

CHAPTER 1042 Sewers

EDITOR'S NOTE: Ordinance 107-94, passed September 26, 1994, adopted the Sanitary Sewer Plan prepared by Alex Kanareff and Associates as the General Plan of the City. Ordinance 136-96, passed March 24, 1997, repealed Ordinance 107-94 and the Sanitary Sewer Plan and adopted in its place a Sanitary Sewer Capital Improvement Plan prepared by Zwick & Associates, Inc., which Plan is also known as the revised Master Sanitary Sewer Plan. Ordinance 62-98, passed May 11, 1998, adopted another revised Master Sanitary Sewer Plan. Ordinance 63-99, passed April 12, 1999, amended the revised Master Sanitary Sewer Plan. Ordinance 83-99, passed June 28, 1999, approved a revision of the revised Master Sanitary Sewer Plan. Ordinance 87-00, passed June 26, 2000, Ordinance 211-04, passed January 24, 2005, Ordinance 36-05, passed March 28, 2005, Ordinance 85-05, passed July 11, 2005, Ordinance 99-05, passed July 11, 2005, Ordinance 86-07, passed September 10, 2007, and Ordinance 53-21, passed August 9, 2021, approved modifications of the Master Sanitary Sewer Plan and adopted the modifications as revisions of the official Master Sanitary Sewer Plan. Copies of the latest relevant legislation and of the Plan may be obtained, at cost, from the Clerk of Council.

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- 1042.09 Connections to sanitary system; costs. (Repealed)
- 1042.10 Avon Lake Wastewater Service Area; scope and definition. (Repealed)
- 1042.11 Tap-in charges. (Repealed)
- 1042.111 Jaycox Road sewer tap-in surcharge.
- 1042.12 Tap-in inspection charge. (Repealed)
- 1042.13 Sewer use charge. (Repealed)
- 1042.14 Annual review of sewer use charges and sewer use rates; per diem pro rata charge; payment of sewer service charges; measurement of volume. (Repealed)
- 1042.15 Establishment of Sanitary Sewer Fund No. 4.
- 1042.16 Sewer pipe specifications. (Repealed)

- 1042.17 Interfering with flow of sewage; unlawful connections or discharges.
- 1042.18 Maintenance, operation and debt retirement charge on owners of parcels not connected to the sanitary system. (Repealed)
- 1042.19 Flow meters required. (Repealed)
- 1042.99 Penalty.

Schedule No. 1 Sewage Flow Schedule For Establishing Tap-In Connections.
Exhibit A Proposed Charges for Connection to the Sanitary Sewerage System and
Proposed Monthly Sewer Rates

CROSS REFERENCES

- Sewer connections, rates, management and control - see Ohio R.C. 729.06, 729.49, 729.50, 729.52
- Untreated sewage - see Ohio R.C. 3701.59
- Prosecutions for theft of utilities - see GEN. OFF. 642.26
- Private utilities in public rights of way - see S.U. & P.S. 1048.01
- Sanitary sewerage system - see P. & Z. 1248.09
- Storm sewers - see P. & Z. 1248.10
- Permit required for sewer construction - see B. & H. 1442.01
- Exemption from sanitary sewer fee for use of City water to fill swimming pools - see B. & H. 1478.11

1042.01 SANITARY SEWER USE.

(a) Permit Required; Application; Fee. No building sewer shall be constructed to connect with a public sewer, nor shall any connection be made to a public sewer, in the City, until a written permit therefor is first obtained by the person employed to perform the work. An application for such a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made and must describe the sewer to be connected. The application shall be accompanied by a fee of twenty dollars (\$20.00) effective January 1, 2023.

(b) Authorization and Registration Required. No building sewer shall be constructed or any connection made to a public sewer by any person who has not been authorized and licensed to perform such work by the City.

(c) Specifications and Requirements. The permit required by subsection (a) hereof, shall specify the permissible use of the building sewer and connection and such specification shall be governed by the following requirements:

- (1) Sewage, including wastes from water closets, urinals, lavatories, sinks, bathtubs, showers, laundries, cellar floor drains, garage floor drains, bars, soda fountains, drinking fountains, stable floor drains and other objectionable wastes, shall be discharged into a sanitary or combined sewer and in no case into a storm water sewer.
- (2) Industrial waste shall not be discharged into a storm water sewer but may be discharged into a sanitary sewer if the waste is of such character as not to be detrimental to the sewerage system or to the sewage treatment works. Where such waste is detrimental to the sewerage system or to the sewage treatment works, it shall be otherwise disposed of

in a satisfactory manner or so improved in character as not to be detrimental to the sewerage system or the sewage treatment works.

- (3) Surface water, rain water from roofs, subsoil drainage, building foundation drainage, cistern overflow, clean water from condensers, waste water from water motors and elevators and any other clean and unobjectionable waste water shall be discharged into a storm water or combined sewer and in no case into a sanitary sewer.
- (4) Connection with a cesspool or a privy vault shall not be made into a sanitary, combined or storm sewer.
- (5) No person shall discharge into a building sewer, or tap a public sewer for the purpose of discharging into it, any waste or drainage water prohibited by the provisions of this section. An existing connection in violation of the provisions of this section shall be abandoned and removed.

(d) Materials; Construction. The construction and materials for sewers and connections shall be as specified by the City Engineer according to appropriate standards.

(e) Rules and Regulations. The City shall:

- (1) Adopt and enforce rules and regulations in accordance with the provisions of this section for the purpose of providing control of the installation of sewer connections and inspection thereof;
- (2) Maintain accurate and complete records of all permits issued for, and inspections made of, the connections to the public sewers; and
- (3) Require the abandonment and removal of connections to the public sewers which violate any of the provisions of this section.

(Ord. 79-81. Passed 9-14-81.)

1042.02 SANITARY SEWER CHARGES.

(a) Application. This section shall become effective to users of the sanitary sewerage system as follows:

- (1) To each such user that is connected to the sanitary sewerage system on January 1, 1996, on such date; and
- (2) To each user of the sanitary sewerage system that connects to the sanitary sewerage system after January 1, 1996, at such time as such user's connection has been completed in accordance with this chapter.

Upon the date that this section becomes effective, with respect to any user of the sanitary sewerage system in accordance with the above provisions, as applicable, Ordinance 56-81, as amended by Ordinances 28-85, 35-86, 42-87, 63-87, 127-87, 43-88, 61-88, 31-90, 120-90, 49-91, 75-91, 57-93, 40-94, 41-94 and 148-94 shall be ineffective as to such user, and this section shall become effective and shall supersede any portion of Ordinances 56-81, 28-85, 35-86, 42-87, 63-87, 127-87, 43-88, 61-88, 31-90, 120-90, 49-91, 75-91, 57-93, 40-94, 41-94 and 148-94 which is inconsistent with this section.

(b) Definitions. As used in this section:

(1) "Avon Lake Wastewater Service Area" means the portion of the City of Avon serviced by the Avon Lake Wastewater Treatment Plant.

(2) The term "North Ridgeville Wastewater Service Area" means the portion of the City of Avon serviced by the French Creek Wastewater Treatment Plant.

(3) "Base charge" means the flat charge per month, as fixed and established in subsection (i) hereof, presently \$1.99 per sewer account.

(4) "Debt service charges" means the annual charges payable by the City for the payment of the principal of, or interest or any premium on, bonds, notes or other obligations issued to finance permanent improvements to the sanitary sewerage system.

(5) "Industrial wastes" means the liquid waste resulting from any industrial operation or process.

(6) "Maintenance" means the keeping of the sanitary sewerage system and related treatment works in a state of repair.

(7) "Operation" means causing the sanitary sewerage system and related treatment works to function for their intended purposes.

(8) "Premises" means a parcel of real estate, including any improvement thereon, which is determined by the Public Service Director of the City of Avon to be a single user for the purposes of receiving, using and paying for service of the sanitary sewerage system.

(9) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sanitary sewerage system and related treatment works to maintain the capacity and performance for which the sewerage system and related works were designed and constructed.

(10) "Sanitary sewage" means sewage containing a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, contributed by reason of human occupancy.

(11) "Sanitary sewer" means a sewer which carries sanitary sewage and industrial wastes and to which storm, surface and ground waters are not intentionally admitted.

(11A) Sanitary Sewer Fund No. 2 (Fund No. 631 on City accounting records) means the fund where all sewer service charges are recorded, and where 20% of all sewer tap-in charges are recorded.

(11B) Sanitary Sewer Replacement and Depreciation Fund (Fund No. 406 on City accounting records) means the fund where 80% of all sewer tap-in charges are recorded.

(12) "Sanitary sewerage system" or "sewerage system" means the system within the corporate boundaries of the City for the collection of wastewaters and sanitary sewage, maintained by the City.

(13) "Sewer service charges" means the aggregate of the base charge, and the sewer use charge.

(14) "Sewer use charge" means the monthly charge, calculated in accordance with the provisions of subsection (g) hereof, with respect to all lots, parcels of land, buildings or premises within the City, regardless of which sewer system services the property, for the use of the sanitary sewerage system, based on the costs of operation, maintenance, replacement and construction of the sanitary sewerage system, including any treatment works that service the sanitary sewerage system and debt service charges relating to such system or treatment works.

(15) "Sewer use rate" means the rate expressed in dollars, if any, and cents, per 1,000 gallons per month, as fixed and established in subsection (i) hereof, with respect to all lots, parcels of land, buildings or premises within the City, to be used in calculating the sewer use charge, which rate

shall be based upon the costs of operation, maintenance, replacement and construction of the sanitary sewerage system, including any treatment works that service the sanitary sewerage system and debt service charges relating to such system or treatment works.

(16) "User" means a user of the sanitary sewerage system.

(17) "User class" means a group of users that discharges, or causes or permits the discharge of, wastewater with similar characteristics into the sewerage system. All users classified as residential, institutional, governmental, commercial and industrial users comprise, respectfully, a residential user class, an institutional and governmental user class, a commercial user class and an industrial user class.

A. "Residential class" includes all single or multiple unit residential accounts with domestic-type sewage only. A residence which includes a commercial establishment shall be considered a domestic account if the sewage produced is primarily domestic in nature and if the flow contributed by the commercial activities of the establishment is a secondary flow of the sewer connection.

B. "Institutional and governmental class" includes, but is not limited to, private schools, hospitals, nursing homes, churches, charitable organizations and Federal, State, County and City accounts.

C. "Commercial class" includes all nonresidential accounts, such as any aggregation of space, offices, laundry facilities, restaurants, stores, shops, apartments or transient residences, which are equipped with one or more water fixtures draining into the sewerage system.

D. "Industrial class" includes all accounts with nondomestic-type sewage, which accounts meet the criteria of the Federal Water Pollution Control Act of 1972 (Public Law 92-500), as interpreted by the United States Environmental Protection Agency Rules and Regulations published in the Federal Register on Monday, February 11, 1974 (Vol. 39, No. 29), as follows:

Sec. 35.905-8. Industrial User. Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

1. Division A. Agriculture, Forestry and Fishing
2. Division B. Mining
3. Division D. Manufacturing
4. Division E. Transportation, Communications, Electric, Gas and Sanitary Services
5. Division I. Services

A user in the divisions listed herein may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences only.

(c) Rules and Regulations. The City shall make and enforce rules and regulations as may be necessary for the regulation, collection, rebating and refunding of sewer service charges.

(Ord. 188-95. Passed 12-26-95.)

(d) Connection Charges to Sanitary Sewer Supplier Systems

(1) In addition to all other charges, new dwellings must connect to either the French Creek Wastewater Treatment Plant sewer (North Ridgeville) or the Avon Lake Wastewater Treatment Plant sewer, depending on the geographical location within the City of Avon.

A. If on the North Ridgeville system, the property owner is responsible to pay the connection charge to the City of North Ridgeville directly at the North Ridgeville City Hall. The

property owner must provide proof of this payment when paying their tap-in fee to the City of Avon.

B. If on the Avon Lake system, the property owner will pay the connection charge, also known as the trunk sanitary sewer capacity fee, to the City of Avon. See 1042.15.

(e) Tap-in Charges.

(1) There is hereby levied a sewer tap-in charge for each tap-in made to the sanitary sewerage system, of which 20% of the tap-in charge is to be deposited into Sanitary Sewer Fund No. 2, the funds from which shall be used for sewer debt reduction and/or for sewer operation and maintenance, and/or capital outlay, prior to the issuance of a building permit, if sanitary sewer service is available, or at the time that sanitary sewer service becomes available to a property owner, and, 80% of the tap-in charge is to be deposited into the Sanitary Sewer Replacement and Depreciation Fund as follows:

Meter Size (inches)	Non-Refundable Fee
3/4	\$2,644.48+*
1	\$2,644.48+*
1-1/2	\$4,231.17+*
2	\$4,231.17+*
3	\$12,300.75
4	\$12,300.75
6	\$24,601.50
8	\$43,111.20
10	\$64,666.80
12 +	\$115,747.50

+Rate effective July, 2022

*Check with Department of Utilities for current year's rate.

(2) The tap fees for all customer laterals are based on the largest domestic water meter size servicing the parcel.

(3) Annual adjustment of fees. The sanitary sewer tap-in fees referred to in this section for 3/4, 1, 1-1/2 and 2-inch taps shall be adjusted by the Finance Director yearly beginning in 2015 by multiplying them by the first Cleveland Construction Cost Index figure published in July and every year thereafter and divided by \$11,203.59, which is the current Engineering News Record construction cost of Cleveland. All other tap-in fees are subject to annual adjustment based on a yearly review conducted by the Finance Director and the Superintendent of Utilities.

(4) Notwithstanding all of the above in this subsection (e), owners of any single family or two-family residential dwelling units required to abandon their private septic systems and tap into the City's sanitary sewer system as a result of an involuntary special assessment imposed upon them by the City of Avon or any other Federal, State or local governmental entity shall have their

tap-in fees to the City of Avon waived and shall not be required to pay the tap-in charge set forth in paragraph (e)(1) hereof.

(f) Inspection Charges.

There is hereby levied an inspection charge for each tap-in actually made to the sanitary sewerage system in the amount of one hundred ninety dollars (\$190.00).

(g) Sewer Use Charge and Base Charge.

(1) Generally. The sewer use charge is hereby levied and assessed on each lot, parcel of land, building or premises having any connection into the sanitary sewerage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system. In addition, the base charge is hereby levied and assessed on each lot, parcel of land, building or premises having any connection into the sanitary sewerage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system. At the time such sewer use charge and base charge, if applicable, are effective as to the present users of the sanitary sewerage system, the charges or rates previously set for such users shall become ineffective.

(2) Calculation of sewer use charge. The sewer use charge for each lot, parcel of land, building or premises described in paragraph (g)(1) hereof shall be calculated as follows:

The sewer use charge for any month shall equal the total volume of sewage measured for payment under the provisions of division (1) of this section during such month, multiplied by the sewer use rate. For purposes of this paragraph, the sewer use rate shall be that rate fixed and established in subsection (i) hereof as the sewer use rate.

(3) Free service prohibited. Use of the sanitary sewerage system shall not be provided to any user thereof without payment of the sewer use charge and, if applicable, the base charge. All users shall be subject to the rules and regulations set forth in this chapter. (Ord. 188-95. Passed 12-26-95.)

(h) Annual Review of Sewer Use Charges and Sewer Use Rates.

(1) Pursuant to the provisions of 40 CFR 35.2140, the sewer use charges and the sewer use rates shall be reviewed annually to accomplish the following purposes:

A. To maintain the proportionate distribution of operation and maintenance costs among users;

B. To generate sufficient revenue to pay the total operation and maintenance costs (including replacement) of the sanitary sewerage system and related treatment works; and

C. To apply excess revenues collected from the users to the costs of operation and maintenance for the next year and adjust the sewer use rate accordingly.

(2) The annual review shall be done by the Superintendent of Utilities and the Finance Director, using generally accepted accounting principles. Following such annual review, a written report shall be prepared and submitted to Council. The rates shall be reviewed each year between June 1 and September 1, in conjunction with the Annual Review of water rates. As part of the review process, the written report shall be submitted to Council containing the basis upon which the Superintendent of Utilities and the Finance Director recommend adjustment of the rates established by this section and containing the recommendation of the Superintendent of Utilities and the Finance Director concerning increase and decrease in the rates. Council shall establish the effective date of the new rates.

(3) The annual review shall be further documented by the annual report being placed into the minutes of Council at a regularly scheduled meeting. Council shall, thereafter, review such recommendations and adopt appropriate legislation to adjust the user charges.

(4) It shall be the policy of the City to pay the capital costs, including debt service charges, to construct the sanitary sewerage system with moneys generated from sewer use charges and sewer tap-in charges until such time as such payments become economically unfeasible. The feasibility of such payments shall be determined by the Finance Director.

(5) Following the annual review, in conjunction with a regular bill, each user shall be notified of any adjustment to the sewer use rate. (Ord. 189-96. Passed 12-23-96.)

(i) Schedule of Base Charge and Sewer Use Rate. The base charge and sewer use rate shall be fixed and established as follows, subject to adjustment pursuant to paragraph (h)(5) hereof:

- (1) Base charge for all users: \$1.99/month
- (2) Sewer use rate for all users: \$7.90/1,000 gallons

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the base charge and/or the sewer use rate fixed and established in this subsection to reflect any increase or decrease in such amount charged by the City of Avon, the City of North Ridgeville or the City of Avon Lake but no such adjustment shall take effect until the billing date following the Finance Director filing with the Clerk of Council a notice of the base charge adjustment or sewer use rate adjustment, as the case may be.

(Ord. 202-98. Passed 12-28-98; Ord. 190-01. Passed 12-17-01; Ord. 56-07. Passed 5-14-07; Ord. 17-11. Passed 2-28-11; Ord. 43-12. Passed 5-14-12; Ord. 15-14. Passed 1-27-14; Ord. 94-15. Passed 7-13-15; Ord. 68-16. Passed 6-13-16; Ord. 59-18. Passed 7-9-18; Ord. 68-19. Passed 7-8-19; Ord. 89-19. Passed 10-15-19; Ord. 64-20. Passed 7-13-20; Ord. 59-21. Passed 8-9-21.)

(j) Payment of Sewer Charges. The sewer charges provided for in this section and in Section 1042.13 shall be payable monthly at such locations as may be determined by the City. However, if such sewer charges are billed and collected with water charges, such charges are payable at the same times as such water service are payable. The sewer charges provided for in this section and in Section 1042.13 shall be increased by a penalty of ten percent (10%) of such charges, if such charges are not paid prior to the next date of billing.

Each sewer charge levied by, or pursuant to, this section shall be made a lien upon the corresponding lot, parcel or premises serviced by a connection with the sanitary sewerage system, either directly or indirectly, and if such sewer charges and penalties are not paid within sixty days after they become due and payable, they may be, if legally permitted, certified to the County Auditor, who shall place the same on the tax duplicate of the County, with the interest and penalties allowed by law, to be collected as taxes are collected.

(k) Measurement of Volume. The volume of sewage measured for payment for each account shall be as follows:

(1) When the user is also supplied with water from a public water system, the quantity of water measured for payment shall also be the quantity of sewage measured for payment.

(2) When the user is also supplied with water from a public water system and only part of the water enters the sanitary sewerage system, the City may require or permit the installation of an additional meter to measure the quantity of sanitary sewage actually entering the sanitary sewerage system, and the quantity of sanitary sewage measured for payment shall be the quantity of sanitary

sewage measured by such additional meter. Such additional meter shall be approved by the City and shall be furnished, installed and maintained at the cost of the user.

(3) When the user is supplied with water, in part or in total, from a source other than a public water system, the City shall require the installation of a meter or meters to measure the supply of water from all sources, or to measure the volume of sewage entering the sewerage system. The meter or meters shall be purchased from the City by the user. In the event that a meter or meters are installed to measure solely the supply of water from all sources, the quantity of water measured shall also be the quantity of sanitary sewage measured for payment. In the event that a meter or meters are installed to measure solely the volume of sanitary sewage entering the sanitary sewerage system, the quantity of sanitary sewage measured for payment shall be the quantity of sanitary sewage measured by such meter or meters.

(4) All meters required under this section shall be purchased from the City by the user.

(5) The City may require from the user that the City be furnished, upon request, with information and data on all sources of water within the confines of such user's premises which may enter the sanitary sewerage system.

(6) When the user has a second meter installed, a yearly maintenance fee of forty-eight dollars (\$48.00) will be charged, payable at a monthly rate of four dollars (\$4.00). Such second meter may be inspected annually, on dates to be determined by the Division of Water and Sanitary Sewers.

(7) The user shall not have the option of turning off the second meter for the winter season and turning it on for the summer season. The second meter shall be on continually and will be billed on a separate account.

(8) No person shall fail to make proper use of the second meter as set forth in paragraphs (k)(6) and (7) hereof.

(Ord. 188-95. Passed 12-26-95.)

(l) Receipts and Disbursements. The funds received from the collection of sewer charges authorized by this section shall be deposited in a like manner as other City funds and shall be accounted for as follows:

(1) A fund shall be set up to be known as Sanitary Sewer Fund No. 2, (Fund No. 631 on City accounting records) which will receive all inspection fees, twenty percent of all connection or tap-in charges and sewer charges which, when appropriated by Council, shall be available for the payment of the operations and maintenance costs, debt service costs and capital improvements costs to and expansion of the sanitary sewer system infrastructure and the sewage pumping, treatment and disposal works. (Ord. 176-99. Passed 11-8-99.)

(2) A fund shall be set up to be known as the Sanitary Sewer Replacement and Depreciation Fund, (Fund No. 406 on City accounting records) which will receive eighty percent of all connection charges and shall be used solely to pay the costs of permanent improvements, as described in Ohio R.C. 133.15(B), to the sanitary sewerage system.

(Ord. 188-95. Passed 12-26-95; Res. R-2-09. Passed 3-9-09; Ord. 26-09. Passed 4-13-09; Ord. 5-10. Passed 2-8-10; Ord. 29-14. Passed 2-24-14; Ord. 43-14. Passed 4-14-14; Ord. 66-15. Passed 6-8-15; Ord. 56-17. Passed 7-3-17; Ord. 57-17. Passed 7-3-17.)

1042.03 STORM DRAINAGE.

(a) No person shall develop any real property, as described in paragraphs (a)(1) to (3) hereof, or connect or cause to be connected any building or other structure, either directly or indirectly, with a drain for the removal of surface, roof, ground or other water to be discharged into a ditch, swale, waterway, stream or an existing storm drainage system for such real property, without complying with the performance standards and paying the charges set forth as follows:

(1) Developers or subdividers shall include in their preliminary plans a local watershed study to determine the impact from the development or subdivision caused by storm water onto the lands adjoining or downstream from the area to be developed, to assure that said lands shall not be adversely affected by the proposed development or subdivision.

For all developments to be improved within the City, a storm drainage system shall be designed and constructed by the developer, using on-site or off-site retention which will reduce the developed storm water run-off to a maximum allowable discharge of 0.25 cubic foot per second per acre of developed land. The storm water run-off retardation design shall be based upon a fifty-year storm in accordance with attachment "A", attached to original Ordinance 206-97, passed December 8, 1997, and the storm sewer design shall be based on a ten-year storm as shown on attachment "B", attached to original Ordinance 206-97, passed December 8, 1997, both attachments as set forth following the text of Section 1042.035.

(2) For all developments to be improved in the City, a drainage charge per gross acre of area to be developed or altered from its existing state, at a rate of one thousand two hundred dollars (\$1,200) per acre of developed land, shall be charged and paid to the City with the application of each building permit. The Building Inspector shall collect such drainage charge before issuing the building permit. Computation of the gross acres of area to be subject to the drainage charge shall include areas covered by buildings, drives, parking areas, walks and all other areas improved, graded or altered from their existing state. The charge provided for in this paragraph shall be placed in a special fund entitled the Storm Drainage Open Channel Improvement Fund and shall be used only for the improvement, maintenance (including equipment) and analysis of storm drainage systems in the City.

(3) The developer shall either:

A. Give the City clear title to the retardation site by deed along with an easement for access to the site while reserving to himself or herself the right to use this area for recreation purposes;

B. Grant the City an easement over the retardation basin along with an easement for access to the site; or

C. Pursuant to an agreement with the City, form a homeowners' association which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the retardation site.

(Ord. 45-79. Passed 1-14-80; Ord. 10-91. Passed 2-11-91; Ord. 32-92. Passed 3-23-92; Ord. 206-97. Passed 12-8-97.)

(b) From and after the effective day of Ordinance 44-93, passed April 12, 1993, the provisions of this section shall be applicable as provided in Section 1042.035(i).

(Ord. 44-93. Passed 4-12-93.)

1042.033 ENCLOSURE OF STORM WATER DRAINAGE DITCHES IN PUBLIC RIGHTS OF WAY.

(a) For all development of undeveloped property, where the storm water drainage discharges into a drainage ditch that is located within City rights of way, the developer shall be required to enclose the ditch in accordance with a plan approved by the City Engineer.

(b) The installation of sidewalks on developed or undeveloped lands shall include, where necessary, the installation of a storm sewer. The cost, as set forth in subsection (c) hereof, shall be included in the assessment for the sidewalk to be charged against the abutting property owner.

(c) The cost of the pipe, up to twelve inches, and for bedding, backfill, yard drains and restoration material, shall be charged to the residential property owner. If a larger pipe is required, the additional cost shall be paid by the City. Costs paid by the City herein will be charged to Fund 271.

(d) All costs for storm sewers, regardless of size, within or servicing residential subdivisions or commercial or industrial developments, shall be charged to the subdivider or developer and included in the subdivider's or developer's agreement.

(e) Property owners installing or replacing a driveway over a storm water drainage ditch within City rights of way shall meet City specifications and pay all costs for the installation of the storm sewer and an inspection fee.

(Ord. 68-96. Passed 12-9-96.)

1042.035 STORM WATER DETENTION.

(a) Land Developed Defined. As used in this section, "land developed" means all new residential, commercial and industrial development and excludes renovation without expansion or replacement of previously existing structures.

On land which has been previously developed, the storm water detention fee shall be charged for expansions of or additions to existing structures and construction of any additional structures, except on lots in R-1 and R-2 residential subdivisions and on three or fewer acres of land in R-1 and R-2 residential uses. The fee shall be computed as follows:

Total sq. ft. of area improved, graded or altered from its existing state	X	Fee per acre (as provided in paragraph (c)(1) hereof)
43,560.00		

An applicant for a building permit shall submit an acceptable topographical plot plan to the Division of Building Inspection, showing the boundaries and dimensions of the land and the location and dimensions of all existing and proposed structures.

(Ord. 98-93. Passed 9-27-93.)

(b) Adoption of City-Wide Storm Water Detention Plan. The City-Wide Storm Water Detention Plan prepared by Zwick & Associates, Consulting Engineers, dated March 26, 1993, and any further amendments thereto, are hereby adopted.

(Ord. 44-93. Passed 4-12-93.)

(c) Fees. There is hereby established a storm water detention fee to be charged upon the total acreage of each lot or parcel of land developed within the City by any person, firm, corporation, public agency, partnership or association, as set forth in subsection (g) hereof.

(Ord. 98-93. Passed 9-27-93.)

(d) Computation of Total Acreage. For the purpose of computation of the applicable fee, the total acreage shall include new streets, walks, drives and parking areas, but shall exclude the portion of land located in previously existing City rights of way.

(e) Deposit of Funds; Use.

(1) The City-wide storm water detention fee shall be paid to Storm Water Detention Fund No. 272, established by Resolution R-33-92, passed July 13, 1992, and shall be used to pay the costs related to the development and maintenance of a City-wide storm water detention system, such costs to include planning, engineering, property acquisition, legal expenses, construction, maintenance, repair and improvement of the system and all tributaries constituting the drainage system of the City.

(Ord. 44-93. Passed 4-12-93.)

(2) The Finance Director is hereby authorized to transfer the amount of twenty-five thousand dollars (\$25,000) from the General Fund to Fund No. 271 for the fiscal year 1995 to provide funding for the cleaning of drainage ditches.

(3) Commencing with fiscal year 1996, and each fiscal year thereafter, the first twenty-five thousand dollars (\$25,000) of payments received from storm water detention fees shall be deposited in Fund No. 271 and the remainder of said payments shall be deposited in Fund No. 272.

(Ord. 28-95. Passed 3-27-95.)

(f) Payment of Fees. The City-wide storm water detention fee shall be paid prior to construction of improvements in a major subdivision or development requiring a developer's agreement and prior to the issuance of any building permit.

(g) Annual Adjustment of Fees. The storm water detention fees referred to in this section are based upon current construction costs, and in order that these fees be kept current, the Finance Director shall adjust them yearly by multiplying them by the first Cleveland Construction Cost Index figure published after the effective date of this section, and every year thereafter, divided by 5,621.86, which is the current Engineering News Record construction cost of Cleveland.

(h) Agreements with Subdividers or Developers. Should the City require a subdivider or developer, upon the recommendation of the City's Consulting Engineer, to construct an on-site storm water detention basin due to the location or topography of a particular subdivision or development, or to further reduce the peak storm water discharge to the City's drainage system, or to reduce the number of City-wide storm water detention basins to be constructed and maintained by the City or to combine the storm water storage requirements for two or more developments in one detention basin to be located at a more strategic or better site, the City may enter into an agreement with the subdivider or developer, to be approved by Council, containing the following conditions:

(1) The City will set-off the storm water detention fee established in subsection (c) hereof by an amount equal to the estimated increased construction costs, including the cost of the additional land area to such subdivider or developer, for the construction of the storm water detention basin. The cost shall be determined by the City's Consulting Engineer, and his or her determination shall be final.

(2) The maximum set-off shall not exceed the then-current storm water detention fee.

(3) The subdivider of a major subdivision shall require the formation of a homeowners' association, which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the storm water detention area. In other developments, the subdivider or developer shall make provisions acceptable to the City for maintenance of the storm water detention area. Easements shall be granted to the City for access to and maintenance of the storm water detention area.

(4) The storm water detention system shall be constructed using on-site or off-site basins and/or underground storage facilities which will reduce the developed storm water run-off to a maximum allowable discharge of 0.25 cubic feet per second per acre of developed land. The storm water run-off detention design shall be based upon a fifty-year storm in accordance with attachment "A", which follows the text of this section, and the storm sewer design shall be based on a ten-year storm as shown on attachment "B", which follows the text of this section.

(i) Application of Section. From and after the effective date of this section, the provisions of this section shall apply as follows:

(1) Where a subdivider has received approval of a preliminary plan for a major subdivision and the final plat has not yet been approved by Council, the subdivider and/or the owner of the property shall comply with all of the provisions of this section.

(2) Where a subdivider has received approval of the final plat of a major subdivision by Council, the subdivider shall be exempt from the provisions of this section. The subdivider or owner may, upon application to the City and upon approval and recommendation of the City's Consulting Engineer, obtain an exemption from the requirement of an on-site storm water detention system required by Section 1042.03(a)(1) and from the drainage charge provided in Section 1042.03(a)(2), provided that the storm water detention fee established in this section is paid prior to construction of improvements.

(3) Where a subdivider or developer has obtained a building permit or has received approval from the Planning Commission for a development not requiring a developer's agreement, the subdivider or developer shall be exempt from the application of this section.

(4) Where a subdivider or developer is exempt from the provisions of this section, that subdivider or developer shall comply with and pay fees in accordance with Section 1042.03, governing subdivisions and development prior to the effective date of this section.

(Ord. 44-93. Passed 4-12-93.)

ATTACHMENT "A"

[\[Click here to view attachment.\]](#)

ATTACHMENT "B"

[\[Click here to view attachment.\]](#)

(Ord. 206-97. Passed 12-8-97.)

1042.04 PRIVATE SEWERS PROHIBITED IF SANITARY SYSTEM AVAILABLE.

No owner, agent, lessee, tenant or occupant of any lot or land located within the area serviced by the sanitary sewerage system or any extension thereof shall establish, construct, maintain or permit to remain a privy (outdoor toilet), cesspool or other receptacle for sewage, or a connection to a private sewer, ditch or other outlet. This section shall be effective January 1, 1996.

(Ord. 188-95. Passed 12-26-95.)

1042.05 CONNECTIONS REQUIRED TO SANITARY SYSTEM.

NOTE: Enforcement of connection to the sanitary sewer system is governed by The Lorain County Board of Health.

1042.055 PROCEDURES AND REQUIREMENTS FOR CONNECTION TO SANITARY SEWER EXTENSIONS.

(a) Upon City approval of the extension of a sanitary sewer, the City Engineer shall determine the actual costs of construction and installation necessary to bring the sanitary sewer to the lot or parcel of land required to tap in. Except as provided in Section 1042.056, below, the total cost, including restoration, for all such parcels shall be charged in equal amounts to the property owners required to tap in. The City Engineer shall submit these costs to the Clerk of Council, who shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, by certified mail, addressed to such owner at his or her last known address, or to the address to which tax bills are sent. If it appears, by the return of the certified mail notice or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him or her, shall be prima-facie evidence of the service of notice of the provisions of this section.

(b) In order to mitigate the cost charged to the property owner and to assure that all connections are completed under optimal conditions for safety, health and welfare, such connections shall, wherever possible, be completed during the construction phase of the sewer extension.

(Ord. 21-97. Passed 3-10-97.)

(c) Charges referred to herein shall become due and payable to the City within thirty days of receipt of notice as set forth in subsection (a) hereof. In the event that payment is not made as set forth above, the amount charged to the property owner shall be a lien on the property and said amount shall be certified by the Finance Director to the County Auditor, to be placed on the tax duplicate and collected the same as other taxes as provided by law.

(Ord. 202-97. Passed 12-8-97.)

(d) The charges referred to herein are separate from and do not include tap-in charges required by City ordinances.

(Ord. 21-97. Passed 3-10-97; Ord. 59-03. Passed 4-14-03.)

1042.056 CONNECTIONS TO BE CONSISTENT WITH CONSTRUCTION STANDARDS.

When the developer, as defined in Section 1222.02(b)(27), elects to install a sanitary sewer main within an existing dedicated right-of-way, it shall be complete and include all manholes, wyes and laterals for all existing residences along said main. Said laterals shall be stubbed at the property line at the edge of the respective right-of-way to each residential dwelling and be at a depth of not less than 9 feet from the existing finished grade consistent with the City's Construction Standards. Open cutting of the existing roadway shall not be permitted during installation of laterals, except with the concurrence of the Service Director and the Superintendent of Utilities.

(Ord. 59-03. Passed 4-14-03.)

1042.057 INSTALLATION OF SEWER CONNECTIONS OR LATERALS; NOTICE TO PROPERTY OWNERS; FAILURE TO COMPLY; WORK PERFORMED BY CITY; ASSESSMENTS; OBJECTIONS.

(a) Whenever Council deems it necessary, as a sanitary regulation, that sewer connections or laterals be installed, Council shall cause written notice thereof to be given to the owner of each lot or parcel of land to which such connections are to be made or in which sewer laterals are to be installed to serve unimproved parcels, which notice shall state the number and the character of connections required.

(b) The notice shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for the addressee shall be prima-facie evidence of the service of notice under this section.

(c) If said connections are not installed within ninety days from the date of service of such notice, the work may be done by the City and the cost thereof, together with a forfeiture of five percent, shall be assessed against the lots and lands for which such connections are made. Any costs incurred by the City for the installation of laterals and sewer connections as required by this section for parcels of land on opposite sides of the City sewer shall be divided equally between the owners of said parcels.

(d) Upon completion of construction of the sewer, the total costs of such construction, as defined in Ohio R.C. 727.08, shall be determined and reported to Council by the City Engineer, and Council shall prepare a list of estimated assessments. Such list shall contain the total cost of construction to each lot or land abutting upon such construction or installation and shall be filed with the office of the Clerk of Council, and shall be available for public inspection.

(e) Notice that such list of estimated assessments has been made and is on file with the office of the Clerk of Council for inspection shall be published for three consecutive weeks in a newspaper of general circulation in the City.

(f) Objections to any assessment shall be filed in writing with the Clerk of Council within two weeks after the expiration of notice set forth herein, and the Clerk shall deliver the objections to Council. Council shall review the written objections and shall adopt an ordinance levying assessments upon lots and lands enumerated in the list of estimated assessments the amount set forth on such list with such changes or corrections as Council shall determine to be proper after consideration of the written objections filed herein.

(g) The ordinance levying assessments shall state the number of annual installments over which the assessments shall be payable, and shall establish a period of time during which assessments may be paid in cash.

(Ord. 45-99. Passed 5-24-99.)

1042.06 SEPTIC TANK DISCHARGE.

No person shall distribute, spread, throw or dispose of any septic tank effluent or refuse on any land in the City.

(Ord. 22-61. Passed 4-26-61.)

1042.07 OBSTRUCTING DITCHES OR SEWERS PROHIBITED.

No person shall deposit or cause to be deposited or thrown into any open or uncovered ditch, drain or sewer within the City any dirt, brush or other substance and thereby cause the obstruction or partial obstruction of the same.

(Ord. 128. Passed 5-1-28.)

1042.08 EATON SUBDIVISION SEWER RENTAL. (REPEALED)

(EDITOR'S NOTE: Section 1042.08 was repealed by Ordinance 32-90, passed March 12, 1990.)

1042.09 CONNECTIONS TO SANITARY SYSTEM; COSTS. (REPEALED)

(EDITOR'S NOTE: Section 1042.09 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.10 AVON LAKE WASTEWATER SERVICE AREA; SCOPE AND DEFINITION.
(REPEALED)

(EDITOR'S NOTE: Section 1042.10 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.11 TAP-IN CHARGES. (REPEALED)

(EDITOR'S NOTE: Section 1042.11 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.111 JAYCOX ROAD SEWER TAP-IN SURCHARGE.

(a) Definitions. For the purposes of this Section 1042.111, the following words and terms shall have the following meaning:

(1) "Jaycox Road sewer" means the sanitary sewer and all appurtenances thereto identified as the "North Branch Interceptor Jaycox Road District 1B and 1D Sewer" and as further identified in the "Jaycox Road Sanitary Sewer District 1B and 1D 'Surcharge' Tap-In Fee Map" as on file in the Utilities Department of the City and as the same may be amended from time to time.

(2) "Jaycox Road sewer bonds" means the Jaycox Road Sewer Line Improvement Special Obligation Bonds, Series 2006, issued by the City pursuant to Ordinance No. 109-06.

(3) "Jaycox Road sewer tap-in surcharge" means with respect to each connection made to the Jaycox Road sewer the amount set forth in the Jaycox Road Sewer Tap-in Surcharge Schedule for the applicable period during which a tap-in permit is applied for with respect to the parcel benefiting from such connection, as determined for such period under and in accordance with such schedule.

(4) "Jaycox Road Sewer Tap in Surcharge Schedule" means the schedule so identified that is attached to Ordinance No. 3-08, enacting this section 1042.111, and that is on file in the Utilities Department of the City.

(b) Charge Required. No person, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, any building or other structure to the Jaycox Road Sewer, either directly or indirectly, for the purpose of discharging sanitary sewage or industrial waste therefrom without first paying the Jaycox Road sewer tap-in surcharge.

(c) Schedule of Charges. The Jaycox Road sewer tap-in surcharge shall be determined in accordance with the Jaycox Road sewer-tap-in surcharge schedule. The amounts therein, together with the calculations establishing such amounts and the periods to which such amounts apply, are hereby approved and ordered imposed on all users of the Jaycox Road sewer at the time of connection to the Jaycox Road sewer by such user.

(d) Additional Charges. The surcharges provided for in this section shall be in addition to any other charges required by other legislation and regulations of the City, including, but not limited to, the tap-in charges imposed under Section 1042.02(e) and shall not be deemed to preclude the application of any other charges with respect to the Jaycox Road sewer or the sanitary sewer system.

(e) Disposition of Moneys. Jaycox Road sewer tap-in surcharges collected pursuant to the provisions of this section shall be paid over, as received, to the Director of Finance for deposit in Jaycox Road Sanitary Sewer Debt Service Fund established by division (f) of this Section 1042.111.

(f) Jaycox Road Sanitary Sewer Debt Service Fund. The Director of Finance is hereby authorized and directed to set up a fund, to be known as the "Jaycox Road Sanitary Sewer Debt Service Fund," into which shall be deposited all Jaycox Road sewer tap-in surcharges, which surcharges are hereby pledged to and appropriated for the payment of the principal of and interest on the Jaycox Road Sewer Line Improvement Special Obligation Bonds, Series 2006. On December 1 each year (or such date not later than December 31 of such year as the Director of Finance finds practicable), commencing December 1, 2007 until the Jaycox Road Sewer Bonds are paid in full or otherwise discharged and defeased, the Director of Finance shall apply all amounts that are on deposit in the Jaycox Road Sanitary Sewer Debt Service Fund on the day of such application to pay the holder of the Jaycox Road Sewer Bonds the principal of and unpaid interest that has accrued to, but not including, such December 1 on such bonds in accordance with the provisions for such payment set forth in such bonds.

(g) Effective Date. This section shall be effective January 1, 2007.
(Ord. 110-06. Passed 10-23-06; Ord. 3-08. Passed 1-28-08.)

1042.12 TAP-IN INSPECTION CHARGE. (REPEALED)

(EDITOR'S NOTE: Section 1042.12 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.13 SEWER USE CHARGE. (REPEALED)

(EDITOR'S NOTE: Section 1042.13 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.14 ANNUAL REVIEW OF SEWER USE CHARGES AND SEWER USE RATES; PER DIEM PRO RATA CHARGE; PAYMENT OF SEWER SERVICE CHARGES; MEASUREMENT OF VOLUME. (REPEALED)

(EDITOR'S NOTE: Section 1042.14 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.15 ESTABLISHMENT OF SANITARY SEWER FUND NO. 4.

There is hereby established a fund to be known as Sanitary Sewer Fund No. 4. (Fund No. 710 on City accounting records) Trunk sanitary sewer capacity fees of the City of Avon Lake imposed by City of Avon Lake Ordinance 53-84, passed March 12, 1984, and collected on behalf of the City of Avon Lake by the City of Avon, pursuant to paragraph 6 of that certain cooperative agreement between the Cities of Avon and Avon Lake authorized by City of Avon Ordinance 59-93, passed June 28, 1993, shall be deposited to the credit of Sanitary Sewer Fund No. 4 and shall be paid to the City of Avon Lake. (Ord. 102-94. Passed 11-14-94.)

1042.16 SEWER PIPE SPECIFICATIONS. (REPEALED)

(EDITOR'S NOTE: Section 1042.16 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.17 INTERFERING WITH FLOW OF SEWAGE; UNLAWFUL CONNECTIONS OR DISCHARGES.

No person shall interfere with a meter, measuring device or appliance in or attached to the tanks, conduits, pipes, mains, service pipes, house pipes or other pipes or apparatus of the City sanitary sewerage system, with intent to interfere with the flow of sewage or to injure or destroy such property. No person shall tap, sever, open or make unauthorized connections with a main or pipe used or intended for the transmission of sewage, nor shall any person recklessly or intentionally cause water or any other fluid or material to be discharged into the City sanitary sewerage system. (Ord. 96-95. Passed 6-26-95.)

1042.18 MAINTENANCE, OPERATION AND DEBT RETIREMENT CHARGE ON OWNERS OF PARCELS NOT CONNECTED TO THE SANITARY SYSTEM. (REPEALED)

(EDITOR'S NOTE: Section 1042.18 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.19 FLOW METERS REQUIRED. (REPEALED)

(EDITOR'S NOTE: Section 1042.19 was repealed by Ordinance 122-22, passed November 14, 2022.)

1042.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Any general contractor or other builder constructing any building or other structure in the City who violates any of the provisions of this chapter shall be subject, in addition to the penalty set forth in subsection (a) hereof, to a forfeiture of his or her right to build or construct in the City.

(c) Whoever violates or fails to comply with any of the provisions of Section 1042.02(k)(7) is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 188-95. Passed 12-26-95.)

(d) Whoever violates any of the provisions of Section 1042.17 is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one hundred eighty (180) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 96-95. Passed 6-26-95.)