interest on bonds and/or notes authorized and issued by the Village of New London, Ohio to construct sewage system facilities.
- (5) "Sewer service charge" means the total charge levied against users of the sewage system for sewer service. The charge shall include user charges plus the cost of debt service.

- (6) "Residential" means a principal family residence or habitation classified as a single family, multifamily or apartment dwelling that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter biochemical demand and 200 milligrams per liter suspended solids into the public wastewater treatment system, works, and facility.
- (7) "Commercial" means retail or wholesale business establishments that discharge wastewater into the public wastewater treatment system, works and facility.
- (8) "Industrial" includes users discharging waste resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products. These activities occur in establishments usually described as plants, factories, or mills and characteristically use power-driven machines and material handling equipment.
- (9) "Institutional/governmental" means hospitals, nursing homes, schools, city, county state or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works, and facility.

(Ord. 92-04. Passed 4-7-92.)

- (b) Sewer Service Charge. All users discharging waste to the sewage collection system shall be billed for wastewater treatment service including governmental or institutional users such as schools, municipal utilities, or other public buildings. There shall be no free service. See the Clerk-Treasurer for current rates.

	RATE PER MONTH	
	Inside Village	Outside Village
First 2,000 gallons per month	\$30.90/month	\$38.62/month
Over 2,000 gallons per month	\$7.04/1,000 gallons	\$8.80/1,000 gallons
Minimum Charge Per Month	\$30.90	\$38.62

- (1) Annual review of charges.
- A. The sewer service charge and user charges shall be reviewed annually by the Village in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the Village will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge.
- B. Each user to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charges which is attributable to OM&R costs of wastewater treatment services.
- (2) Charges/fees. All users will be billed monthly along with the water service bill, and the charges/fees will be based upon the water usage. Bills for the sewer service that are not paid within fifteen days of the invoice shall be subject to a ten percent (10%) penalty.
- (3) Appeals. All customers shall have the right to appeal bills rendered for sewer service charges. In the event that a billing dispute cannot be resolved by the Village Administrator, it shall become the responsibility of Council to resolve such dispute.
- (4) Monthly sewer charge. The monthly sewer charge for non-metered residential customers or residential customers that have Village sewer service, but not water service, will be based on an estimated usage of 4,000 gallons per month. Estimated usage for all other non-metered sewer customers will be established by the Village Administrator.
- (5) Notwithstanding any of the foregoing sections, for museums which operate within the Village but do not operate a food service, in lieu of other sewer service charges otherwise due under this section, the quarterly rates for sewer service shall be as follows, based on the volume of water registered:

For 0 to 1,000 Gallons	1/2 the normal minimum charge
For 1,001 Gallons and above	the normal rate

For purposes of this section, "museum" means any public or private nonprofit institution that is open to the public and that is permanently organized for the sole purpose of acquiring, conserving, studying, and exhibiting a collection of paintings and/or other works of art, and/or of objects of history or natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs; provided, however, that it does not include libraries, reading rooms, private residences, or any other use which may be affiliated with the operation of a museum. (Ord. 2013-29. Passed 1-13-14.)

(c) Surcharges.

- (1) The following terms as used herein shall have the meanings ascribed to them as shown:
 - A. "Normal domestic sewage" means sewage which when analyzed shows by weight a daily average of not more than 200 milligrams per liter suspended solids and not more than 250 milligrams per liter biochemical oxygen demand (BOD).
 - B. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
 - C. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20 degrees centigrade, expressed in milligrams per liter by weight.
- (2) Sewage or industrial waste above normal sewage strength, but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:
 - A. Total suspended solids, and/or
 - B. Five day BOD at 20 degrees centigrade and as herein provided.
- (3) When either or both the total suspended solids and the BOD of a water or wastes accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:
 - A. Pounds of excess suspended solids per day X \$0.438/lb = suspended solids surcharge.
 - B. Pounds of excess BOD per day X \$0.351/lb = BOD surcharge.
- (4) In addition to the surcharge, the user will pay the charges as defined in subsection (b) hereof.
- (5) The pounds of BOD per day and/or pounds of suspended solids per day above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the Village or their authorized representative.
- (6) In addition to a surcharge on BOD and suspended solids, the Village shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.
(Ord. 92-04. Passed 4-7-92.)

925.08 SEWER TAP-IN FEES.

(a) A property owner tapping into either a sanitary or storm water sewer trunk line shall first obtain a sewer tap in permit for each connection issued by the Village Administrator or his designee. Such permit shall cost fifty dollars (\$50.00).

(b) If it is necessary to excavate any part of the berm or paved roadway, the property owner or his contractor shall, in addition to the sewer tap fee:

- (1) Obtain a road excavation permit, by which the permit holder shall agree that, at his expense, he shall return the right of way to the same condition in which it was before he commenced work and
- (2) Pay a road excavation permit fee, which fee shall be two hundred dollars (\$200.00) for any excavation up to halfway across the roadway or three hundred dollars (\$300.00) if the excavation is more than half way across the roadway.

- (3) Additionally the person or contractor obtaining a road excavation permit shall be insured and furnish evidence of such insurance in the minimum amount of one hundred thousand dollars (\$100,000) for liability for property damage or personal injury resulting from the excavation of the roadway.
- (4) The above-mentioned road excavation permit fee shall be fully refunded, except for a ten dollar (\$10.00) inspection fee, thirty days after the roadway excavation is completed and the roadway is fully repaired. If for any reason, the roadway is not fully and properly repaired, the Village Administrator shall cause said roadway to be properly repaired and shall deduct the cost thereof, from the road excavation permit fee; and in the event the costs exceeds the fee remaining on deposit with the Village, the permit holder shall remain liable to the Village for the excess. Any unused portion of the road excavation permit fee to shall then be refunded thirty days after the Village has completed and fully repaired the roadway.
- (5) A road excavation permit fee and the inspection fee often dollars (\$10.00) shall be paid at any time the sewer line or connection is created, repaired, replaced or dug up within the berm or paved roadway for any reason. Further, each such installation, repair or maintenance shall be done in accordance with Village specifications for installation and materials.
(Ord. 03-17. Passed 10-14-03.)

925.09 DISCHARGE OF STORM WATER.

Where public storm sewers are not reasonably available, it shall be unlawful for the owner of any real property to allow any roof runoff waters to be discharged so as to be directly aimed or channeled towards adjacent properties, public sidewalks, or public streets, or to be directed in a manner which otherwise generally causes harm or detriment to property other than the premises from which the waters are generated. (Ord. 2011-33. Passed 7-11-11.)

925.99 PENALTY.

Any person, firm, or corporation, who violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed to have been committed each period of twenty-four hours such violation shall continue after a period of ten days following this violation.
(Ord. 86-14. Passed 3-18-86.)

CHAPTER 927
Utility Rules

927.01 Adoption of rules.

927.99 Penalty.

927.01 ADOPTION OF RULES.

There is hereby adopted a set of Rules and Regulations for the operation of the Village Utilities and related billing functions, the processing of payments, and the termination of services, which shall read as follows:

VILLAGE OF NEW LONDON
UTILITY RULES AND REGULATIONS

SECTION 100. UTILITY SIGN UP

1. All utility customers must fill out a utility application form. This form can be mailed to you or you can stop in and fill this out in the Village Office.
2. This form must be filled out before any utility service will be turned on in your name.
3. All utility bills will include four charges: Water, Sewer, Storm Water, and Sanitation. Recycling pick up is a free service offered by the Village.

SECTION 100.1 RENTALS

1. All rentals within the Village, whether residential, commercial or industrial will pay a \$150.00 security deposit before any water will be turned on in the renters name. (This does not absolve the landlord for being held responsible for a delinquent bill. (Ohio Revised Code 743.04)
2. To set up an account with the Village of New London, whether as a rental or purchased premises, the applicant must pay a \$5.00 service charge.
3. At the time the renter asks for a final bill, when they are moving they must supply the utility department with a forwarding address, and the security deposit will be applied to the final bill after a final reading has been made.

4. The owner of the premises served and the occupant and/or user of the water service shall be jointly and severally liable for the water service provided at said premises. Water rent shall be a lien on the property supplied, and if not paid as herein provided, the same shall be collected as other taxes and assessments are collected, and the Clerk-Treasurer is hereby directed to certify to the Auditor of Huron County such delinquent water rents with a description of the premises, and the Auditor shall place the same on the duplicate and collect according to law and certify to the Solicitor such delinquent water rents for collection in a Court of Law in the name of the Village. A deposit as stated in Section 1 shall be required from all tenants. Such deposit may be applied to any final water rent bill, and any balance shall be returned to the applicant. Any person owes the Village an outstanding balance will not be able to have water turned on in their name until the balance is paid in full. (Ord. 2007-14. Passed 7-10-07.)

SECTION 100.2 UTILITY BILLING PROCEDURES

1. Your Utility bill is mailed to the account address or the address listed on your utility application on the First Day of the month. It is to be paid by the 15th of the month.
2. The Utility bill can be paid as follows:
 - A. In person, by coming into the office or using the drive thru window.
 - B. By mail
 - C. Debiting your checking account. An "ACH Charge"
 - D. Debit or credit card. NOTE: There will be an additional 2% convenience charge to use your debit or credit card.
3. If the bill is not paid by the 15th of the month, there will be a 10% penalty added.
4. Meters will normally be read on or about the 20th of each month or as close thereto as is practical.
5. Failure to receive your bill does not waive the amount due nor the penalty.

SECTION 100.3 TURN OFF PROCEDURES FOR UTILITIES

1. All accounts not paid by the 15th of the month will receive a delinquent notice. This delinquent notice will be sent out on the 16th of the month, or if such day falls on a weekend or holiday, on the next business day thereafter.
2. All delinquent accounts must be paid by the 20th of the month or a disconnection will be made unless the following apply:
 - A. A payment has been received within the last 30 days, according to a signed payment agreement.
 - B. A payment agreement has been signed by customer and authorized by Village personnel.

Before a shut off is to occur, the customer will be provided written notice that a shut off is imminent and will be provided an opportunity for a pretermination hearing before the Administrator and a reasonable time to request such hearing prior to the shut off. (Such notice may be included as part of or in connection with the delinquent notice. The purpose of such hearing is to confirm that the account is properly in arrears or otherwise subject to shut off; the hearing is not to request additional time or special consideration.)

3. If none of the above apply, a pink disconnect notice will be hung on the door, and the utilities will be SHUT OFF. The Utility employee that is turning the water off is not authorized to accept payment.
4. A service charge of \$25.00 will be added to each account that has been set for shutoff.
5. In order for the service to be turned back on the full amount of the bill due must be paid, unless other arrangements have been made with the Village Administrator/ Clerk Treasurer or Utilities Clerk, and a payment schedule has been signed.
6. A "turn back on" will only be made during normal regular utility hours (not office hours, but the hours that the utility department works).
7. Emergency Shut Off's – If for some reason the Village Utility Department notices or finds a leak in a system or needs to do repairs on a line, then they reserve the right to turn the water service off until further arrangements can be made. The Utility Department will try to contact the property owner to inform them why they do not have water service. (Ord. 2013-29. Passed 1-13-14.)

SECTION 100.4 NON SUFFICIENT CHECKS.

1. A service charge of \$15.00 will be levied for each customer's check returned to the New London Utilities Office.
2. If the Village receives more than 2 NSF checks in a one year time period for an account, we will no longer accept Personal Checks on that account. It must be paid in cash or by money order, or credit card. (Ord. 08-31. Passed 12-27-08.)

SECTION 100.5 PAYMENT AGREEMENTS

1. For all delinquent accounts, a \$50.00 deposit is required. A maximum of three months shall be allowed to catch the account up to date unless otherwise stated by administrator.
2. In addition to the arrears, an additional service charge in the amount of \$5.00 will be levied to establish a payment agreement. [This is in addition to the deposits described above or in Section 100.1].
3. Agreements shall not be altered or extended unless approved by the Administrator.
4. Turns offs shall be ordered if agreements are not honored.
5. Payment agreement form is attached.
6. Partial payments tendered without a payment agreement will not stop or delay the collection and shut-off procedures.
7. All persons who make a partial payment in person after the mailing of the second notice shall be required to sign a payment agreement.
8. All persons who mail a partial payment to the Village of New London Utilities department after the second notice has been mailed will receive a letter informing them that their partial payment will not stop or delay the shut off proceedings. (Ord. 2007-14. Passed 7-10-07.)

SECTION 200. SANITATION RULES AND REGULATIONS

1. The Village Administrator shall charge each householder \$18.36 per month. Persons 65 or older, living alone, will be charged \$12.00 per month; for garbage pickup service outside the Village, a charge of \$20.40 per month (or \$14.04 for persons aged 65 or above, living alone) shall be assessed. A 10% penalty will be added to all bills not paid by the 15th of the month. The Village Administrator will establish rates to be charged for dumpsters, based upon number of pick ups per week and size of dumpsters. A dumpster can be rented for residential extra pick ups or construction by contacting the Village Office at 419-929-4091. Owners of rental property will be charged on the basis of 90% occupancy of said living units. Anyone refusing to report the number of occupancies for which they are responsible will be charged a flat rate of not less than \$65.00 per month. ["Householder" means the head of a family, or one maintaining a separate living room or quarters on premises, upon which garbage, or rubbish, or both, is accumulated]. (Ord. 2013-29. Passed 1-13-14.)

2. Every household or commercial establishment in the Village must use metal or durable plastic containers or plastic bags which are of 32 gallon capacity or less, and when filled weigh no more than 60 pounds. Plastic bags are not to be filled beyond their strength. Containers shall have close fitting lids and are to have handles.
3. All containers of garbage and rubbish must be at the curb line for pick up on schedule route day except when such falls on a holiday. In such event consult your local newspaper or utility bill for the pick up day in your area. Each weekly pick up is limited to 6 bags or 3 – 32 gallon containers. Cartons, paper bags, etc will not be picked up unless they are in cans or bags.
4. No items shall be placed on the tree lawn any earlier than 1 pm on the day preceding the scheduled pick up. All empty containers shall be removed from the tree lawn no later than 8 a.m. of the day following the pick up.
5. Garbage shall be interpreted to mean all but recycle waste, including kitchen wastes, accumulations of animal food, vegetable matter attendant to the preparation, cooking and service of foods. It does not include sewage, body waste, animal offal, and carcasses of dead animals.
6. Rubbish shall be interpreted to mean broken glass, crockery, glossy printed matter, cartons and items of clothing.
7. Construction materials (earth, sand, brick, stone and similar items) will be picked up at the discretion of the Village Administrator or by private haulers. The Administrator will establish the fee to be charged, based upon the type of material and weight.
8. Tree limbs and branches and leaves will be picked up at a cost of \$1.00 per minutes. Tires will be picked up at a cost of \$1.50 each.
9. Anything with Freon will be picked up at a minimum cost of \$5.00 per item plus a charge per weight. *The total fee shall be set based on the Village's actual costs.*
10. A spring clean up will be announced sometime in April or May. Branches or leaves will not be considered free during clean up week.
11. It shall be unlawful to deposit any of the above garbage etc anywhere except on your tree lawn on designated pick up days. It is also unlawful to keep garbage, etc for more than 2 consecutive collection dates or to transport garbage over city streets. (except on the way to a landfill in an approved vehicle).

SECTION 300. RULES ARE SUPPLEMENTAL

1. *Any fees or charges set forth in these Rules are supplemental to those otherwise set forth in Part Nine of the Codified Ordinances.*
2. *Any rules or regulations set forth herein are supplemental to those otherwise set forth in Part Nine of the Codified Ordinances.*
(Ord. 2007-14. Passed 7-10-07.)

927.99 PENALTY.

Any person violating any of the Rules or regulations established by Section 927.01 shall be deemed guilty of a minor misdemeanor and each day such violation continues may be treated as a separate offense. (Ord. 2007-14. Passed 7-10-07.)

CHAPTER 929
Identity Theft Prevention Program

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| 929.01 Purpose. | 929.05 Red flag identification. |
| 929.02 Statement of policy. | 929.06 Responding to red flags. |
| 929.03 Hard copy distribution. | 929.07 Periodic updates to program. |
| 929.04 Electronic distribution. | 929.08 Program administration. |

929.01 PURPOSE.

The risk to the Village, its employees and customers from data loss and identity theft is of significant concern to the Village and can be reduced only through the combined efforts of every employee and contractor. Therefore, the Village adopts this sensitive information policy to help protect employees, customers, contractors and the Village from damages related to the loss or misuse of sensitive information. This policy and protection program applied to employees, contractors, consultants, temporary workers, and other workers at the Village, including all personnel affiliated with third parties.
(Ord. 08-23. Passed 10-24-08.)

929.02 STATEMENT OF POLICY.

(a) Definition of Sensitive Information. Sensitive information includes the following items whether stored in electronic or printed format:

- (1) Credit Card information, including any of the following:
 - A. Credit Card number (in part or whole);
 - B. Credit Card expiration date;
 - C. Cardholder name;
 - D. Cardholder address.
- (2) Tax identification numbers, including:
 - A. Social Security Number;
 - B. Business identification number;
 - C. Employer identification numbers.

- (3) Payroll information, including, among other information:
 - A. Paychecks;
 - B. Pay stubs.
- (4) Cafeteria plan check requests and associated paperwork.
- (5) Medical Information for any employee or customer, including but not limited to:
 - A. Doctor names and claims;
 - B. Insurance Claims;
 - C. Prescriptions;
 - D. Any related personal medical information.
- (6) Other personal information belonging to any customer, employee or contractor, examples of which include:
 - A. Date of birth;
 - B. Address;
 - C. Phone Numbers;
 - D. Maiden Name;
 - E. Names;
 - F. Customer number.

(b) Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with Ohio Public Records Act and the Village's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the Village cannot resolve a conflict between this policy and the Ohio Public Records Act, the Village will contact the Solicitor.

(c) When a customer of the Village has made application and been provided a confidential identification password by the Village, Village Employees will be permitted to share sensitive information with the customer, upon disclosure of the password over the telephone. (Ord. 08-23. Passed 10-24-08.)

929.03 HARD COPY DISTRIBUTION.

Each employee and contractor performing work for the Village will comply with the following policies;

- (a) File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
- (b) Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
- (c) Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
- (d) Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
- (e) When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut shredding device. Locked shred bins are labeled "Confidential paper shredding and recycling." (Municipal records, however, may only be destroyed in accordance with the Village's records retention policy.) (Ord. 08-23. Passed 10-24-08.)

929.04 ELECTRONIC DISTRIBUTION.

Each employee and contractor performing work for the Village will comply with the following policies:

- (a) Each employee with access to sensitive information will be assigned a password, the security of which is to be maintained by the employee.
- (b) Internally, sensitive information sent externally must be password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail.
- (c) Any sensitive information sent externally must be password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail: "This message may contain confidential and/or proprietary information and is intended for the person/entity to who it was originally addressed. Any use by others is strictly prohibited."
(Ord. 08-23. Passed 10-24-08.)

929.05 RED FLAG IDENTIFICATION.

(a) Covered Accounts. A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program.

- (1) Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
- (2) Business, personal, and household accounts or which there is a reasonably foreseeable risk to the safety or soundness of the Village from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(b) Red Flags. The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag is apparent, it should be investigated for verification.

- (1) Alerts, notifications or warnings from a consumer reporting agency;
- (2) A fraud or active duty alert included with a consumer report;
- (3) A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
- (4) A notice of address discrepancy from a consumer reporting agency as defined in § 334.82 (b) of the Fairness and Accuracy in Credit Transactions Act.
- (5) Red Flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - A. A recent and significant increase in the volume of inquiries;
 - B. An unusual number of recently established credit relationships;
 - C. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - D. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

- (c) Suspicious Documents. The following may also be potential indicators of fraud:
- (1) Documents provided for identification that appear to have been altered or gorged;
 - (2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification;
 - (3) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification;
 - (4) Other information on the identification is not consistent with readily accessible information that is on file with the Village, such as a signature card or a recent checks; or
 - (5) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.
- (d) Suspicious Personal Identifying Information. The following may also be potential indicators of fraud:
- (1) Personal identifying information provided is inconsistent when compared against external information sources used by the Village. For example:
 - A. The address does not match any address in the consumer report;
 - B. The Social Security number (SSN) has not been issued or is listed on the Social Security Administrations Death Master File; or
 - (2) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN age and date of birth.
 - (3) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Village. For example, the address on an application is the same as the address provided on a fraudulent application.
 - (4) Personal identifying information provided is a type of commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Village. For example:
 - A. The address on an application is fictitious, a mail drop, or a prison; or
 - B. The phone number is invalid or is associated with a pager or answering service.
 - C. The SSN provided is the same as that submitted by other persons opening an account or other customers.
 - D. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.
 - (5) The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - (6) Personal identifying information provided is not consistent with personal identifying information that is on file with the Village.

- (7) When using security questions (mother's maiden name, pet's name, etc.), authenticating information beyond that which generally would be available from a wallet or consumer report.

(e) Unusual Use Of, or Suspicious Activity Related To, the Covered Account. The following may also be potential indicators of fraud:

- (1) Shortly following the notice of a change of address for a covered account, the Village receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
- (2) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.
- (3) A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example: Nonpayment when there is no history of late or missed payments; a material change in purchasing or usage patterns.
- (4) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- (5) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- (6) The Village is notified that the customer is not receiving paper account statements.
- (7) The Village is notified of unauthorized charges or transactions in connection with a customer's covered account.
- (8) The Village receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the Village.
- (9) The Village is notified by a customer, a victim of identity theft, a law enforcement authority or any other person that it has opened a fraudulent account for a person engaged in identity theft.
(Ord. 08-23. Passed 10-24-08.)

929.06 RESPONDING TO RED FLAGS.

(a) Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

(b) The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

(c) If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

- (1) Canceling the transaction;
- (2) Notifying a cooperating with appropriate law enforcement;
- (3) Determining the extent of liability of the Village; and
- (4) Notifying the actual customer that fraud has been attempted.

(Ord. 08-23. Passed 10-24-08.)

929.07 PERIODIC UPDATES TO PROGRAM.

(a) At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

(b) Periodic review will include an assessment of which accounts are covered by the program.

(c) As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

(d) Actions to take in the event that fraudulent activity is discovered may require revision to reduce damage to the Village and its customers.
(Ord. 08-23. Passed 10-24-08.)

929.08 PROGRAM ADMINISTRATION.

(a) The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention. The Identity Theft Prevention Program is the responsibility of the governing body.

(b) Operational responsibility of the program is delegated to the Village Administrator.

(c) Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the Village or its customers. The Clerk-Treasurer is responsible for ensuring identity theft training for all requisite employees and contractors.

(d) Employees must receive annual training in all elements of this policy.

(e) It is the responsibility of the Village to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedure designed to detect, prevent, and mitigate the risk of identity theft. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements. Any specific requirements should be specifically addressed in the appropriate contract arrangements.
(Ord. 08-23. Passed 10-24-08.)

CHAPTER 931
Storm Water Drainage Utility

931.01 Establishment.
931.02 Charges.

931.03 Rate reductions.
931.04 Appeals.

931.01 ESTABLISHMENT.

(a) It is hereby declared to be in the best interests of the Village of New London to form a structure and procedures designed to better manage storm water and provide for storm drainage improvements, thus reducing combined sewer overflows, recognizing that all real property within the Village will benefit from the installation of an adequate storm drainage system, and that the cost of such a system should, therefore, be assessed against such property.

(b) There is hereby established in the Village of New London a storm water drainage utility, the Village hereby declaring its intention to acquire, own, construct, equip, operate, and maintain open drainage ways, underground drains, equipment and appurtenances necessary, useful, or convenient for a complete storm water drainage system, including the maintenance, extension, construction, reconstruction and improvement of the present storm drainage system. Notwithstanding the foregoing, the improvement of both public and private storm drainage facilities through or immediately adjacent to a new development shall remain the responsibility of the developer. Further, nothing in this chapter is intended or shall be construed to create any obligation for the Village to maintain any drainage ways within property not owned by the Village or to alter the legal obligations of private property owners.

(c) The Village Administrator shall manage, conduct, and control the Storm Water Drainage Utility, and is authorized to develop and adopt plans, policies, and regulations necessary or desirable for the regulation and operation of said utility.

(d) No portion of this chapter or any statement herein or subsequent Council interpretation or policies shall relieve a property owner of assessments otherwise authorized by law and levied against his property for any public facility improvements projects.
(Ord. 05-02. Passed 4-5-05.)

931.02 CHARGES.

(a) There is hereby levied and imposed upon all premises which have been improved within the Village of New London just and equitable charges for storm drainage service, or subsequent service, construction, reconstruction, maintenance, operation, and extension and a Storm Water Drainage Fund is established for the foregoing purposes.

(b) Said charges shall be collected with monthly water bill of water users, billed with sanitary sewer for those connected to sewer alone, or billed alone as a storm water drainage charge for those users not connected to and/or not charged for Village water and /or sanitary sewer.

(c) Said charges shall be paid monthly by those liable therefore, and placed in a Storm Water Drainage Fund to be used only for the purposes provided in this chapter.

(d) It is hereby determined that property is furnished service approximately in proportion to the amount of the property's impervious surface; and therefore, the Council hereby establishes the following property use classifications and rates for charges for this service:

Residential Use Property	\$4.00 per month
Commercial Use Property	\$15.00 per month
School Use Property	\$30.00 per month
Trailer Park Use Property	\$30.00 per month
Apartment Use Property	\$30.00 per month
(ten or more suites operated on the same or adjacent properties under common ownership	
Industrial Use Property	\$40.00 per month

No charge shall be assessed against undeveloped property.

In the event that there is any question as to the appropriate use classification and charge to be assessed against a property, the Village Administrator shall establish the same, based on the closest approximation of the amount of impervious surface for the property in question compared with the existing use classifications. In no event shall a property be assessed at less than the Residential Use Rate.

(e) Rates shall be set by action of the Village Council. It is the Council's intention that rates shall be established so that in no year shall the operating fund of the utility show a loss.

(f) The Owner of any property subject to a charge provided herein shall pay the same, when due, to the Village of New London. Bills that are not paid within fifteen days of the invoice shall be subject to an additional delayed payment charge of ten percent (10%) of the amount of the bill. If any charges due are not paid when due, the Solicitor shall collect them by actions at law in the name of the Village, or they may be certified to the County Auditor for placement on the tax list and duplicate as a lien against the property served.

(Ord. 2013-29. Passed 1-13-14.)

931.03 RATE REDUCTIONS.

The established rates for charges established in this chapter may be reduced for nonresidential property, upon application of the property owner, in cases where runoff control measures approved by the Village Administrator have been implemented. Review and analysis of such measures shall be handled on an individual case-by-case basis; and the decision as to the amount of reduction applicable shall be made by the Administrator. The maximum rate of reduction shall be fifty percent (50%) of established rate and shall never be less than the amount which would be assessed for a residential property.

(Ord. 05-02. Passed 4-5-05.)

931.04 APPEALS.

Any person who is adversely affected by any decision of the Village Administrator in connection with the application or enforcement of this chapter, including requests for rate reductions under Section 931.03 may appeal to the Village Council. Any appeal request must be in writing and shall state the specific decision being appealed, the alleged error or grounds for appeal, and shall state the relief to which the applicant believes he is entitled. The decision of the Council shall be deemed final. Appeal requests must be filed with the Clerk-Treasurer within thirty days of the decision being appealed.

(Ord. 05-02. Passed 4-5-05.)

TITLE FIVE - Other Public Services

Chap. 955. Parks.

Chap. 959. Garbage and Refuse.

CHAPTER 955**Parks**

955.01	New London Recreation Park Board. (Repealed)	955.13	License and permits.
955.02	New London Reservoir Board. (Repealed)	955.14	Impoundment, confiscation and sale of abandoned boats or motors.
955.03	New London Recreation Committee.	955.15	Reservoir property.
955.04	Administration of Park and Reservoir.	955.16	Sanitation.
955.05	Display of rules.	955.17	Traffic.
955.06	Watercraft.	955.18	Recreational activities.
955.07	Use of Village slips, private docks and boat moorings on reservoir prohibited.	955.19	Miscellaneous safety regulations.
955.08	Village liability.	955.20	Fishing; hunting.
955.09	Enforcement of rules and regulations.	955.21	Picnic areas.
955.10	Marine supervision.	955.22	Behavior.
955.11	Officers' authority.	955.23	Merchandising, advertising and signs.
955.12	Obedience to Village Administrator.	955.24	Parks operating policy.
		955.25	Enforcement.
		955.99	Penalty.

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01

Playgrounds - see Ohio R.C. 755.14 et seq.

Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07(E)

955.01 NEW LONDON RECREATION PARK BOARD. (REPEALED)

(EDITOR'S NOTE: Former Section 955.01 was repealed by Ordinance 02-19, passed January 14, 2003.)

955.02 NEW LONDON RESERVOIR BOARD. (REPEALED)

(EDITOR'S NOTE: Former Section 955.02 was repealed by Ordinance 02-19, passed January 14, 2003.)

955.03 NEW LONDON RECREATION COMMITTEE.

(a) There shall be a New London Recreation Committee, consisting of as many members as may from time to time be recommended by the existing members of the Committee and approved by the Council, plus the Village Administrator as permanent member. The Council-appointed members shall serve for two-year terms, provided, however, that those individuals currently seated at the time this section becomes effective shall continue until their current appointments terminate.

(b) The Recreation Committee shall serve as an advisory committee which shall attempt to organize and coordinate the activities, and make recommendations to the Village concerning the uses, rules and regulations of the New London Village Park and the New London Reservoir, and their respective facilities, as reasonably necessary to protect and foster the interests of the Village as well as the health, safety, and welfare of its inhabitants and other park users.

(c) The Recreation Committee shall meet in public sessions at such times as it deems necessary, but at least six times annually.

(d) The New London Recreation Committee shall have the right to establish both permanent and ad hoc Citizens' Subcommittees to assist it in its duties and/or to plan, supervise, or carry out special events.
(Ord. 09-11. Passed 6-8-09.)

955.04 ADMINISTRATION OF PARK AND RESERVOIR.

(a) The operations, employees, equipment, facilities, maintenance, and improvements of the Recreation Park and the Reservoir shall be under the general supervision and control of the Village Administrator. There shall be such other employees as may be authorized by Council. All employees for the Recreation Park or Reservoir shall be appointed by the Village Administrator according to state law.

(b) All purchases and contracts concerning the Recreation Park shall be made by the Village Administrator according to state law. (Ord. 01-004. Passed 5-8-01.)

955.05 DISPLAY OF RULES.

All rules and regulations promulgated by the Council for the Recreation Park or Reservoir shall be printed, made readily available to the public, and a copy shall be posted in a conspicuous place upon the applicable Park Grounds. (Ord. 01-004. Passed 5-8-01.)

955.06 WATERCRAFT.

Use of watercraft on the New London Upground Raw Water Reservoir by the general public shall be permitted and authorized subject to the rules and regulations hereinafter set forth as hereinafter may be recommended by the Village Administrator and the Water Superintendent and approved by the Council. (Ord. 01-004. Passed 5-8-01.)

955.07 USE OF VILLAGE SLIPS, PRIVATE DOCKS, AND BOAT MOORINGS ON RESERVOIR PROHIBITED.

The use of Village slips, private docks, and moorings on the New London Upground Raw Water Storage Reservoir shall be prohibited. (Ord. 01-004. Passed 5-8-01.)

955.08 VILLAGE LIABILITY.

Persons using the New London Recreation Park or the New London Upground Raw Water Storage Reservoir and Village lands and facilities adjacent and contiguous thereto shall do so at their own risk. The Village assumes no liability toward persons using Village lands or facilities contiguous or adjacent to said Park or Reservoir. The Village assumes no liability whatsoever for the safety of boat slips, or moorings, or the operators or users thereof or passengers therein of thereon. (Ord. 01-004. Passed 5-8-01.)

955.09 ENFORCEMENT OF RULES AND REGULATIONS.

The Village Administrator shall be charged with the enforcement of all rules and regulations relating to the use of the New London Recreation Park and the New London Upground Raw Water Reservoir and contiguous or adjacent Village owned lands and facilities as hereinafter set forth. The Village Administrator may enforce such regulations directly or through a legally appointed subordinate or agent. (Ord. 01-004. Passed 5-8-01.)

955.10 MARINE SUPERVISION.

The Village Administrator with the assistance of the Water Superintendent shall directly supervise the use of the Reservoir and adjacent Village owned lands. He shall enforce the rules and regulations hereinafter set forth and subsequently promulgated by the Council. He shall have the authority to inspect all boats, motors, slips, and moorings to determine whether they are in compliance with the laws, and rules and regulations. He shall make recommendations to the permanent suspension or cancellation of any license or permit where the terms and conditions of issuance have been violated, or for which the fees or rentals are in arrears. (Ord. 01-004. Passed 5-8-01.)

955.11 OFFICERS' AUTHORITY.

The Village Administrator shall issue orders, either in person, in writing, or by means of visible or audible signals for the purpose of controlling the use of the Recreation Park, or Reservoir and adjacent Village owned property in conformance with the provisions of this chapter. The Village Administrator shall determine when an emergency exists in the event of fire, high water, storm or other occurrence and when reasonably necessary for the health, safety, and welfare of the public or the inhabitants of the Village of New London, he shall issue and enforce such emergency orders as the conditions may require. For the Protection of the health, safety, and welfare of the public, users of the reservoir facilities and inhabitants of the Village of New London, owned land or facilities adjacent thereto, when he, the Village Administrator has declared an emergency. A suitable, accepted signal shall be available at all times at the Reservoir site, and shall be clearly displayed or sounded in the event of emergency. (Ord. 01-004. Passed 5-8-01.)

955.12 OBEDIENCE TO VILLAGE ADMINISTRATOR.

(a) It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of the Village Administrator. No person shall resist, hinder, obstruct, or abuse the Village Administrator, under any of the provisions applicable on or about the Recreation Park or Reservoir or contiguous Village owned property. (Ord. 01-004. Passed 5-8-01.)

955.13 LICENSE AND PERMITS.

(a) It shall be unlawful for any person to operate any boat on the New London Upground Raw Water Storage Reservoir without a valid certificate number for such boat issued by the Chief of Watercraft of the State of Ohio. It shall be unlawful to operate an outboard motor on said Reservoir without a valid license issued by the Chief of Watercraft of the State of Ohio. It shall be unlawful for any person to use a boat on the New London Reservoir without first registering the same on forms provided by the Council and obtainable at the Police Department, or the Reservoir Office. (Ord. 01-004. Passed 5-8-01.)

955.14 IMPOUNDMENT, CONFISCATION AND SALE OF ABANDONED BOATS OR MOTORS.

(a) Any watercraft found unattended in a sunken, beached, or drifting condition shall be deemed abandoned by the owner and shall be removed and impounded for safekeeping and disposal in accordance with this section. Any boat found moored in any slip, dock, or mooring and removed from the water, or locked up at some convenient point on shore, it shall not be released until a receipt from the Village Administrator covering payment of a ten dollar (\$10.00) impoundment fee, plus payment of a storage fee, not to exceed one dollar (\$1.00) per day for handling and services, is presented by the owner.

(b) The mailing of written notice to the owner, by certified mail, if known, at the address given on the most recent license certificate filed by him, shall constitute sufficient service, or of no response is received from the owner within ninety days after the date of mailing of the impoundment notice the Village Administrator shall consider the boat and/or equipment as abandoned and it will become confiscated Village owned property, and shall be disposed of according to law. (Ord. 01-004. Passed 5-8-01.)

955.15 RESERVOIR PROPERTY.

(a) No person or persons on Recreation Park or Reservoir property or adjacent Village owned land shall:

- (1) Willfully mark, deface, injure, tamper with, or displace, or remove any buildings, tables, docks, mooring stakes, benches, landings, fireplaces, railings, paving, or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures, or equipment, facilities or Village Property or appurtenances whatsoever, either real or personal.
- (2) Displace or remove any stone rip rap from dikes on the Reservoir
- (3) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for opposite sex.

- (4) Dig, or remove, any sand, whether submerged or not, or any soil, rocks, stones, trees, shrubs, or plants, down timber, or other wood or materials or make any excavation by tool, equipment blasting or other means of agency.
- (5) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such land, except on special written permit issued by the Village Administrator.
- (6) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in, or otherwise disturb, grass areas or in any way injure or impair the natural beauty or usefulness of any area
- (7) Climb any tree or walk, stand, or sit upon monuments, vases, fountains, railings, fences, or upon any other property not designated or customarily used for such purposes.
- (8) Tie or hitch a dog or any other animal to any tree or plant, except in designated areas.
- (9) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal or reptile.
- (10) Hunt any bird, with the exception of the lawful hunting of migratory birds under state and federal laws.
- (11) Discharge rifles, shotguns, handguns, or other firearms, with the exception of the lawful hunting under state and federal laws.
(Ord. 01-004. Passed 5-8-01.)

955.16 SANITATION.

(a) No person on Recreation Park or Reservoir property or adjacent Village owned lands shall:

- (1) Throw, discharge, or otherwise place or cause to be placed in Reservoir waters, Recreation Park waters, or any waters on Village owned land adjacent thereto flowing into said waters any substance, matter, or thing, liquid, or solid, which will or may result in the contamination, littering or pollution of said waters, including but not limited to shavings, chips, straw, paper, shells, cinders, glass, mud, food, dung, filth, cans, manure, rubbish, oil or petroleum products, earth, gravel, brick, stones, metal, dirt, dyes, detergents, liquid, powered or solid chemicals, or any other obnoxious substance.
- (2) Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, garbage, waste, refuse, or any other trash. No such refuse or trash shall be placed in any Reservoir waters or shall be left anywhere on adjacent Village owned lands, but shall be placed in the proper receptacles. (Ord. 01-004. Passed 5-8-01.)

955.17 TRAFFIC.

(a) No person or persons on Recreation Park or Reservoir property and adjacent Village owned lands shall:

- (1) Fail to comply with all applicable provisions of the State of Motor Vehicle Traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.
- (2) Fail to obey all traffic officers and the Village Administrator, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed on Reservoir property, Recreation Park property and adjacent Village owned lands, in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Village Administrator.
- (3) Fail to observe carefully all traffic signs indicating speed, directions, caution, stopping or parking, and all other posted for proper control and to safeguard life and property.
- (4) Ride or drive a vehicle at a rate of speed exceeding ten miles per hour, or as the Village Administrator may otherwise designate, by posted signs.
- (5) Drive any vehicle in any areas except those specifically designated by the Village Administrator and indicated by posted signs. It shall be unlawful for any person to drive any vehicle in any restricted area, except those vehicles specifically authorized by permit signed by the Village Administrator.
- (6) Park a vehicle in other than an established or designated parking area except for the purpose of loading or unloading boats in accordance with posted directions or instructions from the attendant on duty.
- (7) Ride a bicycle, motor bike, mini-bike, or motorcycle in any areas except the black topped roadway and parking lot. It shall be unlawful for any person or persons to park a bicycle, motor bike, mini-bike, motorcycle in any area other than that specifically designated by posted signs.
- (8) Operate an all terrain vehicle anywhere on Reservoir property, Recreation Park, or adjacent Village owned lands, except for the area designated for that purpose.
- (9) No person or persons shall operate any vehicle on top of the Reservoir embankment or on the sides of the reservoir embankment, excepting duly authorized City employees or contractors performing maintenance, or mowing the embankment.
- (10) No horses or any other domestic animals shall be allowed to run loose. Horseback riding will be allowed in designated areas.
(Ord. 01-004. Passed 5-8-01.)

955.18 RECREATIONAL ACTIVITIES.

(a) No person or persons on Reservoir property or adjacent Village owned lands shall:

- (1) Bath, or swim at any time than as determined and posted by the Village Administrator.
- (2) No swimming will be allowed without lifeguards on duty.
- (3) All bathers and swimmers will be under supervision of the Village Administrator or his designated attendants and will abide by the rules and regulations set forth in this chapter.

- (4) Leave a boat upon Reservoir property or adjacent Village owned land during the off-season as establish by the Village Administrator. Failure to remove the boat between these dates will result in their impoundment and the same shall be considered abandoned by the owner.
- (5) Operate any boat other than pontoon, sailcraft, canoes, and rowboats. The use of any other type of boat shall be unlawful.
- (6) Operate any boat other than those powered by sail, paddle, oars, or any electric motor, other than gasoline outboard motors used on Village authorized emergency boats.
- (7) No person shall operate any craft more than twenty-five (25) feet in length.
- (8) Operate any unseaworthy boat or any boat, which fails to meet U.S. Coast Guard Standards of the conditions. All boats will be subject to inspection by the Village Administrator and shall be removed from the water should he find them unsafe under said standards. The Village Administrator shall determine seaworthiness of watercraft based on boat design, capacity, condition of the watercraft, condition of facilities, weather conditions and compliance with safety regulations. He may deny entry of any boat to reservoir waters if he finds it unfit, and his decision is final.
- (9) Use moorings and marker buoys unless authorized to do so.
- (10) Use a motor on a craft not specifically designed to be motor propelled or specifically adapted to the use of a motor.
- (11) Operate any boat, which exceeds the recommendations of the manufacturer or designer's as to maximum capacity for the boat. If a manufacturer or designer's recommendations as to maximum capacity. If manufacturer or designer's recommendations as to maximum capacity is not obtainable, it shall be determined from the formula:

$$\frac{L \times B \times D}{25} = \text{number of persons}$$
 (Adult and children) to the nearest multiple of 25.
 L-length of boat overall in feet and decimals thereof.
 B-maximum beam in feet and decimals thereof.
 D-minimum depth or depth in feet in decimals thereof measured vertically from the inside surface of the hull material at the center of the boat to a straight edge resting on the gunwales.
- (12) Operate, launch, dock, moor or use any watercraft which contains a sink, toilet, or sanitary system, which is capable of discharging urine, fecal matter, contents of chemical commode, kitchen waste, laundry soap, any waste material whatsoever into the water of said Reservoir. No person shall dispose of any of these or other waste material by any means into said water, whether deemed contaminative or not. Any such facility aboard shall be sealed off or removed.
- (13) Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the Village Administrator. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.
- (14) Navigate, direct, or handle any boat in such manner as to unjustifiably or unnecessarily annoy of frighten or endanger the occupants of any other, or swimming area. (Ord. 01-004. Passed 5-8-01.)

955.19 MISCELLANEOUS SAFETY REGULATIONS.

- (a) No person shall:
- (1) Operate watercraft, regardless of the type of propulsion without having life jackets, life vests or life buoys or buoyant cushions sufficient to sustain any and all occupants afloat as prescribed by U.S. Coast Guard, said life preserves bearing the U.S. Coast Guard seal of approval stamped on each such item by the manufacturer thereof. Such Safety equipment shall be so placed as to be immediately available to each person aboard such watercraft at all times. Children under ten years of age shall wear approved life vests or jackets at all times when they are in, on or around either privately owned boat docks, rented docks or slips or private or rental boats.
 - (2) Operate any power watercraft without approved fire extinguishers.
 - (3) Operate any watercraft without an anchor of sufficient weight to anchor such craft securely, and without an anchor line less than three times the depth of the water, said length being approximately seventy-five feet.
 - (4) Operate any craft, except sailcraft and emergency craft, at speed greater than six miles per hour, unless a genuine emergency requires greater speed in order to protect the life or health of a person.
 - (5) Operate any watercraft without a distress flag measuring two feet square and International Orange in color. No person shall display such flag unless the watercraft or person is in distress and in need of help.
 - (6) Operate or anchor any watercraft in any restricted area on Reservoir waters, said restricted areas to be clearly marked by marker buoys and/or posted signs.
 - (7) Rent, lease, or otherwise permit the use of any watercraft under a person's control or the control of his agents unless such watercraft is provided with equipment required under this chapter and U.S. Coast Guard regulations for such watercraft. (Ord. 01-004. Passed 5-8-01.)

955.20 FISHING; HUNTING.

- (a) No person shall:
- (1) Engage in commercial fishing or the buying or selling of fish caught in Reservoir waters.
 - (2) Fish with other than hook or line and live or artificial bait; and other than in accordance with the fishing laws of the State of Ohio.
 - (3) Fish in any Reservoir waters restricted to fishing as designated by posted signs, markers or buoys.
 - (4) Hunt, trap or pursue wildlife, except as has been provided by the Ohio Revised Code. No person shall use, carry, or possess firearms of any description, or air rifles, spring-guns, bows, and arrows, sling or any other forms of dangerous weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with an fire blank cartridges, or any kind of trapping device, unless hunting game in season. Shooting into the Reservoir area or Recreation Park area from beyond the boundaries of Village owned land is forbidden. (Ord. 01-004. Passed 5-8-01.)

955.21 PICNIC AREAS.

(a) No person shall:

- (1) Picnic or lunch in a place at the Recreation Park or Reservoir other than those designated for that purpose. Attendants shall have authority to regulate the activities in such areas when necessary to prevent congestion and to secure maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - (2) Hold any meetings or group gatherings of any nature without first making arrangements with the Village Administrator, and obtaining a written permit for same.
 - (3) Camp anywhere on Recreation Park or Reservoir property or adjacent Village Owned Property, except on designated areas with permission.
 - (4) Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served".
 - (5) Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities when crowded.
 - (6) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles.
 - (7) Take part in or about the playing of any games involving the throwing or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation.
- (Ord. 01-004. Passed 5-8-01.)

955.22 BEHAVIOR.

(a) No person or persons on Recreation Park or Reservoir Property or adjacent Village owned land shall:

- (1) Bring alcoholic beverages, or drink alcoholic beverage at any time on Reservoir property or adjacent Village owned land.
- (2) Have entered, or be under the influence of intoxicating liquor.
- (3) Brought or have in his possession, or set off or otherwise caused to explode or discharge or burn any firecrackers, torpedo, rocket, or other fireworks or any explosive or inflammable material or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.
- (4) Have been responsible for the entry of dog or other domestic animal into areas other than automobile parking lots and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes.
- (5) Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other structure or section thereof which may be reserved and designated for the use of the opposite sex. Exception is made for children under five years of age.

- (6) Willfully make an incident exposure of his or her person so as to offend or annoy any other person thereby.
- (7) Shall solicit alarms or contributions for any purpose whether public or private.
- (8) Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Village Administrator. No person shall hold a fire on the banks of the Reservoir, drop, throw, or otherwise scatter lighted matches, burning cigars or cigarettes, tobacco paper, or other inflammable material, within any area or on any highway, road, street, abutting or contiguous thereto.
- (9) Enter an area posted "Closed to the Public", nor shall any person use, or abet the use of any area in violation of posted notices.
- (10) Gamble, or participate in or abet any games of chance.
- (11) Venture onto the ice for any purpose, such as ice fishing, ice boating, or ice skating without permission of the Village Administrator.
- (12) Violate any terms, conditions or prohibitions of Chapter 509 of the Codified Ordinances.
- (13) Fail to produce and exhibit any permit from the Village Administrator he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (14) Disturb or interfere with any person or party occupying any area, or participating in any activity, under the authority of a permit.
- (15) Ski or ride any device pulled behind a boat on the Reservoir waters.
(Ord. 01-004. Passed 5-8-01.)

955.23 MERCHANDISING, ADVERTISING, AND SIGNS.

- (a) No person on Recreation Park or Reservoir property shall:
 - (1) Expose or offer for sale any article or for the transportation, sale, or display of any article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Council.
 - (2) Announce, advertise, or call the public attention in any way to any article for sale or hire.
 - (3) Past, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, no shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads and adjacent to Reservoir or Recreation Park lands, except signs and markings posted by Reservoir or Recreation Park Authority.
(Ord. 01-004. Passed 5-8-01.)

955.24 PARKS OPERATING POLICY.

(a) Hours. The Council shall have the authority to establish the hours during which the Recreation Park and Reservoir shall be open to the public. However, bank fishing at the Reservoir shall be permitted on a twenty-four hour basis.

(b) Closed Areas. Any section or part of any Recreation park or Reservoir Grounds may be declared closed to the public by the Village Administrator at times and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Village Administrator shall find reasonably necessary.

(c) Lost and Found Articles. The finding of lost articles by attendants shall be reported to the Village Administrator who shall make every reasonable effort to find articles reported as lost.

(d) Uses for which a Special Permit is Required. A special permit shall be obtained from the Village Administrator before participating in the following activities:

- (1) Use of the Reservoir, Recreation Park, and/or Reservoir property during closed seasons.
- (2) Use of the Reservoir, Recreation Park, and/or Reservoir property closed hours of the day.
- (3) Use of the Reservoir, Recreation Park, and/or Reservoir property for group gatherings.
- (4) Use of the restricted areas of the Reservoir, Recreation Park, and/or Reservoir property.
- (5) Operating boats and other facilities for hire on the Reservoir property.
- (6) Alteration or erection of duck blinds in season or other structures on the Reservoir and/or Reservoir property.

(e) Application for a Special Permit.

- (1) A person seeking issuance of a special permit hereunder shall file an application with the Village Administrator.

The Application shall state:

- A. The name and address of the applicant.
- B. The name and address of the persons, corporations or associations sponsoring the activity, if any.
- C. The day and hours for which the permit is desired.
- D. The Reservoir or portions thereof, for what such permit is desired.
- E. An estimate of the anticipated attendance.
- F. Any other information which the Village Administrator shall find reasonably necessary to a fair determination as to whether a special permit should be issued hereunder.

- (2) Standards for issuance. The Village Administrator shall issue a special permit hereunder when he finds:

- A. That the proposed activity or use of the Reservoir or Recreation Park will not unreasonably interfere with or detract from the general public enjoyment of the Reservoir or Recreation Park grounds.
- B. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- C. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
- D. That the facilities desired have not been reserved for other use at the date and hour require in the application.
- E. That the facilities desired have not been reserved for other use at the date and hour require in the application.
- F. That a proposed duck blind is at least two hundred feet from the nearest duck blind and does not exceed 5' X 6' in size.

- G. That the application for permission to construct a duck blind shall be accompanied with a non-refundable fee of fifty dollars (\$50.00).
- (3) Appeal. Within ten days after receipt of an application, the Village Administrator will apprise an applicant in writing of his reasons for refusing a special permit and any aggrieved person shall have the right to appeal in writing within ten days to the Village Council, which will consider the application under the standards set forth in subsection (e)(2) hereof and sustain or overrule the Village Administrator's decision within ten days. The decision of the Council shall be final.
 - (4) Effect of special permit. A special permit shall be bound by all Reservoir or Recreation Park rules and regulations and all applicable ordinances fully ad though the same were inserted in said special permits.
 - (5) Liability of special permittee. The person or persons to whom a special permit is issued shall be liable for any loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such special permit shall have been issued.
 - (6) Revocation. The Village Administrator shall have authority to revoke a special permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Ord. 2014-20. Passed 8-25-14.)

955.25 ENFORCEMENT.

(a) The Village Administrator, and his authorized designees, shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) Throughout this chapter, any duty or authority of the Village Administrator to enforce rules, regulations, or ordinances to issue permits or licenses, or to carry out any duty as set forth in Sections 955.09 through 955.99 may be performed by the Administrators authorized designees, and shall have the full force and effect as if performed by the Village Administrator himself. (Ord. 01-004. Passed 5-8-01.)

955.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days or both.

(b) Whoever violates any Park Rule which has been adopted by the Council shall be deemed guilty of a minor misdemeanor for the first offense or a fourth degree misdemeanor for any subsequent offense. (Ord. 01-004. Passed 5-8-01.)

(Editor's Note: The next printed page is page 43.)

CHAPTER 959
Garbage and Refuse

959.01	Definitions.	959.07	Landfill.
959.02	Containers.	959.08	Rules and regulations.
959.03	Collection and disposal of junk, construction materials, trimmings and freon-containing appliances.	959.09	Private rubbish collectors.
959.04	Placement; storage.	959.10	Rates for collection.
959.05	Village's duty to collect garbage.	959.11	Monthly payment.
959.06	Garbage to be drained and wrapped.	959.99	Penalty.

CROSS REFERENCES

Collection and disposal - see Ohio R.C. 715.43, 717.01

Disposal and transportation upon public ways - see Ohio
R.C. 3767.20 et seq.

Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

959.01 DEFINITIONS.

(a) "Garbage" means all putrescible waste including kitchen wastes, accumulations of animal food and vegetable matter attendant to the preparation, cooking and service of foods. It does not include sewage, body waste, animal offal and carcasses of dead animals.

(b) "Rubbish" means ashes, bottles, broken glass, crockery, tin cans, printed matter, paper, cartons and items of clothing.

(c) "Junk" means scrap metal, automobile or truck parts, tires, manufacturing or trade wastes, appliances such as refrigerators, washers, freezers, hot water heaters, discarded furniture and similar items.

(d) "Construction materials" means earth, sand, brick, stone, plaster, concrete, and similar items which may accumulate as the result of construction, remodeling or razing activities.

(e) "Leaves, tree and bush trimmings" include tree limbs, waste wood and lumber, and material arising as a result of rakings.

- (f) "Village" means the Village of New London, Ohio.
- (g) "Administrator" means the Administrator of the Village of New London, Ohio.
- (h) "Householder" means the head of a family or one maintaining his or her separate living room or quarters on premises, upon which garbage or rubbish, or both, is accumulated.
- (i) "Premises" means land or buildings or both or parts of either or both, occupied by one householder or commercial establishment.
- (j) "Commercial establishment" means and includes all other premises and institutions, private or public, charitable or noncharitable, upon which garbage or rubbish, or both, is created.
- (k) "Collector" means the Village of New London, Ohio, and each and all of its duly authorized agents and/or employees connected with the collection and disposal of garbage or rubbish or both.
- (l) "Collecting agent" means each and all employees of the Village of New London, Ohio, charged with the duty of collecting or receiving fees, or both, for collecting and disposing of garbage or rubbish by said Village.
- (m) "Person" means every natural person or association of persons, a partnership or corporation.
Words in the singular shall include the plural.
(Ord. 87-5. Passed 4-21-87.)

959.02 CONTAINERS.

- (a) It shall be the duty of each householder or commercial establishment in or upon premises within the Village where garbage and rubbish is accumulated, or allowed to be, to procure and keep available for the exclusive use of such premises or the part thereof occupied by the householder or commercial establishment, metal or durable plastic containers, or plastic bags which are of thirty-two gallon capacity or less, and which when filled weigh not more than sixty pounds. (Plastic bags shall not be filled beyond their strength). Containers shall have close fitting lids and be provided with bails or handles. (Ord. 87-5. Passed 4-21-87.)
- (b) All cans or plastic bags of garbage and rubbish must be put at the curb line for pick up on route day except when a holiday falls on the day of pick up. The day of pick up, in such cases, will be indicated in the newspaper. Each weekly pick up is limited to a maximum of six bags or three cans. (Ord. 01-18. Passed 1-8-02.)
- (c) All boxes, paper bags and etc. not placed in garbage cans or bags will not be picked up.
- (d) No person shall remove any garbage from any premises occupied by a householder or commercial establishment except the collector.

(e) No garbage, trash or any other items to be picked up by the Village of New London Sanitation Department shall be placed upon the tree lawn or curb any sooner than 1:00 p.m. on the day preceding the scheduled pick up.

(f) All empty trash containers, belonging to residents of the Village of New London shall be removed from the tree lawn or curb no later than 8:00 a.m. the day following the scheduled pick up.

(Ord. 87-5. Passed 4-21-87.)

959.03 COLLECTION AND DISPOSAL OF JUNK, CONSTRUCTION MATERIALS, TRIMMINGS AND FREON-CONTAINING APPLIANCES.

(a) The collection of junk defined in Section 959.01(c) will only be picked up by calling the Sanitation Department. A minimum charge of two dollars (\$2.00) if picked up on regular pick up day and a minimum of four dollars (\$4.00) for pickups on any other day will be billed.

(b) Construction materials defined in Section 959.01(d) will be picked up at the discretion of the Village Administrator or by private haulers. A fee will be established at the time by the Village Administrator for pick ups made by the Village.

(c) Leaves, trees and brush trimmings defined in Section 959.01(c) will be picked up in the months of April through October, on the first Monday and Tuesday of each month. Brush is not to exceed four feet in length. Anything larger, or full truck loads, will be charged a minimum of four dollars (\$4.00).

(d) Clean up. A spring and fall clean up will be held on the first Tuesday for residents who have their regular sanitation pick up on Tuesdays and on the first Thursday for residents who have their regular sanitation pick up on Thursdays, during the first full week of May and October. This spring clean up will not be considered free during the May and October Clean up weeks. (Ord. 87-5. Passed 5-22-91.)

(e) Provided that it continues to have the means in place for their final disposal, with notice to the Village by the resident, the Village will collect discarded Freon-containing appliances formerly used on the premises; a surcharge, to reflect the village's actual direct costs in pick up and disposal of the appliance, will be added to the resident's regular garbage bill for this service. (Ord. 06-18. Passed 7-10-06.)

959.04 PLACEMENT; STORAGE.

(a) No householder in the Village shall keep, place or deposit garbage on any grounds or premises whatsoever except in the manner designated in Section 959.02, and no householder shall keep, place or deposit rubbish on any grounds or premises whatsoever except in the manner provided for in Section 959.02.

(b) No householder or any person in the Village shall throw or deposit any garbage, rubbish or waste matter, or cause the same to be thrown or deposited upon any street, way, lands, or either public place, or upon any vacant lot, or where rats, mice, dogs, cats, birds, fowl or other living things can feed thereon. Each day's violation of the provisions of this section may be treated as a separate and distinct offense.

(c) No householder or person shall keep garbage or rubbish for a longer period of time upon his premises than that expiring between two consecutive collection dates when actual collections are made by the collector.

(Ord. 87-5. Passed 4-21-87.)

959.05 VILLAGE'S DUTY TO COLLECT GARBAGE.

It shall be the duty of the Village to collect garbage and/or rubbish from all premises within the Village, at least every week, except as provided herein.

(Ord. 87-5. Passed 4-21-87.)

959.06 GARBAGE TO BE DRAINED AND WRAPPED.

No person shall place any garbage in a garbage can unless the same has been drained free of water and wrapped in paper excepting in such businesses places as have collection of the same made daily.

(Ord. 87-5. Passed 4-21-87.)

959.07 LANDFILL.

It shall be unlawful to dispose of, bury, burn or dump within or without the Village, except at the site of the landfill. In the interest of the public health and sanitation all other existing dumping places within the Village are hereby declared a nuisance and ordered closed. All garbage and rubbish shall be conveyed by the collector to the site of the Huron County landfill.

(Ord. 87-5. Passed 4-21-87.)

959.08 RULES AND REGULATIONS.

The Administrator for the purpose of collecting and disposing of garbage and rubbish and other materials as determined, is hereby authorized and directed to make such rules and fees for such collections and disposal as are necessary or convenient, including the division of the Village into collection districts.

(Ord. 87-5. Passed 4-21-87.)

959.09 PRIVATE RUBBISH COLLECTORS.

(a) No person, firm, business or corporation shall engage in or carry on the business of collecting, hauling and disposing of rubbish or garbage in the Village, without first obtaining a permit at a fee of fifty dollars (\$50.00) for one year from the Administrator. No rubbish or garbage shall be hauled or transported over or through the streets of said Village except in a truck or other vehicle, the design of which has been approved by the Administrator.

(b) Any person, resident or non-resident, transporting garbage, rubbish or both, within the Village of New London, without a permit, shall be subject to fine upon conviction, as set forth.

(Ord. 87-5. Passed 4-21-87.)

(c) No permit fee shall be charged to any business whose trash, rubbish, or industrial waste products are of such a character or quality, as determined by the Village Administrator, that it is impractical for the Village Sanitation Department to collect and haul said trash, rubbish or industrial waste. In each such case, the business may either haul its own trash or contract for its removal with an outside trash hauler, without a permit.
(Ord. 88-22. Passed 12-5-88.)

959.10 RATES FOR COLLECTION.

- (a) (1) Each and every householder and/or person, apartment building and trailer park accumulating garbage or rubbish within the Village of New London shall pay twenty-two dollars and thirty-six cents (\$22.36) per month for collection thereof. Payments should be made to the Clerk-Treasurer by the tenth of the month. A ten percent (10%) penalty shall be added to any bill not paid by the tenth of the month.
- (2) Any householder having only one Senior Citizen (65 or older) using said collection service shall be charged at the rate of sixteen dollars (\$16.00) per month. Each senior citizen in order to qualify for reduced rate must register at the Village Office.
- (3) An additional surcharge for the pickup of non-standard quantities of leaves, tree and brush trimmings may be assessed by the Administrator to recover the Village's additional costs, and, normally, shall be at the rate of Sixty Dollars (\$60.00) per hour for time expended in such collection.
- (4) A surcharge of two dollars and four cents (\$2.04) per month shall be assessed for any collections made outside the Village.

(b) Each and every business or commercial establishment that accumulates garbage and/or rubbish within the Village shall be billed a collection rate based on a flat rate per month and/or based upon the size of dumpster as determined by the Village Administrator. A surcharge of two dollars and four cents (\$2.04) per month shall be assessed for any collections made outside the Village.

One day a week	Ultra light 3 cans	\$18.00 per month
Pick up	Light	\$49.00 per month
	Medium	\$88.00 per month
More than one	Light	\$120.00 per month
	Medium	\$165.00 per month
	Heavy	\$290.00 per month

DUMPSTERS

SIZE	1 W/PU	2W/PU	3W/PU	4W/PU	5W/PU
2 CU YD	75.00	150.00	225.00	300.00	375.00
(NOT EXCEEDING 400 POUNDS PER DUMP					
3 CU YD	93.00	186.00	279.00	372.00	465.00
(NOT EXCEEDING 600 POUNDS PER DUMP					

4 CU YD	1 W/PU	2W/PU	3W/PU	4W/PU	5W/PU
	110.00	220.00		330.00	440.00
					550.00

NOT EXCEEDING 800

POUNDS PER DUMP)

6 CU YD	143.00	286.00	429.00	572.00	715.00
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(NOT EXCEEDING 1,000

POUNDS PER DUMP)

Any time that a filled dumpster exceeds the weight allowance set forth above for its size, a surcharge of the standard landfill rate, per ton, multiplied by a factor of 1.3, will also be assessed.

DUMPSTER RENTALS

DUMPSTERS MAY BE RENTED FROM THE VILLAGE AT THE FOLLOWING RATES:

If a customer requests a dumpster for temporary use, the bi-weekly rental charge will apply until the dumpster is returned to the Village. Refuse will be charged at \$68.40 per ton for in-Village customers, and \$80.00 per ton for out-of-Village customers.
(Ord. 2015-01. Passed 2-23-15.)

959.11 MONTHLY PAYMENT.

Each householder or commercial establishment shall pay to the Sanitation Department at the Office of the Clerk-Treasurer, in monthly installments, for collection service, the rates hereinbefore set forth or at the rate set by the Superintendent. All money received by said Sanitation Department, in any manner, for the collection or disposal of garbage or rubbish shall be deposited in the Sanitation Department Fund or Other Municipal Fund and applied to the retirement and interest on notes or bonds heretofore to hereafter issued for the purchase of equipment or for the acquisition or construction of any permanent improvements to be used for or in connection with the collection and disposal of garbage or rubbish and to the expense of the conduct and operation of said department.

(Ord. 87-5. Passed 4-21-87.)

959.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a minor misdemeanor, and each day such violation continues may be treated as a separate offense.

(Ord. 87-5. Passed 4-21-87.)

