

**FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE
FAIRFIELD, OHIO 45014**

MONDAY, MARCH 24, 2014

7:00 PM

MAYOR.....STEVE MILLER
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....MARTY JUDD
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...CHAD OBERSON
COUNCILMEMBER AT-LARGE...MIKE SNYDER
COUNCILMEMBER AT-LARGE...BILL WOESTE
CITY MANAGER.....ARTHUR E. PIZZANO
CLERK OF COUNCIL.....ALISHA WILSON
LAW DIRECTOR.....JOHN H. CLEMMONS

Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

1. **Call to Order**
2. **Prayer/Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Modifications**
5. **Executive Session Requests**
6. **Public Hearing(s)**
7. **Special Presentations and Citizen Comments**
8. **Mayor/Council Reports**
9. **Approval of Minutes**
 - a) Regular Meeting Minutes of March 10, 2014

10. **OLD BUSINESS**

(A) **DEVELOPMENT SERVICES COMMITTEE**
Bill Woeste, Chairman; Adam Jones, Vice Chairman, Mike Snyder, Member

(1)  Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the City of Fairfield Design, Construction and Material Specifications Handbook and Water Requirements.

- Ordinance – Third reading
- Motion – Adoption

(2)  Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Stormwater Management Requirements and Sewer requirements.

- Motion – Amend
- Ordinance – Second reading

(B) **PUBLIC WORKS COMMITTEE**
Chad Oberson, Chairman; Mike Snyder, Vice Chairman, Bill Woeste, Member

- (1)  Ordinance to authorize the City Manager to enter into an agreement with Ohio Department of Transportation for Bridge Inspection Program Services.

- Ordinance – Third Reading
- Motion – Adoption

11. NEW BUSINESS

(A) **COMMUNITY & PUBLIC RELATIONS COMMITTEE**

Mike Snyder, Chairman; Bill Woeste, Vice Chairman, Debbie Pennington, Member

- (1) Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Fairfield's boards and commissions **effective April 1, 2014**:

Board of Zoning Appeals – Greg Porter, term expires 3/31/2019
Design Review Committee – Jeffrey Larkin, term expires 3/31/2016
Ward Boundary Review – Keith Foster

(B) **PUBLIC SAFETY COMMITTEE**

Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

- (1) Ordinance to amend Chapter 725, Peddlers and Solicitors, of the Codified Ordinances of Fairfield, Ohio.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading

(C) **FINANCE & BUDGET COMMITTEE**

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

- (1) Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 88-13 and all amendments thereto and declaring an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

- (2) Non-Contractual Appropriations - \$15,000 for purchase of hydrants for Water Division; \$13,950 for Review Appraisal Services for Route 4, South Gilmore & Holden Intersection Improvements; \$6,500 for Cellular Telephone Analysis Equipment, Software and Training; \$11,955 for operation of Explorer's Post with Fairfield Police Department.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

12. Meeting Schedule

Monday, April 14	Regular Meeting, 7:00 p.m.
Monday, April 28	Regular Meeting, 7:00 p.m.
Monday, May 12	Regular Meeting, 7:00 p.m.

13. Executive Session of Council (if needed)

14. Adjournment

AGENDA

**COUNCIL-MANAGER BRIEFING
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE**

**MONDAY, MARCH 24, 2014
5:30 P.M.**

1. Capital Improvement Program (CIP) – Mary Hopton

MINUTES
REGULAR MEETING OF COUNCIL
MARCH 10, 2014

Call to Order

Mayor Steve Miller called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

Councilmember Snyder led in prayer and the Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Present members were Councilmember Marty Judd, Councilmember Debbie Pennington, Councilmember Terry Senger, Councilmember Chad Oberson, Councilmember Mike Snyder, and Councilmember Bill Woeste.

Councilmember Snyder, seconded by Councilmember Oberson, moved to excuse Councilmember Jones. Motion carried 6-0.

Agenda Modifications

Executive Session Requests

Councilmember Judd, seconded by Councilmember Pennington, moved for Executive Session to discuss employment and compensation of personnel. Clerk Wilson called a Roll Call vote of Council. Motion carried 6-0.

Public Hearing(s)

Special Presentations and Citizen Comments

Mayor/Council Reports

Councilmember Snyder reported that Mercy Hospital was ranked as one of the top 100 hospitals in the country, one of only four in this area.

Councilmember Oberson reported that salt supplies are looking good and employee Tom Hall has passed his Certified Arborist License test.

Councilmember Pennington reported that the Fairfield Historical Society now has a newsletter that you can get at the Community Arts Center or online, www.ffhistoricalsociety.com. She also reported that the Community Arts Center is participating in the Macy's Arts Sampler 2014 on March 15. More information is available on the city's website.

Mayor Miller reported that WMOH will have their throw-back on April 1 and he will be co-hosting Mayors in the Morning from 9:00 AM to 10:00 AM with Hamilton Mayor Pat Moeller.

Approval of Minutes

Regular Meeting Minutes of February 24, 2014

- The Regular Meeting Minutes of February 24, 2014 were approved as written

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chairman; Adam Jones, Vice Chairman, Mike Snyder, Member

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map.

Councilmember Woeste presented the second reading of this ordinance.

Councilmember Bill Woeste, seconded by Councilmember Mike Snyder moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Bill Woeste, seconded by Councilmember Debbie Pennington moved to adopt . Motion Carried 6-0. ORDINANCE NO. 16-14. APPROVED 6-0.

Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the City of Fairfield Design, Construction and Material Specifications Handbook and Water Requirements.

Councilmember Bill Woeste, seconded by Councilmember Mike Snyder moved to amend the ordinance. Motion Carried 6-0.

Law Director John Clemmons clarified that the ordinance has been split into two separate ordinances from the original one, which is the reason for the amendment. Councilmember Woeste presented the second reading of this ordinance.

Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Stormwater Management Requirements and Sewer requirements.

The second reading of this ordinance is held pending a recommendation from the Planning Commission.

PUBLIC WORKS COMMITTEE

Chad Oberson, Chairman; Mike Snyder, Vice Chairman, Bill Woeste, Member

Ordinance releasing the maintenance bond and accepting public improvements for the Iwata Drive Dedication Plat.

Councilmember Oberson presented the third reading of this ordinance.

Councilmember Chad Oberson, seconded by Councilmember Terry Senger moved to adopt . Motion Carried 6-0. ORDINANCE NO. 17-14. APPROVED 6-0.

Ordinance to authorize the City Manager to enter into a one (1) year contract with options for years two (2) and three (3) with R.A. Miller of Hamilton, Ohio for the 2014 Sidewalk/Apron Replacement Program.

Councilmember Oberson presented the third reading of this ordinance.

Councilmember Chad Oberson, seconded by Councilmember Terry Senger moved to adopt . Motion Carried 6-0. ORDINANCE NO. 18-14. APPROVED 6-0.

Ordinance to authorize the City Manager to enter into an agreement with Ohio Department of Transportation for Bridge Inspection Program Services.

Councilmember Oberson presented the second reading of this ordinance.

NEW BUSINESS

PUBLIC SAFETY COMMITTEE

Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

Simple Motion: Motion to approve a liquor permit application in the name of Mahakal, Inc., 6120 Winton Road, Fairfield, OH 45014 (Permit Classes: C1 and C2).

Councilmember Judd, seconded by Councilmember Pennington, moved to approve a liquor permit application in the name of Mahakal, Inc. Motion carried 6-0. SIMPLE MOTION NO. 5-14. APPROVED 6-0.

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Mike Snyder, Chairman; Bill Woeste, Vice Chairman, Debbie Pennington, Member

Simple Motion: Motion to appoint the Clerk of Council as designee for mandatory training required by House Bill 9, Ohio's Public Records Act.

Councilmember Snyder, seconded by Councilmember Judd, moved to appoint the Clerk of Council as designee for mandatory training required by House Bill 9, Ohio Public Records Act. Motion carried 6-0. SIMPLE MOTION NO. 6-14. APPROVED 6-0.

Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Fairfield's boards and commissions effective April 1, 2014:

Councilmember Snyder, seconded by Councilmember Judd, moved to approve the Boards & Commissions appointments effective April 1, 2014. Motion carried 6-0. SIMPLE MOTION NO. 7-14. APPROVED 6-0.

FINANCE & BUDGET COMMITTEE

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

Councilmember Terry Senger, seconded by Councilmember Debbie Pennington moved to read the following two (2) ordinances by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to enter into a contract with International Association of Firefighters (IAFF), Local 4010 for wages, hours and terms and conditions of employment for the fire department bargaining unit.

Background: City Manager Pizzano recommended approval of the 3-year bargaining agreement with IAFF. The agreement includes a net increase of 2.66%, inclusive of an increase to employee healthcare contributions. Legislative Action: Councilmember Senger presented the first reading of this ordinance.

Councilmember Terry Senger, seconded by Councilmember Marty Judd moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Terry Senger, seconded by Councilmember Chad Oberson moved to adopt . Motion Carried 6-0. ORDINANCE NO. 19-14. APPROVED 6-0. Councilmember Senger thanked city staff and the Fire Department for coming to an agreement for the contract.

Non-Contractual Appropriations - \$28,160 water improvements for water main improvements at 4100 Port Union Road.

Background: City Manager Pizzano recommended a non-contractual appropriation for water main improvements at 4100 Port Union Road. Legislative Action: Councilmember Senger presented the first reading of this ordinance.

Councilmember Terry Senger, seconded by Councilmember Debbie Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Terry Senger, seconded by Councilmember Chad Oberson moved to adopt . Motion Carried 6-0. ORDINANCE NO. 20-14. APPROVED 6-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, March 24 Council-Manager Briefing, 5:30 p.m.; Regular Meeting, 7:00 p.m.
- Monday, April 14 Regular Meeting, 7:00 p.m.
- Monday, April 28 Regular Meeting, 7:00 p.m.

Executive Session of Council

Council adjourned to Executive Session at 7:20 PM.

Adjournment

The Regular Meeting of Council adjourned at 8:15 PM.

ATTEST:

Clerk of Council
Approval Date _____

Mayor

**City of Fairfield, Ohio
City Council Meeting Communication**

Date 02-10-14

Item:

An ordinance modifying various chapters of the Fairfield Codified Ordinances associated with the update of the Design Construction and Material Specifications Handbook and City of Fairfield Storm Water Quality Management Plan.

Financial Impact:

There may be possible financial impacts with the various modifications.

Synopsis:

The edited Design Construction and Material Specifications Handbook, City of Fairfield Storm Water Quality Management Plan as well as Chapter 906 Drainage Maintenance & Abatement; Chapter 921 Water; Chapter 925 Sewers; Chapter 1105.01 Definitions and Chapter 1117 Storm Drainage & Sedimentation Control are attached for review.

Significant modifications include:

1. Update of the City of Fairfield Storm Water Quality Management Plan (revised 8/2013) as required by the Ohio Environmental Protection Agency. The goal of the plan is to reduce the adverse effects of storm water discharged from 2014-2018. There are six minimum control issues developed in the plan:
 - a. Public Education and Outreach
 - b. Public Participation/Involvement
 - c. Illicit Discharge Detection and Elimination
 - d. Construction Site Storm Water Runoff Control
 - e. Post Construction Storm Water Management in New Development and Redevelopment
 - f. Pollution Prevention/Good Housekeeping for Municipal Operations
2. Modifications of driveway apron depth in commercial and industrial areas.
3. Upgrade in water line material from Class 53 to Class 55 and requirements for polyethylene wrap on all water main installations.
4. Set a standard for water line materials and meter/vault placement for private commercial and industrial infrastructure development.
5. Change metering requirements from placement of meters inside the structure to outside the structure in meter pits.
6. Create a standard for private sewer lateral relining.
7. Allow various pipe materials, constructed to manufacturer's specifications for wastewater mains, and modify standards and testing procedures for manholes to further eliminate inflow and infiltration into the wastewater system.

The attached modified ordinances provide the authority to impose the standards, specifications and materials as depicted in the Design Construction and Material Specifications Handbook and authorize the City of Fairfield Storm Water Quality Management Plan.

Background:

The last modification to the Design Construction and Material Specifications Handbook occurred in 2007. The City of Fairfield Storm Water Quality Management Plan was last updated in 2005.

At the January 27, 2014 Council Manager Briefing several staff members discussed the changes that are proposed in the Design Construction and Material Specifications Handbook and the City of Fairfield Storm Water Quality Management Plan.

In order to solicit stakeholder comments, letters went out to over 75 stakeholders giving them 45 days to comment on the proposed changes to the Design Construction and Material Specifications Handbook. Public input may continue during the Council and Planning Commission review process.

Recommendation:

It is recommended that City Council have first reading on this ordinance at the February 10th meeting and set the public hearing for Monday, February 24, 2014 and await the written recommendation from the Planning Commission.

Legislative Actions: Rules Suspension and Adoption Requested?
Emergency Provision Needed?

No.
No.

Prepared by: Timothy Bachmann
Approved for Content by: Timothy Bachmann
Financial Review (where applicable) Mary Ann
Legal Review (where applicable) Stacy Clemmons
Accepted for Council Agenda: Mike Simon

ORDINANCE NO. _____

ORDINANCE TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE CITY OF FAIRFIELD DESIGN, CONSTRUCTION AND MATERIAL SPECIFICATIONS HANDBOOK AND WATER REQUIREMENTS.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Various sections of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the City of Fairfield Design, Construction and Material Specifications Handbook and Water requirements are hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading 2/10/14 _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

1105.01 DEFINITIONS.

For the purpose of these Regulations, certain terms and words used herein shall be used, interpreted and defined as follows:

- (1) "Alley" or "service drive" means a passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (2) "Applicant" means the owner of the land to be subdivided.
- (3) "Bond" means a form of security agreement in an amount and form, as provided for in Section 1105.08. All bonds shall be approved by the City Engineer on behalf of the Planning Commission and approved as to form by the Director of Law.
- (4) "City" means the city of Fairfield, Ohio.
- (5) "City Engineer" means the City Engineer of the City or his agent designated to perform certain duties on his behalf.
- (6) "Construction plans" or "drawings" means the maps or drawings accompanying a final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with these Regulations and with the requirements of the Planning Commission as a condition of the approval of the plat.
- (7) "Comprehensive Plan" means the official Comprehensive Plan of the City and including any part of such plan separately adopted and any amendment to such plan or parts thereof.
- (8) "County Engineer" means the County Engineer of Butler County, Ohio.
- (9) "Cul-de-sac" means a local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
- (10) "Developer" means the owner of land proposed to be subdivided.
(Ord. 141-83. Passed 9-21-83.)
- (11) "Design, Construction and Material Specification Handbook" as referenced herein means the official standards for the City governing the design, construction and materials used in all proposed improvements. Such handbook dated April ~~2007~~ 2014, and prepared by the administrative staff of the City, a copy of which is on file in the office of the Clerk of Council, is hereby adopted for purposes of these subdivision regulations and shall also have general application to the construction of all improvements to which it pertains in the City whether such improvements are constructed in subdivisions or otherwise.
(Ord. 120-07. Passed 9-24-07.)
- (12) "Drainage plan" means a plan for the control of storm water runoff in accordance with the requirements of Chapter 1117 of these Regulations.
- (13) "Easement" means a right of a person or entity to use the property of another, or part thereof, for a specific purpose or purposes.
- (14) "Final plat" means the plan or record of a subdivision intended to be recorded with the Butler County Recorder's office and any accompanying material, as prescribed

in these Regulations.

(15) "Frontage" means the side of a lot abutting on a public street and as defined in the Zoning Ordinance.

(16) "Frontage access" or "service road" means a minor street or road generally running parallel with a main street or thoroughfare and connected therewith at infrequent intervals or placed at the rear of lots abutting a main street or thoroughfare and which is designed to limit curb cuts on the main street and segregate local traffic from higher speed through traffic.

(17) "Health officer" means the Butler County Board of Health or other official of the City or County or other individual appointed or officially designated to perform the functions and duties of a health officer or sanitarian for the City.

(18) "Local street" or "collector street" means a street intended to serve and to provide access to neighborhoods or subneighborhoods.

(19) "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the Zoning Ordinance of the City and having its principal frontage on a public street.

(20) "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street. The point of intersection of the street lines is the "corner".

(21) "Lot, interior" means a lot other than a corner lot.

(22) "Maintenance bond" means an agreement by the developer with the City to maintain and keep in good repair all improvements of the subdivision for a period of one year after approval by the City Engineer of the construction of such improvements and in an amount determined by the City Engineer to be sufficient to secure such maintenance and not less than ten percent (10%) of the performance bond amount and which agreement shall be secured by sufficient sureties or assets.

(23) "Major subdivision" means any subdivision not classified as a minor subdivision.

(24) "Minor subdivision" means a division of a parcel of land in accordance with Ohio R.C. 711.131 and with Section 1105.06 of these Regulations; also known as lot splits.

(25) "Minor street" means any street not a highway, primary or secondary thoroughfare, or local or collector street, and intended to serve and to provide access exclusively to the properties abutting thereon.

(26) "Performance bond" means an agreement by the developer with the City guaranteeing the completion of physical improvements according to approved plans and specifications and in an amount determined by the City Engineer to be sufficient to secure the completion of such improvements and secured by sufficient sureties or assets.

(26.1) "Permanent marker" means a one-half inch diameter steel rod thirty inches in length.

(27) "Planned Unit Development" means the type of land development defined in the

Zoning Ordinance, wherein standards and procedures are established for such land use, including reference to these Regulations.

- (28) "Planning Commission" means the Planning Commission of the City.
- (29) "Planning Director" means the Planning Director as defined in the Charter of the City or his agent designated to perform certain duties on his behalf.
- (30) "Preliminary plat" means the preliminary drawing described in these Regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
- (31) "Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways which the general public or a public entity have a right to use, or which are dedicated to public use, whether improved or not.
- (32) "Registered engineer" means an engineer properly licensed and registered in the State of Ohio.
- (33) "Registered land surveyor" means a land surveyor properly licensed and registered in the State of Ohio.
- (34) "Resubdivision" means a change in the plat or drawing of a recorded major or minor subdivision if such change affects any street layout, lot line or public way.
- (35) "Right of way" means any parcel of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features such as separation, landscaped areas, viaducts and bridges.
- (36) "Sedimentation plan" means a plan for the control of sedimentation in accordance with the requirements of Chapter 1117 of these Regulations.
- (37) "Sidewalk bond" means an agreement by the developer with the City guaranteeing the construction of required sidewalks in a subject subdivision or development.
- (38) "Subdivision" means:
- A. The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(39) "Tree plan" means a plan for the planting of desirable shade trees in public areas in accordance with Chapter 1129 of these Regulations.

(40) "Thoroughfare" means a major trafficway designated in the Thoroughfare Plan as a regional thoroughfare, primary thoroughfare, secondary thoroughfare or collector street.

(41) "Thoroughfare Plan" means the official plan of proposed regional highways, primary and secondary thoroughfares, and collector streets of the City.

(42) Other pertinent terms shall be as defined in any current Zoning Ordinance or other ordinance of the City or as their use and ordinary meaning indicate.
(Ord. 141-83. Passed 9-26-83.)

ORDINANCE NO. _____

ORDINANCE TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE STORM WATER QUALITY MANAGEMENT PLAN, DRAINAGE, SEDIMENTATION CONTROL, STORM WATER MANAGEMENT REQUIREMENTS AND SEWER REQUIREMENTS.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Various section of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Storm Water Management Requirements and Sewer requirements are hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading

2/10/14

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

DEPARTMENTAL CORRESPONDENCE

City
of
Fairfield



TO Mayor Miller and City Councilmembers
FROM Scott Lepsky, Chairman, Planning Commission

SUBJECT PLANNING COMMISSION RECOMMENDATION

DATE 03/17/14

Please be advised at the Planning Commission meeting held on Wednesday, March 12, 2014, the Planning Commission voted 5 – 0 in favor of recommending approval of the updated Storm Water Quality Management Plan and associated ordinances (Chapters 925, 1117, 1182 and 1196).

Scott Lepsky / TB
Scott Lepsky, Chairman
Fairfield Planning Commission

plf

Attachment

c: Arthur E. Pizzano, City Manager
Alisha Wilson, Clerk of Council
Timothy Bachman, Development Services Director
David Butsch, Public Works Director
Rick Helsinger, Supt., Bldg. Inspection & Zoning
John Clemmons, Law Director
Planning Commission Members (7)

925.01 DEFINITIONS.

As used in this chapter:

(1) "BEST MANAGEMENT PRACTICES (BMPS)" ARE IDENTIFIED IN THE LATEST EDITION OF THE OHIO EPA GENERAL (NPDES) PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (SEE PART IIIG2E OF THE OHIO EPA'S NPDES PERMIT). THEY CONSIST OF STRUCTURAL AND NON-STRUCTURAL STORMWATER QUALITY MANAGEMENT CONTROL MEASURES.

(1.1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen expressed in milligrams per liter, utilized in five days at twenty degrees Celsius, in the biochemical oxidation of organic matter under standard laboratory procedure, as prescribed in "Standard Methods for the Examination of Water and Wastewater", Thirteenth Edition.

(2) "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 the building and conveys it to the building sewer, terminating five feet outside the building wall.

(3) "Sewer lateral, sewer service or house connection" means the extension from the building drain to the sewer main or other place of disposal.

(4) "Chemical oxygen demand (COD)" means the quantity of oxygen expressed in milligrams per liter equivalent to that portion of the organic matter in a sample of wastewater that is susceptible to oxidation by a strong chemical [~~oxidant~~] **OXIDANT**, as prescribed in "Standard Methods for the Examination of Water and Wastewater."

(5) "City" means the City of Fairfield or its authorized agents or representatives.

(6) "City Manager" means the City Manager or his authorized agent or representative.

(7) "Compatible pollutant" means pollutants which the treatment plant was designed to treat which are BOD, suspended solids, phosphorous, ammonia and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works were designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(8) "Connection charge" means that amount paid by the owner of each new service connected to the treatment works to pay for the City's share of facilities required to serve the premises. The charge shall be in proportion to the probable demand placed on the system.

(9) "Director" means the Director of Public Utilities or his authorized agent or representative.

(10) "Easement" means an acquired legal right for the specific use of land owned by others.

(11) "Engineer" means the City Engineer or his authorized agent or representative.

(12) "Garbage" means the solid waste from the preparation, cooking and serving of

foods and from the handling, storage and sale of produce.

(13) "Incompatible pollutant" means any pollutant which is not compatible.

(14) "Industrial cost recovery charge" means that amount assessed each industrial user to repay that portion of all federal grant amounts allocable to the treatment of wastes from the industrial users of the wastewater facilities in proportion to capacity of such facilities committed to their use.

(15) "Industrial user" means any nongovernmental user of the treatment works identified in the "Standard Industrial Classification Manual" 1972, Office of Management and Budget, published by the federal government, as amended and supplemented under the following divisions:

- A. Division A: Agriculture, forestry and fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, communications, electric, gas and sanitary services.
- E. Division I: Services.

A user in Divisions A to I may be excluded from this definition if it is determined by the City that such user shall introduce primarily segregated domestic waste or wastes from sanitary conveniences.

(16) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinguished from domestic or sanitary wastes.

(17) "Maintenance cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to maintain the capacity and performance during the service life of the wastewater treatment plant for which such works were designed and constructed.

(18) "Major contributing industry" means an industrial user of the publicly owned treatment works to which any of the following apply:

- A. Has a flow of 50,000 gallons or more per average work day;
- B. Has a flow greater than five percent (5%) of the flow carried by the wastewater collection system receiving the waste;
- C. Has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- D. Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(19) "May" is permissive.

(20) "Nonindustrial user" means any user of the wastewater facilities not classified as

an industrial user.

(21) "NPDES permit" means National Pollutant Discharge Elimination System permit as issued by the State Environmental Protection Agency under authorization issued by the U.S. EPA, Region V.

(22) "Operating cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to operate the wastewater treatment plant at the level of performance required by the NPDES permit and the administrative, billing and wastewater collection costs.

(23) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The hydrogen ion concentration is the weight of hydrogen ions, expressed in grams per liter of solution.

(24) "Phosphorus" means the total phosphorus content of a sample as expressed in milligrams per liter, including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in "Standard Methods for the Examination of Water and Wastewater" as total phosphorus.

(25) "Pretreatment" means the treatment of wastewaters before their introduction into the wastewater collection system of treatment works.

(26) "Private sewer" means a sewer constructed, controlled and maintained by someone other than a government agency or public utility.

(27) "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(28) "Public sewer" means a common sewer in which all owners of abutting properties have equal rights and which is controlled by a governmental agency or public utility.

(29) "Recovered amounts" means that revenue generated as a result of the Industrial Cost Recovery System.

(30) "Recovery period" means thirty years from the completion of the wastewater treatment plant.

(31) "Replacement cost" means those costs, for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(32) "Retained amounts" means that part of the recovered amounts retained by the City.

(33) "Sanitary sewer" means a sewer that carries liquid and/or water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(34) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of 100 gallons/day at a loading of 200 mg/1 BOD and 250 mg/1 SS, commonly termed normal domestic sewage.

- (35) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (36) "Shall" is mandatory.
- (37) "Significant user" means any industrial user that contributes greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.
- (38) "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 fifteen minutes more than five times the average twenty-four hours concentration of flows during normal operation or which may adversely affect the collection system and/or performance of the wastewater treatment works.
- (39) "Storm drain or storm sewer" means a drain or sewer for conveying groundwater, subsurface water or unpolluted water from any source.
- (40) "Suspended solids (SS)" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to therein as [~~nonfilterable~~] **NON-FILTERABLE** residue.
- (41) "Superintendent" means the Superintendent of Public Utilities assigned to the Wastewater Division or his authorized agent or representative.
- (42) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (43) "User charge" means that amount paid by each owner of structures connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the treatment facilities, operation and maintenance costs for the collection system and administrative expenses incurred during operation of the wastewater office.
- (44) "Wastewater or sewage" means the spent water of a community, and may be a combination of the liquid and water -carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water and storm water that may be present.
- (45) "Wastewater collection system" means the entire system of collection sewers, trunk sewers and interceptor sewers and all appurtenances, provided to collect and transport wastewater to the wastewater treatment plant.
- (46) "Wastewater treatment plant" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.
- (47) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 167-95. Passed 11-13-95.)
- (48) "Debt service charge" means the portion of the sewer use charge, excluding high strength surcharges, which serves to retire debt incurred through capital improvements of

the sanitary sewer collection and treatment facilities.

(49) "Sewer service charge" means the portion of the sewer use charge which serves to pay expenditures incurred in the operation and maintenance of the City's sewer collection and treatment facilities.

(Ord. 12-97. Passed 1-27-97.)

925.02 RESPONSIBILITIES AND ENFORCEMENT.

(a) Division of Wastewater Established. There is hereby established a Division of Wastewater, under the direction of the Public Utilities Director, which shall be responsible for the operation and maintenance of the wastewater treatment plant and wastewater collection system according to the requirements of the NPDES permit and other Federal and State laws.

(b) Financial Management. The City Manager shall establish a division for the billing, recording and collecting of moneys associated with the provision of services by the Wastewater Division.

(c) Bylaws and Regulations. The City Manager may make such bylaws and regulations as are necessary for the safe, economical and efficient management and protection of the wastewater system and wastewater pumping, treatment and disposal works, and for the construction and use of wastewater services and their connection to the wastewater system. Such bylaws and regulations shall have the same validity as ordinances, when not repugnant thereto.

(d) Responsibility of Public Utilities Director for Sewers. The Public Utilities Director shall be responsible for approving the design and final acceptance of all sanitary sewers constructed in the City.

(Ord. 167-95. Passed 11-13-95.)

925.03 GENERAL SEWER CONSTRUCTION REQUIREMENTS.

(a) Responsibility for Construction. The Public Utilities Director shall supervise all the construction pertaining to the wastewater treatment facilities and all tests run on the collection system. He shall be responsible for offering and making recommendations for acceptance by the City Manager and/or Council.

(Ord. 34-97. Passed 3-31-97.)

(b) Sewer Construction. All sewer construction shall adhere to specifications and drawings in accordance with the Design, Construction and Materials Specification Handbook.

(Ord. 128-07. Passed 10-9-07.)

(c) Payment for Inspection of City-Initiated Work. Inspection for all sewer work initiated by the City shall be paid for from the Sewer Fund.

(Ord. 34-97. Passed 3-31-97.)

(d) Minimum Test Requirements. Maximum allowable infiltration shall be 100 gallons per mile per inch of diameter per twenty-four hour day. The Public Utilities Director or his/her authorized representative shall be present for all testing. The City shall not accept the responsibility of maintaining any new sewer unless the entire sewer has passed the infiltration test. The Public Utilities Director may require an exfiltration test or air test and closed circuit television inspection of all new sewers before acceptance.

(e) As-Built Drawings. Within thirty days after completion of the construction work on any part of the wastewater system, the contractor shall provide a complete set of certified, reproducible as-built drawings to the Public Utilities Director for all sewers constructed, including those constructed in subdivisions.

(Ord. 128-07. Passed 10-9-07.)

(f) Rules for Submittal of Subdivision Plans and Sewer Main Extensions.

(1) Improvements plans of all proposed subdivisions which include sanitary sewers shall be submitted to the Public Utilities Director for approval prior to being submitted to the Planning Commission for final approval. The subdivider shall confer with the Public Utilities Director on allowances for extra capacity in the subdivision sewer that are required for expansion of the sewer system beyond the limits of the subdivision before plans are submitted to the Public Utilities Director. No final plats shall be approved by the Planning Commission until the Public Utilities Director has approved the detail plans and specifications for the sewer. All plans and specifications submitted for approval shall be fully detailed so as to assure conforming and reliable construction, and shall be stamped by a registered professional engineer. The drawings are to conform to City standards. If revisions in either plans, specifications or design are found necessary, the submittal shall be returned to the subdivider for revisions and resubmittal.

(g) Inspections.

(1) All sewer and appurtenant structures shall be inspected during construction [and] installation **AND REPAIR** by the Public Works Director or inspectors assigned by him and responsible to him.

(2) The Public Works Director shall appoint or designate an inspector for periodical or continuous inspection as the type of work may require or as he deems necessary.

(h) Inspection Fees.

(1) Classification. Inspection fees shall be classified as follows:

- A. Review of preliminary plans.
- B. Continuous and intermittent construction inspection.
- C. Supervisory and final construction inspection.

(2) Review of preliminary plans. The fee for review of preliminary plans accompanying the tentative plat shall be included in the fee charged by the Planning Commission for submission of the final plat.

(3) Continuous and intermittent inspection.

A. General. When the extent of work in any project so justifies, the Public Works Director may provide for a full-time inspector for that project from his own forces. Where a project does not require full-time inspection, the Public Works Director may provide for intermittent inspection and may use the inspector for more than one such project.

B. Continuous. The Public Works Director shall send a monthly bill to the contractor for the time spent for inspection. The charge shall be at the hourly rate paid the inspectors by the City plus thirty percent (30%), with a minimum billing of one-half hour. If inspection is required at a time when the inspector is designated to receive overtime pay, the charge shall be at the overtime rate paid the inspector, plus thirty percent (30%) with a minimum billing of one-half hour.

C. Intermittent. Intermittent inspection may be provided when where the Public Works Director may consider this arrangement satisfactory. Charges for intermittent inspection shall be the same as those for continuous inspection based on actual hours of service, including time allowance for travel.

(4) Supervisory and final inspection.

A. Supervisory.

1. The Public Utilities Director may direct that soil tests and laboratory tests of material be made, and the subdivider shall be required to pay directly for any and all costs and charges incurred in having the tests made.

B. Final. Final inspection by the Public Utilities Director shall be made after the subdivider has submitted final as-built plans.

(i) Revisions. During construction, no departure from approved plans and specifications shall be made unless a request for a change is submitted to the Public Utilities Director in writing and approval in writing is obtained.

(Ord. 34-97. Passed 3-31-97.)

(j) As-Built Drawings. Editor's Note: This section intentionally left blank.

(k) Easements. The developer shall give the City any easements for future sewers recommended by the Public Utilities Director. Any such easements shall be recorded on the plan, and filed for approval with the Planning Commission. In the event it becomes necessary to construct sewers outside the limits of any platted easement, easements to include the sewer shall be given to the City by separate instrument. All sewers shall be constructed in public easements or rights of way.

(Ord. 128-07. Passed 10-9-07.)

(l) Sewer Charges. Charges for connection and use of sanitary sewers in subdivisions shall be made at the rate provided for by the City-wide system. All final plats of subdivisions showing sanitary sewers shall have the following note placed thereon in a conspicuous location.

"All sanitary sewers shown on this plat shall be subject to the same service charges and same rates as required for the City-wide system."

(m) Allowances for Larger Pipe Requirements. If the Director requires that the subdivision sewer or sewers must be larger than the size required to handle the sewage flow from the subdivision, due to expansion of the sewer system beyond the subdivision, in the future, the City shall pay the subdivider the difference in cost for the larger piping materials. Additional installation cost for the larger piping is the responsibility of the subdivider.

(n) Responsibility for Maintenance of Subdivision System. The City shall accept ownership and assume responsibility for the operation and maintenance of the constructed subdivision system upon completion, provided that acceptance of the system has been recommended by the Director after proper inspection and tests. The subdivider shall pay for the entire cost of the sewer unless otherwise provided for in this chapter, including the final inspection of the sewer system prior to acceptance by the City.

(o) Performance Bond. The contractor shall furnish to the City a performance bond of one hundred percent (100%) of the cost of the improvements to insure compliance with approved plans and specifications, and the proper functioning of the sewer and appurtenances. Sewer mains in subdivisions shall be included in the subdivision bonding process.

(p) Maintenance Bond.

(1) The contractor shall furnish to the City a maintenance bond of ten percent (10%) of the cost of the improvements for one year after the performance bond is released to insure proper functioning of the sewer and appurtenances.

(2) If maintenance is required as a result of improper construction and the contractor does not perform the maintenance within ten days or sooner in the event of an emergency of written notification, the City may perform the maintenance and subtract the cost of the maintenance from the bond.

(Ord. 34-97. Passed 3-31-97.)

925.04 USE OF PUBLIC SEWERS.

(a) Use Required.

(1) Except as otherwise provided, no person shall construct within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(2) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, abutting on any street, alley or right of way in which there is now located a public sanitary sewer of the City, is hereby required at the owner(s)' expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(b) Private Wastewater Disposal. No person shall construct and use any private wastewater system unless approval therefor has been received from the Director, County Board of Health and any other required agencies.

(c) Requirements for Private Wastewater Collection System. All privately constructed wastewater collection systems shall comply with City specifications governing the construction of sanitary sewers and two copies of certified, reproducible, as-built drawings shall be supplied to the Public Utilities Director before connection to the public system is made.

(Ord. 167-95. Passed 11-13-95.)

925.05 CONNECTION TO PUBLIC SEWERS.

(a) Procedure to Connect. No house sewer shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City, except in accordance with the following procedure. The owner, agent or lessee of the property for which the connection is desired shall make written application for the connection to the Public Utilities Director, which application shall state the location and nature of the property, the number of the lot, the length of the house sewer desired from the building foundation to the property or curb line and the fixtures to be connected thereto. After the application is made and a permit fee paid, a permit will be issued. The owner, agent or lessee shall have the house sewer installed and the connection to the public sewer established in the manner hereinafter provided. Connections are unlawful until the permit has been issued. In order to permit ventilation of the public sewer and sewer service, no trap shall be placed in the sewer service. After the sewer is laid and before it is covered or used, it shall be inspected by the Public Works Director and approved by the Public Utilities Director.

(b) Authorization to Install House Sewers; Connections and Toilet Facilities. The Public Utilities Director is authorized to install or have installed sewers, laterals and connections where satisfactory installation has not been made by the owner or agent. For the purpose of carrying out the provisions of this subsection, the Public Utilities Director is authorized and directed to secure the necessary equipment and hire the necessary labor. He shall maintain a record of the cost of the equipment and labor and shall ascertain as accurately as possible the actual cost of the installation of the house sewer and connection which cost, the addition to the cost of inspection and recording, shall be the cost charged to the owner, agent or lessee of the property for which the construction is done.

(c) License Required for Construction.

- (1) Sewer tapper's license. A sewer service **LATERAL AND/OR** connection may only be made, built or repaired by a person, firm or corporation having a sewer tapper's license issued by the Public Utilities Director. Application for such licenses must be made to the Public Utilities Director and a license fee of thirty dollars (\$30.00) shall accompany the application. The license shall be valid for one year, and must be renewed and an additional license fee paid each year. The license applicant shall be required to prove to the satisfaction of the Public Utilities Director that he/she possesses the qualifications necessary for a competent sewer builder. The applicant may be required to pass a test as to competency under the bylaws and regulations adopted by the Public Utilities Director.
- (2) Bond. Before being granted a license to make sewer connections, the applicant shall file with the City a bond in the amount of five thousand dollars (\$5,000) which shall be a blanket bond covering all installations of the sewer builder for one year after the actual installation. The bond shall be conditioned so as to insure proper workmanship and materials in the installation of any sewer for any property owner and to save the City harmless from claims arising as a result of damage to any person or property by reason of such sewer installations. The bond shall be approved by the Law Director as to form and surety. The license

shall be signed by the Public Utilities Director and shall expire one year after its issuance. A license may be revoked by the City Manager or Public Utilities Director if the licensee violates any of the laws, ordinances, bylaws and regulations governing connection to City sewers.

(Ord. 19-02. Passed 1-28-02.)

(d) Permit Fees; Inspection Fees. Before commencement of construction of any building sewer whether it is located on private or public property, the owners, agent or lessee shall obtain a written permit signed by the Public Utilities Director. There shall be three classes of sewer permits to establishment producing industrial wastes: residential, commercial service and multiple-family residences and service. In any case, the owner, agent or lessee shall make application on a special form furnished by the City. The permit application shall be accompanied and supplemented by any plans, specifications or other information considered necessary and pertinent in the judgment of the Public Utilities Director. A sewer permit fee of two hundred dollars (\$200.00) per tap shall be paid to the Utility Collection Office at the time the application is filed. The Public Utilities Director shall have the authority to require increased permit and inspection fees in unusual cases, or in cases where repeated inspections are required.

(e) Building Permit Required and Sewer Expansion Fee.

- (1) No sewer service shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City until the building permit from the Building Inspection Division has been obtained by the person, firm or corporation employed to perform the work. An application for a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made and by the person, firm or corporation employed to perform the work, and shall describe the property and state the number of fixtures to be connected.
- (2) No building permit shall be issued until a sewer expansion fee is paid. The sewer expansion fee is to be charged according to the following schedule:

Sewer Expansion Fee

<u>Water Meter Size</u>	<u>Equivalent Residential Unit (ERU)</u>	<u>Treatment Plant</u>	<u>Collection System</u>	<u>Total Sewer Exp. Fee</u>
5/8"	1.0	\$450	\$1,240	\$1,690
1"	1.4	630	1,736	2,366
1-1/2"	1.8	810	2,232	3,042
2"	2.9	1,305	3,596	4,901
3"	11.0	4,950	13,640	18,590
4"	14.0	6,300	17,360	23,660
5"	21.0	9,450	26,040	35,490

6" 29.0 13,050 35,960 49,010

(Ord. 22-94. Passed 3-1-94.)

(f) Responsibilities to be Borne by Property Owner.

- (1) All costs and expense incident to the installation and connection of the sewer service shall be borne by the owner. The property owner shall indemnify the City from any claims arising as a result of any loss or damage that may directly or indirectly be occasioned by installation of the sewer service.
- (2) The owner is responsible for the cleaning of the sewer service from his house or building to the public sewer main. The owner is responsible for the maintenance of the sewer service from his house or building to the limit of the public right of way.

(g) Responsibilities to be Borne by City.

- (1) The Public Utilities Director has the option of installing the sewer service from the sewer main connection to the limit of the public right of way and billing the property owner for such installation or requiring the owner to install the sewer service from the sewer main connection to the limit of the public right of way, at the owner's expense.
- (2) The City is responsible for maintenance on the sewer service from the limit of the public right of way to the sewer main.

(h) Separate Sewers Required; Exception. A separate and independent sewer service shall be provided for every building, except where one building stands on the opposite side of the sewer service from another building on an interior lot and no private sewer is available or can be built to the far building through an adjoining alley, court, yard or driveway. In such case, the sewer service from the structure nearest to the sewer main may be extended to accommodate the far building and the whole considered as one sewer service except for billing purposes.

(i) Approval of Existing Sewer Services. As public sewers become available and connections are made to them, existing sewer services shall generally not be approved for future use. The Public Utilities Director shall, however, have the authority to approve the use of an existing sewer service for new sewer service if, in his opinion, the existing sewer service is of acceptable construction quality and good condition. An additional permit and inspection fee shall be charged for persons seeking approval of the use of all or part of an existing sewer service, regardless of the subsequent approval or rejection of them. The fee schedule shall be the same as for a new sewer service. The property owner shall, in addition, pay for or perform any testing or exposure of the existing line for inspection deemed necessary by the Public Utilities Director.

(j) Minimum Specifications for Sewer Service Connection.

- (1) Sewer service connection shall be made by a material approved by the Director. Joints shall be tight and waterproof to the satisfaction of the Public Utilities Director.

(Ord. 167-95. Passed 11-13-95.)

- (2) The size and slope of the sewer service shall be subject to the approval of the Public Utilities Director, but in no event shall the diameter be less than eight inches for a public sewer main, and not less than six inches for private lateral for a gravity sewer system. Low pressure force main systems shall be sized according to hydraulic design criteria. The uniform slope of a gravity wastewater pipe shall be not less than one-quarter inch per linear foot.
- (3) No sewer service shall be laid parallel to or within five feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer service shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts shall be built at all changes of direction of forty-five degrees or more and at every seventy-five feet or fraction thereof along all straight lines.

(Ord. 128-07. Passed 10-9-07.)

- (4) In all buildings in which any building drain is too low to permit gravity flow to the sewer main, sanitary sewage carried by such drain shall be lifted by artificial means as approved by the Public Utilities Director and discharged to the sewer service.
- (5) Connection of cellar floor drains to the sewer service shall be permitted only when they connect to a trap with a permanent waterseal between them and the sewer service connection. All vents shall be constructed so as to prevent foreign objects from being introduced into the sanitary sewers. Tees shall not be permitted in any part of the sewer service connection.
- (6) The connection of the sewer lateral into the sewer main shall be made at the Y branch provided for the lot on which the building is located. The greatest of care shall be exercised to produce a water-tight job and to assure that alignment of the sewer main is not disturbed. This work may be done only by a properly licensed contractor or by the City at the Public Utility Director's option, and the cost of it shall be borne by the property owner.

(k) Notification Required. The applicant for the building sewer permit shall notify the Public Works Director at least twenty-four hours prior to when the sewer lateral is ready for inspection and connection to the sewer main. The connection shall be made under the supervision of the Public Works Director or his designated representative.

(l) Hazard Protection. All excavations for sewer service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director.

(Ord. 167-95. Passed 11-13-95.)

925.06 RESTRICTIONS ON SANITARY SEWER DISCHARGES.

(a) Prohibited Discharges.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer of the City; or permit or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - A. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.
 - B. Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
 - C. Violate pretreatment standards.
 - D. Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- (2) No person shall discharge or cause to be discharged without prior written approval of the Director of Public Utilities any hazardous waste into the sanitary sewer of the City. A hazardous waste shall be defined by OAC 3745-51-21 to 3745-51-24 inclusive or is a waste listed in OAC 3745-51-31, 3745-51-32, 3745-51-33(E), 3745-51-33(F).

(Ord. 129-85. Passed 11-11-85.)

(b) Materials Discharged to Public Sewer Limited.

- (1) The following described substances, materials, waters or waste shall be limited in discharges to the Municipal system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; have an adverse effect on the receiving stream; significantly affect the wastewater sludge in such a manner that might jeopardize or reduce sludge disposal methods; cause violations of the NPDES regulations; otherwise endanger lives, limb, public property; or constitute a nuisance. The Public Utilities Director may set limitations more severe than the limitations established in this section if in his opinion, more severe limitations are necessary to meet the objectives of this chapter. In forming his opinion as to the acceptability, the Public Utilities Director will give consideration to such factors as: the quantity of subject waste in relation to flows and velocities in the sewers; materials of construction of the sewers, the wastewater treatment process employed; capacity of the wastewater treatment plant; degree of treatability of the waste in the wastewater treatment plant; and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Utilities Director are as follows:
 - A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65°C) at point of entrance to main sewer. In no case, is heat to be contributed in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40°C).

- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, grease, or which may contain more than 100 mg/l in any single grab sample of fat, oil or grease (fluorocarbon-113 extraction method).
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, nickel, cadmium, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Public Utilities Director.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Utilities Director in compliance with applicable State or federal regulations.
- H. Quantities of flow, concentrations or both which constitute a "slug".
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or which are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structural and treatment processes. The Public Utilities Director shall require all discharges to conform to all NPDES permit requirements and any other specified in State or federal regulations.
- K. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. EPA pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or that will pass through the system.
- L. Any solid or viscous wastes which will or may cause obstructions to the flow in a sewer or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not

limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil or similar substances.

- M. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by the interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, [~~toluene~~] **TOLUENE**, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - N. Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 5.5 to 9.0 standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
 - O. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (2) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the Public Utilities Director may interfere with, pass through, or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the Public Utilities Director may:
- A. Prohibit discharge of the wastes to the public sewer.
 - B. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge.
 - D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

Should the Public Utilities Director require the pretreatment or equalization of any waste flows, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director. When considering the above alternatives, the

Public Utilities Director shall give consideration to the economic impact of each alternative on the discharger.

- (3) The Public Utilities Director may require a user of the public sewer system to provide information needed to determine compliance with this chapter. These requirements may include, but are not limited to:
- A. Wastewaters discharge peak rate and volume over a specified time period.
 - B. Chemical analyses of wastewaters.
 - C. Information on raw materials, processes and products affecting wastewater volume and quality.
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - E. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
 - F. Details of wastewater pretreatment facilities.
 - G. Details of system to prevent and control the losses of materials through spills to the sewer system.

(c) Industrial Pretreatment Required. All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through or otherwise be incompatible with the treatment works. All owner(s) of any source to which pretreatment standards are applicable shall be in compliance with such standards within the shortest reasonable time, but not later than two years from the date of promulgation of such standards for the applicable industrial category. Notwithstanding this permitted schedule, any waste discharge that prevents proper treatment of waste at the Municipal wastewater treatment facility shall be prohibited immediately. All owner(s) of any source to which pretreatment standards are applicable shall submit to the Public Utilities Director semiannual notices regarding specific actions taken to comply with such standards. Such notices shall be submitted on the first day of the months of April and October.

If any major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director.

(d) Measurement Test and Analyses. All measurements, tests and analyses of the characteristics of water and waste shall be determined in accordance with "Standard Methods for Examination of Water and Wastewater", or other approved standards. Samples shall be taken at a control manhole, if available. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer system to the point at which the sewer service is connected.

(e) Wastewaters Having High Biochemical Oxygen Demand. The admission into the public sewers or any waters or wastes having a five day biochemical oxygen demand in excess of normal wastewater shall be subject to the review and approval of the Public Utilities Director. When necessary, in the opinion of the Public Utilities Director, means for such pretreatment as

may be needed to control the quantities and rates of discharges or reduce objectionable characteristics or constituents shall be constructed according to plans approved by the Public Utilities Director.

(f) Maintenance of Pre-Treatment Facilities. When pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(g) Control Manhole. When required by the Public Utilities Director, the owner of any property served by a sewer service carrying wastes shall install a suitable control manhole in the sewer service to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Public Utilities Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 167-95. Passed 11-13-95.)

(h) Grease, Sand, and Oil Interceptor. All users who discharge sanitary wastes of a nature which include grease, oils, or heavy non-putrescible materials to the City's sanitary sewer system shall be required to install interceptor(s) to remove such materials from the waste stream. The interceptor shall remain the property and responsibility of the property owner and shall be maintained in a manner which causes it to perform satisfactorily. (Ord. 12-97. Passed 1-27-97.)

925.07 SPECIAL STORM SEWER RULES.

(a) Permit; Fee. No connection shall be made to a public storm sewer within the City until the written permission of the Public Works Director or his designee has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner or agent of the property for which the connection is desired and by the person, firm or corporation employed to perform the work; shall describe the property and state the purpose for which the connection is desired; and shall be accompanied by a fee in accordance with the following schedule:

(1)	Existing residential structure sump pump drain pipe	\$10.00
(2)	Existing residential structure roof downspout	\$10.00
(3)	Existing residential structure yard drain pipe (6-inch diameter or less)	\$10.00
(4)	Existing residential structure storm sewer pipe (up to 12-inch diameter)	\$25.00
(5)	All other connections	\$125.00

No permit shall be issued until the appropriate application is made and the applicable fee is paid.

(b) Discharges Into Storm Sewers Regulated. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Public Works Director to a storm sewer

or natural outlet after obtaining the appropriate permits from the State, Environmental Protection Agency or any other required agencies.

(c) Prohibition of Illegal Discharges. No person, firm, or corporation shall discharge or cause to be discharged into a public storm sewer or watercourse any substance other than storm water, except as follows:

(1) Water line flushing or other potable water discharges, irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration, uncontaminated pumped ground water, foundation or footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential vehicle washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from [~~fire-fighting~~] **FIREFIGHTING** activities, and any other water source not containing pollutants **THAT ARE OTHERWISE IDENTIFIED BY THE OHIO EPA AS A PROHIBITED NON-STORMWATER DISCHARGE SOURCE.**

(2) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.

(3) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(d) Prohibition of Certain Connections. The construction, use, maintenance or continued existence of any drain or conveyance, whether on the surface or subsurface, which allows a prohibited substance to enter a public storm sewer or watercourse is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. When a prohibited connection is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the storm sewer system or watercourse. No person, firm or corporation shall fail to eliminate such connection(s) to the storm sewer or watercourse within thirty days after being ordered to do so as provided herein.

(e) Inspection of Storm Sewers. After a connection to a public storm sewer is built, and before it is covered, it shall be inspected and approved by the Public Works Director or his designee.

(f) Prohibition of Curb Line Discharges. No roof downspout, sump drain, or other surface or groundwater drainage line may be constructed to discharge directly into the curb line of any public street. This prohibition expressly includes, without limitation, any curb line discharge established in the past, regardless of whether its construction was permissible under law or practices applicable or prevailing at the time. When such a curb line discharge is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the curb line. No person, firm, or corporation shall fail to eliminate such curb line discharge(s) within 30 days after being ordered to do so as provided herein.

(g) Erosion and Sediment Control. To minimize the entry of sediment and other pollutants

into the City's storm sewer system that is caused by construction site runoff, erosion and sediment control measures must be provided on all new development and redevelopment projects. These measures are to be shown in a sedimentation plan that has been prepared in accordance with the applicable requirements of the subdivision rules and regulations.

CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS SUCH, ANY PERSON SEEKING APPROVAL OF A PLAN FOR EROSION AND SEDIMENT CONTROL MEASURES, SHALL SUBMIT TO THE CITY PUBLIC WORKS DIRECTOR PRIOR TO START OF CONSTRUCTION, A COPY OF THE "NOTICE OF INTENT" (NOI) THAT SEEKS COVERAGE UNDER THE STATE OF OHIO CONSTRUCTION PERMIT THAT HAS BEEN OR WILL BE FILED WITH THAT STATE AGENCY. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.

(H) STORMWATER MANAGEMENT CONTROLS.

(1) TO MINIMIZE THE IMPACT OF LAND DEVELOPMENT AND REDEVELOPMENT ACTIVITIES ON STORM RUNOFF AND DRAINAGE, STORMWATER MANAGEMENT CONTROLS SHALL BE REQUIRED ON NEW DEVELOPMENT AND REDEVELOPMENT SITES, PURSUANT TO REQUIREMENTS CONTAINED IN CHAPTERS 1117 AND 1182, AND PER THE DESIGN REQUIREMENTS CONTAINED IN THE CITY DESIGN, CONSTRUCTION AND MATERIALS SPECIFICATION HANDBOOK.

(2) CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS PART OF THAT COMPLIANCE, POST-CONSTRUCTION BEST MANAGEMENT PRACTICES SHALL BE MADE PART OF THE STORMWATER MANAGEMENT CONTROLS ON LAND DEVELOPMENT SITES, PURSUANT TO THE REQUIREMENTS OF THE OHIO EPA PERMIT AND PER THE REQUIREMENTS IN CHAPTERS 1117 AND 1182.

(I) ROUTINE AND REMEDIAL MAINTENANCE.

(1) OWNERS AND OCCUPANTS OF PROPERTIES WITH STORMWATER MANAGEMENT FACILITIES ARE RESPONSIBLE FOR OPERATION AND MAINTENANCE AS SPECIFIED IN SECTION 925.07(M). THE PUBLIC WORKS DIRECTOR SHALL PROVIDE FOR INSPECTION AND ROUTINE

MAINTENANCE OF FACILITIES THAT HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE CITY. CITY MAINTENANCE MAY INCLUDE STORM WATER CONVEYANCE-RELATED STRUCTURE CLEANING AND REPAIR.

(2[3]) Commercial, industrial, multi-family residential property. The property owner(s) shall fully maintain detention/retention basins located on private commercial, industrial, or multi-family residential property, whether such basins are located within a public easement or not. This maintenance responsibility shall include both routine maintenance such as mowing, cleaning, debris removal, and erosion repair and non routine maintenance such as the repair or replacement of damaged or missing structural components.

(3[4]) Single family residential property. The property owner(s) and/or homeowner's association shall be responsible for routine maintenance such as mowing, cleaning, debris removal, and erosion repair for detention/retention basins located on private single family residential property, whether such basins are located within a public easement or not. The City shall be responsible for non-routine maintenance such as the repair or replacement of damaged or missing structural components of such basins.

~~[(3) —Notification—When the maintenance of a detention/retention basin is found to be in violation of this subsection, the Public Works Director will provide written notice to the appropriate property owner(s) and/or homeowner's association ordering that the necessary maintenance be performed within a reasonable period of time. No person, firm or corporation shall fail to perform the required maintenance within the required period after being ordered to do so as provided herein.]~~

(Ord. 127-03. Passed 8-11-03.)

(J) Storm Water Quality Management Plan. As a requirement of the City's NPDES Phase II Storm Water Permit, Council hereby adopts the "Storm Water Quality Management Plan" dated [January 2005] FEBRUARY 2014, prepared by City staff as the City's official planning document for addressing storm water quality and pollution prevention. All subsequent amendments to the "Storm Water Quality Management Plan" shall also be adopted by legislative action of Council. A copy of this plan is on file in the office of the Clerk of Council.

(Ord. 20-05. Passed 2-14-05.)

(K) STORMWATER FACILITY MAINTENANCE CORRECTION PROCEDURES.

(1) ORDER TO CORRECT IMPROPER DRAINAGE. WHENEVER THE CITY SHALL FIND THAT (I) A TRACT OF LAND NOT MAINTAINED BY THE CITY IS INADEQUATELY DRAINED, OR (II) THERE IS EXCESSIVE EROSION OR SEDIMENTATION UPON SUCH LAND, OR (III) THERE IS AN OBSTRUCTION TO A CULVERT OR WATER COURSE UPON SUCH LAND THAT INTERFERES WITH WATER NATURALLY FLOWING THEREIN, OR (IV) THAT SUCH CULVERT, STORM SEWER OR WATERCOURSE UPON SUCH LAND IS OF INSUFFICIENT CAPACITY TO REASONABLY ACCOMMODATE THE FLOW OF WATER, AS REQUIRED BY THE CITY, THE PUBLIC WORKS DIRECTOR OR DESIGNEE SHALL ORDER THE OWNER OR PERSON HAVING

POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND TO REMOVE THE OBSTRUCTION, PROVIDE ADEQUATE DRAINAGE, FILL OR DRAIN SUCH LAND, ENLARGE THE CULVERTS, DRAINS, OR WATERCOURSES, MITIGATE EXCESSIVE EROSION OR SEDIMENTATION, AND/OR ACCOMPLISH ANY OTHER ACT DETERMINED BY THE PUBLIC WORKS DIRECTOR NECESSARY TO FURTHER THE PURPOSES OF THIS CHAPTER. SUCH ORDER SHALL BE SERVED ON SUCH PERSONS OR ENTITY IN THE SAME MANNER AS PROVIDED BY THE OHIO RULES OF CIVIL PROCEDURE FOR SERVICE OF SUMMONS AND THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE MAY POST THE ORDER AT THE PROPERTY. THE ADDRESS UTILIZED FOR ANY SERVICE SHALL BE THE PROPERTY ADDRESS ITSELF AND THE TAX BILLING ADDRESS FOR SUCH PREMISES AS MAINTAINED ON THE RECORDS OF THE BUTLER COUNTY AUDITOR.

(2) THE OWNER MUST COMPLY WITH THE ORDER(S) WITHIN A REASONABLE TIME NOT TO EXCEED 30 DAYS, UNLESS AN EXTENSION IS GRANTED BY THE PUBLIC WORKS DIRECTOR FOR GOOD CAUSE SHOWN. FAILURE TO COMPLY WITH SUCH ORDER SHALL CONSTITUTE AN UNLAWFUL ACT. EACH ADDITIONAL DAY THEREAFTER DURING WHICH THE OWNER FAILS TO CARRY OUT THE ORDER OF THE CITY SHALL CONSTITUTE A SEPARATE OFFENSE.

A. IN ANY CASE WHERE A CONDITION DESCRIBED ABOVE EXISTS FOR MORE THAN THE TIME PERMITTED IN THE ORDER AFTER SERVICE OF THE ORDER, THE CITY MAY EFFECT THE NECESSARY REPAIRS PER SECTION 925.07(L) OR THE CITY MAY FILE CRIMINAL CHARGES, OR BOTH.

B. THE PUBLIC WORKS DIRECTOR OR DESIGNEE(S) MAY ENTER UPON ANY REAL PROPERTY IN THE CITY DURING REASONABLE TIMES AND NORMAL BUSINESS HOURS FOR THE PURPOSE OF INSPECTION, REPAIR OR MAINTENANCE REQUIRED BY THIS CHAPTER.

(3) FAILURE OF THE CITY TO OBSERVE OR RECOGNIZE HAZARDOUS OR UNSIGHTLY CONDITIONS OR TO RECOMMEND DENIAL OF A PERMIT/ZONING CHANGE SHALL NOT RELIEVE THE OWNER OR PERSON HAVING POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND FROM THE RESPONSIBILITY FOR THE CONDITION OR DAMAGE RESULTING THEREFROM, AND SHALL NOT RESULT IN THE CITY, ITS OFFICERS OR AGENTS BEING RESPONSIBLE FOR ANY CONDITION OR DAMAGE RESULTING THEREFROM.

(4) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED AS AUTHORIZING ANY PERSON TO MAINTAIN A PRIVATE OR PUBLIC NUISANCE ON HIS PROPERTY, AND COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL NOT BE A DEFENSE IN ANY ACTION TO ABATE SUCH NUISANCE.

(5) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PREVENT IMMEDIATE ACTION BY THE CITY IN EMERGENCY SITUATIONS. IN CASE OF AN EMERGENCY, THE CITY MAY DIRECT THAT ACTION BE TAKEN IMMEDIATELY TO CORRECT THE CONDITION OR ABATE THE ACTIVITY

TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE. THE CITY MAY PERFORM THE REQUIRED WORK AND ASSESS THE ABATEMENT COSTS AGAINST THE PROPERTY.

(L) CORRECTION COSTS.

(1) IF THE OWNER OR OCCUPANT HAVING THE CARE OR CONTROL OF THE LANDS MENTIONED IN SECTION 925.07(I) FAILS TO COMPLY WITH THE ORDER PROVIDED IN FOR SECTION 925.07(I), THE CITY SHALL CAUSE SUCH ABATEMENT PROCEDURES TO BE IMPLEMENTED. THE COST FOR SUCH ABATEMENT PROCEDURES SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CITY, PROVIDED, HOWEVER, THAT AN ADMINISTRATIVE FEE SHALL ALSO BE CHARGED IN THE AMOUNT OF ONE HUNDRED DOLLARS. THE COST OF THE ADMINISTRATIVE FEE TOGETHER WITH THE COST OF THE ABATEMENT PROCEDURE TOGETHER WITH ANY LEGAL FEES INCURRED BY THE CITY SHALL BE ASSESSED AGAINST THE OWNER AND, IF UNPAID, AGAINST THE LOT OR LAND TOGETHER WITH INTEREST THEREON AT THE THEN JUDGMENT RATE IN EFFECT IN THE STATE OF OHIO.

~~[Violation and Enforcement Costs. In addition to other penalties listed in this chapter, any person, firm or corporation who violates any provision of this chapter shall be liable to the City for any expense, loss or damage resulting from the cleaning, repair or replacement work caused by the violation. Any person, firm or corporation who violates any provision of this chapter shall also be liable for any fine or penalty incurred by the City caused by their violation. Any person, firm or corporation who must be monitored by the City for enforcement and/or compliance shall be liable for the associated costs.]~~

(M) STORMWATER MANAGEMENT FACILITY POST CONSTRUCTION OPERATION AND MAINTENANCE PLAN.

(A) OPERATION AND MAINTENANCE PLAN.

(1) THE DEVELOPER/PROPERTY OWNER SHALL PREPARE AN OPERATION AND MAINTENANCE PLAN FOR ANY STORMWATER MANAGEMENT FACILITY APPROVED BY THE CITY AFTER MAY 31, 2014 MEETING THE MINIMUM REQUIREMENTS OF THE LATEST VERSION OF THE OHIO EPA NPDES CONSTRUCTION STORMWATER PERMIT FOR REDEVELOPMENT AND NEW DEVELOPMENT PROJECTS WHEREIN CONSTRUCTION ACTIVITIES WILL RESULT IN THE DISTURBANCE OF ONE OR MORE ACRES.

(2) THE OPERATION AND MAINTENANCE PLAN SHALL BE SUBMITTED BY THE DEVELOPER/PROPERTY OWNER TO THE CITY OF FAIRFIELD FOR REVIEW AND APPROVAL PRIOR TO THE CITY ISSUING THE BUILDING PERMIT.

(3) THE OPERATION AND MAINTENANCE PLAN MUST BE A STAND-ALONE DOCUMENT CONTAINING THE FOLLOWING:

- A. DESIGNATE THE ENTITY ASSOCIATED WITH PROVIDING THE BEST MANAGEMENT PRACTICES (BMPS) INSPECTION AND MAINTENANCE.
- B. INDICATE ROUTINE AND NON-ROUTINE MAINTENANCE TASKS TO BE UNDERTAKEN.
- C. INDICATE A SCHEDULE FOR INSPECTION AND MAINTENANCE TASKS.
- D. PROVIDE PROOF OF ANY NECESSARY LEGALLY BINDING MAINTENANCE EASEMENTS AND AGREEMENTS THAT ARE NECESSARY TO PROPERLY INSPECT AND MAINTAIN THE BMP(S).
- E. PROVIDE A MAP SHOWING THE LOCATION OF THE BMP(S) THAT ARE INDICATED ON THE CITY OF FAIRFIELD APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND NECESSARY ACCESS AND MAINTENANCE EASEMENTS.
- F. PROVIDE DETAILED BMP DRAWINGS AND INSPECTION AND MAINTENANCE PROCEDURES.
- G. ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.

(B) DECLARATION OF COVENANTS AND RESTRICTIONS. A DECLARATION OF COVENANTS AND RESTRICTIONS SHALL BE MADE BETWEEN THE OWNER AND THE CITY OF FAIRFIELD ENSURING THAT THE BMP(S) SHALL BE PROPERLY INSPECTED AND MAINTAINED AND SHALL BE INCLUDED WITHIN THE OPERATION AND MAINTENANCE PLAN.

(C) INSPECTION.

- (1) PERSONNEL IDENTIFIED WITHIN THE OPERATION AND MAINTENANCE PLAN SHALL INSPECT THE BMP(S) TO ENSURE PROPER FUNCTIONALITY AND DETERMINE IF MAINTENANCE IS NECESSARY.
- (2) AT A MINIMUM, INSPECTIONS ARE TO BE CONDUCTED ON AN ANNUAL BASIS, OR AS SPECIFIED IN THE OPERATION AND MAINTENANCE PLAN.
- (3) WRITTEN INSPECTION REPORTS SUMMARIZING THE BMP(S) INSPECTION OBSERVATIONS AND MAINTENANCE REQUIREMENTS ARE TO BE SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST BY THE CITY.

(D) MAINTENANCE.

- (1) ALL BMPS ARE TO BE MAINTAINED ACCORDING TO THE MEASURES OUTLINED WITHIN THE OPERATION AND MAINTENANCE PLAN.

- (2) ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.
- (3) THE OWNER SHALL MAKE NECESSARY REPAIRS WITHIN FOURTEEN DAYS OF THEIR DISCOVERY AS IDENTIFIED WITHIN THE INSPECTION REPORTS OR THROUGH A REQUEST FROM THE CITY OF FAIRFIELD RESULTING FROM CITY CONDUCTED INSPECTIONS.
- (4) MAINTENANCE ACTIVITIES PERFORMED ARE TO BE DOCUMENTED ON A WRITTEN REPORT AND SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST.
- (5) BMP(S) SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES SPECIFIED IN SUBSECTIONS 925.07(I), (K) AND (L).

([k]N) Compliance with Other Regulations. Compliance with the provisions of this chapter or other sections of City Code does not relieve the site owner from obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall apply.

(Ord. 127-03. Passed 8-11-03.)

925.08 USER CHARGE ESTABLISHED.

(a) Charges Established; Classes; Computation.

(1) During the effective period of this chapter, there is levied and assessed a charge or rental known as a "user charge" upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging wastewater, industrial wastes, water or other liquids either directly or indirectly into the City wastewater treatment system.

(2) The users of the system shall be divided into classes. Classes shall be groups of users for which the wastewater characteristics are approximately equal and services provided are essentially the same. Initially there shall be established three classes of users, as follows: Industrial, nonindustrial and commercial. Charges for these classes shall be as shown, except as otherwise provided herein. The Public Utilities Director may recommend additional classes as determined to be necessary.

(3) Charges for wastewater treatment service shall be paid by each user connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system, as measured: by the City water meter installed thereon and/or by a sewage meter installed on the discharge pipe therefrom and/or as estimated by the City, and in accordance with the charge schedule hereinafter set forth.

(4) When a considerable amount of water delivered to any premises is not returned to the City's wastewater collection system, the customer, with the permission and approval of the Public Utilities Director, may install a separate

water meter to determine the amount of such water not returned to the wastewater disposal system. The customer shall not be billed sewer use charges for such water not returned to the sewage disposal system. The cost of the water meter and its installation shall be the responsibility of the customer. The manner of installation of the water meter must be specifically approved in writing by the Public Utilities Director. Upon a determination by either the Public Utilities Director or the customer that the use of direct metering sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the Public Utilities Director may approve the installation and use of wastewater meters.

(Ord. 191-99. Passed 10-12-99.)

(5) Irrigation credit. A special sewer rate structure for residential domestic service accounts will be used during the summer months (May, June, July, August and September) in determining sewer charges to account for water used for outside or other irrigation purposes and not returned to the City Sanitary Sewer System. The special rate will eliminate sewer charges for all domestic residential service water in excess of one hundred and fifty percent (150%) of the average monthly water amount used during the previous winter season (November, December, January and February) for that account. In the event that a complete winter season average cannot be established, an amount of 7,500 gallons per month will be used in establishing a base winter season monthly average. (Ord. 111-10. Passed 12-6-10.)

(6) In-City residential wastewater customers of the City of Fairfield who are provided water service by an entity other than the City of Fairfield shall also be allowed a credit against their monthly wastewater charges so that their total monthly water and wastewater charges are the same as those paid by in-City residential customers who use both City of Fairfield water and wastewater service, provided that such credit shall not exceed the actual amount of the customer's wastewater charges in any month. The Finance Director is authorized and directed to calculate and apply the credit as described herein.

(Ord. 179-00. Passed 11-13-00.)

(b) User Charge Rate Structure.

(1) The sewer rates for all users of sewer service provided by the City within the corporate limits of the City shall be as shown in the Attached Tables A through E, inclusive, which are incorporated herein by reference and which shall be effective upon the dates stated therein. The existing sewer rates shall remain in effect until February 1, 2012.

(Ord. 125-11. Passed 12-12-11.)

(2) The sewer rates for sewage treatment service provided by Butler County, Ohio to users of sanitary sewer service within the corporate limits of the City, shall be based upon the Butler County Regional Wastewater System rates for transmission and treatment of wastewater, as those rates may be amended from

time to time, plus an additional amount of twenty percent (20%) of the Butler County Regional Wastewater System rates. Such charges for sewer service shall be remitted to the City. The minimum quantities for sewer service based upon water meter size which are applicable to users of sewer service provided by the City shall also apply to users of Butler County sewage treatment service within the corporate limits of the City and such minimum quantities shall also be charged at the Butler County Regional Wastewater System rate, plus an additional twenty percent (20%).

(3) Capacity fees for new public sewer connections shall be paid to the City by the users of sewage treatment service provided by Butler County, Ohio within the corporate limits of the City. Such capacity fees shall be in accordance with the Butler County Regional "Schedule of Equivalent Residential Units", and in such amounts as are presently established and periodically amended by Butler County, Ohio subsequent to the passage of this section. Such fees shall be paid by the user prior to the issuance of a permit to connect to the public sewer.

(c) Rates Outside Corporate Limits. The rates for users of sewer services provided by the City outside the corporate limits of the City shall be the same as those for users of sewer service inside the corporate limits of the City, plus an additional charge of fifty percent (50%) of the total of each monthly sewer bill, unless provided otherwise by specific agreement of the City. Such additional charge shall be used for debt service and capital expenditures of the sewer system.

(d) Determination of Discharge.

(1) In the event a lot, parcel of land, building or premises discharges to a City sanitary sewer, either directly or indirectly, and is not a user of water supplied by the City, the amount of discharge to the sanitary sewer shall be determined by the Public Utilities Director in such manner as he may find practicable in light of the conditions and attendant circumstances.

(2) Charges for such service shall be at the rates provided in subsection (b) hereof with a minimum charge as set forth therein. If a lot, parcel of land, building or premises not served with water by the City has a water meter, the minimum sewer charge shall be based upon the size of the water meter.

(Ord. 112-83. Passed 8-8-83; Ord. 133-88. Passed 6-26-88; Ord. 72-94. Passed 5-23-94; Ord. 52-95. Passed 5-8-95.)

(e) Unreported Discharge. If premises are found to be discharging wastewater to the City sanitary sewer system without payment of a sewer service charge, the Public Utilities Director shall measure or estimate the quantity of such wastes, by such methods as he may find practicable for the purpose of establishing a proper charge and such premises shall be charged for the total term of the prior usage on the basis of the quantity so determined, and in accordance with previous charges.

(f) High Strength Surcharges. In addition to the minimum charge and the volume charge, any user discharging wastewater containing BOD in excess of 200 mg/l or COD in excess of 500 mg/l or suspended solids in excess of 250 mg/l or ammonia nitrogen in excess of 11.4 mg/l shall pay the following additional charges:

BOD* 0.136 per pound of excess over 200 mg/l

COD* 0.039 per pound of excess over 500 mg/l

SS 0.136 per pound of excess over 250 mg/l

NH4 0.606 per pound of excess over 11.4 mg/l

* Either BOD or COD shall be used, not both. Option to be selected by the Public Utilities Director.

(g) Sampling and Metering.

(1) For purposes of high strength surcharges, and ascertaining pretreatment compliance the Public Utilities Director shall have the option of sampling and testing a wastewater and billing the user for the sampling or requiring the user to perform a regular sampling and testing program, approved by the Public Utilities Director, at the user's expense. The user shall make all data available to the Public Utilities Director upon request and the Public Utilities Director shall be allowed to sample the wastewater, as necessary, to verify the user's data.

(2) In addition to the other charges, each user shall be charged fifty dollars (\$50.00) for each sampling and metering performed by the Public Utilities Director. A fee shall be charged for each sampling permit in which samples are collected and analyzed. Sampling period shall not exceed a twenty-four hour day.

(h) Sewer Service Charge for Private System. There shall be a sewer charge for all lots situated in the area to be served by a private sewer system and the service charge shall remain in force and effect so long as the system is being used for the purpose or purposes and under conditions for which it was constructed. The amount of the service charge shall be determined by the Public Utilities Director.

(Ord. 112-83. Passed 8-8-83.)

(i) Industrial Contracts. The Director may contract with industrial or sanitary users to receive acceptable wastes not part of the normal waste stream, or cover other situation(s) not covered by this chapter, provided such contracts are governed by user charges and other regulations set forth in this chapter.

(Ord. 12-97. Passed 1-27-97.)

(j) Revisions. On or before September 1, of each year the Director shall review the laws, ordinances, bylaws, regulations, charges and fees set forth. If changes, revisions or modifications are necessary, he shall submit the changes to the City Manager for necessary action. The charge system shall be in accordance with EPA regulations which now require:

(1) The charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City to each user class in proportion to such user's contribution of the total wastewater loading of the treatment works. Factors such as strength, value and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(2) The charges shall be reviewed annually and revised periodically as required.

- (3) The charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.
- (4) Users shall be notified annually of revised sewer user rate structures by notification mailed with a regular sewer bill.
(Ord. 167-95. Passed 11-13-95.)

925.09 INDUSTRIAL COST RECOVERY SYSTEM. (REPEALED)

(EDITOR'S NOTE: Former Section 925.09 was deleted in its entirety by Ordinance 20-87. Passed 3-23-87.)

925.10 PAYMENT OF CHARGES AND FEES.

- (a) All charges for connection and permits shall be payable upon application.
- (b) Charges shall be billed monthly or quarterly, and payment shall be made in accordance with regulations established by the City Manager. At the option of the Finance Director, such charges shall be payable at the same time as water bills.
- (c) Payments shall be made at the Utility Collection Office or office designated by the City Manager.
- (d) If the bill for services remains unpaid, the water connection to the property shall be shut off at such premises as soon as practicable and in accordance with the bylaws and regulations established by the City Manager for water service.
- (e) A penalty of ten percent (10%) shall be added to each charge if it is not paid promptly at the time established by the Finance Director.
- (f) Bills ninety days or more in arrears shall be turned over to the Law Director or other authorized personnel for collection.
- (g) Each charge or rental levied by or pursuant to these rules is hereby made a lien upon the corresponding lot, land or premises served by a connection to the wastewater system of the City; and if same is not paid within thirty days after the due date, it shall be certified to the County Auditor, who shall place the same on the tax duplicates of the County, with interest and penalties allowed by law, and it shall be collected as other taxes on the property are collected.
(Ord. 167-95. Passed 11-13-95.)
- (h) Customers disputing a utility bill may appeal to the office manager of the utilities billing office within ten days of the billing date. The office manager will document the billing objection, review the account, and determine the nature of the dispute. If the dispute is a result of operations of the billing office, the office manager shall authorize resolution of the dispute. If the dispute is technically based, the dispute shall be remanded to the Public Utilities Director. If the Public Utilities Director determines that an adjustment is warranted, a determination shall be issued in writing. A customer may appeal a determination of the utilities billing office or Public Utilities Director to the Director of Finance. The Finance Director shall review the claim and make final determination. Once a determination has been made, the account shall no longer be considered in dispute.

(i) The Public Utilities Department will perform an audit annually with the findings to be published and made available for public inspection. Current user rates, and any pending rate increases, will be published annually as part of the normal monthly bill. The notice will itemize those portions required for debt service charge and for sewer service charge.

(Ord. 12-97. Passed 1-27-97.)

925.11 INSPECTIONS.

The Public Utilities Director and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter into or upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

(Ord. 167-95. Passed 11-13-95.)

925.99 PENALTY.

(A) No person shall construct, reconstruct, repair, enlarge, change, modify, maintain, use or discharge into any wastewater service or any part of the wastewater system or storm drainage system of the City in violation of the provisions of this chapter, or any amendment or supplement thereto adopted by Council or a bylaw or regulation adopted by the City Manager pursuant to this chapter. Any person, firm or corporation violating any of the provisions of this chapter, or any amendment or supplement thereto, or any bylaw or regulation adopted by the City Manager, shall be deemed guilty of a third degree misdemeanor. Each and every day during which such violation continues shall constitute a separate offense.

(B) THE IMPOSITION OF ANY FINE OR PENALTY PURSUANT TO THIS CHAPTER SHALL NOT PRECLUDE THE LAW DIRECTOR FROM INSTITUTING ANY APPROPRIATE LEGAL PROCEEDING IN A COURT OF PROPER JURISDICTION TO CORRECT OR ABATE A VIOLATION, REQUIRE COMPLIANCE WITH THIS CHAPTER OR OTHER APPLICABLE CHAPTERS, ORDINANCES, REGULATIONS OR RULES OF THE CITY OR STATE OF OHIO AS DETERMINED TO BE APPROPRIATE BY SUCH LAW DIRECTOR.

(Ord. 112-83. Passed 8-8-83.)

1117.01 DEFINITIONS.

Certain words and phrases as used in this chapter are defined as hereafter set forth.

(a) "Cut" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, cut means the materials removed in excavation.

(b) "Erosion" means the wearing away of the land surface by the action of wind, water or gravity.

(c) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed

and shall include the conditions resulting therefrom.

- (d) "Fill" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Fill also means the material used to make a fill.
- (e) "Grading" means any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.
- (f) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- (g) "Natural vegetation" means the ground cover in its original state before any grading, excavation or filling.
- (h) "Permanent vegetation" means producing long term vegetative cover; i.e., bluegrass, tall fescue, crown vetch, etc.
- (i) "Sediment" means the solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.
- (j) "Sediment basin" means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other materials.
- (k) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical distance.
- (l) "Swale" means a low-lying stretch of land which gathers or carries surface water run-off.
- (m) "Temporary vegetation" means short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation; i.e., oats, rye, or wheat.
- (n) "Topsoil" means surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.
- (o) "Watercourse" means a permanent stream, intermittent stream, river, brook, channel, creek, or ditch for water whether natural or manmade.
(Ord. 141-83. Passed 9-26-83.)

1117.02 GENERAL REQUIREMENTS.

- (a) Each subdivision shall be provided with a properly designed and constructed storm drainage system which includes sediment control.

(b) The drainage system and sediment control provisions shall be adequate to serve the area being platted and to protect both adjacent and downstream properties and shall meet the approval of the City Engineer and Public Works Director.

(c) The means by which this is attained shall include but not be limited to the following:

- (1) Topographic map;
 - (2) Drainage and grading plan;
 - (3) Drainage report;
 - (4) Sediment control plan;
 - (5) Pre-construction meeting;
 - (6) Certified "as built" drawings; and
 - (7) Construction of drainage facilities prior to lot grading or occupancy.
- (Ord. 167-95. Passed 11-13-95.)

1117.03 FLOODING RESTRICTIONS.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewers, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least five lots or one acre, whichever is less. Refer to the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the City. (Ord. 141-83. Passed 9-26-83.)

1117.04 DRAINAGE PLAN.

(a) The subdivision improvement drawings shall include a drainage plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses.

The drainage plan shall include the following:

- (1) Topographic map of the area prior to construction with two foot contours and a minimum scale of one inch equals fifty feet.
- (2) Grading plan superimposed on the topographic map which shows in two foot contours the grading of all streets, lots, swales and any other proposed improvements.
- (3) Location, size, grade and capacity of existing and proposed storm sewer pipes, inlets, culverts, watercourses, bridges, creeks, ditches and swales.
- (4) Locations and dimensions of existing and proposed streets, lot lines and utilities.

- (5) Engineering estimate of the quantity of storm water entering the subdivision.
- (6) Estimate of the quantity of flow at each pick-up point (inlet, channel or culvert).
- (7) Locate and describe any apparent pollution of watercourses and ditches.
- (8) Arrows depicting proposed flow along each lot line, curb line, storm sewer pipe and open watercourse.
- (9) Proposed elevations to nearest foot of each lot corner, change in lot line grade, pipe inlet or outlet, and other points critical to the drainage of the area. The minimum proposed elevation of each house first floor, to the nearest tenth of a foot based on one-half inch per foot of fall from the house to the curb line at midpoint. The City Engineer or Public Works Director may waive this requirement in writing.
- (10) The area encompassed within the drainage plan shall be compatible with any [areawide] **AREA WIDE** drainage plan or drainage plans for adjacent areas. There must exist or be provided an adequate outlet for storm water, such that buildings in the development will not be flooded by a fifty year storm.
- (11) A statement by the engineer or surveyor certifying that the plans submitted provide adequate and complete storm drainage service for all parts of the entire area being platted and comments on the effects that the proposed development will have on drainage of adjacent areas.
- (12) The plot plan for each building permit shall include the same grading, draining, and elevation information as the drainage plan.
- (13) Drainage plans shall also include a drainage report containing calculations, evaluations and explanations of the drainage.
(Ord. 167-95. Passed 11-13-95.)

1117.05 DESIGN OF STORM SEWERS.

- (a) The design and construction of all sanitary sewers and water facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook."
- (b) All storm sewers, open ditches and driveway culverts shall have a minimum size adequate for a ten year storm frequency.
 - (1) All road culverts on primary and secondary thoroughfares and collector streets shall be adequate for a twenty-five year storm frequency and be designed in accordance with the latest State Department of Transportation requirements.
 - (2) In all cases where there are flood hazards, the developer's engineer shall insure that all drainage courses, ditches, sewers and other such facilities are adequate for a fifty year storm frequency and in addition will prevent flooding of residential, commercial and public buildings or that would endanger health, life or property.
- (c) The minimum grade for all ditches shall be one percent (1%) except for streams, large

channels with a paved bottom, and slopes paved to a height approved by the City Engineer.

(1) All proposed channels shall be properly lined to prevent erosion unless waived by the Public Works Director. All ditches having a velocity of five feet per second or less shall be sodded, except that ditches not along the roadway may be seeded if the velocity is under two feet per second. All ditches with a velocity of over five feet per second shall be lined.

(2) Where possible, natural streams, including growth along the banks, shall not be disturbed. Roughness coefficients and increased peak flows and velocities shall be evaluated to determine stability.

(3) When part of a storm drainage system is outside of the road right of way, the developer shall provide an easement for storm drainage and maintenance. All easements for water courses or ditches shall be wide enough to contain such ditches, including side slopes, plus ample clearance for maintenance operations. Easements shall be shown and shall be provided for all existing or proposed channels. Easements shall provide ingress and egress for maintenance equipment from a public right of way. (Ord. 167-95. Passed 11-13-95.)

1117.06 SEDIMENTATION PLAN.

(a) Intent.

(1) No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and approved by the City Engineer or Public Works Director or there has been a determination by the Planning Commission that such plans are not required.

(2) **FOR SITES REGULATED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION), THE PERSON SEEKING COVERAGE UNDER THAT OHIO EPA CONSTRUCTION PERMIT, SHALL PROVIDE A COPY OF THE "NOTICE OF INTENT" (NOI) TO DO SO AND A COPY OF THE OHIO EPA'S RELATED "LETTER OF COVERAGE AUTHORIZATION", PRIOR TO START OF CONSTRUCTION.**

(~~2~~3) No subdivision shall be approved unless:

A. There has been a plan approved by the City Engineer or Public Works Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other

acceptable securities are deposited with the City in the form of escrow guarantee which will insure installation and completion of the required improvements; or

B. There has been a determination by the Planning Commission **AND THE OHIO EPA** that such plans are not required.

(b) Performance Principles and Standards.

(1) The following principles are effective in minimizing erosion and sedimentation and shall be **MET [included]** where applicable **FOR A DEVELOPING SITE AND INCLUDED** in the control plan.

A. **DEVELOPMENT OR REDEVELOPMENT SITES THAT ARE COVERED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT SHALL DEVELOP A STAND-ALONE STORM WATER POLLUTION PREVENTION PLAN (SWP3) PER THE REQUIREMENTS OF THE OHIO EPA PERMIT OHC000004 (OR LATEST EDITION). THIS SWP3 SHALL BE PROVIDED TO THE CITY ENGINEER FOR REVIEW WHEN THE PLAN FOR MINIMIZING EROSION AND SEDIMENTATION IS SUBMITTED FOR THE DEVELOPMENT PROPOSAL. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.**

B.[A] Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

C.[B] Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential.

D.[C] The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.

E.[D] Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.

F.[E] The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

G.[F] Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally retarded.

H.[G] Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(2) The following standards shall be followed in all water management and sediment control plans:

A. All lots shall be graded to provide proper drainage away from buildings and to dispose of it without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where waived by the Planning Commission.

B. All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted or paved as required and shall be of such slope, shape and size as to conform with the requirements of the City.

(Ord. 167-95. Passed 11-13-95.)

C. The installation of the specified water management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources **DOCUMENT ENTITLED, "RAINWATER AND LAND DEVELOPMENT MANUAL"**. A copy of such standards and specifications will be kept on file in the offices of the Public Works Director and Development Services Director.

(Ord. 127-03. Passed 8-11-03.)

(3) The approved plan for water management and sedimentation control required of the landowner or his agent shall include, but not be restricted to, the following requirements:

A. A DESCRIPTION OF THE NATURE AND TYPE OF THE CONSTRUCTION ACTIVITY.

B. INDICATE THE TOTAL AREA OF THE SITE AND THE AREA OF THE SITE THAT IS EXPECTED TO BE DISTURBED (I.E., GRUBBING, CLEARING, EXCAVATION, FILLING OR GRADING, INCLUDING OFF-SITE BORROW AREAS).

C. AN ESTIMATE OF THE IMPERVIOUS AREA AND PERCENT IMPERVIOUSNESS CREATED BY THE CONSTRUCTION ACTIVITY.

D. A CALCULATION OF THE RUNOFF COEFFICIENTS FOR BOTH THE PRE-CONSTRUCTION AND POST-CONSTRUCTION SITE CONDITIONS.

E. EXISTING DATA DESCRIBING THE SOIL AND, IF

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 1. (B)(1)

DATE: 02/24/2014

ITEM:

Preliminary Legislation for Bridge Inspection Services

FINANCIAL IMPACT:

None at this time.

SYNOPSIS:

The Ohio Department of Transportation would perform bridge load rating calculations, scour assessments, bridge inspections and fracture critical plan development for all City bridges.

BACKGROUND:

The Ohio Department of Transportation is letting a contract for Bridge Inspection Program Services to perform bridge load rating calculations, scour assessments, bridge inspections and fracture critical plan development. ODOT has kept an inventory of these activities for local bridges in the past, but has required the work be done by the governing jurisdiction. The City would no longer perform these evaluations as required by FHWA for the national bridge inventory.

This project will evaluate bridges in order to keep the City's bridge inventory in compliance with the National Bridge Inspection Standards. This inventory must be kept in compliance to be eligible for federal funding.

City staff has contracted this work out to consultants in the past. Most recently Lockwood, Jones, and Beals completed bridge inspections for the City in 2013.

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to enter into a preliminary legislation agreement with the Ohio Department of Transportation for Bridge Inspection Program Services.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? **If yes, explain above.**
yes no

Emergency Provision Needed? **If yes, explain above.**
yes no

Prepared by: [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): Mary Hogg
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

Scope of Services Meeting Date: **/**/**
Approved Final Scope of Services Minutes Date: **/**/**

GENERAL ENGINEERING SERVICES

Central Office, Office of Structural Engineering

Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for major bridge inspection services, which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment**
- Task 1B - Scour Plan-of-Action**

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating**
- Task 2B - Load Rating Calculations**
- Task 2C - Field Measurements for Gusset Plates**
- Task 2D - Load Rating and Analysis of Gusset Plates**

Task 3 – SMS/BMS Structure Inventory and Review

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan**
- Task 4B – Underwater Inspection Procedures**

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection**
- Task 5B – Fracture Critical Inspection**
- Task 5C – Underwater Dive Inspection**

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Second Edition 2011 interim with revisions, AASHTO Publication
- Bridge Inspector's Reference Manual, FHWA NHI **Publication Number:** 03-001
- Underwater Bridge Inspection, **FHWA Publication Number:** FHWA NHI-10-027, Publication Year: 2010
- ODOT Bridge and Appraisal Coding Guide, Latest Version
- ODOT Bridge Design Manual, Latest Version

All work shall be performed on an actual cost basis. The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders.

The duration of the agreement will be thirty-six (36) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in SMS/BMS.

The project will be divided in to four sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities will have the option to opt into or out of this program. The sub-projects have the following general geographic areas, general characteristics, and maximum contract values for all municipal bridges with municipal inspection responsibility obtained from BMS data as of October 2013:

Project: SP01 - District (1, 2, & 3), Total Structures = 530

Type	Span =< 20'	20' < Span =< 60'	60' < Span =< 200'	Span > 200'	Total
Single Span	78	137	33	0	248
Multi-Span	3	6	50	31	90
Culvert	154	35	1	0	190
Truss	0	1	1	0	2
Underwater Inspection	0	0	0	2	2
Fracture Critical Inspection	0	0	2	0	2

General Engineering Services Scope of Services
 Central Office, Office of Structural Engineering
 PID No. 97103

Project: SP02 - District (4, 11, & 12), Total Structures = 416

Type	Span =< 20	20' < Span =< 60	60' < Span =< 200'	Span > 200'	Total
Single Span	31	112	26	0	169
Multi-Span	0	7	54	45	106
Culvert	100	33	2	0	135
Truss	1	2	4	4*	6
Underwater Inspection	0	0	1	4	5
Fracture Critical Inspection	2	1	3	5	11

* Includes 4 movable steel truss structures

Project: SP03 - District (5, 6, & 10), Total Structures = 576

Type	Span =< 20	20' < Span =< 60	60' < Span =< 200'	Span > 200'	Total
Single Span	86	103	29	0	218
Multi-Span	1	6	42	34	83
Culvert	181	81	6	0	268
Truss	0	0	7	0	7
Underwater Inspection	0	0	0	0	0
Fracture Critical Inspection	0	0	11	5	16

Project: SP04 - District (7, 8, & 9), Total Structures = 594

Type	Span =< 20	20' < Span =< 60	60' < Span =< 200'	Span > 200'	Total
Single Span	57	121	29	0	207
Multi-Span	2	9	63	56	130
Culvert	155	90	5	0	250
Truss	0	0	5	2	7
Underwater Inspection	0	0	2	8	10
Fracture Critical Inspection	0	1	7	4	12

Please note that the total numbers of structure types is estimated based on current BMS data and may be adjusted. The estimated contract price value for each project is as follows:

SP01 \$217,000
 SP02 \$221,000
 SP03 \$262,000
 SP04 \$300,000

The total amount of the four (4) agreements associated with this project shall not exceed \$1,000,000.00. CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

UNDERSTANDING

1. Inspections shall be completed by firms prequalified with ODOT for major bridge inspection with full time staff qualified for bridge inspection according to Manual of Bridge Inspection.
2. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. CONSULTANT shall submit copies of all reports and calculations, both hard copy and electronic, to the City or Village for inclusion in their bridge records. This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, and .xls formats).
3. Copies of all transmittal letters related to this Task Order shall be submitted to Central Office, Office of Structural Engineering. CONSULTANTS shall not submit reports to ODOT unless specifically requested to do so.

Price Proposal Due Date: **//****

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Assessment - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for the scope of this task. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2013 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files. As applicable, CONSULTANT

shall complete structure inventory information in SMS/BMS with applicable scour updates.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files. As applicable, CONSULTANT shall complete Structure Inventory forms and SMS/BMS with applicable scour updates for submittal to ODOT.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations - The bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis shall be performed for AASHTO HS20-44 [MS 18] (truck & lane) loading for both inventory and operating levels, and for four Ohio Legal Loads (2F1, 3F1, 4F1, and 5C1) at operating level. The CONSULTANT shall complete the Load Rating Analysis utilizing:

- Hand-calculations
- Spreadsheet(s); or
- ODOT- approved bridge analysis computer programs as listed in BDM Section 900 (PC Bars, VIRTIS, other software).

All programs other than PC Bars, VIRTIS, or spreadsheets shall be approved by the ODOT Office of Structural Engineering. Other computer programs which are approved by the Office of Structural Engineering shall include input and output data files as a deliverable to the City or Village.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by load and resistance factor design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed by the load and resistance factor design method.

Load Rating Report Submittal to the City or Village shall include:

1. Two (2) printed copies and one electronic copy of the Load Rating Report for each bridge.
 - a. The Load Rating Report shall be prepared and signed by a registered or non-registered engineer and checked, signed, sealed and dated by an Ohio Registered Professional Engineer.
 - b. The Load Rating Report shall explain the method used to calculate the load rating of each bridge.
 - c. The electronic deliverable shall include an Excel spreadsheet for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.
2. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
3. The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide.
4. Analysis program input files. Both input and output files shall be submitted when programs other than PC Bars, VIRTIS, or spreadsheets are used.
5. All calculations related to the load rating.
6. Completed SMS/BMS Structure Inventory forms with applicable load rating updates for submittal to ODOT.

Task 2C - Field Measurements for Gusset Plates - Gusset Plate analysis shall reflect the existing condition of the gusset plates and connections. As such, an ultrasound test (UT) shall be performed on gusset plates to determine the amount of section loss on the members.

CONSULTANT shall prepare and submit a gusset plate measurement report to the City, including, as applicable:

- a. A minimum of one portal view and one elevation view photograph of each structure shall be provided. The reference photographs will provide a basis for determining present condition and future changes for the record.
- b. The truss layout and table of gusset plate dimensions with percentage of section loss noted.

- c. A description of all deficiencies and recommendations of maintenance repairs needed.
- d. Photographs of bridges showing defects which require repairs.

The CONSULTANT shall provide one printed copy and one digital copy of the detailed measurements report to the City or Village.

Task 2D – Load Rating and Analysis of Gusset Plates - The CONSULTANT shall perform gusset plate analyses according to FHWA Publication FHWA-IF-09-014 to determine gusset plate capacity including the welded, bolted or riveted connections. This document is available on the ODOT Office of Structural Engineering web site. The gusset plate/connection capacity will be compared to the gusset plate/connection strength requirements for the maximum DL+LL+I forces created by the critical truck. If the gusset plate controls the bridge rating, the report will indicate as such and give the recommended rating for the critical truck. If the gusset plate and connections exhibit sufficient or excess capacity the analysis shall reflect the amount of excess capacity. The analysis shall reflect the existing condition of the gusset plates and connection, including ultrasound tests (UT) performed on gusset plates to determine the amount of section loss on the members.

If the gusset plate analysis is required to be performed by the CONSULTANT and the bridge load rating has been performed already by the City or a previous CONSULTANT, the City shall provide the load rating information including the analysis to the CONSULTANT performing the gusset plate analysis. If the load rating of the bridge has not been performed previously, the CONSULTANT shall load rate the bridge (see **Task 2b** of this document) as well as perform the gusset plate analysis.

Gusset plate analysis deliverables for each gusset plate analyzed shall include all calculations including, but not limited to, hand-calculations, spreadsheets and/or ODOT-approved computer analysis in hard copy and a reproducible data (.pdf, .doc. and/or .xls).

TASK 3 – SMS/BMS STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT SMS/BMS. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website.

The CONSULTANT shall verify this data and determine if the ODOT SMS/BMS structure file information needs changing. If no changes are necessary then no SMS/BMS inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) with the ODOT Office of Structural Engineering and providing the City or Village with copies of submittals. Only the information requiring changing or updating

shall be filled out. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of SMS/BMS for inventory coding details.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketch(es) of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
 - b. Use an elevation view for trusses.
 - c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (SMS/BMS Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned.

Task 5A.1 – Condition Rating Inspection for non-NBI or NBI but not classified as NHS

Task 5A.2 – Element Level Inspection for NBI classified as NHS

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in SMS/BMS. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

Agreement Administration Procedures

- I. **Type I Task Order Notification and Authorization Procedures for task orders less than \$10,000 with a well-defined scope of services**
 - A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services.
 - B. Central Office will authorize the CONSULTANT to perform the task by standard authorization letter that includes:
 1. A detailed scope of services for the task order.
 2. The completion time from authorization.
 3. The maximum compensation (including net fee).
 - a. The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.
- II. **Type II Task Order Proposal Request, Review and Authorization Procedures for task orders greater than \$10,000**
 - A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services
 - B. Central Office will prepare a request for a task order proposal in the format included herein and transmit it to the CONSULTANT. Review of the task order request and task order proposal preparation are allowable costs and shall be shown as a separate line item in the proposal.
 - C. Standard Proposal Format - Each Task Order Proposal shall include the following elements:
 1. Letter of transmittal with reference to include:
 - a. Central Office General Engineering Services Agreement
 - b. PID No.
 - c. Agreement No.
 - d. Task Order No.The project for which the task order is being performed shall NOT be in the letter of transmittal reference, but shall be referenced in the body of the letter.
 2. All other proposal requirements shall conform to Chapter 6, Price Proposals for Agreements and Modifications, of the current Specifications for Consulting Services.
 3. Appendix A of the CONSULTANT's proposal shall include the task order proposal request transmitted to the CONSULTANT by the District.
 - D. Central Office will review the CONSULTANT's proposal for:
 1. Adherence to submittal requirements.
 2. Compliance with the scope of services.
 3. Mathematical accuracy.
 4. Labor hours and rates.
 5. Net fee percentage.
 - E. Central Office will resolve any issues with the CONSULTANT and obtain a revised proposal (if necessary).

- F. Central Office will authorize the CONSULTANT to proceed with the task.

III. Task Order Identification and Numbering

- A. The task order numbering system shall be a two component series consisting of the City or Village FIPS Code number and a number identifying subsequent task orders. Subsequent task orders could be either continuing task or a modification due to changes in the scope of a previously authorized task order.
 - 1. For example, the first task order issued in the City of Columbus would be numbered 18000-1.
 - a. Continuing task orders on that project would be numbered 18000-2, 18000-3, etc.
 - 2. A new task order number shall be assigned rather than increase the fee of an existing task order.

IV. Invoice and Project Schedule Requirements

- A. The CONSULTANT shall provide monthly invoices and project schedules in the format transmitted with the executed agreement. Each invoice shall include all task orders authorized, a summary of the total amount authorized, the total amount invoiced and appropriate project schedules.

Authorization to Proceed - Type I Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Effective this date you are hereby authorized to proceed with the subject task order.

Project Identification

- a. Bridge List
- b. Tasks required on each bridge

Services Requested

(Detailed description of services required.)

Documents Furnished by the Agency (attached)

Additional Scope of Services Notes

Task Order Completion Time

___ days from Notice to Proceed.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No. _____, as follows:

Actual costs plus a net fee. The Maximum Prime Compensation shall not exceed _____ (\$ _____). The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.

**General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 97103**

Please address your written acknowledgment of this communication to:

Omar Abu-Hajar
Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223-1102

Respectfully,

Attachments:
cc: file

Request for Task Order Proposal - Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Please provide a cost proposal for the subject task order as follows:

Project Identification

- a. Bridge List
- b. Tasks required on each bridge

Services Requested

(Detailed description of services required.)

Documents Furnished by the State (attached)

Additional Scope of Services Notes

Task Order Completion Time

___ days from Notice to Proceed.

Due date for Cost Proposal:

Please submit your proposal to:

Omar Abu-Hajar
Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223-1102

**General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 97103**

If you have any questions or comments regarding this request, please contact this office prior to submitting your proposal.

Respectfully,

Attachments:

cc: file

Authorization to Proceed - Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Reference is made to your task order proposal dated _____, requesting compensation for the identified task.

Effective this date you are hereby authorized to proceed with the subject task order.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No. _____, as follows:

Actual costs plus a net fee of _____ (\$ _____). The maximum prime compensation shall not exceed _____ (\$ _____).

Please address your written acknowledgment of this communication to:

Omar Abu-Hajar
Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223-1102

Respectfully,

cc: file

Ben Mann

From: Abu-Hajar, Omar <Omar.AbuHajar@dot.state.oh.us>
Sent: Tuesday, February 04, 2014 1:18 PM
To: Ben Mann
Subject: Legislative Consent
Attachments: PID97103_Municipal Bridge Inspection Services Consent Legislation.doc; Exhibit A_VAR-STW-GES_SoS_PID_97103.pdf

Ben,

As a follow up to my voicemail, please see below:

ODOT is launching a new program to help municipalities across the state in achieving full compliance with FHWA's bridge metrics. The metrics are shown in the following link: <http://flh.fhwa.dot.gov/programs/fabs/documents/2013-metrics.pdf>. The program is named "STW MUNI BRDG INSP PROG 2", PID: 97103 with a start date around 7/1/2014. It will be fully funded by ODOT. We are asking each municipality having bridges open to the public if they wish to opt in or opt out of the program. Please respond to this email with your answer including a signed legislative consent form. A template form is provided in the attachment

Bridge Management System (BMS) is showing only (23) vehicular open to traffic bridge(s) for which City of Fairfield has the inspection responsibility. The city will not incur any cost in joining this program.

Please let me know if you would like to opt in or opt out of this program soon.

Regards,

Omar Abu-Hajar, P.E.
Local Bridge Program Manager
Office of Structural Engineering
Mail Stop 5180
Ohio Department of Transportation
1980 West Broad Street, 3rd Floor
Columbus, Ohio 43223
Tel: 614-387-1257

Ordinance to authorize the City Manager to enter into an agreement with Ohio Department of Transportation for Bridge Inspection Services.
PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution # : _____

PID No. : 97103

County/Route/Section : _____

The following is a/an _____ enacted by the _____ of _____
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.

NOW THEREFORE, be it ordained by the _____ of _____ County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V Authority to Sign

I, _____ of said _____ is hereby empowered on behalf of the
(Contractual Agent) (LPA)
_____ to enter into contracts with the Director of Transportation which is necessary to
(LPA)
complete the above described project.

Passed: _____, 2 _____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

Attested: _____
(Title)

(President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 2____.
(LPA)

That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in _____
Page _____
(Record No.) (Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

(Clerk)

(CITY SEAL)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the _____ of _____ County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

Item No. 11(A)(c)

March 24, 2014

Item

Appointment of members to Fairfield's boards and commissions.

Financial Impact

None

Synopsis/Background

Each year on March 31, positions become available on Fairfield's various boards and commissions due to expiring terms of office. Advertising for the March 31 vacancies began on January 1, 2014 and concluded on February 14, 2014. The members of City Council interviewed applicants on February 22, 2014 and March 1, 2014.

Recommendation

It is recommended that City Council, via simple motion, appoint the following residents to serve on the various boards and commissions **effective April 1, 2014**:

Board of Zoning Appeals – Greg Porter, term expires 3/31/2019
Design Review Committee – Jeffrey Larkin, term expires 3/31/2016
Ward Boundary Review – Keith Foster

Environmental Commission:

David Colteryahn, term expiring March 31, 2017
Greg LoBuono, term expiring March 31, 2017
Gwen Ritchie, term expiring March 31, 2016
Adam Sackenheim, term expiring March 31, 2015
Charles Ullrich, term expiring March 31, 2017

Cultural Arts Advisory Commission:

Sherry Knapp-Brown, term expiring March 31, 2017
Abigail Slaven, term expiring March 31, 2016
Joan Hume, term expiring March 31, 2016

LEGISLATIVE ACTION:

SIMPLE MOTION

Prepared by: Alisha Wilson

Approved for Content by: Alisha Wilson

Financial Review (where applicable) by: Mary Heston

Legal Review (where applicable) by: Sam Claman

Accepted by Council Agenda: Alisha Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

DATE: 3/24/14

ITEM: Ordinance to amend Chapter 725, Peddlers and Solicitors, of the Codified Ordinances of Fairfield, Ohio.

FINANCIAL IMPACT: Minimal financial impact.

SYNOPSIS: The amendments to Chapter 725 primarily involve having the Chief of Police issue the license or registration instead of the City Manager, having the license or registration in a displayable form and more detailed information being required of the applicants.

BACKGROUND: It has been determined that it is more appropriate to have the Chief of Police issue the Peddlers and Solicitors licenses/registrations instead of the City Manager's office. The Police Department does the background checks currently and has the capability to issue the displayable license/registration.

RECOMMENDATION: It is recommended that Council adopt an ordinance to amend Chapter 725 of the Codified Ordinances as described above.

LEGISLATIVE ACTION:

Suspension of Rules and Adoption Requested? ___ Yes x No
If **yes**, explain above.

Emergency Provision Needed? ___ Yes x No
If **yes**, explain above.

Prepared by: Jeff Clemmons

Approved for Content by: Jeff Clemmons

Financial Review (where applicable): Mary Hagan

Legal Review (where applicable): Jeff Clemmons

Accepted for Council Agenda: Mark Wilson

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 725, PEDDLERS AND SOLICITORS,
OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF
FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Chapter 725, Peddlers and Solicitors, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, is hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CHAPTER 725
Peddlers, [and] Solicitors AND CANVASSERS

- 725.01 Definitions.
- 725.02 License required.
- 725.03 Application.
- 725.04 Investigation; refusal or issuance; **APPEALS.**
- 725.05 Fees.
- 725.06 Loud noises and speaking devices.
- 725.07 Use of streets.
- 725.08 Hours.
- 725.09 Exhibition of license **AND DISPLAY OF IDENTIFICATION BADGE.**
- 725.10 Enforcement.
- 725.11 Revocation.
- 725.12 **[Appeals.] NOTICE PROHIBITING PEDDLERS OR SOLICITORS; PEDDLING OR SOLICITING CONTRARY TO POSTED SIGN OR NOTICE**
- 725.13 License **AND/OR IDENTIFICATION BADGE** not tranferable; license to be specific.
- 724.14 FALSE REPRESENTATIONS.**
- [725.14] 725.15** Severability.
- 725.99 Penalty.

EXHIBIT "A"

725.01 DEFINITIONS.

(a) "Person" includes the singular and the plural and shall also include any person, firm or corporation, association, club, copartnership or society or any other organization.

(b) "Peddler" includes any person, whether a resident of the City or not, traveling by foot, wagon, motor vehicle, trailer or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, agricultural products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or taking orders for the purchase of goods, wares or merchandise by description, sample, lists or catalogues, or subscriptions for books and magazines from a person not a dealer therein, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, trailer or other vehicle or conveyance or from any place other than a permanent building; provided, however, that this definition shall not include:

- (1) Any person working for or on behalf of any recognized educational, political, civic, religious, medical or charitable organization or cause;
- (2) Any person who sells or offers for sale any agricultural product of his own raising;
- (3) Any person engaged in the sale of dairy or bakery products by traveling over regularly established routes and transacting business on private property; and
- (4) Any person who offers to sell, sells or delivers goods, wares, merchandise or agricultural products or provisions exclusively to commercial business establishments.

(5) CANVASSERS

(c) **"CANVASSER". ANY PERSON WHO SEEKS TO DISSEMINATE ANY LAWFUL MESSAGE BY MEANS OF TRAVELING FROM PLACE TO PLACE WITHOUT SOLICITING FUNDS OR DONATIONS. "CANVASSER" ALSO INCLUDES PERSONS DISSEMINATING INFORMATION ABOUT PRODUCTS OR SERVICES FOR SALE OR OTHER MATTERS SO LONG AS THOSE PERSONS DO NOT ATTEMPT TO MAKE PERSONAL CONTACT WITH RESIDENTS, BUSINESSES OR MEMBERS OF THE PUBLIC.**

"Peddler" includes hawker, huckster and solicitor.

~~[[Ord. 100-80, Passed 7-14-80.]]~~

725.02 LICENSE REQUIRED.

No person shall engage in the business of peddler as defined in Section 725.01 within the City without first obtaining a license therefor **UNDER THIS CHAPTER.** (Ord. 100-80. Passed 7-14-80.)

725.03 APPLICATION.

Applicants for a license under this chapter shall file with the ~~[City Manager]~~ **POLICE CHIEF**, a sworn application in writing in duplicate on a form to be furnished by the ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** which shall give the following information:

- (a) Name and description of the applicant;
- (b) Address (legal and local);

- (c) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;
- (d) If employed, the name and address of the employer together with credentials establishing the exact relationship;
- (e) The length of the time for which the right to do business is desired.
- (f) **CONSENT TO CONDUCT A CRIMINAL BACKGROUND INVESTIGATION(S).** (Ord. 100-80. Passed 7-14-80.)

725.04 INVESTIGATION; REFUSAL OR ISSUANCE; APPEALS.

(a) Upon receipt of the application, ~~[the original shall be referred to]~~ the Chief of Police **OR DESIGNEE**, ~~[who]~~ shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. **ALL INDIVIDUALS WHO ARE TO ENGAGE IN PEDDLING UNDER THE REQUESTED LICENSE MUST CONSENT TO A CRIMINAL BACKGROUND INVESTIGATION BY THE FAIRFIELD POLICE DEPARTMENT BEFORE BEING ISSUED A LICENSE OR IDENTIFICATION BADGE.**

(b) If, as a result of the investigation, the applicant's **OR ANY INDIVIDUAL PEDDLER'S** character or business responsibility is found to be unsatisfactory, the Chief of Police **OR DESIGNEE** shall endorse on the application his/HER disapproval and his/HER reasons for the same ~~[and return the application to the City Manager, who may]~~ **AND** notify the applicant that ~~[his]~~ **THE** application is disapproved and that no license shall be issued.

(c) If, as a result of the investigation, the character and business responsibility of the applicant **AND ALL INDIVIDUAL PEDDLERS** are found to be satisfactory, the Chief of Police **OR DESIGNEE** shall endorse on the application his/HER approval and ~~[return the application to the City Manager who may,]~~ upon payment of the prescribed license fee, deliver to the applicant ~~[his]~~ **THE** license **AND AN IDENTIFICATION BADGE(S) ON FORMS TO BE PROVIDED BY THE CHIEF OF POLICE.** The license shall contain the signature of the issuing officer **WITH A NOTATION THAT THIS SIGNATURE DOES NOT SERVE AS AN ENDORSEMENT OF THE LICENSEES' PRODUCT OR SERVICES** ~~[and shall show the name and address of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance as well as the license number and other indentifying description of any vehicle used in such peddling].~~ The ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** may also require~~d~~ a recent photograph of the licensee to be included on the license **AND/OR IDENTIFICATION BADGE(S).** All licenses **AND/OR IDENTIFICATION BADGES** issued under this chapter shall expire on December 31, in the year when issued. The ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** shall keep a ~~[permanent]~~ record of all licenses **AND/OR IDENTIFICATION BADGES** issued. (Ord. 100-80. Passed 7-14-80.)

(d) **ANY PERSON AGGRIEVED BY THE ACTION OF THE POLICE CHIEF OR DESIGNEE IN THE DENIAL OF AN APPLICATION FOR A LICENSE AS PROVIDED IN SECTION 725.04, OR IN THE DECISION WITH REFERENCE TO THE REVOCATION OF A LICENSE AS PROVIDED IN SECTION 725.11 SHALL HAVE THE RIGHT OF APPEAL TO THE CITY MANAGER. THE APPEAL SHALL BE TAKEN BY FILING WITH THE CITY MANAGER'S OFFICE, WITHIN FOURTEEN DAYS OF THE DENIAL OR REVOCATION OF A LICENSE, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS FOR THE APPEAL. THE CITY MANAGER OR DESIGNEE SHALL SET A TIME AND PLACE**

FOR A HEARING OF THE APPEAL, WHICH SHALL BE HELD WITHIN 30 DAYS OF THE FILING OF THE APPEAL WITH THE CITY MANAGER AND NOTICE OF THE HEARING SHALL BE GIVEN TO THE APPELLANT. THE DECISION AND ORDER OF THE CITY MANAGER OR DESIGNEE ON THE APPEAL SHALL BE FINAL. (ORD. 100-80. PASSED 7-14-80.)

725.05 FEES.

For the license to be issued under the provisions of this chapter each applicant shall pay to the City a fee of fifty dollars (\$50.00) per year. A separate ~~[license]~~ IDENTIFICATION BADGE shall be required for each ADDITIONAL individual peddler, whether or not employed by one person, firm or corporation and a fee of ~~[two]~~ FIVE dollars ~~[((\$2.00)]~~ (\$5.00) shall be paid for each additional ~~[license]~~ IDENTIFICATION BADGE for peddlers employed by one person, firm or corporation UNDER ONE LICENSE. The annual fees provided for herein shall be assessed on a calendar year basis COMMENCING JANUARY 1 OF EACH YEAR. ~~[and on and after July 1, of each year. The amount of the fee for the annual license shall, for the remainder of the year, be twenty five dollars (\$25.00).]~~ (Ord. 100-80. Passed 7-14-80.)

725.06 LOUD NOISES AND SPEAKING DEVICES.

No peddler, nor any person on his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be IN VIOLATION OF SUBSECTION 521.13(a) OF THESE CODIFIED ORDINANCES ~~[capable of being plainly heard upon the streets, parks or other public places,]~~ for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell. (Ord. 100-80. Passed 7-14-80.)

725.07 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 100-80. Passed 7-14-80.)

725.08 HOURS.

All peddling done under license issued by virtue of this chapter shall be conducted between 9:00 a.m. and 7:00 p.m. on Mondays through Saturdays. No peddling shall be conducted on Sunday ~~[unless the license specifically provides for Sunday sales].~~ (Ord. 100-80. Passed 7-14-80.)

725.09 EXHIBITION OF LICENSE AND DISPLAY OF IDENTIFICATION BADGE.

Peddlers are required to exhibit their licenses at the request of any resident, BUSINESSPERSON OR POLICE OFFICER. PEDDLERS ARE REQUIRED TO DISPLAY THE

IDENTIFICATION BADGE ON THEIR PERSON AT ALL TIMES WHILE ENGAGED IN PEDDLING WITHIN THE CITY.

(Ord. 100-80. Passed 7-14-80.)

725.10 ENFORCEMENT.

It shall be the duty of any police officer of the City to require any person seen peddling, who is not known by the officer to be duly licensed, to produce his/HER peddler's license AND/OR IDENTIFICATION BADGE and FOR THE POLICE OFFICER to enforce this chapter against any person found to be violating the same.

(Ord. 100-80. Passed 7-14-80.)

725.11 REVOCATION.

Licenses AND/OR IDENTIFICATION BADGES issued under this chapter may be revoked by the ~~[City Manager]~~ POLICE CHIEF OR DESIGNEE for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. 100-80. Passed 7-14-80.)
- (f) **FALSELY REPRESENTING THAT THE CITY OF FAIRFIELD OR ANY EMPLOYEE OR OFFICIAL THEREOF IS AN ENDORSER OF THE PRODUCT OR SERVICES PROVIDED BY THE PEDDLER, SOLICITOR AND/OR CANVASSER.**

725.12 ~~[APPEALS.]~~ NOTICE PROHIBITING PEDDLERS OR SOLICITORS; PEDDLING OR SOLICITING CONTRARY TO POSTED SIGN OR NOTICE.

~~[Any person aggrieved by the action of the Police Chief or the City Manager in the denial of an application for a license as provided in Section 725.04, or in the decision with reference to the revocation of a license as provided in Section 725.11 shall have the right of appeal to Council. The appeal shall be taken by filing with Council, within fourteen days, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant. The decision and order of Council on the appeal shall be final. (Ord. 100-80. Passed 7-14-80.)]~~

(a) NO PERSON ENGAGING OR ATTEMPTING TO ENGAGE IN PEDDLING OR SOLICITING SHALL ENTER OR REMAIN ON THE PREMISES AFTER BEING REQUESTED TO LEAVE, KNOCK AT THE DOOR, OR RING THE DOORBELL OF ANY RESIDENCE, PLACE OF BUSINESS OR PREMISES IN THE CITY UPON WHICH IS CLEARLY DISPLAYED A SIGN OR OTHER VISIBLE NOTICE THAT READS "NO SOLICITORS" OR THAT OTHERWISE CLEARLY PURPORTS TO PROHIBIT PEDDLERS, VENDORS OR SOLICITORS, UNLESS SUCH PERSON HAS BEEN SPECIFICALLY INVITED UPON THE PREMISES BY AN OCCUPANT THEREOF.

725.13 LICENSE AND/OR IDENTIFICATION BADGE NOT TRANSFERABLE; LICENSE TO BE SPECIFIC.

(a) No license OR IDENTIFICATION BADGE shall be assigned or transferred. No license OR IDENTIFICATION BADGE shall authorize any person, firm or corporation other than the one named therein to do business.

(b) No licensee shall conduct any other business than is listed in his/HER license to be transacted. (Ord. 100-80. Passed 7-14-80.)

725.14 FALSE REPRESENTATION.

NO PEDDLER, SOLICITOR OR CANVASSER SHALL FOR THEMSELVES, THEIR FIRM, COMPANY OR ORGANIZATION OR THEIR PRODUCTS OR SERVICES FALSELY REPRESENT OR FALSELY INSINUATE ENDORSEMENT, EMPLOYMENT, PARTNERSHIP OR OTHER AFFILIATION WITH ANY OTHER PERSON, FIRM, PUBLIC ENTITY, CHARITY OR ORGANIZATION OF ANY KIND WHEN, IN FACT, SUCH ENDORSEMENT, EMPLOYMENT, PARTNERSHIP OR AFFILIATION DOES NOT EXIST.

[725.14] 725.15 SEVERABILITY.

This chapter and the various parts, section and subsections thereof, are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or word of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ord. 100-80. Passed 7-14-80.)

725.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a third degree misdemeanor. Each day's violation shall constitute a separate offense. (Ord. 38-88. Passed 2-22-88.)

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 14C(1)

ITEM:

DATE: 3/24/14

Amendment to the Wage and Salary Ordinance in accordance with a collective bargaining agreement between the City and the International Union of Firefighters, Local 4010 (IAFF) as well as the related annual range adjustment.

FINANCIAL IMPACT:

There will be no financial impacts since these changes were anticipated in the 2014 Operating Budget.

SYNOPSIS:

The collective bargaining agreement between the IAFF was approved on March 10, 2014, and provides for wage increases effective April 1, 2014 for positions represented by the IAFF. This amendment to the Wage and Salary Ordinance incorporates those increases.

BACKGROUND:

In 2014 the City entered into a three-year collective bargaining agreement with the IAFF. The new wage rates and ranges effective April 1, 2014 incorporate the negotiated 3.0% wage increase. The agreement also requires employees to assume a greater share of the cost of the City's health care premium in years two and three of the agreement (the current cost-share of 15% will remain in place for 2014/2015, increasing to 16% in 2015/2016 and 17% in 2016/2017). The increase to base wages is 3% for each year of the contract, but after adjustment for the health care premium deduction, employees will receive effective raises of 3% in 2014/2015; 2.5% in 2015/2016; and 2.5% in 2016/2017. The respective increases in the employee health insurance premium contribution will be effective August 1, 2015 and August 1, 2016.

RECOMMENDATION:

It is recommended that City Council adopt the attached ordinance authorizing the changes in the Wage and Salary Ordinance as described above. Rules suspension and emergency adoption of this ordinance is requested so that the changes can be effective April 1, 2014.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? If yes, explain above.
yes no

Emergency Provision Needed? If yes, explain above.
yes no

Prepared by: Mark T. Wendling Mark T. Wendling, Asst. City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Asst. City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN SALARIED AND HOURLY EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN EMPLOYEES, TO REPEAL ORDINANCE NO. 88-13 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

Sec.1 Ordinance No. 88-13 and all amendments thereto and all other ordinances inconsistent herewith are hereby repealed as the respective sections of this ordinance become effective as stated in Section 14 hereof. Changes from Ordinance No. 88-13 are shown in bold, with deletions in brackets.

Sec.2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance.

Sec.3 The terms of the agreements of each bargaining unit of the City shall apply to all members of the bargaining unit, whether or not they are members of the union which represents that bargaining unit.

Sec.4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.

Sec.5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Civil Service Commission

One (1) Clerk of Commission (PT) 18.33-20.30 per hour

B. Special Appropriations

One (1) Clerk I 17.04-20.04 per hour
Two (2) Clerks (PT) 7.85-17.05 per hour

Sec.6 In the Department of Development Services there are the following classifications of jobs and rates of pay:

A. Development Services

One (1) Clerk of the Planning Commission \$600-1024.00 per annum

B. Division of Building and Zoning Inspection

One (1) Building Inspector* 28.95-30.12 per hour
One (1) Heating Inspector* 28.95-30.12 per hour
One (1) Electrical Inspector* 28.95-30.12 per hour
One (1) Clerk II 20.63-21.94 per hour
One (1) Clerk I 17.04-20.04 per hour
Three (3) Zoning Inspector/Clerks 20.63-21.94 per hour
One (1) Zoning Inspector/Clerk (PT) 7.85-17.05 per hour
One (1) Plans Reviewer (PT) 21.93-33.92 per hour
One (1) Electrical Inspector (PT/TEMP) 21.93-33.92 per hour

* Additional certifications in Building, Heating and/or Electrical other than that required in classification, add \$1.00 per hour.

Sec.7 In the Department of Finance are the following classifications of jobs and rates of pay:

A. Finance Administration/Financial Services

Two (2) Account Clerk II	20.63-21.94 per hour
Four (4) Account Clerk I	17.04-20.04 per hour
Three (3) Clerks (PT)	7.85-17.05 per hour

B. Income Tax

One (1) Account Clerk II	20.63-21.94 per hour
Four (4) Account Clerk I	17.04-20.04 per hour
One (1) Clerks (PT)	7.85-17.05 per hour

Sec.8 In the Police Department are the following classifications of jobs and rates of pay:

Three (3) Lieutenants	41.01-44.28 per hour
Ten (10) Sergeants	36.60-39.52 per hour
Forty-seven (47) Police Officers*	22.28-35.12 per hour
Ten (10) Dispatchers**/****	19.15-22.34 per hour
Eight (8) Dispatchers (PT)	19.15-22.34 per hour
Four (4) Clerk II***	20.63-21.94 per hour
Four (4) Clerk I	17.04-20.04 per hour
One (1) Crime Prevention Coordinator (PT)	19.48-22.50 per hour
One (1) Animal Control Officer	17.46-20.49 per hour
One (1) Animal Control Officer (PT)	17.46-20.49 per hour
One (1) Park Ranger***	20.45-23.11 per hour
Three (3) Park Rangers (PT)	20.45-23.11 per hour
Two (2) Police Services Aides (PT)	17.84-22.74 per hour
One (1) Receptionist (PT)	7.85-17.05 per hour

* A Police Officer assigned as Field Training Officer for a new Officer will be paid an additional \$1.50 per hour for hours worked in the company of the new Officer as long as the Field Training Officer remains responsible for the training of the new Officer.

** Dispatchers assigned training responsibilities will be paid an additional \$0.50 per hour for the duration of the assignment.

*** Crew leader position established to receive an additional .30 per hour.

**** Appointed Dispatch Foreman will be paid \$26.66 per hour.

Sec.9 In the Fire Department are the following classifications of jobs and rates of pay:

Three (3) Captains ***	[29.74-30.94]	30.63-31.87 PER HOUR
Six (6) Lieutenants **/***	[26.71-28.37]	27.51-29.22 PER HOUR
Eighteen (18) Firefighter/Paramedics*/**	[17.22-26.33]	17.74-27.12 PER HOUR
Three (3) Captains (PT)		16.58-18.78 per hour
One (1) Lieutenant (PT)		15.06-17.92 per hour
One (1) Training Coordinator (PT)		17.79-23.04 per hour
One (1) Asst. Training Coordinator (PT)		15.06-17.92 per hour
Seventy-five (75) PT Firefighters/EMT-A****		14.64-16.58 per hour
Two (2) Safety Inspectors (PT)		14.64-18.07 per hour
One (1) Clerk II		20.63-21.94 per hour

* Additional \$1.00 per hour paid when serving as Station Supervisor.

** Additional \$2.00 per hour paid when serving as Acting Captain.

*** Includes eligibility for a \$.50 merit bonus.

**** Additional \$.50 per hour when assigned to a Medic Unit.

Sec.10 In the Department of Public Works are the following classifications of jobs and rates of pay:

A. Construction Services

One (1) Clerk II	20.63-21.94 per hour
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One (1) Construction Inspector*	28.86-30.02 per hour
Two (2) Sidewalk Inspectors (PT)	7.85-17.05 per hour

* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

B. Engineering Services

One (1) GIS-GPS Mapping Technician/ Traffic Analyst	28.86-30.02 per hour
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C. Municipal Building Maintenance

One (1) Custodial Worker*	18.23-20.24 per hour
One (1) Maintenance Worker/Laborer**	19.26-26.66 per hour

* Crew Leader position established to receive an additional \$0.30 per hour.

** Crew Leader positions established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

D. Division of Streets and Transportation

Twenty Two (22) Maintenance Workers/Laborers**	19.26-26.66 per hour
Four (4) Laborers (Temp/PT)	7.85-17.05 per hour
One (1) Clerk II	20.63-21.94 per hour

** Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies.

A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

E. Municipal Garage

Four (4) Mechanics *	20.45-25.45 per hour
One (1) Clerk II	20.63-21.94 per hour

*Mechanic Foreman position to receive an additional \$1.25 per hour.

Sec. 11 In the Department of Parks & Recreation there are the following job classifications and rates of pay:

A. Administration and Recreation

One (1) Clerk II	20.63-21.94 per hour
One (1) Clerk I	17.04-20.04 per hour
Five (5) Clerks (PT)	7.85-17.05 per hour
Six (6) Recreation Programmers (PT)	13.65-19.60 per hour
Four (4) Facility Attendants (PT)	7.85-17.05 per hour
Five (5) Cashiers (PT)	7.85-17.05 per hour
Forty (40) Recreation Leaders (PT)	7.85-17.05 per hour

B. Parks and Recreation Maintenance

Six (6) Maintenance Worker Laborers**	19.26-26.66 per hour
Sixteen (16) Laborers (Temp/PT)	7.85-17.05 per hour

** Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

C. Marsh Fishing Lake

One (1) Fishing Lake Supervisor (PT)	13.65-19.60 per hour
Eight (8) Cashiers (PT)	7.85-17.05 per hour

D. Recreation Center-Swimming Pool

One (1) Pool Supervisor (Temp)	13.65-19.60 per hour
Two (2) Senior Lifeguards (Temp)	7.85-17.05 per hour
Forty-four (44) Lifeguards (Temp)	7.85-17.05 per hour
Two (2) Cashiers (PT)	7.85-17.05 per hour

E. Recreation Center-Golf Course

One (1) Turf Mechanic/Maintenance Worker	20.45-25.44 per hour
Two (2) Greenskeepers *	23.81-26.03 per hour
One (1) Maintenance Worker/Laborer**	19.26-26.66 per hour
Seventeen (17) Laborers (Temp/PT)	7.85-17.05 per hour
Four (4) Pro Shop Supervisors (PT)	13.65-19.60 per hour
Fifty (50) Cashiers (PT)	7.85-17.05 per hour

* Crew Leader established to receive additional \$0.30 per hour.

** Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

Sec.12 In the Department of Public Utilities are the following classifications of jobs and rates of pay:

A. Wastewater Division

One (1) Clerk II	20.63-21.94 per hour
Two (2) Laboratory Technicians****	20.20-29.57 per hour
(55 % of wages charged to Sewer Fund;	45% charged to Water Fund)
One (1) Construction Inspector*	28.86-30.02 per hour
Fourteen (14) Operator/Maintenance Workers***	20.45-28.62 per hour
Three (3) Maintenance Worker/Laborers**	19.25-23.49 per hour
Two (2) Laborers (PT)	7.85-17.05 per hour

* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

** Crew Leader position(s) established to receive an additional .30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. Maintenance Worker Laborer required to maintain proficiency on two pieces of equipment only shall be compensated an additional \$0.15 per hour while maintaining those proficiencies. Wastewater Division employees in the Maintenance Worker Laborer Classification shall be compensated for the single highest level Wastewater License achieved as follows:

Class I Operations	\$0.83
Class II Operations	\$2.64
Class III Operations	\$4.48

*** Chief Operator, Instrumentation Foreman, Maintenance Foreman and Collection Foreman to receive \$1.25 over their regular rate of pay. Assistant Collection Foreman/Data Specialist, Assistant Instrumentation Foreman to receive \$0.75 per hour added to regular rate of pay. Crew leader position(s) established to receive an additional \$0.30 per hour.

**** Laboratory Technicians with Class III Water Plant Operator License or Voluntary Wastewater Lab Certifications to receive an additional \$0.50 per hour each. Lab Supervisor to receive \$1.25 in addition to regular rate of pay.

B. Water Division

One (1) Clerk II	20.63-21.94 per hour
Three (3) Meter Readers**/****	21.62-22.76 per hour
(55% of wages charged to Water Fund;	45% charged to Sewer Fund)
Fifteen (15) Operator/Maintenance Workers*/****	20.45-27.97 per hour
Two (2) Laborers (PT/Temp)	7.85-17.05 per hour

* Chief Operator and Foreman positions to receive \$1.25 over their regular rate of pay.

** Crew Leader position(s) established to receive an additional \$0.30 per hour.

*** Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies.

A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour. An employee in the Meter Reader or Maintenance Worker Laborer Classification in the Water Division shall be compensated for one Water Supply License and /or one Water Distribution License as follows:

Class I Water Supply	\$0.50	Class I Water Distribution	\$0.25
Class II Water Supply	\$1.00	Class II Water Distribution	\$0.50
Class III Water Supply	\$1.50		

Sec.13 There shall be established a labor pool of temporary or part-time employees who will be eligible to work at any time within the duration of this ordinance. These temporary/part-time employees may work in any city department and their wages will be charged to the department to which they are assigned. The following temporary or part-time positions are established:

Twenty-five (25) Employees (Temp/or P.T.)	7.85-17.05 per hour
-------------------------------------------	---------------------

Sec.14 The salaries, rates and conditions established by Sections 5-13 of this Ordinance shall be effective from and after the dates specified in the Union Contracts for employees included in bargaining units and at the earliest date allowed by law, for all other employees. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.

Sec. 15 The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 16 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

March 24, 2014

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$47,445.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

\$15,000 for purchase of hydrants for Water Division;
 \$13,950 for Review Appraisal Services for Route 4, South Gilmore & Holden Intersection Improvements;
 \$6,500 for Cellular Telephone Analysis Equipment, Software and Training
 \$11,955 for operation of Explorer's Post with Fairfield Police Department.

BACKGROUND:

Please refer to specific Council Communications dated March 24, 2014 for a description of these items.

RECOMMENDATIONS:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?

yes

 If yes, explain

no above

Emergency Provision Needed?

yes

 If yes, explain

no above

Prepared by: Alesha WilsonApproved for Content by: Alesha WilsonFinancial Review (where applicable) by: Mary HogueLegal Review (where applicable) by: John ClementsAccepted by Council Agenda: Alesha Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 3/24/14

Appropriation of \$15,000 for purchase of hydrants to be replaced under the City's 2013-2017 Capital Improvement Program for the Water Division.

FINANCIAL IMPACT:

The project is included in the proposed 2013-2017 Capital Improvement Program, under project WAT-13-010. Funding in the amount of \$15,000 was earmarked from the Water Surplus Fund.

SYNOPSIS:

The project is designed to replace hydrants that are older and/or hydrants that are difficult to obtain replacement parts for repairs. It is a concern that older hydrants may become obsolete or more difficult to repair in a timely manner. Typically, older hydrants are identified when roadway or other capital improvement projects are completed. However, some hydrants are replaced as part of a scheduled replacement program.

BACKGROUND:

The appropriation will provide a source of revenue to purchase replacement hydrants through the City's normal purchasing procedures.

RECOMMENDATION:

It is recommended that City Council appropriate \$15,000 from the Water Surplus Fund for purchase of hydrants to be replaced under the City's 2013-2017 Capital Improvement Program for the Water Division.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?

If yes, explain above.

yes

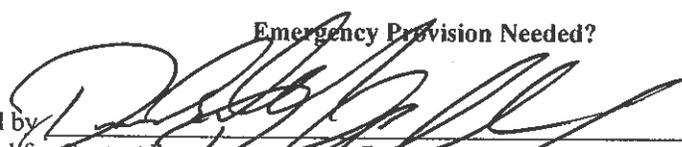
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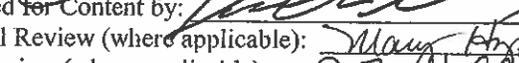
Emergency Provision Needed?

If yes, explain above.

yes

no

Prepared by: 

Approved for Content by: 

Financial Review (where applicable): Mary Ann

Legal Review (where applicable): John H. Clemmons

Accepted for Council Agenda: [Signature]

E. N. MERRELL & ASSOCIATES
Real Estate Appraisers and Consultants
289 Barrington Drive
Westerville, Ohio 43082
Phone (614) 891-0311
Fax (614) 891-0372

Edwin N. Merrell, A.S.A.
Member
American Society of Appraisers
State Certified
General Real Estate
Certificate No.: 383751

March 10, 2014

Mr. Ben Mann, P.E.
City Engineer
City of Fairfield, Ohio

RE: Review Appraisal Service, BUT-SR 4-3.00

Dear Mr. Mann:

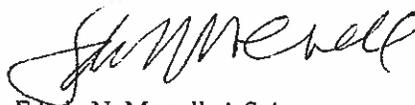
This letter is in response to your request for review appraisal services in Fairfield on the above revered project.

These review appraisals will follow the standards of the Ohio Department of Transportation for right-of-way acquisition.

The fees for this assignment are considered appropriate at \$9,850 based upon the preliminary information that we talked about and the right-of-way plans. ODOT now requires a Parcel Impact Note or PIN for each parcel prior to the start of the appraisal process. The fee for each PIN is considered appropriate at \$150. These fees would be my total compensation for providing appraisal review services. These fees do not include any pre-trial consulting, which is at \$175.00/hr., courtroom testimony, which is at \$1,200.00/day, revisions and/or updates. If this proposal is acceptable to you, please send a confirmation or purchase order.

The reports can be reviewed and returned within 14 days from the time that I receive the reports. The fees are based upon a cursory exterior inspection of the property. If this proposal is acceptable to you, please send a confirmation or purchase order. Thank you for letting me be of service.

Sincerely,



Edwin N. Merrell, A.S.A.
Ohio Designation - Certified General
Certificate # 383751

ENM/lme

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM: Appropriation – Cellular Telephone Analysis Equipment, Software, and Training 3/24/2014

FINANCIAL IMPACT:

\$6,500 one-time expenditure.

BACKGROUND:

Cellular phones are used by almost every individual. Offenders often use mobile phones to plan or facilitate criminal acts. Even in non-criminal investigations, such as missing person cases, cellular telephone data can provide a number of leads to assist in locating a missing person. Thus, it is advantageous to have equipment readily available that is able to download the information contained within these phone or obtained from the vendor under appropriate investigative circumstances. Cellebrite® phone analysis equipment is able to download the information from several phone manufacturers. The THREADS™ software package takes downloaded phone information and creates a database that can be used to develop patterns, correlations and relationships based on data from Cellebrite®. Cellebrite® and THREADS™ can be purchased separately for about \$8,000; however, the Department of Justice has offered us a subsidized opportunity.

Detective Kevin Mack is scheduled for a phone analysis class in April 6-12, 2014 at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. The cost of the class is estimated at \$6,100 plus travel expenses. The federal government will reduce the cost of the course by any available grants or subsidies it receives. Upon completion of the training, the Fairfield Police Department will receive the equipment and software from the federal government including the Cellebrite® hardware, THREADS™ software, and a laptop computer.

RECOMMENDATION:

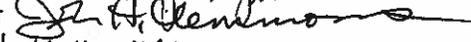
It is recommended that Council appropriate \$6,500 from the Capital Improvement Fund for the above described training, equipment, and software. Housing and meals at FLETC are included in the fee. Travel will be by city vehicle which necessitates two days per diem.

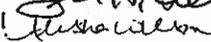
LEGISLATION ACTION:	Suspension of Rules and Adoption Requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
	Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO

Prepared by: Michael J. Dickey, Chief of Police 

Approved for Content by: Michael J. Dickey, Chief of Police

Financial Review (where applicable): Mary Hopton, Director of Finance 

Legal Review (where applicable): John Clemmons, Law Director 

Accepted for Council Agenda: Alisha Wilson, Clerk of Council 

To: Detective Kevin Mack

Good afternoon! You are tentatively enrolled in the **Mobile Device Investigations Training Program (G_MDIP-401)**, scheduled for **April 7 – 11, 2014**, here at the Federal Law Enforcement Training Center (FLETC) located at 1131 Chapel Crossing Road in Glynco, Georgia. Please confirm that you plan to attend so I can complete your enrollment.

This class is ~~not~~ currently confirmed to run. Please reply whether or not you plan to attend and I will let you know immediately when enough students have responded to confirm that it will run.

Arrival Date: Sunday, April 6, 2014 any time

Class Begins: Monday, April 7, 2014 7:30 a.m.

Class Ends: Friday, April 11, 2014 4:30 p.m.

Departure Date: Saturday, April 12, 2014

Course Costs:

The estimated cost of this training is \$6,100 per person. This estimate is for planning purposes and is subject to change. This estimate includes tuition, on-Center meals and lodging. On-Center meals and lodging will be provided from the arrival date until the departure date.

Billing Info:

At this time, our office does not have any available funding assistance to assist with the cost of this training. The FLETC Finance office will send an invoice to your agency or department, approximately 30-45 days after you have completed the training. Please do not mail a check or bring one with you to the training, as the actual cost will not be determined until after the training has been completed.

Travel Expenses:

You are responsible for all travel expenses except for the complimentary FLETC transportation from and to our local airports.

Issued:

Students may be issued the following equipment/materials. The FLETC reserves the right to modify this list at any time and it is subject to change without notice. The specifications are frequently updated to respond to changing technology.

Any equipment issued should be considered the property of the department and not of an individual.

- Cellebrite Touch
- MacBook Pro 13"
- RF Flow (w/CD/DVD Kit) Software
- Lantern Software
- Streets & Trips Software

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM: Request for Appropriation – Explorer's Post

March 24, 2014

The Police Department requests an appropriation to provide for uniforms, equipment, and other expenses incurred in the operation of our Explorer's Post.

FINANCIAL IMPACT:

This appropriation is from the 2013 Justice Assistance Grant provided for the Explorer Post.

BACKGROUND: The police department applied for a grant from the U. S. Department of Justice to pay for police officers to conduct training sessions, fund uniforms, equipment and supplies for up to 20 explorers and to fund expenses for explorers and advisors to attend competitions and other exploring events. The total value of the award was \$11,955 and will be used through 2014.

Post advisors have requested the appropriation of \$11,995 to be used for competition supplies and other activities and equipment for the balance of the year. This represents the balance of the grants which must be obligated by September 30, 2014, when this two year grant expires.

RECOMMENDATION:

It is recommend that Council appropriate \$11,995 from the 215 Local Law Enforcement Block Grant fund enabling the police department to purchase explorer uniforms, training equipment, and operating supplies from the grant during the balance of this year. Expenditures will be for items that will be used throughout the term of the grant.

LEGISLATION ACTION:	Suspension of Rules and Adoption Requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
	Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO

Prepared by: Michael J. Dickey, Chief of Police

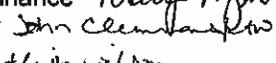


Approved for Content by: Michael J. Dickey, Chief of Police

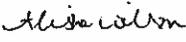
Financial Review (where applicable): Mary Hopton, Director of Finance



Legal Review (where applicable): John Clemmons, Law Director



Accepted for Council Agenda: Alisha Wilson, Clerk of Council





Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Fairfield 5230 Pleasant Avenue Fairfield, OH 45014-3555		4. AWARD NUMBER: 2013-DJ-BX-0720	
		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2014 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2014	
1A. GRANTEE IRS/VENDOR NO. 316006598		6. AWARD DATE 08/14/2013	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Law Enforcement Explorers' Post Program		10. AMOUNT OF THIS AWARD \$ 11,955	
		11. TOTAL AWARD \$ 11,955	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Michael J. Dickey Chief of Police	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCALYFUND C BUD.A OFC. DIV.RE SUB. POMS AMOUNT EAR ODE CT. G. X B DJ 80 00 00 11955		21. MDJUGT0324	

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 109-13 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 109-13, the 2014 Appropriation Ordinance, is hereby amended in the following respects:

From: Unappropriated Water Surplus Fund	\$15,000
To: 60516025-253200 Capital Equipment <i>(Fire Hydrants)</i>	\$15,000

From: Unappropriated Street Improvement Fund	\$13,950
To: 40116023-233300 Engineering Services <i>(Appraisal Services for Route 4, South Gilmore & Holden Intersection Improvements)</i>	\$13,950

From: Unappropriated Capital Improvement Fund	\$6,500
To: 40216025-253200 Capital Equipment <i>(Cellular Telephone Analysis Equipment, Software & Training)</i>	\$6,500

From: Unappropriated Law Enforcement Block Grant Fund	\$11,995
To: 21531024-241200 Non-Capital Equipment/Furnishings <i>(Explorer Grant from Department of Justice)</i>	\$11,995

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2014\Non Contractual 3-24 -- Ord