VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 2017-1199

AN ORDINANCE AMENDING IN THEIR ENTIRETY CHAPTERS 50, 51, 52 AND 53 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GEORGETOWN, BROWN COUNTY, OHIO REGARDING MUNICIPAL UTILITIES AND DECLARING AN EMERGENCY

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities, including the Village of Georgetown; and

WHEREAS, the Village of Georgetown has adopted ordinances governing and regulating utilities provided to its residents and others; and

WHEREAS, it is the desire of the Council of the Village of Georgetown to repeal Ordinance Nos. 677, 728, 742, 752, 754, 798, 799, 813, 814, 826, 834, 858, 873, 875, 1087, 1049, 1052, 1090, 1106, 1111, 1156 and 1167 related to utilities and utility rates and replace them in their entirety with the attached Exhibit A.

NOW BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, a two-thirds majority of all members thereof concurring as follows:

SECTION 1. That Chapters 50, 51, 52 and 53 of the Codified Ordinances of the Village of Georgetown (referred to as the Ohio Basic Code of Ordinances for the Village of Georgetown), be amended to read as set forth in the document entitled “Utilities” attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and it shall go into effect forthwith. The reason for the emergency is the immediate necessity of revising the Village’s Utility Ordinance and ensuring there will be no interruption in the collection of the Village of Georgetown utility taxes which are essential to the operation of the Village.

SECTION 3: That the Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of the Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.
SECTION 4: This Ordinance shall be in full force and effect from and after the earliest date allowed by law.

PASSED AND ADOPTED at a legally convened meeting of Council held on the 14th day of December, 2017.

[Signature]
Dale E. Cahall, Mayor

ATTEST:

[Signature]
Natalie K.R. Newberry, Fiscal Officer.
EXHIBIT A
TITLE V, PUBLIC WORKS

Chapter 50

UTILITIES, GENERAL PROVISIONS

50.01 DEFINITIONS

For the purposes of Title V of this Code, the following definitions shall apply:

(A) The word "village" shall mean the Village of Georgetown, Ohio.

(B) The words "Village Administrator" shall mean the Village Administrator of the Village of Georgetown, Ohio.

(C) The word "utilities" shall mean those utility services supplied by the Village of Georgetown and shall include electric, water, sewerage and garbage disposal service or any combination thereof.

(D) The words "Georgetown Utilities Department" shall mean the department of the Village of Georgetown responsible for furnishing, supplying, contracting for and billing for utilities services.

(E) The word "resident" shall mean the head of a family or one maintaining his or her separated living quarters on premises and shall include owners, tenants and occupants of all premises served by the Georgetown Utilities Department.

(F) The word "residence" shall mean the premises occupied by a resident.

(G) The word "premises" shall mean land or buildings (including mobile homes or housetrailers) or both, or parts of or both, occupied by a resident or commercial establishment.

(H) The words "commercial establishment" shall mean and include all other premises and institutions, public and private, charitable or non-charitable, served by the Georgetown Utilities Department.

(I) The words "utilities customer" shall mean any resident or commercial establishment using utilities services provided by the Village of Georgetown, Ohio on an open account in the name of such resident or commercial establishment.

(J) The words "utilities applicant" shall mean any resident or commercial establishment applying for utilities services to be provided by the Village of Georgetown, Ohio.

(K) The word "council" shall mean the legislative authority of the Village of Georgetown, Ohio.
(L) The words "Utilities Committee" shall mean the committee of council concerned with utilities matters.

(M) The words "senior citizen" shall mean a resident who has attained the age of at least sixty-five (65) years.

(N) The words "Golden Buckeye Cardholder" shall mean a resident who is the holder of a Golden Buckeye Card issued in accordance with the provisions of Ohio Revised Code Section 173.13 and rules promulgated thereunder.

50.02 SEPARATE UTILITIES CUSTOMERS

(A) Each residence and each commercial establishment shall be considered a separate utility customer notwithstanding that both may occupy the same premises.

(B) Each resident shall be charged a residential rate for utilities services and each commercial establishment shall be charged a commercial rate for utilities services.

50.03 APPLICATION FOR UTILITIES SERVICE

(A) Each applicant for utilities service shall make application for such service on a form to be furnished by the Georgetown Utilities Department.

(B) The Georgetown Utilities Department may require proof of identification of any applicant for utilities service and may require the applicant to furnish the identification of all persons residing in the premises to be served.

(C) The application shall be signed by the applicant or by a duly authorized representative of the applicant.

50.04 DENIAL OF UTILITIES SERVICE

The Georgetown Utilities Department may deny utilities service if:

(A) the premises to be served are subject to a delinquent utility bill owing to the Georgetown Utilities Department incurred by the applicant;

(B) the applicant has a delinquent utility bill owing to the Georgetown Utilities Department incurred at a prior premises; or

(C) a person residing at the premises to be served, having a business interest or ownership interest in the premises to be served or having an interest in the business to be located at the premises to be served has a delinquent utility bill owing to the Georgetown Utilities Department incurred at the same or a different premises.
(D) it is determined, based on past experience of the Georgetown Utilities Department with the applicant or another adult resident of the applicant’s household, that the applicant is not a good credit risk provided, however, that the Georgetown Utilities Department shall not deny utilities service to such applicant if the applicant:

(1) Makes an additional meter deposit for the utilities services sought or required in such amount as may be required the Georgetown Utilities Department which amount may be up to three (3) times the regular meter deposit provided by subsection 50.05, and/or

(2) Otherwise establishes, to the satisfaction of the Georgetown Utilities Department, that the applicant’s credit history has substantially improved since the time of the past experience of Georgetown Utilities Department the basis of the denial.

(E) it is determined that the structure to which such utilities services would be connected is either unsafe or unsanitary or otherwise unfit for human habitation or if it is determined that such structure would be unsafe, unsanitary or unfit for human habitation if such utilities services were to be connected. For purposes of this subsection, it shall be lawful for the Georgetown Utilities Department to deny all utilities service to such a structure if the furnishing of any utilities services provided by the Georgetown Utilities Department would render such structure unsafe, unsanitary or unfit.

50.05 METER DEPOSITS FOR NEW UTILITIES CUSTOMERS

(A) Except as otherwise provided herein, the Georgetown Utilities Department shall charge each utilities customer a deposit for each new premises served.

(B) The deposit charged and collected by the Georgetown Utilities Department shall be maintained as a separate identifiable account under the supervision and control of the Village Fiscal Officer.

(C) The deposit shall be applied to the payment of any arrearage in the utilities customer's account and, in the event the utilities customer is receiving more than one utilities service, the deposit may be applied to the payment of an arrearage for a utilities service other than the specific service for which the deposit was made. The deposit may also be applied to cover any damage to any utilities equipment caused by the negligent or intentional act of the utilities customer or any person under his control.

(D) The deposits to be charged and collected by the Georgetown Utilities Department are as follows:

(1) Electric Deposits:

(a) ordinary residential service or each residential apartment ....$150.00
(b) electrically heated residences or apartments ......................$200.00
(c) all commercial establishments .......................................$250.00
(d) all accessory structures (non-commercial) ......................$75.00
(2) Water and Sewer Deposits

(a)  water and sewer (combined) for all residential and  
    Commercial establishments .............................................. $50.00

(b)  water (only) for all residential and commercial  
    establishments ............................................................... $50.00

(c)  sewer (only) for all residential and commercial  
    Establishments.................................................................. $50.00

(E) Upon voluntary disconnect or termination of utilities services to a utilities  
    customer, the deposit shall be refunded upon surrender of the utilities deposit receipt, to the  
    person in whose name the account is carried or to such person's duly authorized representative,  
    upon satisfactory proof of identity, provided however, that the deposit shall be first applied to  
    any arrearage which may exist in such utilities customer's account and no refund shall be made  
    until such time as it is determined that no such arrearage exists. If a utilities customer or his  
    authorized representative is unable to produce a receipt, the Georgetown Utilities Department  
    may, upon satisfactory proof of identity, issue a refund based on information contained in the  
    records maintained by the Department and may require the utilities customer to sign a statement  
    that the utilities deposit receipt has been lost and that such customer will indemnify the Village  
    of Georgetown as to any and all claims which may be made against said Village by any other  
    person claiming a right to a refund of such deposit.

(F) Notwithstanding any other provision herein to the contrary, no governmental  
    entity (which term shall be construed to include any department or agency of the federal, state,  
    county, township or municipal government) shall be required to pay utilities deposit for utilities  
    services which are to be supplied directly to such governmental entity provided however, that the  
    Village Administrator may, in his discretion, require such a deposit for new or continued service  
    if the payment record of such governmental agency to the Georgetown Utilities Department has  
    been so slow or irregular that a utilities deposit should be required to protect the Village of  
    Georgetown from potential loss due to nonpayment.

50.06 UTILITY BILLS – AMOUNT

Each utility bill shall itemize the utility services provided and shall indicate an amount,  
known as the net amount, which shall be the total amount for all utility services provided. Each  
utility bill shall also indicate an amount, known as the gross amount, which shall be the total  
amount for all utility services provided plus ten percent (10%).

50.07 UTILITY BILLS - BILLING AND PAYMENT DATES

(A)  Bills for utilities services shall be calculated and mailed monthly by the  
    Georgetown Utilities Department to utilities customers on or about the 15th day of each month.

(B)  Each utility bill shall be clearly marked with a payment due date, which date shall  
    not be sooner than ten (10) days after such utility bill is mailed.
(C) If a situation exists such that it is not possible for the Georgetown Utilities Department to mail such utility bills or provide for payment thereof in any given month as specified in subparagraphs (A) and (B) of this subsection, the dates and time periods specified therein may be altered or amended on a month by month basis by the Village Administrator, in the exercise of his discretion, to achieve the most equitable result given all of the circumstances known to him.

**50.08 UTILITY BILLS, PAYMENT - BAD CHECK CHARGE**

(A) Payment of utility bills shall be made on or before the due date marked on the utility bill. If paid on or before such date, the net amount shall be paid; if paid after such date, the gross amount shall be paid. Each utility bill shall be considered paid on the due date if the proper remittance is deposited in the deposit box at the Georgetown Utilities Department prior to 8:00 a.m. of the first business day following the due date.

(B) Notwithstanding subparagraph (A) of this subsection, senior citizens and Golden Buckeye Cardholders shall be required to pay only the net amount even if paid after the due date marked on the utility bill.

(C) Payment by check on or before the due date shall be considered timely subject to such check being honored by the drawer's bank. Any check not honored by the drawer's bank upon presentation thereof for collection shall result in a $30.00 bad check charge being added to such utilities customer's account and, if such bad check charge is not immediately paid, it shall be considered an arrearage in such utilities customer's account.

**50.09 UTILITY BILLS, PARTIAL PAYMENT - INTEREST**

(A) No partial payment or payment for less than all services shall be accepted except as may be permitted by the Village Administrator based on extenuating circumstances.

(B) In the event partial payment for utility services is made by any utilities customer in accordance with subparagraph (A) of this subsection, such partial payment shall be credited to the various utilities accounts in the following order of priority:

1. to any arrearage for garbage disposal service;
2. to the current billing for garbage disposal service;
3. to any arrearage for sewerage service;
4. to the current billing for sewerage service;
5. to any arrearage for water service;
6. to the current billing for water service;
7. to any arrearage for electric service;
8. to the current billing for electric service.
(C) Unpaid utility bills shall bear interest on the gross amount at the rate of ten percent (10%) per annum, beginning from the first day of the first month following the due date of such bill, unless such interest is waived by the Village Administrator.

50.10 UTILITY BILLS, PARTIAL MONTH'S SERVICE - MINIMUM BILL

(A) Any new utilities customer receiving utilities service for at least seven (7) days prior to the meter being read shall receive a utility bill for that month's utility service and, in the event the utility meter indicates no consumption of utilities, a minimum charge for utility service will be billed.

(B) Any new utilities customer receiving utilities service for less than seven (7) days prior to the meter being read shall be billed for such utilities service on the following month's utility bill.

50.11 UTILITY BILLS, OWNER LIABLE

(A) The owner, as well as the lessee or tenant, of any premises to which utility services are provided by the Village of Georgetown shall be responsible and liable to the Village for all rents and charges for utilities services, including penalties, interest, disconnect and reconnect charges, in accordance with and except as otherwise provided by Section 735.29 of the Ohio Revised Code and when such rents and charges are not paid when due, the Village Administrator may certify them to the County Auditor to be placed on the duplicate and collected as other village taxes, together with interest and penalties, pursuant to said Section. A twenty percent (20%) administrative fee shall be added to all amounts assessed under this section.

(B) The owner, (or his duly authorized representative) as well as the lessee or tenant of any non-owner occupied premises shall be required to sign the application for utilities services provided by subsection 50.03 of the Codified Ordinances of the Village of Georgetown prior to any utilities service being supplied to such premises.

(C) The Georgetown Utilities Department shall, at the request of any person against whom liability for payment of utilities services may be imposed, furnish such person with a statement as to the current status of the utilities account for any premises for which such liability may be imposed. Such statement shall be furnished within a reasonable time after the request is made and may be given orally.

50.12 SERVICE DISCONNECT – VOLUNTARY

The Georgetown Utilities Department shall disconnect utility service to any premises at the request of the person in whose name the account is carried or at the request of such person's duly authorized representative and upon satisfactory proof of identity.
50.13 SERVICE Disconnect INVOLUNTARY

(A) The Georgetown Utilities Department may disconnect utility service to a premise only after compliance with the provisions of subsection 50.14.

(B) The Georgetown Utilities Department may disconnect all utility service to any premises if the utilities account, or any part thereof, is more than ten (10) days in arrears.

(C) The Georgetown Utilities Department may disconnect all utility service to a premise if it is determined that the utilities customer has supplied false, inaccurate or misleading information on the application for utilities services.

(D) The Georgetown Utilities Department may disconnect all utilities service to any premises if it is determined that the structure to which such utilities services is connected is either unsafe or unsanitary or otherwise unfit for human habitation or if it is determined that such structure would be unsafe, unsanitary or unfit for human habitation if such services were not disconnected. For purposes of this subsection, it shall be lawful for the Georgetown Utilities Department to disconnect all utilities services to such a structure if the furnishing of any utilities services provided by the Georgetown Utilities Department would render such structure unsafe, unsanitary or unfit.

50.14 NOTICE OF UTILITIES Disconnect

(A) Prior to disconnecting any utilities service pursuant to subsection 50.13 of the Codified Ordinances of the Village of Georgetown, the Georgetown Utilities Department shall serve a Notice of Disconnection on the utilities customer.

(B) The Notice of Disconnection shall be deemed properly and timely served:

(1) by mailing a copy thereof, by regular U.S. mail, postage prepaid, to the utilities customer at the address maintained by the Georgetown Utilities Department for billing purposes, not less than seven (7) days prior to the proposed service disconnect date; or

(2) by delivering a copy thereof personally to the utilities customer, by leaving a copy thereof with a person of suitable age at the premises, or, if no person of such description is at the premises, by leaving a copy thereof at a conspicuous place at the premises, not less than five (5) days prior to the proposed service disconnect date.

(C) A copy of the Notice of Disconnection shall also be sent, by regular U.S. Mail, to the owner of any non-owner occupied premises at such address as may be provided to the Georgetown Utilities Department by such owner.

(D) The Notice of Disconnection shall clearly state the date after which utilities service is to be disconnected unless the utilities account for such premises is brought current and shall further state that the utilities customer may seek review of the disconnect order by filing a
Request for Review with the Georgetown Utilities Department not later than 4:00 p.m. of the last business day prior to the proposed service disconnect date provided in the Notice.

50.15 SERVICE RECONNECT CHARGE

(A) If any utilities service is voluntarily disconnected or reconnected in excess of two (2) times during any twelve month period to the same premises at the request of the same utilities customer, the Georgetown Department may charge and collect from the utilities customer a fee of $25.00 for each subsequent disconnection or reconnection.

(B) If any utilities service is involuntarily disconnected pursuant to subsection 50.13 of the Codified Ordinances of the Village of Georgetown, service to such premises shall not be reconnected until such time as the reconnect fee hereinafter set forth has been paid and until such time as the utilities account at such premises is brought current, provided however, that the Village Administrator may order such service to be reconnected on payment of such lesser amount as the Village Administrator may determine, in his discretion, based on extenuating circumstances. The reconnect fees to be charged by the Georgetown Utilities Department shall be as follows:

1. If the call for the service reconnect is received by the Georgetown Utilities Department prior to 3:00 P.M. on regular business days, a reconnection fee of $50.00.

2. If the call for the service reconnect is received by the Georgetown Utilities Department on or after 3:00 P.M. on regular business days or on weekends or holidays, a reconnection fee of $100.00. If receipt of this payment is not confirmed by 10:00 a.m. of the next business day following reconnection of service, utility services will be disconnected and an additional fee of $100.00 will be assessed.

3. In addition to the reconnection fees listed above, after the second disconnection for non-payment during a twelve month period, a second security deposit shall be charged before reconnection.

4. After the fourth disconnection by the same utilities customer at the same premises, the decision to reconnect utility services shall be at the discretion of the Village Administrator.

50.16 REQUESTS FOR REVIEW BY VILLAGE ADMINISTRATOR

(A) Any utilities applicant or utilities customer may seek review by the Village Administrator of any adverse decision of the Georgetown Utilities Department.

(B) In the event a utilities customer wishes to seek review of a Notice of Disconnection, the customer shall cause a Request for Review to be filed with the Georgetown Utilities Department not later than 4:00 p.m. - of the last business day prior to the proposed service disconnect date provided in the Notice of Disconnection.
50.17 REVIEW HEARING

(A) Upon receipt of a Request for Review, the Georgetown Utilities Department shall schedule a Review Hearing with the Village Administrator and shall notify the utilities applicant or utilities customer and such other person or persons as may have an interest in the matter of the date, time and place of such Review Hearing. The Review Hearing shall be scheduled as soon as practical and may be provided immediately upon the filing of the Request for Review. Notice of the Review Hearing need not be in writing and may be communicated to all parties by any method calculated to give notice.

(B) At the Review Hearing, the Village Administrator shall receive such evidence as any interested party may present and shall be empowered to uphold, modify or reverse any decision made by the Georgetown Utilities Department. The Village Administrator may continue or adjourn such hearing from time to time as he may determine to be necessary or convenient. Following the Review Hearing, the Village Administrator shall issue a written decision of his findings and orders. Except as to the written decision of the Village Administrator, no record of such Review Hearing shall be made.

(C) In the absence of the Village Administrator, the Mayor of the Village of Georgetown shall be authorized to act in place of the Village Administrator for purposes of the Review Hearing.

50.18 APPEALS TO UTILITIES COMMITTEE

(A) Any interested party may appeal any decision of the Village Administrator made in connection with any utilities matter to the Utilities Committee of the Council of the Village of Georgetown by filing a Notice of Appeal with the Clerk of the Village of Georgetown within ten (10) business days of the date of the Village Administrator's written decision.

(B) The Notice of Appeal provided by subparagraph (A) of this subsection shall not operate to stay or suspend, pending appeal, any decision of the Village Administrator.

(C) Upon receipt of a Notice of Appeal, the Clerk of the Village of Georgetown shall schedule an appeal hearing before the Utilities Committee at the earliest possible time, which shall be not more than thirty (30) days after the filing of the Notice of Appeal, and shall notify the appellant, the Village Administrator and such other person or persons who may have an interest in the matter of the date, time and place of the Appeal Hearing. Notice of the Appeal Hearing shall be provided to the appellant in writing not less than twenty-four (24) hours before the time set for the Appeal Hearing provided, however, that if the appellant is provided notice by mail service, the appellant shall be deemed to have received timely notice if the Notice of the Appeal Hearing is mailed at least three (3) business days prior to the date set for the Appeal Hearing. Notice of the Appeal Hearing to all other persons need not be in writing and may be communicated by any method calculated to give notice.

(D) At the Appeal Hearing, the Utilities Committee shall receive such evidence as any interested party may present and shall be empowered to uphold, modify or reverse any decision
made by the Village Administrator. The Utilities Committee may continue or adjourn such hearing from time to time as it may determine to be necessary or convenient. A majority of the members of the Utilities Committee shall concur in any decision and shall issue their findings and orders in writing. The decision of the Utilities Committee shall be final.

TITLE V, PUBLIC WORKS

Chapter 51

UTILITIES, ELECTRIC

51.01 RESIDENTIAL SERVICE DEFINED

Residential Service shall apply to all residences within the village for all domestic uses. Detached buildings such as garages and/or barns may be served through the residential meter if such service is for personal, family or household uses. Residential Service shall be single-phase, 120/240 volt AC, three wire only.

51.02 COMMERCIAL SERVICE DEFINED

Commercial Service shall apply to all electrical service that is not wholly residential service.

51.03 TEMPORARY SERVICE, RESIDENTIAL

Temporary Residential Service up to and including 200 amps shall be supplied by the Georgetown Utilities Department based on the following charges:

(A) Utilities customer furnishes all materials and supplies except meter and meter base: $50.00;

(B) Georgetown Utilities Department furnishes all materials and supplies including meter and meter base: $100.00;

(C) Temporary Service beyond 300 feet from the main power line to the service entrance point will be charged on a time and material basis.

51.03 TEMPORARY SERVICE, COMMERCIAL

Temporary Commercial Service up to 200 amp service shall be supplied by the Georgetown Utilities Department based on the same rate of charges provided for in section 51.02 for residential service. If three-phase service or service over 200 amps is requested as the initial installation, the utilities customer will be required to furnish all materials, equipment and supplies.
51.04 PERMANENT SERVICE, INSPECTIONS

(A) No new permanent electric service to any utilities customer shall be provided by the Georgetown Utilities Department until any such new construction, electrical wiring or improvements has been inspected and approved according to law.

(B) In the case of residential construction, the electrical wiring shall have been inspected and approved by a state certified inspector at both the rough-in and finish phases of construction.

(C) In the case of commercial property (which shall include any single building of four or more single family dwelling units or apartments), the electrical wiring shall have been inspected and approved by the State Electrical Inspector.

(D) All fees for electrical inspection shall be the expense of the contractor or utilities customer.

51.05 PERMANENT SERVICE, GENERAL

(A) Permanent electric service to any utilities customer beyond 300 feet from the main power line to the service entrance point will be installed on a time and materials basis. The Georgetown Utilities Department does not go beyond the service entrance point.

(B) In the event a utilities customer requires either permanent three-phase service or permanent service over 200 amps, the utilities customer must furnish the transformer pad and the meter base. The meter base must be purchased through the Georgetown Utilities Department.

51.06 PERMANENT SERVICE, UNDERGROUND

Permanent Underground secondary service will be furnished by the Georgetown Utilities Department at the request of the utilities customer or contractor as an initial installation or as a subsequent installation at the cost of the utilities customer on a time and materials basis by the Georgetown Utilities Department. Georgetown Utilities Department shall be responsible for filling the trench only with the same material that was removed therefrom.

51.07 PERMANENT SERVICE, OVERHEAD

Permanent Overhead secondary electric service will be furnished by the Georgetown Utilities Department at the request of the utilities customer or contractor as an initial installation or as a subsequent installation at the cost of the utilities customer on a time and materials basis by the Georgetown Utilities Department.
51.08 EASEMENTS

The Georgetown Utilities Department may require an easement for utility purposes as a condition precedent to the furnishing of any electric service, temporary or permanent.

51.09 SIZE OF SERVICE

(A) Size of service, wire and transformer for both residential and commercial utilities customers will be determined by the Georgetown Utilities Department. If larger service, wire or transformer is sought by any utilities customer or contractor, it will be provided only if the additional cost thereof is paid by the utilities customer or contractor.

(B) If the utilities customer or contractor is purchasing the transformer and equipment, the Georgetown Utilities Department will install all at the expense of the utilities customer or the contractor, except labor.

(C) Subsequent raising or lowering of a utilities customer's secondary voltage will be done only at the expense of the utilities customer on a time and materials basis if such secondary voltage falls within the National Electric Code at the time the request is made.

51.10 SECURITY LIGHTS

(A) Georgetown Utilities Department dusk to dawn outdoor security lights will be installed only in close proximity to existing overhead secondary circuits on rights-of-way provided by the utilities customer. All equipment shall be installed, owned and maintained by the Georgetown Utilities Department. All equipment shall remain the property of the Georgetown Utilities Department, and the utilities customer shall protect said lighting equipment from any damage, due either to the deliberate act or negligence of the utilities customer. Security lighting is not guaranteed and neither the Village of Georgetown nor the Georgetown Utilities Department will be liable to the utilities customer or any person, firm or corporation for damage, loss or injury resulting from any interruption in such lighting due to any cause.

(B) The following monthly rates and charges shall be applied for Georgetown Utilities Department supplied security lighting:

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<tr>
<th></th>
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<th>Description</th>
<th>Rate</th>
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<tbody>
<tr>
<td>(1)</td>
<td>One</td>
<td>Mercury Vapor Lamp (175 watt)</td>
<td>$8.47</td>
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<tr>
<td>(2)</td>
<td>One</td>
<td>High Pressure Sodium Lamp (100 watt)</td>
<td>$8.47</td>
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<tr>
<td>(3)</td>
<td>One</td>
<td>Pole to be furnished by Utilities Customer</td>
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(C) The rates and charges identified in subsection 51.10(B) for the consumption of all electricity by Georgetown Utilities Customers to be included for billing as a part of the regular utilities bill to be issued on or after January 1, 2021, and on or after the first day of each third January thereafter above shall automatically increase by three (3) percent without the need for any further action by Council.
51.11 TREE TRIMMING

The utilities customer shall be primarily responsible for the trimming of all trees or brush in the secondary wiring. The Georgetown Utilities Department shall be primarily responsible for the trimming of all trees or brush in the primary wiring. If necessary to protect the primary wiring, the Georgetown Utilities Department may trim trees or brush in the secondary wiring and may assess a proper charge therefor to the utilities customer responsible therefor.

51.12 RESIDENTIAL SERVICE: RATE RS-N

Georgetown utilities customers shall pay for all electricity consumed based on the following monthly rates and charges for residential service:

(A) NET MONTHLY WINTER RATE (Through January, February, March, April, May, October, November and December):

Energy Charge:

First 1,000 kWh at $0.09033/kWh
Additional kWh at $0.06024/kWh
Minimum bill: $4.79

Plus or minus all kWh at Power Cost Adjustment kWh per subsection 51.14 of the Codified Ordinances of the Village of Georgetown.

(B) NET MONTHLY SUMMER RATE (Through June, July, August and September):

Energy Charge:

All kWh at $0.09033/kWh
Minimum bill: $4.79

Plus or minus all kWh at Power Cost Adjustment kWh per subsection 51.14 of the Codified Ordinances of the Village of Georgetown.

(C) The rates and charges identified in subsection 51.12 for the consumption of all electricity by Georgetown Utilities Customers to be included for billing as a part of the regular utilities bill to be issued on or after January 1, 2021, and on or after the first day of each third January thereafter above shall automatically increase by three (3) percent without the need for any further action by Council.

51.13 COMMERICAL SERVICE: RATE GS-N

Georgetown utilities customers shall pay for all electricity consumed based on the following monthly rates and charges for commercial service:
NET MONTHLY RATE:

(A) Energy Charge:

First 6,000 kWh for $.10291/kWh
Next 300 kWh x kW (demand) $.04057/kWh
Additional kWh at $.03316/kWh

Minimum charges:
Single phase: $ 7.33
Three phase: $15.05
Primary Metering $150.38

Plus or minus all kWh at Power Cost Adjustment kWh per subsection 51.14 of the Codified Ordinances of the Village of Georgetown.

(B) Demand Charge:

First 15kW of Demand: no charge
Additional kW of Demand: $13.24/kW

(C) The rates and charges identified in subsection 51.13 for the consumption of all electricity by Georgetown Utilities Customers to be included for billing as a part of the regular utilities bill to be issued on or after January 1, 2021, and on or after the first day of each third January thereafter above shall automatically increase by three (3) percent without the need for any further action by Council.

51.14 POWER ADJUSTMENT CLAUSE

The charge for energy consumed during the billing period shall be adjusted for each utilities customer's bill by a factor known as the "Power Adjustment Factor" which shall be determined on a monthly basis. The Power Adjustment Factor for each month shall be the difference between (1) the actual cost of power to the Village per kWh to the nearest 1/1,000 mill for the previous month and (2) the product of the actual cost of power supply to the nearest 1/1,000 mill for the previous month times the annual average loss factor of the previous calendar year, provided however, that nothing contained herein shall result in a Power Adjustment Factor which would cause a Georgetown utilities customer to pay more for the same consumption of electricity than such customer would have paid had such utilities customer been served directly by the wholesale supplier of electricity to the Village of Georgetown.

51.15 DEMAND CHARGE

Demand meters shall be installed on all utilities customers billed for commercial service, provided however, that any demand meter may be removed by the Georgetown Utilities Department upon determination that such commercial utilities customer does not and is not
likely to have a demand for which a charge would be assessed pursuant to the provisions of this Ordinance.

51.16 PRIMARY METERING

Primary metering will be provided only under such special circumstances as the Georgetown Utilities Department determines that primary metering is justified. When provided, the responsibility of the Georgetown Utilities Department is to the meter only. The utilities customer will pay for the transformer and any materials and supplies beyond the meter. If the Georgetown Utilities Department installs a transformer and equipment, the utilities customer will pay a monthly fee in addition to the amount required to be paid for the electricity actually consumed. The amount of the monthly fee and the duration thereof will be determined by the Georgetown Utilities Department based on the cost of the materials, supplies and equipment used.

51.17 BUDGET BILLING

(A) For purposes of this subsection, "budget billing" shall mean the process whereby a utilities customer is charged a substantially level amount each month for electricity expected to be consumed based on the billing history for such customer and location rather than such utilities customer being charged an amount each month based on the actual consumption of electricity as shown on the meter.

(B) The Georgetown Utilities Department may provide budget billing for electrical service upon the request of the utilities customer, provided that a sufficient billing history exists for such customer and such location that a reasonably accurate budgeted bill can be established, and provided further that such customer signs an agreement to be bound by the terms of all parts of this subsection 51.17.

(C) At the request of a utilities customer, the Georgetown Utilities Department shall calculate an amount, which if paid monthly by such utilities customer, would result in payment for all electricity expected to be consumed by such customer during the ensuing twelve month period and, thereafter, the Georgetown Utilities Department shall bill such customer such amount, or such amount as amended pursuant to the provisions of subparagraph (E) of this subsection, in lieu of an amount based on actual meter readings.

(D) During the month of June of each year, the Georgetown Utilities Department shall render a billing to each budget billing utilities customer based on the actual consumption of electricity for the preceding twelve (12) month period (or such shorter period if such customer has not been participating in budget billing for a full twelve month period) whereby all credits and debits shall be adjusted and settled between the Georgetown Utilities Department and each such utilities customer.

The Georgetown Utilities Department may require any utilities customer who desires to continue to participate in the budget billing program to sign a renewal agreement therefor and
may amend the budget billing amount for the ensuing twelve month period following such June billing.

(E) The Georgetown Utilities Department shall periodically review each budget billing account and may amend the budget billing amount for any utilities customer if it appears that the actual consumption of electricity has been either substantially more or less than originally anticipated, and such budget billing utilities customer shall thereafter pay such amended amount until further notice or amendment by the Georgetown Utilities Department.

TITLE V, PUBLIC WORKS

Chapter 52

UTILITIES, WATER AND SEWER

52.01 WATER RATES

(A) Except as provided in subparagraph (B) of this subsection, Georgetown utilities customers using a ¾ inch meter shall pay for all water used or consumed based on the following monthly rates and charges:

<table>
<thead>
<tr>
<th>Usage</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallons/Month</td>
<td>Dollars/thousand gal</td>
</tr>
<tr>
<td>First 2,000 gal</td>
<td>flat charge of $17.48</td>
</tr>
<tr>
<td>Next 23,000 gal</td>
<td>$5.38/thousand gal</td>
</tr>
<tr>
<td>Over 25,000 gal</td>
<td>$4.81/thousand gal</td>
</tr>
</tbody>
</table>

(B) Due to the increased costs of servicing outside users, water sold for use outside the corporation limit of the village, whether sold at a meter within or without the village, and tank truck water sales, shall have a fifty percent (50%) surcharge added to the above applicable rate.

(C) In the event the owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown water distribution system refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the water rents and charges for water delivered to such parcel of land by the Village of Georgetown shall have an additional fifty percent (50%) surcharge added to the applicable rate provided by subsection 52.01(A) over and above the fifty percent (50%) surcharge imposed by subsection 52.01(B).
(1) In the event that the owner or owners of a parcel of land described in subsection 52.01(C) is able to demonstrate to the satisfaction of the Village Administrator of the Village of Georgetown that such parcel of land cannot lawfully be annexed to the Village of Georgetown through no fault of such owner or owners, the Village Administrator shall be authorized to relieve the surcharge imposed by subsection 52.01(C) but shall not relieve the surcharge imposed by subsection 52.01(B).

(2) In the event the legal impediment to annexation contemplated by the provisions of subsection 52.01(C)(1) is removed such that said parcel of land could lawfully be annexed to the Village of Georgetown but such owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown water distribution system still refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the Village Administrator of the Village of Georgetown shall re-impose the fifty percent (50%) surcharge provided for in subsection 52.01(C).

**52.02 SEWER RATES**

(A) Except as provided in subparagraphs (B) or (H) of this subsection, Georgetown utilities customers shall pay for sewer service based on the following monthly rates and charges:

1. **from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or after January 1, 2018:**

<table>
<thead>
<tr>
<th>Water Consumption Gallons/Month</th>
<th>Sewer Rate Dollars/thousand gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 2,000 gal or less (minimum)</td>
<td>flat charge of $28.13</td>
</tr>
<tr>
<td>Over 2,000 gal</td>
<td>$10.91/thousand gal</td>
</tr>
</tbody>
</table>

(B) Sewer customers outside the corporation limit of the village shall have a fifty percent (50%) surcharge added to the applicable rate provided by subsection 52.02(A). In the event that the Georgetown Utilities Department does not furnish water to a nonresident sewer customer, the sewer bill shall be calculated by the Georgetown Utilities Department in such a manner as to most accurately and fairly bill the customer from all available evidence. If such customer is served by another water company and if access to the water meter is available to the Georgetown Utilities Department, actual meter readings shall be used; otherwise, the sewer bill may be estimated.

(1) In the event the owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown sewer collection system refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the sewer rents and charges for sewerage collected from such parcel of land by the Village of Georgetown shall have an additional fifty percent (50%) surcharge added to the applicable rate.
provided by subsection 52.02(A) over and above the fifty percent (50%) surcharge imposed by subsection 52.02(B).

(a) In the event that the owner or owners of a parcel of land described in subsection 52.02(B)(1) is able to demonstrate to the satisfaction of the Village Administrator of the Village of Georgetown that such parcel of land cannot lawfully be annexed to the Village of Georgetown through no fault of such owner or owners, the Village Administrator shall be authorized to relieve the surcharge imposed by subsection 52.02(B)(1) but shall not relieve the surcharge imposed by subsection 52.02(B).

(2) In the event the legal impediment to annexation contemplated by the provisions of subsection 52.02(B)(1)(a) is removed such that said parcel of land could lawfully be annexed to the Village of Georgetown but such owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown water distribution system still refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the Village Administrator of the Village of Georgetown shall re-impose the fifty percent (50%) surcharge provided for in subsection 52.02(B)(1).

(C) **High Strength Surcharge.** In addition to the minimum charge and the commodity charge, any user discharging wastewater containing BOD in excess of 200 mg/l, SS in excess of 250 mg/l, shall pay the following additional charge:

- **BOD:** $0.39 per pound of excess over 200 mg/l
- **SS:** $0.58 per pound of excess over 250 mg/l

(D) **Annual Notification.** Each user shall be notified, annually, the portion of the sewer service charge which is attributable to operation, maintenance, and replacement. Notification shall be a notice sent with a regular bill which shows the percentage of the rate for operation, maintenance and replacement paid by the user the previous year.

(E) **Annual Audit.** The rates and charges for the use of the sewer treatment system shall be reviewed annually by the Village in order to determine whether or not they are sufficient to defray the fixed charges, debt service costs, and annual cost of operation as determined from sewer treatment plant records. If the difference between the revenue derived from the rates and the total annual cost is sufficient to justify an increase or decrease in rates, the Village shall make the appropriate change.

(F) **Billing Practices.**

(1) **Billing Periods - User charges provided for herein shall be billed by the Village and shall be payable in monthly payments.**

(2) **Payment - The user charge levied shall take effect and shall thereafter be billed once each calendar month as billing data becomes available and shall be payable to the**
Georgetown Utility Department within 30 days after billing. In case of failure to pay the bill when the bill becomes due, a 10% penalty shall be charged to the account.

(G) **Definitions:** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. "Debt Services" shall mean that portion of the annual treatment costs attributable to debts incurred for improvements to the sewage works.

2. "Normal Domestic Sewage" shall mean wastes which are characterized by pollutant concentrations of 200 mg/l BOD, and 200 mg/l SS.

3. "Operation and Maintenance" shall mean labor, material, supplies, equipment, accessories, and appurtenances required to operate the sewage works, keep the sewage works in operating condition, and maintain the capacity and performance during the useful life of the sewage works for which such works were designed and constructed.

4. "User Charge" shall mean that amount paid by each premises connected to the sewage treatment works, proportionate to the service provided. Such charge shall cover all operation, maintenance and replacement costs and any debt service for the facilities.

5. "User Class" shall mean the division of users within the Village's service area, by the origin of the sewage discharged and by the similarity of the function of such users. Stated in four (4) general classes, they are:

   a. "Industrial User" shall mean a user who discharges to the Village's sewer treatment works industrial wastes as defined in the Sewer Use Ordinance.

   b. "Residential User" shall mean any premises used only for human residency.

   c. "Commercial User" shall mean any establishment whose principal activity is to provide merchandise or services.

   d. "Institutional/Governmental User" shall mean any establishment whose primary purpose is education and/or operation of a governmental entity.

6. "Inside User" shall mean any user of the sewage treatment works located within the limits of the Village of Georgetown.

7. "Outside User" shall mean any user of the sewage treatment works located outside the limits of the Village of Georgetown.

8. "Sewer Service Charge" shall mean the amount paid by each premises connected to the sewer system, proportionate to services provided.
(9) "Replacement" shall mean the act of restoring the materials, supplies, equipment, accessories and appurtenances to operate the sewage works.

(H) **Cooling Towers/water Chillers.** Industrial, Commercial and Institutional/Governmental Users shall not be assessed a sewer service charge based on water which is actually used in connection with cooling tower or water chiller purposes and which is evaporated into the atmosphere and is not discharged into the wastewater collection system, provided that any such Industrial, Commercial or Institutional/Governmental User supplies metering which establishes the rate of consumption of water for such purposes.

**52.03 MINIMUM WATER AND SEWER CHARGES**

(A) Georgetown utilities customers shall pay the following minimum monthly rates and charges based on meter size:

(1) One (1) Inch Meter (Minimum charge entitles customer to 6500 gallons of water):

   (a) Water Minimum: $41.75

   (b) Sewer Minimum: $54.35

(2) One and one-fourth (1-1/4) Inch Meter (Minimum charge entitles customer to 10,000 gallons of water):

   (a) Water Minimum: $60.56

   (b) Sewer Minimum: $80.20

(3) One and one-half (1-1/2) Inch Meter (Minimum charge entitles customer to 14,000 gallons of water):

   (a) Water Minimum: $82.18

   (b) Sewer Minimum: $109.73

(4) Two (2) Inch Meter (Minimum charge entitles customer to 21,000 gallons of water):

   (a) Water Minimum: $120.00

   (b) Sewer Minimum: $161.42

(5) Three (3) Inch Meter (Minimum charge entitles customer to 32,000 gallons of water):
(6) Four (4) Inch Meter (Minimum charge entitles customer to 44,000 gallons of water):
   (a) Water Minimum: $230.78
   (b) Sewer Minimum: $331.27

(7) Six (6) Inch Meter (Minimum charge entitles customer to 55,500 gallons of water):
   (a) Water Minimum: $283.58
   (b) Sewer Minimum: $416.24

(B) Water and sewer customers outside the corporation limit of the village shall have a fifty percent (50%) surcharge added to the minimum monthly rates and charges provided by subsection 52.03 (A).

(1) In the event the owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown water distribution system or sewer collection system refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the minimum water and sewer rates provided by subsection 52.03(A) for such parcel shall be increased by an additional fifty percent (50%) surcharge added to the applicable rate provided by subsection 52.03(A) over and above the fifty percent (50%) surcharge imposed by subsection 52.03(B).

   (a) In the event that the owner or owners of a parcel of land described in subsection 52.03(B)(1) is able to demonstrate to the satisfaction of the Village Administrator of the Village of Georgetown that such parcel of land cannot lawfully be annexed to the Village of Georgetown through no fault of such owner or owners, the Village Administrator shall be authorized to relieve the surcharge imposed by subsection 52.02(B)(1) but shall not relieve the surcharge imposed by subsection 52.02(B).

(2) In the event the legal impediment to annexation contemplated by the provisions of subsection 52.03(B)(1)(a) is removed such that said parcel of land could lawfully be annexed to the Village of Georgetown but such owner or owners of a parcel of land which is outside of the corporate limits of the Village of Georgetown but which said parcel of land is connected to the Village of Georgetown water distribution system still refuses or fails to annex or refuses or fails to join in an annexation petition to have such parcel of land annexed to the Village of Georgetown, the Village Administrator of the Village of Georgetown shall re-impose the fifty percent (50%) surcharge provided for in subsection 52.03(B)(1).
52.04 WATER TAP FEES

(A) The Georgetown Utilities Department shall charge and collect the following water tap fees for all new water taps:

(1) Residential Tap Fees: New residential water tap fees shall be based on the number of bedrooms contained within the structure (single family or multi-family) to be connected to the Georgetown water distribution system. Each separate structure shall be charged a separate water tap fee in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Tap Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 or less</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>5 – 8</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>9 – 12</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>13 – 16</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>17 – 20</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>21 – 24</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>25 – 28</td>
<td>$10,500.00</td>
</tr>
<tr>
<td>29 – 32</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>33 – 36</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>37 – 40</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

Each additional four bedrooms will be an additional $1,500.00 water tap fee.

(2) Commercial - Restaurants Tap Fees: New restaurant water tap fees shall be based on the number of tables for customer use in the dining area. There shall be charged a water tap fee of $1,500.00 for each ten tables in the dining area.

(3) Commercial - Industrial/Retail/Office Tap Fees: New industrial and retail (including office buildings) water tap fees shall be based on the number of employees employed by the business. There shall be charged a water tap fee of $1,500.00 for each twenty-five employees.

(4) Commercial - Hotel/Motel Tap Fees: New hotel and motel water tap fees shall be based on the number of rooms in the hotel/motel. There shall be charged a water tap fee of $1,500.00 for each five rooms.

(5) Nursing Homes/Hospitals: New nursing home and hospital water tap fees shall be based on the number of beds in the nursing home or hospital. There shall be charged a water tap fee of $1,500.00 for each four beds.

(B) Additions and/or Expansions: In the event additional bedrooms would be added to a residential structure, the owner thereof shall pay an additional water tap fee in accordance with the schedule set forth in subparagraph (A)(1) of this subsection 52.04. In the event of the
expansion of any commercial business, the owner or lessee shall pay an additional water tap fee based on such expansion (i.e., based on the number of tables, employees, rooms or beds, as applicable) in accordance with subparagraphs (A)(2) - (A)(5) of this subsection 52.04.

(C) In the event that any water tap would be over a one inch tap, there shall be charged, in addition to the water tap fee set forth above, an additional charge based on time and material from the water main capable of handling the load.

(D) Construction of any water line from the main to the property line of the property being served shall be on a time and material basis.

(E) Any developer of a new subdivision shall be liable for developing and laying all water lines within the subdivision subject to the approval of plans by EPA and the Georgetown Utilities Department and laid to specifications of the Georgetown Utilities Department.

**52.05 SEWER TAP FEES**

(A) The Georgetown Utilities Department shall charge and collect the following sewer tap fees for all new sewer taps which shall include not more than seventy-five (75) feet of sewer line from the trunk to the property line of the property being served:

1. **Residential Tap Fees**: New residential sewer tap fees shall be based on the number of bedrooms contained within the structure (single family or multi-family) to be connected to the Georgetown water distribution system. Each separate structure shall be charged a separate sewer tap fee in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Tap Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 or less</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>5 – 8</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>9 – 12</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>13 – 16</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>17 – 20</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>21 – 24</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>25 – 28</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>29 – 32</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>33 – 36</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>37 – 40</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

Each additional four bedrooms will be an additional $2,000.00 sewer tap fee.

2. **Commercial - Restaurants Tap Fees**: New restaurant sewer tap fees shall be based on the number of tables for customer use in the dining area. There shall be charged a sewer tap fee of $2,000.00 for each ten tables in the dining area.
(3) Commercial – Industrial/Retail/Office Tap Fees: New industrial and retail (including office buildings) sewer tap fees shall be based on the number of employees employed by the business. There shall be charged a sewer tap fee of $2,000.00 for each twenty-five employees.

(4) Commercial - Hotel/Motel Tap Fees: New hotel and motel sewer tap fees shall be based on the number of rooms in the hotel/motel. There shall be charged a sewer tap fee of $2,000.00 for each five rooms.

(5) Nursing Homes/Hospitals: New nursing home and hospital sewer tap fees shall be based on the number of beds in the nursing home or hospital. There shall be charged a sewer tap fee of $2,000.00 for each four beds.

(B) Additions and/or Expansions: In the event additional bedrooms would be added to a residential structure, the owner thereof shall pay an additional sewer tap fee in accordance with the schedule set forth in subparagraph (A)(1) of this subsection 52.05. In the event of the expansion of any commercial business, the owner or lessee shall pay an additional sewer tap fee based on such expansion (i.e., based on the number of tables, employees, rooms or beds, as applicable) in accordance with subparagraphs (A)(2) - (A)(5) of this subsection 52.05.

(C) In the event that any sewer tap would be over a six inch tap, there shall be charged, in addition to the sewer tap fee set forth above, an additional charge based on time and material from the trunk line capable of handling the load.

(D) Construction of any sewer line over seventy-five (75) feet from the trunk to the property line of the property being served shall be on a time and material basis (i.e., in the event the distance from the trunk to the property line is in excess of seventy-five feet, construction of the entire line, including the first seventy-five feet, shall be on a time and material basis). Such time and material charges shall be in addition to the cost of the sewer tap as set forth above. In lieu of constructing such line on a time and material basis, the Georgetown Utilities Department may require that the owner or developer of such a property lay and construct such sewer line in accordance with the specifications of and under the supervision of the Georgetown Utilities Department.

(E) Any developer of a new subdivision shall be liable for developing and laying all sewer lines within the subdivision subject to the approval of plans by EPA and the Georgetown Utilities Department and laid to specifications of the Georgetown Utilities Department.

(F) All property owners whose property lines are within 75 feet of an available sanitary sewer line shall be considered as having sanitary sewer system available for service and will be required to tap into the sanitary sewer, provided the property to be served is within the Village of Georgetown.
52.06 MULTIPLE USERS AND SEPARATE TAPS

(A) For the purposes of this subsection 52.06 of this Chapter 52 of Title V of this Code, the following definitions shall apply:

(1) The word "structure" shall refer to any building which houses a residence or commercial establishment or any combination thereof.

(2) The words "multi-family structure" shall refer to a structure which contains more than one separate residential living unit, each separate living unit of which contains both kitchen and bathroom facilities.

(3) The words "multi-user structure" shall refer to a structure which contains more than one separate residential living unit or commercial establishment or any combination thereof.

(B) Each residence and each commercial establishment shall be considered a separate utilities customer notwithstanding that both may occupy the same structure or the same premises.

(C) Each separate structure shall be separately metered for water consumption and sewerage usage.

(D) It shall be unlawful for any person to cause a separate structure to be connected to the municipal water system or the municipal sewerage system without obtaining a permit therefor and paying the prescribed tap-in fee provided for in subsection 52.04 or subsection 52.05. In addition to the criminal penalties imposed by subparagraph (II), the Georgetown Utilities Department may discontinue water and sewerage service to both the structure which is unlawfully connected and the structure which is intended to be served through the existing meter.

(E) It shall be lawful for a single multi-family structure or a single multi-user structure to be served by only one meter but in such case each separate unit within the multi-family structure or multi-user structure shall be charged a separate minimum usage charge for both water and sewerage and the owner of the structure shall be responsible for the payment of all water and sewerage usage charges for the structure. The owner of the structure shall be billed a minimum amount determined by the number of separate units within the structure times the regular minimum monthly charge. For example, four (4) separate units in one structure on one meter (tap) would result in a monthly minimum bill inside the corporation of four (4) times the minimum monthly charge established by subsection 52.02 of Chapter 52 of Title V of this Code. All gallonage over the monthly minimum for water shall be billed at the rate established by subsection 52.01 and all gallonage over the monthly minimum for sewer shall be billed at the rate established by subsection 52.02.

(F) Any existing structure which presently is in violation of the provisions of subparagraph (D) above shall be permitted to remain without separate metering provided that each such separate structure which shares a common meter or tap with another structure is under common ownership, and provided further that each such separate structure shall, from and after
the effective date of this ordinance, be billed for a minimum usage charge in addition to the metered usage charge.

(G) If there should be a severance of such common ownership as provided for in subparagraph (F) above after the effective date of this ordinance, the owner of any structure or structures that are not separately tapped and metered shall, within sixty days of the severance of ownership, obtain a permit therefor and pay the prescribed tap-in fee provided for in subsection 52.04 or subsection 52.05. The Georgetown Utilities Department shall determine which of the structures are not separately metered and tapped from all available evidence presented to it and, in the absence of other evidence to the contrary, it shall be presumed that the most recently constructed separate structure or structures are without separate meters and taps.

(H) Any person who violates subparagraph (D) or subparagraph (G) above shall be guilty of a minor misdemeanor. Each day that the proscribed situation exists shall constitute a separate violation.

TITLE V, PUBLIC WORKS

Chapter 53

UTILITIES, WASTEWATER REGULATION

53.01 PURPOSE AND POLICY

This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Village of Georgetown and enables the Village to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of these regulations are:

(a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.
This provides for the regulation of the direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This applies to the Village of Georgetown and to persons outside the Village who are, by contract or agreement with the Village, Users of the Village POTW. Except as otherwise provided herein, the Superintendent of the Village POTW shall administer, implement, and enforce the provisions of the regulations set forth in Chapter 53.

**53.02 DEFINITIONS AND ABBREVIATIONS**

(A) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et. seq.*

2. Approval Authority. The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

3. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 deg. centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

5. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.


7. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
(8) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined herein above; or the Superintendent if the Village has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.

(9) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Ohio.

(10) Environmental Protection Agency or EPA. The U.S. Environ-mental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(11) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(12) Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(13) Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

(14) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

(15) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Village's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(16) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

(17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(18) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is
promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(19) National Pollution Discharge Elimination System or NPDES Permit. A permit is issued pursuant to section 402 of the Act (3 U.S.C. 1342).

(20) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(21) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(22) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(23) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellarp dirt and industrial, municipal, and agricultural waste discharged into water.

(24) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

(25) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(26) Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Village. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the village who are, by contractor agreement with the village, users of the village's POTW.

(27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

(28) Shall is mandatory; May is permissive.

(29) Significant Industrial User. Any Industrial User of the Village's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or
(ii) has a flow greater than 5% of the flow in the Village's wastewater treatment system, or (iii) has in his waste toxic pollutants as defined pursuant to Section 307 of the Act of State Statutes and rules or (iv) is found by the Village (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.


(32) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(33) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(34) Superintendent. The person designated by the Village to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(35) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(36) User. Any person who contributes, causes or permits the contribution of wastewater into the Village's POTW.

(37) Village. The Village of Georgetown.

(38) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(39) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(40) Wastewater Contribution Permit. As set forth in Section 53.12.

(41) Combined Sewer. A sewer which is intended to serve as a storm and a sanitary sewer.
(42) Industrial Wastes. The wastes admissible to the wastewater treatment system from industrial manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

(43) Sanitary Sewage. Wastewater containing water-carried wastes contributed from premises by reason of human occupancy.

(44) Sanitary Sewer. A sewer which carries sanitary sewage and industrial wastes and to which storm, surface, and groundwater are not intentionally admitted.

(45) Storm Sewer. A sewer which carries storm waters, surface runoff, street wash waters and drainage, but excludes sanitary sewage and industrial wastes, other than polluted cooling water.

(B) The following abbreviations shall have the designated meanings:

(1) BOD - Biochemical Oxygen Demand
(2) CFR - Code of Federal Regulations
(3) COD - Chemical Oxygen Demand
(4) EPA - Environmental Protection Agency
(5) L - Liter
(6) mg - Milligrams
(7) mg/L - Milligrams per liter
(8) NPDES - National Pollutant Discharge Elimination System
(9) POTW - Publicly Owned Treatment Works
(10) SIC - Standard Industrial Classification
(12) USC - United States Code
(13) TSS - Total Suspended Solids

53.03 GENERAL DISCHARGE PROHIBITIONS

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides

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and any other substances which the Village, the State or EPA has notified the User is a fire hazard or a hazard to the system.

(B) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, 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, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(C) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(E) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(F) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(G) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(H) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(I) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 deg. C (104 deg. F) unless the POTW treatment plant is designed to accommodate such temperature.
(J) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(K) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(L) Any wastewater which causes a hazard to human life or creates a public nuisance.

(M) Prohibition of Clean Water. Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designed and designated as storm sewers or a natural outlet.

(N) The Village may require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

(O) The Village may contract for special agreement or arrangement for treatment and disposal of wastes.

When the Superintendent determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall: 1) Advise the User(s) of the impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the interference with the POTW.

53.04 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.
53.05 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Where the Village's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Village may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Village may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

53.06 STATE REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those provided for herein.

53.07 VILLAGE'S RIGHT OF REVISION

The Village reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 53.01.

The Village reserves the right to reject any wastes it deems will be harmful to the system, disrupt operations of the system, or cause violations of any permit or standard.

The Village may limit the number of connections to the sewer now or in the future.

53.08 EXCESSIVE DISCHARGE

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Village or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 53.03, e.g. the pH prohibition.)

53.09 ACCIDENTAL DISCHARGES

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection
shall be submitted to the Village for review, and shall be approved by the Village before construction of the facility. All existing Users shall complete such a plan by July 1, 1988. No user who commences contribution to the POTW after the effective date of this regulation shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Village. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user’s facility as necessary to meet the requirements of this Chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice. Within five (5) days following an accidental discharge; the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees: A notice shall be permanently posted on the User’s bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

53.10 CHARGES AND FEES

It is the purpose of this chapter to provide for the recovery of costs from Users of the Village's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Village's Schedule of Charges and Fees and the Village may adopt charges and fees which may include:

(A) fees for reimbursement of costs of setting up and operating the Village's Pretreatment Program;

(B) fees for monitoring, inspections and surveillance procedures;

(C) fees for reviewing accidental discharge procedures and construction;

(D) fees for permit applications;

(E) fees for filing appeals;

(F) fees for consistent removal (by the Village) of pollutants otherwise subject to Federal Pretreatment Standards;
(G) other fees as the Village may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the Village.

53.11 WASTEWATER DISCHARGERS

It shall be unlawful to discharge without a Village permit to any natural outlet within the Village, or in any area under the jurisdiction of said Village, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance the provisions of this Chapter.

53.12 WASTEWATER CONTRIBUTION PERMITS

(A) General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.

(B) Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Village, an application in the form prescribed by the Village. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location, (if difference from the address);

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Village, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

(9) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:
The following conditions shall apply to this schedule:

   (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

   (b) No increment referred to in paragraph (a) shall exceed 9 months.

   (c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);
(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.
The Village will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

(C) Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 53.12(D), the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information require by paragraph (8) and (9) of Section 53.12(D).

(D) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the Village. Permit may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports (see section 53.13);
8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Village, and affording Village access thereto;
(9) Requirements for notification of the Village or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges as per section 53.20;

(11) Other conditions as deemed appropriate by the Village to ensure compliance with this Chapter.

(E) Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Village during the term of the permit as limitations or requirements as identified in Sections 53.03 to 53.09, inclusive, are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(F) Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Village. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

53.13 REPORTING REQUIREMENTS FOR PERMITTEE

(A) Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.
(B) Periodic Compliance Reports

(1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported pursuant to Section 53.12(8)(5). At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the Procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

53.14 MONITORING FACILITIES

The Village shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Village may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Village's requirements and all applicable local
construction standards and specifications. Construction shall be completed within 90 days following written notification by the Village.

53.15 INSPECTION AND SAMPLING

The Village shall inspect the facilities of any User to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Village, Approval Authority and (where the NPDES State is the Approval Authority), EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

53.16 PRETREATMENT

Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Village shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review, and shall be acceptable to the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village prior to the user's initiation of the changes.

The Village shall annually publish in the local newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

53.17 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and
is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Village as confidential, shall not be transmitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the User.

53.18 HARMFUL CONTRIBUTIONS

The Village may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Village, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW or causes the Village to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution. Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Village shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within 15 days of the date of occurrence.

53.19 REVOCATION OF PERMIT

Any User who violates the following conditions of this Chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 53.19 through 53.22 of this Chapter:

(A) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
(B) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;

(C) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or

(D) Violation of conditions of the permit. 53.20 Notification of Violation

Whenever the Village finds that any User has violated or is violating the regulations of this Chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Village by the User.

53.21 SHOW CAUSE HEARING

(A) The Village may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Village Council why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Village Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Village Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least (ten) days before the hearing. Service may be made on any agent or officer of a corporation.

(B) The Village Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Village to:

(1) Issue in the name of the Village Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Council for action thereon.

(C) At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

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

53.22 LEGAL ACTION

If any person discharges sewage, industrial wastes or other wastes into the Village's wastewater disposal system contrary to the provisions of this Chapter, Federal or State Pretreatment Requirements, or any order of the Village, the Village Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Brown County.

53.23 PENALTIES

(A) Any User who is found to have violated an Order of the Village Council or who willfully or negligently failed to comply with any provision of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(B) In addition to the criminal penalties provided herein, the Village may pursue enforcement of this Chapter through civil proceedings and, in addition to any award for damages, may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules, regulations, and permits issued hereunder.

53.24 FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both.

53.25 SEWER DESIGN

All new sewers and pump stations shall be in accordance with current Ohio Environmental Protection (EPA) standards, and any standards promulgated by the Georgetown Utilities Department.

53.26 BUILDING SEWERS AND CONNECTIONS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by said Inspector, to meet all requirements of this Chapter.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all
conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the presence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

All excavations for building sewer 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 said Village.

All building lines shall be a minimum pipe diameter of four (4) inches from the wye to the soil pipe extending from the house.

53.27 GREASE TRAPS

Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Village and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

53.28 TESTING

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United
States Environmental Protection Agency (USEPA) and published in CFR "General Pretreatment Regulations for Existing and New Sources of Pollution," and 40 CFR 136 "Guidelines Establishing Test Procedures for Analysis of Pollutants," in addition to any more stringent requirements established by the Village, and any subsequent Federal Guidelines and Rules and Regulations.

53.29 USE OF PUBLIC SEWER

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

No person shall discharge or cause to be discharged to any sanitary sewer, whether directly or indirectly, stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Village shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interests of all users of those facilities.

Stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Village. No new connections shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Village, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Chapter and the NPDES Permit.

No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Chapter and the NPDES Permit.