

# **PART NINE - STREETS AND PUBLIC SERVICES CODE**

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### **CODIFIED ORDINANCES OF OAKWOOD**

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#### **CHAPTER 911**

#### **Piping of Storm Water**

- 911.01 Storm water conduit pipe required.**
- 911.02 Engineer to provide typical installation drawing.**
- 911.03 Compliance with requirements.**
- 911.99 Penalty.**

#### **911.01 STORM WATER CONDUIT PIPE REQUIRED.**

(a) No permit for the construction of a new home shall be issued by the Building Inspector unless provision is made in the approved plans for the piping of storm water in areas contiguous to the right-of-way in accordance with the requirements of the Village Engineer.

(b) The type and size of conduit pipe, the location and the method of installation, and the interconnection or the provision for interconnection of the storm water piping system to existing or future installations shall all be as is approved by the Village Engineer.

(Ord. 2000-06. Passed 2-22-00.)

#### **911.02 ENGINEER TO PROVIDE TYPICAL INSTALLATION DRAWING.**

The Village Engineer shall create a typical installation drawing for the installation of the storm water piping system as required in this Chapter to assist builders and contractors in meeting the requirements set forth herein. Copies of this typical installation drawing shall be kept on file in the Office of the Building Inspector and shall be made available to the public.

(Ord. 2000-06. Passed 2-22-00.)

#### **911.03 COMPLIANCE WITH REQUIREMENTS.**

The Village may utilize the proceeds of any bond posted in accordance with the provisions contained in

Section 1351.06 of the Codified Ordinances of the Village of Oakwood in the enforcement of the requirements of this Chapter.

(Ord. 2000-06. Passed 2-22-00.)

**911.99 PENALTY.**

Whoever violates any provisions contained in this Chapter shall be deemed guilty of a misdemeanor of the fourth degree.

(Ord. 2000-06. Passed 2-22-00.)

**CHAPTER 921  
Street Excavations**

**921.01 Permit required.**

**921.02 Permit application; insurance; bond.**

**921.03 Permit fee.**

**921.04 Restoration; bond proceeds.**

**921.99 Penalty.**

**CROSS REFERENCES**

Placing injurious material or obstruction in street - see TRAF. 311.01

Construction hours restricted - see GEN. OFF. 509.10

Barricades and warning lights; abandoned excavations - see GEN. OFF. 517.03

**921.01 PERMIT REQUIRED.**

No person, corporation, partnership, association, or other legal entity shall make or cause to make any opening, excavation or otherwise disturb the surface of any street, sidewalk, walking trail, treelawn, berm, easement, public place or public way of the Village of Oakwood unless a permit is first secured from the Building Inspector.

(Ord. 2005-02. Passed 2-8-05.)

**921.02 PERMIT APPLICATION; INSURANCE; BOND.**

(a) Each permit for making or causing to make such opening, excavation or work shall be limited to a single project and shall be issued by the Building Inspector only if it is determined that such opening, excavation or work will not be detrimental to the public interest. The application for such permit shall be made on a form as prescribed by the Building Inspector and shall provide the exact location of the proposed opening, excavation or work, the area and depth to be excavated, the methodology to be employed in such excavation, the time required to undertake and complete such work including restoration, the purpose for such excavation, and such other information as may be required by the Building Inspector or the Village Engineer.

(b) Upon receipt of the completed application for a permit, the application shall be forwarded to the Village Engineer and Chief of Police for review and approval prior to the issuance of any permit by the Building Inspector. The Village Engineer shall calculate an amount to be deposited by the applicant with the Director of Finance or determine the amount of a bond, in such form as approved by the Director of Law, which will guarantee the prompt and satisfactory refilling of all excavations and the restoration and cleaning of any disturbed surfaces. The Village Engineer shall also impose such other conditions and requirements as is deemed reasonably necessary for the protection of persons and property as a result of the proposed excavation. The Police Chief shall also impose such other conditions and requirements as is deemed reasonably necessary for the protection of persons and property as a result of the proposed excavation, including but not limited to traffic control measures to be taken during any proposed excavation and cleanup. The permit shall be issued by the Building Inspector only upon the approval of the Village Engineer and Chief of Police, the imposition of any conditions or requirements as detailed by the Village Engineer and/or the Chief of Police, and the deposit of the amount as determined by the Village Engineer to guarantee the timely and proper restoration of the excavated area.

(c) In addition the person, corporation, partnership, association, or other legal entity applying for such excavation permit shall be licensed and bonded in accordance with the provisions contained in Chapter 1351 of the Codified Ordinances of the Village of Oakwood, and shall provide evidence satisfactory to the Building Inspector of liability insurance, with the Village of Oakwood being named as an additional insured, in the minimum amounts of at least two hundred fifty thousand dollars (\$250,000) for injury to one person,

and five hundred thousand dollars (\$500,000) for injury to more than one person, and one hundred thousand dollars (\$100,000) property damage. Such policy of insurance shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, and a clause obligating the insurance company to give ten days written notice to the Village of Oakwood before cancellation of such policy.

(Ord. 2005-02. Passed 2-8-05.)

**921.03 PERMIT FEE.**

The applicant for a permit under this Chapter shall deposit the sum of one hundred dollars (\$100.00) with the submission of the application for such permit. This fee shall be non-refundable.

(Ord. 2005-02. Passed 2-8-05.)

**921.04 RESTORATION; BOND PROCEEDS.**

(a) The restoration of any excavations and surface areas shall done by the permittee under the supervision and to the satisfaction of the Village Engineer or his or her designee.

(b) Upon the failure or the refusal of the permittee to timely and/or satisfactorily fill the excavation, and/or restore and clean the surface area disturbed as a result of such excavation, and/or remove any excess materials from the site, the Village may proceed without notice to undertake or complete the filling and restoration of the disturbed area and any and all costs incurred by the Village shall be deducted from the deposit or bond submitted pursuant to Section 921.02(b) of this Chapter. Any funds remaining after the deduction of the Village's costs shall be returned to the permittee. In the event the amount of the deposit or bond was insufficient to cover the costs incurred by the Village, the permittee shall be liable to the Village for such difference.

(Ord. 2005-02. Passed 2-8-05.)

**921.99 PENALTY.**

Whoever makes or causes to make any opening, excavation or otherwise disturbs the surface of any street, sidewalk, walking trail, treelawn, berm, public place or public way of the Village of Oakwood without obtaining a permit in accordance with this Chapter shall be deemed guilty of a misdemeanor of the fourth degree.

(Ord. 2005-02. Passed 2-8-05.)

**CHAPTER 931**

**Trees**

**931.01 Purpose.**

**931.02 Definitions.**

**931.03 Applicability.**

**931.04 Exemptions.**

**931.05 Tree preservation.**

**931.06 Minimum tree standards.**

**931.07 Front yard tree requirements.**

**931.08 Master Street Tree Plan.**

**931.09 Permitted trees.**

**931.10 Plan submission and approval.**

**931.11 Exceptions and variances.**

**931.99 Penalty.**

**CROSS REFERENCES**

Injury or destruction of trees and growing products - see GEN. OFF. 537.05

Sale of Christmas trees - see BUS. REG. Ch. 721

Landscaping in residential districts - see P. & Z. 1165.04(b)

Swimming pool hedges - see P. & Z. 1165.04(k)

Screening and landscaping in business districts - see P. & Z. 1169.09(b)(3)

Landscaping of yards in industrial districts - see P. & Z. 1173.06

**931.01 PURPOSE.**

The purpose of this chapter is to promote the public health, safety and general welfare through the preservation, replacement and planting of trees in order to lessen air pollution, intercept airborne particulate

matter, reduce noise and light glare, moderate air temperature, moderate storm water runoff, reduce erosion and sedimentation, maintain wildlife habitats, provide visual screening, provide natural shading, protect property values and enhance the natural beauty of the community.

(Ord. 1999-06. Passed 1-26-99.)

### **931.02 DEFINITIONS.**

For the purposes of interpreting this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein and words used in the singular include the plural.

- (a) "Building Area" means the area of construction for a building including a distance 10 feet around the perimeter of the foundation.
- (b) "Buffer" means an area established to separate different uses and/or zoning districts through the use of natural vegetation, trees, landscaped mounds and fences.
- (c) "Caliper" means the diameter in inches of trees measured at the height of six inches (6") above the ground for trees of four inches (4") in diameter and under, and measured twelve inches (12") above the ground for trees over four inches (4") in trunk diameter.
- (d) "Village Landscape Architect" means an employee of the Service Department or a professional consultant retained by the Village of Oakwood, trained and qualified as a tree specialist.
- (e) "Clearing" means cutting and/or removal of trees and vegetation from a site prior to construction regardless of timing.
- (f) "Commission" means the Village of Oakwood Planning Commission.
- (g) "Conifer" means a tree with needle leaves and woody cone fruit.
- (h) "Deciduous" means a tree which sheds leaves in winter or fall.
- (i) "Diameter at Breast Height (D.B.H.)" means the diameter in inches of a tree measured four and one half feet (4 ½') above the existing grade.
- (j) "Dripline" means a vertical line extending from the outermost portion of the tree branch tips down to the ground.
- (k) "Evergreen" means trees which maintain their leaves year round including broad leaf and conifer evergreens.
- (l) "Grubbing" means the removal of understory vegetation which does not remove any trees with a D.B.H. of four inches (4") or greater.
- (m) "Interior Landscaping" means the use of landscaping within the innermost boundaries of the landscape buffer zone and the perimeter parking setbacks.
- (n) "Perimeter Landscaping" means the use of landscaping within the landscaped buffer area and the front, side and rear yards in which no off-street parking is permitted.
- (o) "Pervious Surface" means the area of land which allows the passage of water and is not covered by buildings, paving, sidewalks or other man-made or impervious material.
- (p) "Tree" means a self supporting woody plant usually having a single trunk, which has the potential of a D.B.H. of at least 2 inches and a height of 13 feet or more at maturity.
- (q) "Tree Preservation Plan" means a plan drawn at a scale of not less than 1" - 50' prepared by a Landscape Architect identifying and locating all existing trees or clump of trees eight inches (8") or greater, trees to be removed, method of preservation or protection and all replacement or new trees to be planted.
- (r) "Tree Removal Permit" means an official city authorization by the Building Inspector to commence or allow the clearing, cutting and/or removal of any tree eight inches (8") or more in D.B.H. that is required within this chapter and not otherwise exempted in Section 931.04.

(Ord. 1999-06. Passed 1-26-99.)

### **931.03 APPLICABILITY.**

The regulations of this chapter apply to all lands in the Village except as exempted herein and in Section 931.04.

- (a) No land shall be cleared of trees or shall trees with a Diameter at breast height (D.B.H.) of eight inches (8") or greater be cleared and/or removed without conformance to the provisions of this chapter.
- (b) No building permit, grading plan, erosion and sediment control permit shall be issued for the construction, alteration or addition to a building, or the grading or alteration of the land

surface without the conformance to the provision in this chapter.

- (c) All Development Plans and new construction shall comply with the requirements of this chapter.
- (d) All Single Family Subdivisions and development shall comply with this chapter.
- (e) No tree with a D.B.H. of eight inches (8") or greater shall be cleared or removed without a Tree Removal Permit issued by the Building Inspector unless permitted to be removed through these regulations or exempt from regulation under Section 931.04.
- (f) No Tree Removal Permit shall be issued for any parcel of land or development, which requires a Subdivision Plan approval, until a Preliminary Subdivision Plan is approved by the Planning Commission and Council and the Improvement Plan is approved by the Village Engineer.  
(Ord. 1999-06. Passed 1-26-99.)

#### **931.04 EXEMPTIONS.**

The following activities and properties are exempt from the regulations in this chapter and no Tree Removal Permit is required.

- (a) The removal of dead, diseased or damaged tree.
- (b) Any tree on public property or within street right of way and regulated in Chapter 921 .
- (c) The removal of trees necessary for the construction, operation and maintenance of drainage facilities, sanitary and storm sewers.
- (d) The removal of trees for construction of public roadways and improvements.
- (e) The removal of trees in time of emergency or pose potential danger to life or property.
- (f) The removal of trees required for the installation, maintenance and repair of underground and overhead utilities.
- (g) Removal of trees by an individual homeowner on their single family dwelling lot.  
(Ord. 1999-06. Passed 1-26-99.)

#### **931.05 TREE PRESERVATION.**

All developments should be designed to preserve healthy trees and woodlands, especially trees providing natural buffering, specimen trees and trees of eight inches (8") or greater in diameter, where possible. Buildings and parking areas should be located to fit into the existing topography and preserve the natural amenities of the site.

- (a) Regulations pertaining to all development except in the R1F, One Family District, R2F, Two Family District and RMF, Multi-Family District:
  - (1) A Tree Protection Plan prepared by a Landscape Architect shall be prepared and submitted as part of the Application (Chapter 1139 ). The Tree Protection Plan shall be drawn at a scale not less than 1 " = 50' identifying and locating all individual trees or groups of trees of eight inches (8") D.B.H. or greater. The Tree Protection Plan shall identify with specificity all trees to be preserved, all trees of 8" or larger D.B.H. to be removed, method of protection of trees to be preserved, and any trees to be replaced, transplanted or added to the site. The Plan shall also include a table listing the area of the site, number of total trees (2" or greater D.B.H.), and the total caliper of trees to be on the site excluding trees required to meet the buffering requirements of the Building Code.
  - (2) Existing trees of eight inches (8") D.B.H. or greater located within a required landscape perimeter area shall be preserved unless exempted or approved by the Planning Commission to be removed and replaced.
  - (3) Existing specimen trees or eighteen inches (18") D.B.H. or greater located within a parking area or interior landscape area shall be preserved within a landscaped island unless otherwise approved by the Planning Commission for removal and replacement. Specimen trees shall be located in a landscaped island adequate to protect the tree and root system.
  - (4) Existing trees within the building area, driveways, drainage easements and utility locations may be removed without replacement.
  - (5) The Planning Commission shall determine the number, type and location of replacement trees for any trees not preserved in paragraph (2) and (3) above. Any replacement tree shall be an approved tree of two inches (2") or greater caliper and at least five feet (5') in height.

- (6) Additional trees may be preserved on the site above and beyond that required above. Such trees may be used for credit applied to trees which were to be preserved and removed. Also these trees can be applied to the minimum number and caliper of trees required under Section 931.06. In order for existing trees to be applied as credit they must be four inches (4") or greater in D.B.H.
- (7) All trees or groups of trees eight inches (8") or greater in D.B.H. to be preserved or removed shall be indicated on the Tree Preservation Plan.
- (b) Regulations pertaining to the development of new R1F, One Family District, R2F, Two Family District and RMF, Multi-Family District:
  - (1) Existing trees outside of the building area, driveways, street right of way, drainageways and utility easements should be preserved, where possible.
  - (2) Storm and sanitary sewers should be located and elevations set in order to require a minimum of regrading and tree removal.
  - (3) House elevations and street elevations shall be designed to minimize the change in existing natural grade of yards.
  - (4) Tree wells, aeration systems, retaining walls and other methods should be considered to preserve existing tree root systems in perimeter landscape areas.
  - (5) Existing trees to be preserved shall be marked and protected during all phases of construction.
  - (6) Preliminary Subdivision Plans or Development Plans shall indicate areas which have existing trees or grouping of trees with D.B.H. of eight inches (8") or greater. Improvement Plans and individual building Plot Plans shall indicate trees or areas of trees the developer intends to preserve.
- (c) Tree Protection. Methods to be implemented for any trees which are required on site:
  - (1) All trees or groups of trees to be preserved shall be marked with a blue colored ribbon or paint stripe prior to any clearing.
  - (2) Prior to any construction or grading a protective barrier, fence, posts, and/or signs shall be placed around the trees to be preserved.
  - (3) Protection barriers shall be located no closer than 2/3's of the distance from the tree trunk to the dripline.
  - (4) No building material, equipment, vehicles or chemicals shall be stored or placed in the protection area of the dripline.
  - (5) Surface grade shall not be changed more than six inches (6") within the protected area without the installation of aeration system, wells, or retaining walls.
  - (6) No wires, boards, nails, signs, fences or other attachment shall be made to a tree to be preserved.

(Ord. 1999-06. Passed 1-26-99.)

**931.06 MINIMUM TREE STANDARDS.**

- (a) All new developments and constructions shall preserve, replace or plant trees on the site in conformance to the following schedule.

Schedule of the Minimum Number and Caliper of Trees

<u>Use and Zoning Type</u>	<u>Total #</u>	<u>Total Caliper</u>
<u>of Trees</u>	<u>of Trees</u>	<u>of Trees</u>
One or Two Family R1F, R2F		
Individual Lot:	3	6"
Per Acre:	20	40"
Multi-Family (RMF) Per Acre:	20	100"
Business Districts, LB, GB, SC, OL & MS		
Per Acre:	15	60"
Industrial Districts, I-1, I-2		
Per Acre:	15	60"

- (b) Developments must meet or exceed the minimum of both the number and the caliper or D.B.H. of trees on the site after construction.
- (c) Any trees required to fulfill the buffering standards of the Building Code shall not be counted in

meeting the minimum tree standards of this chapter.

(d) Wooded parcels may be required to exceed the minimum standards as a result of the preservation requirements of Section 931.05. All trees preserved under Section 931.05 over four inches (4") and five (5') in height may be used to meet the minimum tree standards.

(e) Sparsely wooded or barren sites will be required to meet or exceed the above minimum standards through planting of new trees. New trees planted on the site to meet the minimum tree standard shall be a minimum of two inches (2") in caliper and five feet (5') in height.

(f) Required trees in all districts other than R1F, One Family District, R2F, Two Family District and RMF, Multi-Family District shall be in place as per the approved plan prior to the issuance of an occupancy permit. If weather season makes planting impractical a performance bond or a certified letter of credit from a banking institution covering the full cost of tree stock and installation may be posted, or a letter from the construction lender stating the funds will be held until the tree installation is complete and providing for release of said funds should the developer fail to install the required trees within six (6) months thereafter. All trees must be installed within six months. Failure to do so shall result in forfeiture to the Village of such funds which will be used for the installation of the required trees.

(g) Required trees in R1F, One Family District, R2F, Two Family District and RMF, Multi-Family Districts shall be in place as per the approved plan prior to the issuance of an occupancy permit. If the weather season makes planting impractical, the grading bond deposited with the Village shall be retained and all trees must then be installed within six (6) months. Such deposit shall only be returned upon satisfactory completion of grading and installation of the required trees. A failure to complete the installation shall result in a forfeiture of such bond to the Village for installation of the required trees.

(h) All trees required in this chapter must be maintained in a healthy and living condition. Any required tree that dies or is removed for any reason shall be replaced with a new tree or trees to conform to the minimum schedule in 931.06 (a).

(Ord. 1999-06. Passed 1-26-99.)

#### **931.07 FRONT YARD TREE REQUIREMENTS.**

(a) All new developments or additions to buildings and/or parking lots on properties shall provide front yard trees in accordance with the requirements of this Chapter.

(b) Shade trees shall be required and planted in the required front yard or side yard in the case of a corner lot, on properties along the above streets in a manner, type, size, quantity and location as required and approved by the Planning Commission.

(c) Shade trees to be planted shall be the type listed as permitted in Section 931.08 except conifer trees which generally are not permitted unless as part of an extensive landscaping and buffer plan.

(d) The maximum spacing shall be 40 feet for large type trees, 30 feet for medium type trees, and 20 feet for small type trees.

(e) Trees shall be planted 10 to 15 feet from the planned street R.O.W. unless otherwise approved by the Planning Commission. Trees shall also be planted at least five feet (5') from any sidewalk, parking area, driveway, or adjacent side lot line.

(f) The minimum trunk caliper for all required front yard trees shall be one and one-half inches (1-1/2") measured at six inches (6") above ground.

(g) The developer or property owner is required to maintain the trees and replace any dead tree with a new tree of the same type and not less than the minimum caliper.

(h) Existing trees located in the front yards may be used to fulfill the requirements of this section if determined by the Planning Commission to be of the appropriate type, size, location and condition.

(Ord. 1999-06. Passed 1-26-99.)

#### **931.08 MASTER STREET TREE PLAN.**

The Village hereby adopts a separate comprehensive plan and program for trees planted in the Village's rights-of-way. This plan encompasses the Village's philosophy on trees, tree specifications, tree selection by street, placement and planting instructions. The Village's street tree program shall be under the authority, control and supervision of the Village's Landscape Architect. Copies of the Master Street Tree Plan shall be

kept on file in the Building Department and open for public inspection.

- (a) Tree Species. The tree species for any new street shall comply with the Master Street Tree Plan. For new developments, and existing streets not specified in the Plan, the street tree type and plan shall be approved by the Village's Landscape Architect. On streets with partial utility restrictions or other limitations, alternative or mixed species and varieties may be used as determined and approved by the Village's Landscape Architect.
- (b) Tree Location. The Village Landscape Architect shall determine the specific location of all street trees. One (1) tree shall be planted for each multiple of fifty (50) feet on frontage on the lot whereon a house or other building is to be constructed. A minimum of one (1) tree shall be planted for each house or other building regardless of the frontage of the lot. The Village Landscape Architect, to insure the uniformity of planting, may adjust the specific distance and location of street trees where lot dimensions preclude planting in multiples of fifty (50) feet or to avoid utilities or other limitations.
- (c) Tree Planting Deposit and Fee Required. Any person, firm or corporation who is the owner or lessee of land upon which any house or other building is to be constructed within the corporation limits of the Village shall, at the time of issuance of the main structures permit, deposit the sum of two hundred seventy-five dollars (\$275.00) per tree based upon one tree being required for each fifty feet (50') of lot frontage. This deposit shall be made with the Building Inspector at the time of payment for other building permits, and such deposit is to guarantee the planting of trees on the Village's Right-of-Way abutting such house or other building.
- (d) Tree Planting Fund.
  - (1) For purposes of implementing the Master Street Tree Plan, there is hereby established a fund to be known as the "Tree Planting Fund".
  - (2) The Tree Planting Fund will be under the direction of the Building Department and shall have the following purposes:
    - A. To provide for the collection of deposits, under a separate line item of such Fund, from the Building Department as provided in Section 931.08(c) above.
    - B. To hold such deposits in the Tree Planting Fund pending compliance with the requirements of this chapter.
    - C. To provide for expenditures from this Fund such forfeited amounts, as the same is provided herein, as may be authorized for the actual cost of purchasing, staking and planting trees in the Village's Right-of-Way.
- (e) Time Limit on Tree Planting, Forfeiture of Deposit. Each person, firm or corporation which has made a tree planting deposit as required by this Chapter shall plant the required tree within six (6) months after an occupancy permit has been issued for subject house or building in either the spring or fall, under the direction of Village's Landscape Architect. In the event that such person, firm or corporation fails to plant the required tree within the time limits as provided herein, the Building Department or Village's Landscape Architect shall provide such person, firm or corporation with a written notice advising of the non-compliance with this Chapter. A copy of this section shall be included with any such notice. In the event such person, firm or corporation fails to comply with the requirements of this chapter within ten days of the issuance of such notice, their deposit heretofore made shall be forfeited to the Village and the Finance Director is authorized to note the transfer in the Tree Planting Fund. The Village's Landscape Architect shall use the forfeited funds to purchase and plant the required tree(s).
- (f) Tree Planting Two Year Guarantee Refund of Deposit. The tree planting deposit as required under this chapter shall be refundable to the person, firm or corporation making the deposit, provided that the tree for which such deposit is made is in a healthy state, as determined by the Village's Landscape Architect, two years from the date the tree was planted. In the event a tree dies or becomes diseased during this two year period, the Village's Landscape Architect shall notify the person, firm or corporation responsible for the planting of such tree to remove and replace the tree or forfeit its deposit. Notice and provisions for forfeiture of deposits shall be the same as provided in subsection (e) above.
- (g) Street Tree and Planning Specifications. No tree shall be planted until such time as the Village's Landscape Architect inspects the tree, the planting hole and the soil. The Village's Landscape



Architect shall also inspect the tree after planting to make certain it was properly planted and staked if staking was required. See the recommended tree and planting diagram at the end of this section.

- (1) The tree shall be healthy, a minimum D.B.H. of two to two and one-half inches (2"-2 1/2") and at least eight feet (8) in height. It shall have a straight trunk, single leader, and a well-pruned branch scaffolding structure.
- (2) The hole for the tree planting shall be saucer shaped with a minimum radius of three to four feet (3'-4'). Where the tree ball is to sit, the soil should be undisturbed or re-compacted if disturbed. The tree shall be placed perpendicular to the ground, so the trunk/root flares are level with the existing soil line, or no more than one to two inches (1"-2") above the soil line. Any soil above the root flares is to be removed. Any twine, tape, string or other attachment shall be removed from the tree. The burlap and wire cage on the root ball are to be cut off a minimum of one third (1/3) of the way down the root ball. The hole is to be backfilled with premium topsoil or existing soil which is to be pulverized except that within a minimum one foot (1') radius around the root ball, a mixture of fifty percent (50%) soil and fifty percent (50%) of a well-composed, black humus product is to be used. One to two inches (1"-2") of mulch is to be applied over the planting holes except that no mulch shall be applied within two inches (2") of the trunk base.
- (3) The tree shall be supported by one or two stakes depending on its size and location, with a non-abrasive, loosely tied, tree attachment. All stakes and ties shall be removed after one year from planting. Trees with smooth trunks are to be wrapped for the first season only, to protect against summer heat or winter cold. The homeowner, occupant or developer is responsible for liberally watering the tree.

(Ord. 2004-31. Passed 6-21-04.)

#### **931.09 PERMITTED TREES.**

(a) All trees and vegetation planted shall be common to Northeast Ohio or similar climates, in good condition and properly installed using accepted planting procedures. New trees shall be staked, watered and mulched.

(b) New trees planted to meet the minimum tree standards and buffering requirements shall be at least one and one-half inches (1-1/2") in caliper and at least eight feet (8') in height.

(c) Permitted trees:

- (1) Large trees reaching 60 feet at maturity shall have a planting area of pervious ground cover of a diameter of twenty feet (20') or more in width and not located where there will be any overhead wiring.
  - A. Sugar or Red Maple
  - B. Sweet Gum
  - C. Red, Scarlet, Swamp White or Pin Oak
  - D. Ginko (male)
  - E. London Plane Tree
  - F. Thornless Honeylocust
  - G. Summit, Patmore, Autumn Applause or Cimarron Ash
  - H. Certain new Elm selections
  - I. Dawn Redwood or Bald Cypress
- (2) Medium size trees 35-60 feet in height at maturity shall have a planting area of pervious ground cover of a diameter of a least 15 feet in width.
  - A. Red or Norway Maple
  - B. Shingle Oak
  - C. Little Leaf Linden
  - D. Aristocrat or Cleveland select Callbry Pear
  - E. Lace Bark Elm
  - F. River Burch
- (3) Small trees under 35 feet at maturity shall have a planting area of pervious ground cover of a diameter of at least 10 feet.

- A. Flowering Dogwood
  - B. Hedge Maple
  - C. Magnolias
  - D. Golden Rain Tree
  - E. Crab Apple
  - F. Serviceberry
  - G. Japanese Flowering Cherry
  - H. Amur Maple
  - I. Japanese Maple
  - J. Sawtooth Oak
  - K. Tree Lilac
- (4) Conifer trees shall have a pervious planting area of a diameter of at least 10 feet.
- A. White or Austrian Pine
  - B. Concolor (White Fir)
  - C. Limber or Korean Pine
  - D. Black Hills, Serbian or Oriental Spruce
- (d) Additional tree varieties may be permitted as approved by the Village Landscape Architect.
- (e) Prohibited trees.
- (1) Silver Maple
  - (2) Honeylocust (Thorned)
  - (3) Poplar
  - (4) Box Elder
  - (5) Basswood (Amilinden)
  - (6) Willow, Pussy Willow
  - (7) Tree of Heaven
  - (8) Bradford Pear
- (Ord. 1999-06. Passed 1-26-99.)

### **931.10 PLAN SUBMISSION AND APPROVAL.**

(a) A Tree Preservation Plan and a Street Tree Installation Plan shall be submitted to the Planning Commission for all developments requiring an application under Chapter 1139 . In the case where no trees exist on the site with a diameter of eight inches or greater a Tree Preservation Plan is not required. However, all of the other requirements of this Chapter shall be met including the minimum tree standards. The Tree Preservation Plan and the Street Tree Installation Plan will be made a part of the application and, after approval by the Planning Commission, the Tree Preservation Plan and the Street Tree Installation Plan shall be implemented prior to the issuance of an unconditional occupancy permit.

(b) The Tree Preservation Plan and the Street Tree Installation Plan shall be prepared by a registered and/or licensed Landscape Architect. The Plans shall be drawn at a scale of not less than 1" - 50' and shall the Tree Preservation Plan indicate the following:

- (1) The location, common name and size of all individual or group of trees with a D.B.H. of eight inches (8") or greater.
- (2) The outline of the property limits and all buildings on the property or within 25 feet of the property line.
- (3) The location and outline of all proposed buildings, driveways, parking areas, sidewalks, drainage ways, retention basins and underground utilities.
- (4) All existing trees with a D.B.H. of 8" or greater which will remain on the site after construction.
- (5) All existing trees between 4" and 8" which will remain on the site after construction and will be used to fulfill the tree requirements of this chapter.
- (6) Limits of any change in grade which will affect any trees and the methods proposed to protect trees.
- (7) The location, common name and size of all new trees to be planted on the site.
- (8) The location, common name and size of all trees 8" or greater of the location of a group of trees to be removed from the site.

(c) Five copies each of the Tree Preservation Plan and the Street Tree Installation Plan shall be submitted to the Building Department for review and distribution. The application fee for review is one hundred dollars (\$100.00) payable at the time of submission.

(d) The plans shall be distributed to the Village Landscape Architect for review and report to the Commission. The Planning Commission may request additional review from a Landscape Architect or other tree specialist.

(e) The Tree Preservation Plan and the Street Tree Installation Plan shall be placed on an available meeting of the Planning Commission along with the application when plans are complete and conform to this chapter.

(Ord. 2004-31. Passed 6-21-04.)

**931.11 EXCEPTIONS AND VARIANCES.**

(a) The Village Landscape Architect may make exceptions to the regulations in this Chapter in order to protect and improve selected trees in the Village. The Building Inspector may issue Tree Removal Permits, if required, without a Tree Preservation Plan if such tree removal is not contrary to the spirit of the chapter and is deemed an emergency or hardship.

(b) Any decision of the Planning Commission, Village Landscape Architect or other Administrative Official in the administration of this chapter can be appealed to the Board of Zoning Appeals as provided in Chapter 1143 .

(Ord. 1999-06. Passed 1-26-99.)

**931.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed on each day such violation continues.

(Ord. 1999-06. Passed 1-26-99.)

**TITLE THREE - Utilities**

Chap. 941. Utilities Generally.

Chap. 943. Telecommunications and Utility Right of Way Permits.

Chap. 945. Use of Public Ways for Small Cell Wireless

Facilities and Wireless Support Structures.

Chap. 951. Sewer Regulations.

Chap. 953. Sewer Rates and Charges.

Chap. 955. Private Sewage Disposal Systems.

Chap. 961. Water.

Chap. 965. Storm Water Management Regulations.

**CHAPTER 941**

**Utilities Generally**

**941.01 Electric transmission line.**

**941.02 Pole lines; permit required.**

**941.03 Issuance of permits for pole lines.**

**941.04 Use of pole line.**

**941.05 Subways; underground work.**

**941.06 Connection requirements; water and sewer lines.**

**941.07 Permit and fee; water and sewer connections.**

**941.08 Polychlorinated biphenyls (PCB's).**

**941.09 Notification prior to termination of service.**

**941.10 Notification prior to service.**

**941.99 Penalty.**

**CROSS REFERENCES**

Power to regulate electricity, gas and water rates - see Ohio R.C. 743.26, 743.28, 4909.34 et seq.

Gas contract restrictions - see Ohio R.C. 743.33

Contract for gas - see Ohio R.C. 743.38

Contract for electricity - see Ohio R.C. 743.38, 4933.04

Power to require permit for facility construction or location - see Ohio R.C. 4905.65

Public Utilities Commission; fixation of rates - see Ohio R.C. Ch. 4909

City consent for gas fixtures on public property - see Ohio R.C. 4933.01, 4933.03

Street excavations - see S. & P.S. Ch. 921  
Inspection of sewer systems - see S. & P.S. 951.01  
Water tap-in permit and charge - see S. & P.S. 961.01

#### **941.01 ELECTRIC TRANSMISSION LINE.**

There is hereby established a requirement that anyone erecting an electric transmission line within the Municipality shall landscape the portion of the easement or fee which runs from the right of way of the road back to the building setback line. The landscaping will be first approved by Council by presenting sketches of the proposed landscaping to Council before any final permission to construct such line will be granted. All existing electric transmission lines shall be landscaped after approval of plans therefor by Council. Failure to provide the required landscaping on all existing easements or fees shall be grounds for Council to refuse to permit future transmission lines within the Municipality.  
(Ord. 1968-105. Passed 11-22-68.)

#### **941.02 POLE LINES; PERMIT REQUIRED.**

No person, firm or corporation shall erect or construct, or cause to be erected or constructed, any pole for any guy line, wires or electrical conductors of any description whatever, upon or across any streets, avenues, alleys, lanes, lands, squares or public places within the Municipality without first having obtained a permit therefore.  
(Ord. 1967-59. Passed 4-18-67.)

#### **941.03 ISSUANCE OF PERMITS FOR POLE LINES.**

(a) General. In the case of a telephone company, the permit required by Section 941.02 shall be issued by the Building and Zoning Inspector. In the case of an electric company, the Inspector is hereby authorized to issue such permit where the voltage to be carried is solely for the use of a residential, institutional or governmental consumer within the Municipality, or solely for the normal requirements of an industrial or retail business or service consumer within the Municipality and provided that such voltage at no time shall exceed 37.5 KV. In the case of an electric company where the proposed voltage to be carried does not exceed 37.5 KV, the permit shall be authorized by Council. The form of the permit shall be approved by the Director of Law and no fee shall be charged for such permit. Such permit shall be specifically subject to the terms and conditions of all ordinances of the Municipality pertaining to any franchise rights of the public utility. No permit shall be issued until the public utility has first filed appropriate plans in the office of the Inspector, which shall be permanently filed in his office.

(b) Issued by Council. No person shall construct or maintain an electric power line carrying a greater voltage than 37.5 KV without first obtaining a permit therefore from Council. No charge shall be made for such permit. The applicant shall first file plans and specifications which shall show the course and route of such proposed line in or through the Municipality. Such line shall be installed underground at a minimum depth of six feet below grade. It shall be backfilled by and laid in at least six inches of sand. It shall be standard A.E.I.C. specifications as to voltage herein adopted. Such line shall be encased in an enclosed sealed and welded steel pipe with protective sheath, having a somatic coating. Such pipe may either be oil or gas filled and shall be capable of withstanding any maintained pressure. In addition to the method of installation described in this section, the applicant for a permit to be issued by Council may use any method of underground construction approved by the Public Utilities Commission of Ohio or the National Electrical Code, with or without lead covered cable and to a depth underground approved by such authority.  
(Ord. 1967-59. Passed 4-18-67.)

#### **941.04 USE OF POLE LINE.**

All applications for permits to erect poles in the streets and alleys of the Municipality shall provide that the Municipality may use the poles to be so erected and attach thereto the necessary crossarms, wires or other electrical appliances as may be deemed necessary for the police and fire signal service of the Municipality and no permit shall be issued by the Building and Zoning Inspector for the erection of such poles in which the application and permit does not provide for the privileges required by the Municipality, as herein contained.

(Ord. 1967-59. Passed 4-18-67.)

#### **941.05 SUBWAYS; UNDERGROUND WORK.**

No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in the streets, avenues, alleys, lanes, lands, squares or public places within the Municipality without first

obtaining a permit therefore from the Building and Zoning Inspector.

No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in any real property of the Municipality, without first having obtained a permit therefor from the Inspector.

Any company or individual so placing wires underground in any street, avenue, alley, lane, land, square or public place within the Municipality shall, upon written notice from the proper authorities of the Municipality that a sewer or water main is to be repaired or constructed in such manner as will necessitate the moving or altering of any conduit of such company or individual, move or alter the same at his expense so as to permit the constructing or repairing of the sewer or water main where ordered; should any such person or company fail to comply with such notice the conduit may be altered or moved by the Municipality and the cost and expense thereof recovered from such person or company.

(Ord. 1967-59. Passed 4-18-67.)

#### **941.06 CONNECTION REQUIREMENTS; WATER AND SEWER LINES.**

(a) The water supply, drainage and plumbing systems of each new building or new work installed in any existing building shall be entirely separate from and independent of that for any other building. Only one connection to each public water main or sewer shall be permitted for each lot or parcel of land bounding and abutting thereon, and no permit shall be issued for and no connection shall be made to a public water main or sewer to serve more than one building, except that a connection for a main building may be extended to serve an accessory use or building located on the same lot or parcel of land with the main building and incidental to the use or occupancy thereof.

(b) No connecting water or sewer line to provide service from a public water main or sewer to any building shall be constructed or installed so as to cross any lot or parcel of land other than the lot or parcel of land on which is located the building or building and accessory buildings to be served by such connecting line.

(c) Lots or parcels of land which bound and abut upon two parallel, or relatively parallel, streets and which are of such size as to be capable of subdivision into two lots or parcels of land of sufficient size and depth for the purpose of the construction and use of buildings or other use of each lot independently of the other may be assessed for a portion of the cost of improvements or services of all kinds to both of such streets, on the basis of a fair average depth of lots or parcels of land located in the vicinity of such lots or parcels of land to be assessed.

(Ord. 1972-15. Passed 1-24-72.)

#### **941.07 PERMIT AND FEE; WATER AND SEWER CONNECTIONS.**

When a public sewer or water line has been constructed and the cost thereof wholly or partly paid out of funds of the Municipality or financed by the issuance of bonds and notes, and application is made for a permit to connect into the sewer or water line from abutting property whose owner or former owner has not paid or been charged by valid assessment for his just pro rata share of the cost, no permit shall be issued for such connection nor shall such connection be made until the person making application therefor has first paid to the Municipality, or secured to be paid, his just pro rata share of the cost of such sewer or water line as determined by the Municipal Engineer, which cost shall not exceed the actual cost of constructing a sewer or water line to provide local service at such location.

(Ord. 1969-C-34. Passed 4-15-69.)

#### **941.08 POLYCHLORINATED BIPHENYLS (PCB'S).**

(a) As used in this section, "person" includes all persons, natural and artificial, and includes but is not limited to private corporations, public utilities, partners, principals, agents and employees.

(b) No person shall introduce or install within this Village an electrical transformer or capacitor containing or utilizing polychlorinated biphenyls (PCB's) in a concentration of one part per million or greater.

(c) Within forty-five days of the enactment of this section, all persons who own, lease, operate or maintain within this Village one or more electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater shall conduct a survey thereof and shall submit to the Director of Public Safety a written itemized report containing the following information: exact location of each such transformer or capacitor, date of original installation of each, projected useful life of each at the time of installation, history of all repairs made to each.

(d) All electrical transformers or capacitors containing or utilizing polychlorinated biphenyls in a concentration of one part per million or greater and already located within this Village shall be removed as

soon as reasonably possible and, in any event, on or before December 31, 1985.

(Ord. 1984-90. Passed 11-20-84.)

**941.09 NOTIFICATION PRIOR TO TERMINATION OF SERVICE.**

All public utilities who provide electric or gas energy to residents of the Village are hereby and herein required, prior to the termination of services to these residents, during the months of November through March, to give thirty days notification simultaneously to the residents and to the Mayor's office as to the date and time upon which termination of services will take place and the Mayor's office shall then notify the Councilman of the respective ward wherein such resident resides.

(Ord. 1977-13. Passed 2-1-77.)

**941.10 NOTIFICATION PRIOR TO SERVICE.**

All public utilities including cablevision companies, or any agent or contractor therefor, shall give advance notice of a minimum of twenty-four hours of the date, time and nature of activity to be performed to the Mayor's office prior to performing any major construction or repair within the Village or when any work or activity is conducted upon public property or a public right of way. Notice shall also be given to each resident who will be affected during the performance of such construction and shall be given notice of any service or repair affecting an individual resident.

(Ord. 1989-117. Passed 10-3-89.)

**941.99 PENALTY.**

Anyone who violates any section of this chapter shall be guilty of a misdemeanor of the first degree. Each day on which an offense occurs or continues shall be deemed a separate offense.

(Ord. 1984-90. Passed 11-20-84.)

**CHAPTER 943**

**Telecommunication and Utility Right-Of-Way Permits**

**943.01 Permit required.**

**943.02 Form of permit.**

**943.03 Amendment of permit after grant.**

**943.99 Penalty.**

**943.01 PERMIT REQUIRED.**

All persons, firms, partnerships, corporations, limited liability companies, trusts, joint stock companies, unincorporated associations, governmental entities, banking institutions, joint stock companies, and any other organization, wishing to construct, operate, maintain, reconstruct, and/or rebuild any utility or telecommunications network used to provide telecommunications services to residents, businesses or other premises within the Village or through the Village to service other municipalities shall be required to obtain a Telecommunications and Utility Right-of-Way Permit from the Building Inspector in the form and under the requirements provided for in Section 943.02 of this Chapter. The Building Inspector shall submit the Applicant's application and all related material to the Village Planning Commission for its review and action on the requested Permit. The Planning Commission shall have the application reviewed by the Village Engineer, Law Director and any other professional deemed necessary by the Planning Commission who shall all submit written reports of their findings and recommendations. The Planning Commission shall then approve, approve with modification or deny the request for a permit and notify the Building Inspector of such decision. The Applicant may appeal any adverse decision to Village Council by the filing of a written Notice of Appeal with the Clerk of Village Council. Village Council, after conducting a hearing thereon, may affirm, modify or reverse any decision of the Planning Commission.

(Ord. 2000-05. Passed 1-25-00.)

**943.02 FORM OF PERMIT.**

The form of the Telecommunications and Utility Right-of-Way Permit required under this Chapter shall be in the form as set forth in Exhibit "A", attached to Ordinance 2000-05 and expressly made a part hereof by reference.

(Ord. 2000-05. Passed 1-25-00.)

**943.03 AMENDMENT OF PERMIT AFTER GRANT.**

Any Telecommunications and Utility Right-of-Way Permit granted under this Chapter may be amended only in accordance with the provisions contained in the Permit as provided for in Section 943.02 of this Chapter and only upon approval of such amendment by the Planning Commission.

(Ord. 2000-05. Passed 1-25-00.)

**943.99 PENALTY.**

Any person, firm, partnership, corporation, limited liability company, trust, joint stock company, unincorporated association, governmental entity, banking institution, joint stock company, or any other person or organization who violates any provision of this Chapter or any provision of a Telecommunications and Utility Right-of-Way Permit granted under this Chapter shall be deemed guilty of a misdemeanor of the first degree.

(Ord. 2000-05. Passed 1-25-00.)

**CHAPTER 945**

**Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures**

**945.01 Purpose, definitions and authority to promulgate design guidelines.**

**945.02 Consent required.**

**945.03 Permit application types.**

**945.04 Consolidated consent applications.**

**945.05 Application fee.**

**945.06 Attachment fee.**

**945.07 Required application materials.**

**945.08 Application review.**

**945.09 Permitting process, duration and termination.**

**945.10 Annual registration.**

**945.11 Nonconforming facilities.**

**945.12 Abandoned and damaged facilities.**

**945.13 Insurance requirements.**

**945.14 Indemnification.**

**945.15 Financial surety.**

**945.16 Reserved space.**

**945.17 Removal or relocation of facilities.**

**945.18 Notice of work.**

**945.19 Appeal.**

**945.20 Severability.**

**945.99 Penalties; equitable remedies.**

**CROSS REFERENCES**

Small cell design guidelines - see BLDG. Ch. 1354

**945.01 PURPOSE, DEFINITIONS AND AUTHORITY TO PROMULGATE DESIGN GUIDELINES.**

(a) The purpose of this Chapter is to:

- (1) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the Village's Right-of- Way to protect the health, safety, and welfare of the citizens of the Village;
- (2) Preserve the character of the Village, including the Village's neighborhoods, downtown, and historic districts, and protect property values;
- (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of Facilities and Wireless Support Structures; and
- (4) To exercise the Village's home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.

(b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) "Applicant" means any person or entity who submits an Application pursuant to this Chapter.
- (2) "Application" means all necessary documentation submitted by an Applicant to obtain a Small Cell Use Permit from the Village to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.
- (3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and

generally at the same location as the Small Cell Facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.

- (4) "Village" means the Village of Oakwood.
- (5) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
- (6) "Design Guidelines" means the standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way, set forth in Chapter 1352 of the Codified Ordinances of the Village of Oakwood and promulgated by the Chief Building Official.
- (7) "Facilities" means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (8) "Facilities Operator" means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
  - A. Operators;
  - B. Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
  - C. Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
- (9) "Operator" means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and that are fixed in nature or use unlicensed spectrum.
- (10) "Public Way" or "Right-of-Way" means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the Village or other public entity or political subdivision.
- (11) "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.
- (12) "Small Cell Facility" means a wireless facility that meets both of the following requirements:
  - A. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
  - B. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (13) "Small Cell Use Permit" means the permit granted by the Village authorizing the Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.
- (14) "Substantial Modification" means a change to existing Facilities, measured from the Facilities as originally permitted, including any modifications that were reviewed and approved by the Village prior to the enactment of the federal Spectrum Act on February 22, 2012, that includes one or more of the following:
  - A. Increasing the height of the Wireless Support Structure by more than 10% or more than ten feet, whichever is greater;
  - B. Adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the structure by more than six feet;



- C. Installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets;
  - D. Installation of any new equipment cabinets in the ground if there are no pre-existing ground cabinets associated with the structure, or the installation of ground cabinets that are more than 10% larger in height overall volume than other ground cabinets associated with the structure,
  - E. Any excavation or deployment outside the current site.
  - F. Removal of any concealment elements from the site.
- (15) "Wireless Support Structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, "Wireless Support Structure" excludes all of the following:
- A. A utility pole or other facility owned or operated by a municipal electric utility; and
  - B. A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

(c) The Chief Building Official is authorized and directed to promulgate the Village's Design Guidelines as set forth in Chapter 1354 of the Codified Ordinances of the Village of Oakwood with objective, technologically feasible criteria. To the extent these regulations conflict with the regulations set forth in any Section or Chapter of the Village's Codified Ordinances, these regulations shall prevail.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.02 CONSENT REQUIRED.**

(a) Any person or entity seeking to Collocate a Small Cell Facility in the Right-of-Way, or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way, shall first file a written Application for a Small Cell Use Permit with the Chief Building Official in accordance with the requirements in this Chapter, the Village's Design Guidelines, O.R.C. Chapter 4939, and all applicable state and federal laws and regulations.

(b) Applicants are strongly encouraged to contact the Chief Building Official and request a pre-Application conference. This meeting will provide an opportunity for early coordination regarding proposed Facilities, locations, design, Application submittal, and the approval process in order to avoid any potential delays in the processing of an Application and deployment of Facilities in the Village.

(c) A Small Cell Use Permit granted under this Chapter shall not convey any right, title or interest in the Right-of-Way, but shall be deemed a permit only to use and occupy the Public Ways for the limited purposes and term stated in the permit, this Chapter, and the Village's Design Guidelines. No Small Cell Use Permit shall be construed as any warranty of title. (Ord. 2018-38. Passed 7-31-18.)

#### **945.03 PERMIT APPLICATION TYPES.**

Applicants shall classify their Application as one of the following types:

- (a) Type 1: Existing Support Structures Application: Request to install on an existing support structure, both Village-owned and privately-owned, that require no change or minimal change to the support structure
- (b) Type 2: Substantial Modification to an Existing Support Structure Application: Request to install on an existing support structure, both Village-owned and privately-owned, requiring one or more Substantial Modifications to the support structure.
- (c) Type 3: New Wireless Support Structure and Associated Small Cell Facilities Application: Request to install a new wireless support structure and associated small cell facility privately owned by the Facilities Operator (e.g. installation of a new, freestanding small cell facility);
- (d) Type 4: Removal of a Wireless Support Structure Application. Request to permanently remove an existing privately-owned wireless support structure.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.04 CONSOLIDATED CONSENT APPLICATIONS.**

(a) Pursuant to O.R.C. Section 4939.0312, an Applicant may file one consolidated application for up to thirty (30) individual small cell Facilities or thirty (30) individual Wireless Support Structures as long as the facilities or structures for which consent is requested are substantially similar.

- (1) Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function.

(2) Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location.

(3) Applications for Facilities and Wireless Support Structures cannot be commingled.

(b) The Village may, at its discretion, require separate Applications for any Small Cell Facilities or Wireless Support Structures that are not substantially similar.

(Ord. 2018-38. Passed 7-31-18.)

**945.05 APPLICATION FEE.**

(a) The fee for each Application is Two Hundred Fifty Dollars (\$250.00). The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest Five (5) Dollars, beginning in the year 2023.

(b) An Application shall not be deemed complete until the fee is paid.

(c) If Applications are consolidated, then the fee shall be the sum resulting from the fee set forth in subsection (a) multiplied by the total number of Facilities or Wireless Support Structures included in the consolidated Application.

(Ord. 2018-38. Passed 7-31-18.)

**945.06 ATTACHMENT FEE.**

(a) In addition to the Application fee, the Facilities Operator shall pay an annual attachment fee of Two Hundred Dollars (\$200.00) to the Village for each Small Cell Facility attached to a municipally-owned Wireless Support Structure. The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest five (5) dollars, beginning in the year 2023.

(b) The first-year attachment fee shall be paid when the Collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the Collocation is complete.

(Ord. 2018-38. Passed 7-31-18.)

**945.07 REQUIRED APPLICATION MATERIALS.**

The Applicant must submit the following documentation to the Chief Building Official with each Application.

(a) Completed Application form including the identity, legal status, and federal tax identification number of the Applicant, as well as all affiliates and agents of the Applicant that will use or be responsible for the Facilities in any way.

(b) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.

(c) Fully dimensional scaled site plan (scale no smaller than one inch equals forty (40) feet). The site plan must include:

(1) The exact proposed location of the Facilities within the Right-of-Way;

(2) All existing Facilities with all existing transmission equipment;

(3) The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities;

(4) The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;

(5) Indication of distance between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and

(6) Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.

(d) Elevation drawings (scale no smaller than one inch equals ten (10) feet) of the proposed Facilities.

(e) Evidence that the Applicant provided notice by mail to all property owners within three hundred (300) feet of the proposed Facilities prior to submitting the Application. The notice shall include:

(1) Name of the Applicant;

(2) Estimated date Applicant intends to submit the Application;

(3) Detailed description of the proposed Facilities and the proposed location; and

(4) Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet.

(f) A preliminary installation/construction schedule and completion date.

(g) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the

State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed Small Cell Equipment.

- (h) Analysis demonstrating that the proposed Facilities do not interfere with the Village's public safety radio system, traffic and emergency signal light system, or other Village safety communications components. It shall be the responsibility of the Applicant to evaluate, prior to making the Application for a Small Cell Use Permit, the compatibility between the existing Village infrastructure and Applicant's proposed Facilities.
- (i) A landscape plan that demonstrates screening of proposed Small Cell Equipment.
- (j) Drawings of the proposed Facilities. For all equipment depicted, the Applicant must also include, if applicable:
  - (1) The manufacturer's name and model number;
  - (2) Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
  - (3) The noise level generated by the equipment, if any.
- (k) If the Applicant is not an Operator, then the Applicant must provide proof that the Applicant has been engaged by and has an agreement with an Operator who will be the end-user of the Facilities.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.08 APPLICATION REVIEW.**

- (a) Applications shall be evaluated in the timeframes as follows:

- (1) Type 1 Applications 60 days
- (2) Type 2 Applications 90 days
- (3) Type 3 Applications 120 days
- (4) Type 4 Applications 120 days

(b) Applications shall be reviewed for completeness and compliance with this Chapter 1352 of the Codified Ordinances, and all applicable local, state, and federal laws. If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes set forth in subsection (a) shall be tolled until the Application is made complete.

- (c) The timeframes set out in subsection (a) may also be tolled as follows:

- (1) If the Village receives between fifteen (15) and thirty (30) applications in a thirty-day period, then the Village may toll for an additional twenty (20) days.
- (2) If the Village receives more than thirty (30) applications in a thirty-day period, then the Village may toll for an additional fifteen (15) days for every fifteen (15) applications received.
- (3) By mutual agreement between the Applicant and the Village.
- (4) When an Applicant submits an underground area waiver pursuant to the Design Guidelines, in which case the Village may toll for an additional thirty (30) days.

(d) If two Applicants request to Collocate on the same Wireless Support Structure or two Wireless Support Structures are proposed within a distance that would violate the spacing requirements set forth in Section 945.16, Chapter 1354, any other provision of the Codified Ordinances or rules adopted by the Chief Building Official, then the Chief Building Official may resolve the conflict in any reasonable and nondiscriminatory manner.

(e) If an Application is denied, the Village shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the Applicant. Grounds for denying an Application include, but are not limited to:

- (1) Failure to provide information required under Section 945.07;
- (2) Failure to comply with the Village's Design Guidelines;
- (3) Failure to provide financial surety pursuant to Section 945.15;
- (4) Failure to remove abandoned Facilities as required under Section 945.12;
- (5) Conflict with the historic nature or character of the surrounding area;
- (6) Conflict with planned future improvements in the Right-of-Way; and/or
- (7) Failure to comply with generally applicable health, safety, and welfare requirements.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.09 PERMITTING PROCESS, DURATION, AND TERMINATION.**

(a) Upon approval of its Application, an Applicant shall receive a Small Cell Use Permit indicating that the Village has granted the Applicant consent to occupy the Right-of-Way.

(b) A Small Cell Use Permit issued to an Operator shall have duration of no longer than ten (10) years. Permits may be renewed for five (5) year terms.

(c) A Small Cell Use Permit issued to a Facilities Operator who is not an Operator shall have a term or ten (10) years or the duration of the Facilities Operator's agreement with an Operator provided pursuant to Section 945.07(k), whichever is shorter.

(d) A Small Cell Use Permit shall not be renewed if the Facilities Operator or the Facilities are not in compliance with all applicable laws and regulations.

(e) Pursuant to O.R.C. Section 4939.0314(E), a Small Cell Use Permit shall be deemed terminated if the Facilities Operator has not completed construction of the Facilities or has failed to attach Small Cell Equipment to a Wireless Support Structure within one hundred eighty (180) days of issuance of the Permit, unless the delay is caused by:

- (1) Make-ready work for a municipally-owned Wireless Support Structure; or
- (2) The lack of commercial power or backhaul availability at the site, provided that the Operator has made a request for commercial power or backhaul services within sixty (60) days after the Small Cell Use Permit was granted.

If the additional time to complete the installation exceeds three hundred sixty days (360) after the issuance of the Permit, then the Permit shall be deemed terminated regardless of the cause of the delay.

(f) A Small Cell Use Permit for a new Wireless Support Structure shall be deemed terminated if the Facilities Operator fails to attach Small Cell Equipment to the new Wireless Support Structure within one hundred eighty (180) days of issuance of the Small Cell Use Permit.

(g) If the Facilities Operator fails to remit the annual attachment fee required pursuant to Section 945.10, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual attachment fee was due.

(h) At any time and upon service of a sixty (60)-day advance written notice to the Village, a Small Cell Use Permit may be terminated by the Facilities Operator.

(i) Upon termination of a Small Cell Use Permit, the Facilities Operator shall restore and rehabilitate all Village-owned Wireless Support Structures and the Right-of-Way to their former condition and utility.

(j) The Village shall not issue any refunds for any amounts paid by the Facilities Operator upon termination of the Permit.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.10 ANNUAL REGISTRATION.**

(a) All Facilities Operators with consent to occupy or use the Right-of-Way shall register with the Village each calendar year between January 1 and January 31 on a form provided by the Village. The form will allow the Facilities Operator to indicate when there is no change in the information required, and when such indication is submitted, previously provided information will be considered current and will be relied upon. Facilities Operators who obtain consent to occupy the Right-of-Way after September 30 of any year need not file an Annual Registration for next calendar year.

(b) The purpose of registration under this Section is to:

- (1) Compile, update and supplement the Village's database so that the Village has accurate and current information concerning the Facilities Operators that own or operate Facilities in the Village's public Right-of-Way;
- (2) Assist the Village in monitoring the usage of the public Right-of-Way in order to ensure that the public receives the maximum possible benefit from that use, and the use is consistent with the best management and care of the public Right-of-Way;
- (3) Assist the Village in the collection and enforcement of any municipal taxes, fees, or other charges that may be due the Village; and
- (4) Assist the Village in monitoring compliance with local, state and federal laws.

(c) Registration forms will be provided by the Village and shall require the following information:

- (1) Any material changes to the information the Facilities Operator provided to the Village in the Application for Small Cell Use Permit including, but not limited to:
  - A. The identity, legal status, and federal tax identification number of the Facilities Operator, including any affiliates or agents.
  - B. The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the Facilities Operator's registration statement and available at all

reasonable times to be notified in case of emergency.

C. Evidence that the Facilities Operator is in compliance with the insurance, indemnity and financial surety requirements pursuant to this Chapter.

D. Such other information as the Chief Building Official may reasonably require.

(d) In addition to the annual registration requirement, each Facilities Operator shall keep all required registration information current at all times and shall provide the Village with notice of changes to the required information within fifteen (15) days following the date on which the Facilities Operator has notice of the need for such change.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.11 NONCONFORMING FACILITIES.**

(a) Facilities in the Right-of-Way that are legally in existence on the date of the adoption of this Chapter but that do not comply with the requirements of this Chapter may remain in the Right-of-Way but shall be considered a "Nonconforming Facility."

(b) Any person or entity who owns or operates a Nonconforming Facility shall register such facility pursuant to Section 945.10 within ninety (90) days of the date this ordinance takes effect.

(c) If a Nonconforming Facility is damaged or destroyed beyond repair, any replacement Facility must be designed in accordance with all provisions of this Chapter, the Design Guidelines, and state and federal law and regulations.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.12 ABANDONED AND DAMAGED FACILITIES.**

(a) A Facilities Operator shall provide written notice to the Village of its intent to discontinue use of any Facilities. The notice shall include the date the use will be discontinued. If Facilities are not removed within three hundred sixty five (365) days from the date the use was discontinued, the Facilities shall be considered a nuisance and the Village may remove the Facilities at the expense of the Facilities Operator.

(b) In the event that Facilities are damaged, the Facilities Operator shall promptly repair the damaged Facilities. Damaged Facilities shall be repaired no later than thirty (30) days after obtaining written notice that the Facilities are damaged. If the damaged Facilities are not repaired within thirty (30) days, then the damaged Facilities shall be considered a nuisance and the Village may repair or remove the Facilities at the expense of the Facilities Operator.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.13 INSURANCE REQUIREMENTS.**

(a) As a condition of the Village's consent to occupy the Right-of-Way, a Facilities Operator must secure and maintain the following liability insurance policies insuring both the Facilities Operator and as additional insureds the Village, its elected and appointed officers, officials, agents and employees:

(1) Comprehensive general liability insurance with limits not less than:

A. Five million dollars (\$5,000,000.00) for bodily injury or death to each person;

B. Five million dollars (\$5,000,000.00) for property damage resulting from any one (1) accident; and

C. Five million dollars (\$5,000,000.00) for all other types of liability.

(2) Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars (\$3,000,000.00) for each person and three million dollars (\$3,000,000.00) for each accident.

(3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00).

(4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000.00).

(b) Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the Village, by registered mail, of a written notice addressed to the Chief Building Official of such intent to cancel or not to renew."

(c) Within sixty (60) days after receipt by the Village of the notice provided for in subsection (b) above, and in no event later than thirty (30) days prior to the cancellation of the policy, the Facilities Operator shall obtain and furnish to the Village replacement insurance policy meeting the requirements of this Section.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.14 INDEMNIFICATION.**

A Facilities Operator shall indemnify, protect, defend, and hold the Village and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Cell Facilities and wireless service in the Right-of-Way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, maintaining or removing Facilities in the Right-of-Way.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.15 FINANCIAL SURETY.**

(a) Each Facilities Operator must procure and provide to the Village a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this Chapter and applicable state and federal law. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator.

(b) The Village may, in its sole discretion, draw on the financial surety to remove abandoned Facilities, remove or repair damaged Facilities, or to repair damage to any Village property caused by the Facilities Operator or its agent. In such event, the Facilities Operator shall cause the financial surety be replenished to its prior amount within ten (10) business days after the Village notifies the Facilities Operator that it has drawn on the financial surety.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.16 RESERVED SPACE.**

The Village reserves the right to install, and permit others to install, Facilities in the Right-of-Way. The Village may reserve space in the Right-of-Way and on Wireless Support Structures for future utility, safety, or transportation uses. Such space may be reserved in an ordinance or plan approved by the Mayor, Village Council, Chief Building Official, or Planning and Zoning Commission.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.17 REMOVAL OR RELOCATION OF FACILITIES.**

(a) The Village may require a Facilities Operator to remove or relocate Facilities to accomplish construction and maintenance activities. The Facilities Operator shall remove or relocate the Facilities at no cost to the Village. If the Facilities Operator fails to remove or relocate the Facilities within ninety (90) days of receiving a request to do so from the Village, then the Village may remove the Facilities at Facilities Operator's sole cost and expense, without further notice to the Facilities Operator.

(b) If the Facilities are placed in a location other than the location approved by the Village, the Facilities Operator shall relocate the Facilities within thirty (30) days of receiving notice that the Facilities are located improperly.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.18 NOTICE OF WORK.**

A Facilities Operator shall notify the Chief Building Official of all non-emergency work within ten (10) calendar days prior to performing any upgrades or maintenance on any Facilities, regardless of whether the work requires any permit or consent from the Village.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.19 APPEAL.**

An Applicant may appeal a decision made by the Chief Building Official to the Board of Zoning Appeals per Chapter 1143 of the Village's Codified Ordinances.

(Ord. 2018-38. Passed 7-31-18.)

#### **945.20 SEVERABILITY**

Sections and subsections of this Chapter and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions. The holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof. (Ord. 2018-38. Passed 7-31-18.)

#### **945.99 PENALTIES; EQUITABLE REMEDIES.**

(a) Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply

with any of the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Nothing in this Chapter shall be construed as limiting any judicial remedies that the Village may have, at law or in equity, for enforcement of this Chapter.

(Ord. 2018-38. Passed 7-31-18.)

## **CHAPTER 951 Sewer Regulations**

EDITOR'S NOTE: Council, by Ordinance 1972-92, passed November 21, 1972, established the Oakwood Sanitary Sewer District No. 1 the boundaries of which were to be coterminous with the boundaries of the Municipality as then constituted.

**951.01 Photographic and visual inspection.**

**951.02 Connection required.**

**951.03 Discharge prohibitions.**

**951.04 Necessity of connection charges.**

**951.05 Completion date.**

**951.06 Connection permit; charges.**

**951.07 Sanitary Sewer Revenue Fund.**

**951.08 Additional assessments and charges.**

**951.09 Unlawful connection.**

**951.10 Non-sewered water meters.**

**951.99 Penalty.**

### CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27

Power to regulate water closets and privies - see Ohio R.C. 715.40

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Septic tank cleaners - see BUS. REG. Ch. 771

Connection requirements; sewer lines - see S. & P. S. 941.06

Permit and fee for sewer connections - see S. & P. S. 941.07

### **951.01 PHOTOGRAPHIC AND VISUAL INSPECTION.**

(a) The Municipal Engineer is hereby directed, prior to final approval of any newly installed sewer system, storm or sanitary, and/or reconstructed sewer, to require that any and all contractors shall cause to be made color photographs of the entire sewer system installed, showing thereby that the sewer system has been constructed upon a sound engineering basis and that the sewer system is free of any and all accumulations of foreign substance and nature and that the passage and flow of sewage and storm water is free and clear. If, in the discretion of the Engineer, the sewers are large enough for a visual inspection to be made in lieu of photographs, such visual inspection shall be made and a report of such inspection submitted to Council.

(b) Upon inspection of such color photographs and/or visual inspection reports and if satisfied that such sewer is free and clear of all foreign substance and there is nothing present to prevent free flow of sewage and storm waters, the Engineer is hereby authorized to recommend that Council accept the same as a final inspection, placing in safekeeping all color photographs and/or inspection records for future reference by the Municipality.

(c) The cost of such color photographing and photographs and/or inspection reports shall be entirely paid by the contractor or developer of such land and/or sewer system, and such photographs and/or inspection reports shall remain the property of the Municipality.

(Ord. 1966-50. Passed 12-6-66.)

### **951.02 CONNECTION REQUIRED.**

No owner, agent, lessee, tenant or occupant of any lot or lands located within the Municipality shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to and within 250 feet

of a public sewer of the Municipality constructed and used for the purpose of conveying sewage. When such public sewer is available or is hereafter made available, a connection to such public sewer shall be established and used, within six months after the completion date thereof, by such owner, agent, lessee, tenant or occupant, who shall for such purpose obtain a connection permit from the Mayor or his designated representative. The Mayor or his designated representative shall cause each connection for which a permit is issued hereunder to be inspected and approved and shall maintain a record thereof.

(Ord. 1974-82. Passed 10-15-74.)

**951.03 DISCHARGE PROHIBITIONS.**

No person shall discharge or cause to be discharged any storm water or unpolluted industrial process waters into any sanitary sewer except on streets provided with a combined storm and sanitary sewer, or on approval by the Director of Public Service and Properties or discharge any sanitary sewage or industrial wastes into the storm sewers or drains of the Municipality.

(Ord. 1974-52. Passed 6-18-74; Ord. 1974-82. Passed 10-15-74.)

**951.04 NECESSITY OF CONNECTION CHARGES.**

It is hereby declared to be necessary for the protection of the public health, safety and welfare of the Municipality and its residents to establish and collect the connection (tap-in) charges provided herein for the connection of any lot or lands and any building or other structure thereon to the sanitary sewerage system.

(Ord. 1974-82. Passed 10-15-74.)

**951.05 COMPLETION DATE.**

For the purposes of this chapter the term "completion date" means the date on which the sanitary sewerage system to be hereinafter constructed by the Municipality to serve the lots and lands described in Resolution 1973-12, passed January 18, 1973, is certified by the Consulting Engineer of the Village to be substantially complete and available for connections to be made to it from the lots and parcels of land accessible to the system.

(Ord. 1974-82. Passed 10-15-74. )

**951.06 CONNECTION PERMIT; CHARGES.**

(a) No person, corporation, public agency, partnership or association whatever shall connect, or cause to be connected, any lot or lands or any building or other structure either directly or indirectly with the municipal sewerage system for the purpose of discharging into such system sanitary sewage or industrial waste without first securing from the Mayor or his designated representative a permit for such purpose in a form prescribed by the Mayor, upon payment by the applicant of the charge provided for in subsection (b) hereof and any additional charges determined to be payable in accordance with any other provision of this section.

(b) No sanitary sewer connection permit shall be issued until the applicant has paid a charge of twenty-five dollars (\$25.00) to reimburse the Municipality for its costs of inspection and other administrative costs related to making of connections to the municipal sewerage system.

(c) No sanitary sewer connection permit shall be issued for any lot or parcel of lands for which a 100 percent benefit assessment has not been, or is not to be, levied as provided in Resolution 1973-12, passed January 16, 1973, until the applicant has paid, in addition to the charge specified in subsection (b) of this section, a connection (tap-in) charge to be determined in accordance with the following schedule, in order to equalize the amounts paid by users of the sanitary sewerage system for the cost of trunk sewers and interceptors forming an essential part of the system.

<u>Permit Obtained</u>	<u>Benefitted Unit of One</u>
On or before Dec. 31, 1977	\$ 103.75
From January 1, 1978 to December 31, 1982	118.75
From January 1, 1983 to December 31, 1987	137.50
From January 1, 1988 to December 31, 1992	157.50
From January 1, 1993 to December 31, 1997	177.50
January 1, 1998 and thereafter	197.50

(d) No sanitary sewer connection permit shall be issued for any lot or lands for which a 100 percent benefit assessment has not been, or is not to be, levied as provided in Resolution 1973-12, passed January 16, 1973, for connection to a lateral sanitary sewer, until the applicant has paid, in addition to the charges specified in subsections (b) and (c) of this section, for the purpose of equalizing the cost to benefitted



properties of equivalent eight-inch lateral sewers, a connection (tap-in) charge, according to the percentage of a 100 percent benefit levied or to be levied on such lot or land, in accordance with the following schedule:

Permit Obtained	Additional Benefit - Unit of One		
	25%	50%	100%
On or before Dec. 31, 1977	\$ 139.50	\$279.00	\$ 558.00
From Jan. 1, 1978 to Dec. 31, 1982	153.50	257.00	614.00
From Jan. 1, 1983 to Dec. 31, 1987	171.00	342.00	684.00
From Jan. 1, 1988 to Dec. 31, 1992	192.50	385.00	770.00
From Jan. 1, 1993 to Dec. 31, 1997	210.00	420.00	840.00
January 1, 1998 and thereafter	227.00	454.00	908.00

For purposes of this section, "benefitted units" shall mean, and shall be calculated as follows:

Single-family residence	Unit of one
Apartments:	
Efficiency and one bedroom	Number of units x .625
Two bedroom	Number of units x .75
Three bedroom	Number of units x 1.0
Hotels, motels and rooming houses	Number of rooms x .3
Factories and shops	Number of estimated employees x .1
Food service	
Ordinary restaurant, 24 hour restaurant	Number of seats x .25
Tavern - limited meal service	Number of seats x .06
Drive-in, curb service	Number of stalls x .15
Automobile service stations	Unit of two
Car wash, manual	Number of stalls x 1.5
Car wash, automatic	Number of stalls x 5
Car wash, drive-thru (with recirculation)	Unit of five
Office building	Number of persons x .06
Minimum five persons	(designed capacity)
Schools	Number of pupils x .08
	(designed capacity)
Assembly halls, lodge halls	Number of persons x .02
	(designed capacity)
Barbershops and beauty parlors	Number of chairs or shampoo basins x .2
	(designed capacity)
Churches	Number of seats x .03
Hospitals	Number of beds x .5
Nursing and rest homes	Number of persons x .45
	(designed capacity)
Institutions (resident)	Number of persons x .25
	(designed capacity)
Shopping centers	Each 1,000 sq. ft. or part thereof
	not devoted to any of the other
	uses listed herein x .3
Swimming pools	Designed capacity swimmers x .03
Mobile home parks or mobile homes	Number of spaces or pads x .75
Bowling alleys	Number of lanes x .25

For any use not shown, the number of units shall be determined by the Mayor with the assistance of the Municipal Engineer on the basis of accepted engineering practice estimating the anticipated flow from the applicant when compared to a single-family residence where the flow of 400 gallons per residence per day will be considered as a unit of one.

The connection (tap-in) charge will be calculated in accordance with the schedule by multiplying the

benefitted number of units by the rate for a unit of one in the case of subsection (c) hereof and in the case of subsection (d) hereof by the rate for the unit of additional benefit.

(e) In any case where a connection is to be made from any lot or land or building or other structure thereon directly into a trunk or interceptor sewer or into a lateral sanitary sewer, and such lot or land has not been, or is not to be, assessed at least the cost of providing an eight-inch lateral sanitary sewer to serve such lot or land, the aggregate of the charges provided in subsections (b), (c) and (d) of this section shall be increased by an amount equal to the number of front feet of the lot or land bounding and abutting upon the street or easement in which the sewer to which the connection to be made is located multiplied by eight dollars and fifty-five cents (\$8.55), plus interest at the rate of two and one-half percent per year commencing with the completion date.

(Ord. 1986-85. Passed 10-7-86.)

(f) Any connection or tap in for fees charged by those communities into which the Oakwood residents' sewers discharge shall be paid to the Village of Oakwood by the property owner, in addition to all other fees and Oakwood will then pay the other community, prior to the issuance of a connection permit.

(Ord. 1989-29. Passed 3-7-89.)

#### **951.07 SANITARY SEWER REVENUE FUND.**

All moneys collected by the Municipality as charges pursuant to the provisions of this chapter shall be deposited in the Sanitary Sewer Revenue Fund.

(Ord. 1974-82. Passed 10-15-74.)

#### **951.08 ADDITIONAL ASSESSMENTS AND CHARGES.**

The imposition of charges and the issuance of permits provided for in this chapter shall not preclude the subsequent levy of special assessments against benefitted lots and lands to provide funds for the construction of sanitary sewers required to provide local sewer service to such lots and lands, and the permits and charges provided for herein are in addition to any other permits and charges required by law and by ordinance or regulation of this Municipality.

(Ord. 1974-82. Passed 10-15-74.)

#### **951.09 UNLAWFUL CONNECTION.**

In the event that any lot or land or building or other structure thereon is connected directly or indirectly to the municipal sanitary system in violation of any provision of this chapter, and the owner, agent, lessee, tenant or occupant of such lot or land fails or refuses to disconnect the same upon being directed to do so by the Mayor, the Mayor is hereby authorized to cause such lot or land to be disconnected from the municipal sanitary sewerage system, and the violator shall be liable to the Municipality for the cost of making such disconnection.

(Ord. 1974-82. Passed 10-15-74.)

#### **951.10 NON-SEWERED WATER METERS.**

(a) Any property owner may install a second water meter on the premises for the purpose of measuring water that does not enter the sanitary sewer system. Such water would be used for swimming pools, lawn sprinkling or any other use where the water does not reach the sanitary sewer system.

(b) Any applicant who installs the meter authorized by subsection (a) must do so pursuant to the rules and regulations for "non-sewered water service" on file in the Department of Service, and must further comply with all rules and regulations required by the City of Cleveland, and Northeast Ohio Regional Sewer District, and/or the Environmental Protection Agency, as same may be amended from time to time.

(c) Any person installing a non-sewered water meter will be exempt from any and all sewer charges which are based on the use of water to the extent that the meter authorized in subsection (a) reflects same.

(Ord. 1988-61. Passed 6-21-88.)

#### **951.99 PENALTY.**

(a) Whoever violates any provision of this chapter for which no other penalty is provided, shall be fined not more than fifty dollars (\$50.00). A separate offense shall be deemed committed for each day that such violation continues after a period of thirty days following the original conviction.

(Ord. 1974-82. Passed 10-15-74.)

(b) Whoever violates Section 951.03 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day's continued violation constitutes a separate offense.

(Ord. 1974-52. Passed 6-18-74.)

**CHAPTER 953**  
**Sewer Rates and Charges**

- 953.01 Necessity for charges.**
- 953.02 Sanitary Sewer Revenue Fund.**
- 953.03 Charges.**
- 953.04 Billing; late charge.**
- 953.05 Industrial wastes; special agreements.**
- 953.06 Unpaid bills a lien.**
- 953.07 Leased premises; liability.**
- 953.08 Non-acceptable industrial wastes.**
- 953.09 Rules and regulations.**
- 953.10 Definitions.**
- 953.11 Senior citizen discount.**

**CROSS REFERENCES**

Sewage rates - see Ohio R.C. 729.49

Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52

**953.01 NECESSITY FOR CHARGES.**

For the protection of the public health, safety and welfare of the Municipality and to pay the expense of operating and maintaining the sanitary sewerage system and to provide funds for the retirement of the debt of the sanitary sewerage system, it is necessary that the rates and charges for the services of the sanitary sewerage system herein set forth be established.

(Ord. 1973-136. Passed 11-8-73.)

**953.02 SANITARY SEWER REVENUE FUND.**

The funds received from the collection of the rates and charges shall be deposited as received with the Director of Finance who shall keep the same in a separate fund designated as the Sanitary Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of, and securing mortgage revenue bonds for the system, moneys in the Fund shall be used for the cost of the operation, maintenance, repair and management of the system and for the payment of debt and other charges on bonds issued for improvements of, and extensions to the system, and any surplus in the Fund over and above the requirements hereinbefore mentioned may be used for enlargements, replacements, extensions of the system, and to pay the debt service of general obligation notes or bonds issued in connection with the sanitary sewerage system, and parts thereof.

(Ord. 1973-136. Passed 11-8-73.)

**953.03 CHARGES.**

For the foregoing purposes and except as provided in this section, there is hereby levied and charged upon each lot, parcel of land, or premises served by, or having a connection with, the system or otherwise discharging sewage, industrial waste, water or other liquids either directly or indirectly into any public sanitary sewers within the Village of Oakwood, sewer charges as follows:

- (a) For those residential properties being serviced directly by the Northeast Ohio Regional Sewer District Southeast Treatment Plant System, the sum of five dollars and seventy five cents (\$5.75) for each thousand cubic feet (MCF) of water used. For those commercial properties being serviced directly by the Northeast Ohio Regional Sewer District Southeast Treatment Plant System, the sum of nine dollars and seventy-five cents (\$9.75) for each 1,000 cubic feet (MCF) of water used.
- (b) For those residential properties being serviced through the Bedford Heights sanitary sewer system, sewer charges in the amount of five dollars and seventy- five cents (\$5.75) for each thousand cubic feet (MCF) of water used. For those commercial properties being serviced through the Bedford Heights sanitary sewer system, sewer charges in the amount of nine dollars and seventy-five cents (\$9.75) for each 1,000 cubic feet (MCF) of water used.
- (c) For those residential properties being serviced through the Bedford sanitary sewer system, sewer charges in the amount of five dollars and seventy-five cents (\$5.75) for each thousand cubic feet (MCF) of water used. For those commercial properties being serviced through the

Bedford sanitary sewer system, sewer charges in the amount of nine dollars and seventy-five cents (\$9.75) for each 1,000 cubic feet (MCF) of water used.

- (d) In the event that the sewer district, City of Cleveland, City of Bedford or City of Bedford Heights, increases their billing charges, collection charges, or any fees transmitted to the Village of Oakwood, the individual fees charged and above-stated shall be increased by a like amount by the Director of Finance or any billing authority in charge of the collection of sewer charges, with prior notification of changes to Council.

(Ord. 1995-95. Passed 11-28-95.)

#### **953.04 BILLING: LATE CHARGE.**

The charges levied at the rates established by this chapter shall be billed monthly and shall be effective as of the first day of the month following the completion date. Any premises making connection with the sanitary sewerage system and using the same after the first day of any month shall be charged a per diem pro rata amount, based upon the monthly charges established herein, from the time such connection is made or discharge through such connection into the system is begun, until the commencement of the next following billing period applicable to such premises. All bills shall be increased by twenty percent (20%) or five dollars (\$5.00), whichever is greater, and the amount of the bill as so increased shall constitute the gross bill. If the bill is paid within ten days after it is rendered, the net bill consisting of the charges without such increase shall be accepted as payment in full.

(Ord. 1983-61. Passed 7-12-83.)

#### **953.05 INDUSTRIAL WASTES; SPECIAL AGREEMENTS.**

In addition to the rates and charges established in Section 953.03, there may be established in special circumstances and upon special agreement between the Municipality and the owner of any premises served by the sewerage system, such additional charges for any industrial wastes of unusual strength or composition which are accepted by the Municipality (and the County of Cuyahoga by reason of the Sewer Service Agreement) as may be determined to be fair and equitable. Each special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.

(Ord. 1973-136. Passed 11-8-73.)

#### **953.06 UNPAID BILLS A LIEN.**

Each sewer charge imposed pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within sixty days after it shall become due and payable, it shall be certified to the Auditor of Cuyahoga County, who shall place the same on the tax duplicate, with interest and penalties allowed by law, and be collected as other municipal taxes are collected. The Municipality shall also have the further right in event of nonpayment as aforesaid, to enforce payment of the unpaid bills through action in any court, including a small claims court having jurisdiction in the action.

(Ord. 1973-136. Passed 11-8-73.)

#### **953.07 LEASED PREMISES; LIABILITY.**

In the case of leased lots, parcels of land or premises having a connection with the system, the lessor and lessee shall both be liable for payment of the sewer charges herein provided and the Municipality shall proceed to collect such charges from either the lessor or the lessee or it may certify delinquent charges to the Auditor of Cuyahoga County as provided in Section 953.06.

(Ord. 1973-136. Passed 11-8-73.)

#### **953.08 NON-ACCEPTABLE INDUSTRIAL WASTES.**

The discharge of non-acceptable industrial wastes, as herein defined, into the system, whether directly or indirectly, is hereby prohibited. Where investigation reveals the presence in the system of non-acceptable industrial wastes emanating from any lot, land, building or premises located within or without the corporate limits of the Municipality, the owner, lessor, renter or occupant of such lot, land, building or premises shall be required to treat, neutralize or in other ways prepare the noxious substance therein, to the satisfaction of the Mayor (and the Cuyahoga County Sanitary Engineer by reason of the Sewer Service Agreement), in order to convert the same into acceptable industrial wastes.

(Ord. 1973-136. Passed 11-8-73.)

#### **953.09 RULES AND REGULATIONS.**

The Mayor with the assistance of the Municipal Engineer (and the Cuyahoga County Sanitary Engineer by reason of the Sewer Service Agreement) shall make and enforce rules and regulations as he may deem necessary for the enforcement of the provisions of this chapter, for the proper determination and collection of

the rates and charges herein provided and for the safe, efficient and economical management and protection of the system. Such rules and regulations, when not inconsistent to the existing ordinances of the Municipality or the laws of the State of Ohio shall have the same force and effect as ordinances of Council. (Ord. 1973-136. Passed 11-8-73.)

#### **953.10 DEFINITIONS.**

For the purpose of this chapter:

- (a) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips and drinking fountains, and any other waterborne wastes not constituting industrial wastes.
- (b) "Acceptable industrial wastes" means liquid organic waste materials not containing toxic or explosive elements or other substances injurious to sewers or sewage treatment processes, which result from any commercial, manufacturing or industrial operation and process.
- (c) "Non-acceptable industrial wastes" means liquid wastes in which are incorporated minerals, oils, acids, toxic metallic or chemical substances resulting from any commercial, manufacturing or industrial operation.
- (d) "Completion date" means the date on which the sanitary sewerage system of the Municipality to be hereinafter constructed by the Municipality to serve the lots and lands described in Resolution 1973-12, passed January 18, 1973, is certified by the Consulting Engineer of the Municipality, to be substantially complete and available for connections to be made thereto from the lots and parcels of land accessible to the system.

(Ord. 1973-136. Passed 11-8-73.)

#### **953.11 SENIOR CITIZEN DISCOUNT.**

(a) The Mayor and Director of Finance are hereby and herein authorized and directed to cause a reduction in the sanitary sewer bills to all resident senior citizens who are sixty years of age or over and who own real property within the Village, taking effect the next billing period after adoption of this section. The amount of the reduction shall be ten percent (10%) per thousand cubic feet of water consumed and used as the determination of the sanitary sewer bill.

(b) The Mayor and Director of Finance shall determine those individuals who qualify under subsection (a) hereof, and so notify the City of Cleveland prior to the next billing period.

(Ord. 1985-81. Passed 12-17-85.)

### **CHAPTER 955**

#### **Private Sewage Disposal Systems**

**955.01 Septic tanks permitted.**

**955.02 Septic tank cleaning requirements.**

**955.99 Penalty.**

#### **CROSS REFERENCES**

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715. 27

Power to regulate water closets and privies - see Ohio R.C. 715.40

Septic tank cleaners - see BUS. REG. Ch. 771

#### **955.01 SEPTIC TANKS PERMITTED.**

In areas of the Municipality not covered by Oakwood Sanitary Sewer System Phase I, the Municipality will permit septic tanks and on-site treatment plants only with the approval of the Cuyahoga County Department of Health.

(Ord. 1975-8. Passed 1-21-75.)

#### **955.02 SEPTIC TANK CLEANING REQUIREMENTS.**

(a) All property owners who have septic tanks in their sanitary sewage system shall clean such tank at intervals not greater than three years or when such tank discharges settleable solids, whichever occurs first.

(b) The owner shall cause the person, firm or corporation cleaning such tank to provide the Building and Zoning Inspector with a receipt that a tank was cleaned on a certain date, showing the name of the owner, address of the property, where the contents were disposed of and the condition of the tank.

(c) The Inspector shall keep a record of the cleaning of all septic tanks from the effective date of this

chapter and shall inform each property owner thirty days in advance of the expiration of the three-year interval that such tank must be cleaned before the expiration of that interval.

(Ord. 1966-31. Passed 8-16-66.)

**955.99 PENALTY.**

Whoever violates Section 955.02 shall be fined not more than twenty-five dollars (\$25.00).

(Ord. 1966-31. Passed 8-16-66.)

**CHAPTER 961**

**Water**

EDITOR'S NOTE: Pursuant to Ordinance 2007-33, passed April 24, 2007, the Mayor was authorized to enter into an amended water service and asset transfer agreement with the City of Cleveland, whereby the Village of Oakwood transfers its ownership in all water mains and water supply facilities to the City of Cleveland in exchange for the City of Cleveland undertaking maintenance responsibility and undertaking a capital improvement program for the water distribution system which includes the Village of Oakwood.

**961.01 Tap-in permit and charge.**

**961.02 Water Tap-In Fund.**

**961.03 Clean Water Fund.**

**961.04 Delinquent bills.**

**CROSS REFERENCES**

Easements for water supply - see Ohio R.C. 715.34

Power to regulate electricity, gas and water rates - see Ohio R.C. 743.26, 743.28, 4909.34 et seq.

Contract for water supply - see Ohio R.C. 743.24, 4933.04

City consent for water fixtures on public property - see Ohio R.C. 4933.01

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Connection requirements; water lines - see S. & P. S. 941.06

Permit and fee for water connections - see S. & P. S. 941.07

**961.01 TAP-IN PERMIT AND CHARGE.**

(EDITOR'S NOTE: Pursuant to Ordinance 1977-50, passed June 7, 1977, Ordinance 1976-47 increasing the water tap-in permit charge was repealed and the water tap-in charge existing prior to the adoption of that ordinance were reinstated.)

**961.02 WATER TAP-IN FUND.**

Moneys collected in accordance with the provisions of this chapter shall be deposited by the Director of Finance in a separate and distinct fund to be known as the Water Tap-In Fund which shall be used for inspection, repairs, maintenance, operating, engineering and other expenses incurred pursuant to the direct service contract with the City of Cleveland for the supply of water into and through the water system in the Municipality and/or for any construction, enlargement or extension thereof which Council, in its discretion, shall order to be undertaken.

(Ord. 1976-47. Passed 7-6-76. )

**961.03 CLEAN WATER FUND.**

(a) The Finance Director is hereby directed to establish a Clean Water Fund, and to place therein all moneys which have been returned to the Municipality from the Cleveland Clean Water Fund. The Finance Director is further directed to freeze such moneys for the sole and exclusive benefit of the extension of sanitary sewers into the panhandle area of the Municipality which does not have sanitary sewers at this time. These moneys are to be frozen until such time as the installation of the sanitary sewers is begun in the panhandle area of the Municipality.

(b) The Finance Director is directed to invest such moneys in any investments which are allowed by law, and any interest or dividends declared therefrom are to be redeposited in the Clean Water Fund and to be used for the exclusive purpose set forth in subsection (a) hereof.

(Ord. 1975-60. Passed 8-19-75.)

**961.04 DELINQUENT BILLS.**

(a) Each water charge imposed pursuant to this Chapter is hereby made a lien upon the premises charged

therewith, and if the same is not paid within sixty days after it shall become due and payable, it shall be certified to the Auditor of Cuyahoga County, who shall place the same on the tax duplicate, with interest and penalties allowed by law, and be collected as other municipal taxes are collected. The Municipality shall also have the further right in event of nonpayment as aforesaid, to enforce payment of the unpaid bills through action in any court, including a small claims court having jurisdiction in the action.

(b) The Bedford Water Department is hereby and herein authorized and directed to turn off any water customer within the Village who has a delinquent sanitary sewer water bill of two quarters six months or more at the direction of the Service Director as verified by the Director of Finance.  
(Ord. 2009-72. Passed 12-22-09.)

## **CHAPTER 965**

### **Storm Water Management Regulations**

**965.01 General provisions.**

**965.02 Definitions.**

**965.03 General permit requirements.**

**965.04 Storm Water Management Plan.**

**965.05 Construction site erosion and sediment control practices.**

**965.06 Permanent storm water management controls.**

**965.07 Site ownership.**

**965.08 Administration.**

#### **965.01 GENERAL PROVISIONS.**

(a) Title. These regulations shall be cited as the Village of Oakwood Construction Site Erosion and Storm water Management Regulations.

(b) Purpose. These regulations establish technically feasible and economically reasonable standards to achieve a level of storm water management and sediment control to minimize damage to property, degradation of water resources and to promote the health, safety and general well-being of all life and inhabitants of the Village of Oakwood. Further, these regulations:

- (1) Promote development while minimizing downstream flooding, erosion and sedimentation and maintaining water quality.
- (2) Reduce damage to receiving streams and drainage systems which may be caused by increases in the quantity and/or rate of water discharged and impairment of their capacity which may be caused by sedimentation.
- (3) Establish a basis for the design of all storm drainage systems to preserve the rights and options of both the dominant and servient property owners and help assure the long term adequacy of storm drainage systems.

(c) Scope. These regulations apply to earth-disturbing activities performed in development areas within the jurisdiction of the Village of Oakwood involving, but not limited to new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial and commercial areas, building activities on farms, redevelopment of urban areas and all other uses, unless expressly excluded as follows:

- (1) Activities related to producing agriculture crops, silviculture operations, or areas regulated by Ohio Agricultural Sediment Pollution Abatement Rules 1501:15-3-01 to 1501:15-3-09 of the Ohio Administrative Code 1.

(d) Disclaimer of Liability. Neither submission of a plan under the provision herein, nor compliance with the provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.

(e) Severability. Where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these regulations shall control. If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

(f) Effective Date. These regulations become effective on their adoption by the Council of the Village of Oakwood, Ohio.

(g) Erosion and Sediment Control Plan.

- (1) In order to control sediment pollution of water resources, the owner or person responsible for the

development area shall be responsible for developing an Erosion and Sediment Control Plan.

- (2) The Erosion and Sediment Control Plan must be submitted to and be approved in writing by the Oakwood Village Engineer prior to any earth disturbing activity in the development area.
- (3) The Erosion and Sediment Control Plan may be submitted by the Village of Oakwood to the Cuyahoga Soil and Water Conservation District for their review and comments prior to approval.
- (4) Development areas that are less than one acre in size are not required to submit a written Erosion and Sediment Control Plan. All developments larger than one acre are subject to these regulations and shall follow all of the requirements set forth herein.

(Ord. 1997-65. Passed 10-14-97.)

#### **965.02 DEFINITIONS.**

- (a) General Definitions. For the purpose of these regulations:
  - (1) Words used in the present tense include the future tense; and the singular includes plural unless the context clearly indicated the contrary.
  - (2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
  - (3) Any word or term used in these regulations but not defined in this article shall be given the standard or common interpretation.
- (b) Specific Definitions.
  - (1) "Village of Oakwood" or "Village" means the official, or officials, Board or Commission designated by the Mayor and/or Village Council as being responsible for administering these regulations.
  - (2) "Channel" means a natural stream that conveys water or a ditch excavated for the flow of water.
  - (3) "Concentrated storm water runoff" means surface runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.
  - (4) "Conservation" means the wise use and management of natural resources.
  - (5) "Cut and fill slopes" means a portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.
  - (6) "Denuded area" means a portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered and which may result in or contribute to erosion and sedimentation.
  - (7) "Detention structure" means a storm water management structure which is dry between storm events. Storm water management structures include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
  - (8) "Development area" means any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership or are contiguous and in diverse ownership where earth-disturbing activity is to be performed in accord with a single plan of development.
  - (9) "District" means the Soil and Water Conservation District organized under Chapter 1515 of the Ohio Revised Code and serving Cuyahoga County, Ohio.
  - (10) "Ditch" means an excavation either dug or natural for the purpose of drainage of irrigation with intermittent flow.
  - (11) "Dumping" means grading, pushing, piling, throwing, unloading or placing of soil.
  - (12) "Earth-disturbing activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
  - (13) "Earth material" means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.
  - (14) "Erosion" means the process by which the land surface is worn away by the action of water, wind, ice or gravity.
  - (15) "Erosion and sediment control practices" means conservation measures used to control sedimentation or other pollution and includes structural practices, vegetative practices



and management techniques.

- (16) "Frequency storm" means a rainfall or other storm event of a magnitude with a specified average recurrence interval and is calculated with Soil Conservation Service Type II twenty-four hour curves or depth-duration frequency curves.
- (17) "Grading" means earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling or any combination thereof.
- (18) "Grubbing" means removing, clearing or scalping material such as roots, stumps or sod.
- (19) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (20) "Larger common plan of development" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (21) "Outfall" means an area where water flows from a structure such as a conduit, storm sewer, improved channel or drain and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.
- (22) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- (23) "Retention structure" means a storm water management structure which maintains a permanent pool of water. These include a properly engineered/design volume dedicated to the temporary storage and slow release of runoff waters.
- (24) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.
- (25) "Sediment basin" means a settling pond meeting or exceeding the design specifications of a temporary sediment basin as defined in Water Management and Sediment Control for Urbanizing Areas, Soil Conservation Service, Ohio.
- (26) "Sediment control" means the limiting of sediment transport by controlling erosion or detaining sediment-laden water allowing sediment to settle out.
- (27) "Sediment pollution" means failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling or other soil disturbing activities on land used or being developed for non-farm commercial, industrial, residential or other non-farm purposes.
- (28) "Sensitive area" means an area or water resource as delineated by the Village of Oakwood prior to plan approval that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region, or the state and includes:
  - A. Ponds, wetlands or small lakes with less than five acres of surface area;
  - B. Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms; and
  - C. Drainage areas of a locally or state designated scenic river.
- (29) "Settling pond" means a runoff detention structure such as a sediment basin or sediment trap which detains sediment-laden runoff allowing sediment to settle out.
- (30) "Sheet flow" means water runoff in a thin, uniform layer or rills which is of small enough quantity to be treated by sediment barriers.
- (31) "Silviculture" means the theory and practice of controlling forest establishment, composition and growth.
- (32) "Slip" means landslide as defined in subsection (a)(19) hereof.
- (33) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.
- (34) "Soil" means unconsolidated erodible earth material consisting of minerals and/or organic matter.
- (35) "Soil stabilization" means vegetative or structural soil cover controlling erosion and includes

permanent and temporary seed, mulch, sod, pavement, etc.

- (36) "Statement of Intent" means providing the Village with the same information contained on an application for a National Pollution Discharge Elimination System (NPDES) permit.
- (37) "Storm water conveyance system" means all storm sewers, channels, streams, ponds, lakes, etc. used for conveying concentrated storm water runoff or storing storm water runoff.
- (38) "Stream" means a body of water running or flowing on the earth's surface or the channel in which such flow occurs. Flow may be seasonally intermittent.
- (39) "Unstable soil" means a portion of the land surface which is prone to slipping, sloughing or landslides.
- (40) "Water resources" means all streams, lakes, ponds, wetlands, watercourses, waterways, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.

(Ord. 1997-65. Passed 10-14-97.)

### **965.03 GENERAL PERMIT REQUIREMENTS.**

(a) Storm Water Management Permit Required. A Storm Water Management Permit shall be required for any earth-disturbing activities involving an area greater than 10,000 square feet.

(b) Statement of Intent. When the development area is less than one acre but more than 10,000 square feet a Statement of Intent shall be required to obtain a Storm Water Management Permit.

(c) Storm Water Management Plan. When the development area is one acre or more, the applicant shall develop and submit for review and approval a Storm Water Management Plan as described in Section 965.04 . The Storm Water Management Plan may be submitted to the Cuyahoga County Soil and Water Conservation District prior to submitting to the Village of Oakwood. At least five copies of the plan and the written comments of the Soil and Water Conservation District, if any shall be submitted to the Village of Oakwood.

(d) Filing Fee. All applications for a Storm Water Management Permit, except those submitted by a public entity or agency, shall be accompanied by a filing fee of two hundred fifty dollars (\$250.00).

(e) Application for Permit. Application for a Storm Water Management Permit shall be submitted to the Village of Oakwood. The Village Engineer shall review the application and forward copies of the application with his recommendations to Village Council. If Village Council finds the application in conformance with the provisions of these regulations a permit shall be issued with such reasonable conditions as deemed necessary to secure the objectives of these regulations.

(f) Approval or Denial of Permit. An application for a Storm Water Management Permit shall be approved or denied within sixty days from the time the application was submitted to the Village of Oakwood or from the date a report is received from the Cuyahoga County Soil and Water Conservation District if the application was referred to that Agency for review. If a revision to the application is required, an additional thirty day review period commences upon the receipt of the revisions.

(g) Notification of Commencement of Work. Every permit holder shall notify the Village Engineer at least five working days in advance of commencement of work authorized by such permit.

(h) Site Inspection. All permitted earth disturbing activities shall be subject to site inspection by the Village Engineer, Building Inspector or their designated representative, to determine compliance with these regulations.

(i) Compliance with Other Applicable Regulations. The applicant for a Storm Water Management Permit shall also comply with any of the following regulations which are applicable:

- (1) The provisions of the Ohio Department of Natural Resources Ohio Dam Safety Laws (July 1, 1987) or the latest edition.
- (2) The provisions of the National Pollution Discharge Elimination System (NPDES) permits as administered by the United States and Ohio Environmental Protection Agencies. A copy of the NPDES permit number or a signed statement saying that the permit is not needed must be provided to the Village of Oakwood before a construction permit will be issued.
- (3) The provisions of the U. S. Army Corps of Engineers dredge and fill permits for federally protected wetlands.

(4) All other applicable Federal, State and Local laws and regulations.

(Ord. 1997-65. Passed 10-14-97.)

#### **965.04 STORM WATER MANAGEMENT PLAN.**

(a) Purpose of Storm Water Management Plan. In compliance with Section 965.03 (c), a Storm Water Management Plan shall identify potential erosion, sediment pollution and storm water problems both within and from the development. The Plan shall describe measures to be taken to control those problems. The Storm Water Management Plan must be submitted to and approved by the Village of Oakwood prior to any earth-disturbing activity within the development area.

(b) Specific Contents of Storm Water Management Plan. The following specific information shall be included in the Storm Water Management Plan:

(1) A narrative providing a general project description including the nature, type and purpose of earth disturbing activities proposed.

- A. A schedule of major construction operations as related to implementing erosion and sediment control practices and storm water management facilities.
- B. Maintenance methods for temporary erosion and sediment control, including sediment levels necessitating clean out and the person responsible for performing maintenance.
- C. The name, address and telephone number of the plan designer, owner and person(s) responsible for the development area.

(2) A site plan showing the following information:

- A. The larger common plan of development, the development area and all pertinent surrounding features, including water resources and the development area in relation to the surrounding area.
- B. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
- C. The types of soils within or affected by the development area and location of all highly erodible or unstable soils, as determined by the most current edition of the Soil Survey of Cuyahoga County.
- D. Surface water locations including springs, wetlands, streams, lakes, ponds, etc. on or within 200 feet of the site, or within the common plan of development, whichever is greater.
- E. Existing and planned locations of buildings and utilities which may affect erosion and sediment control practices.
- F. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common development area. Drainage patterns during major phases of construction shall also be included.
- G. Total area of the site and the area of the site that is expected to undergo excavations, filling, grading or clearing.
- H. The location of areas receiving runoff from the development area.
- I. The name and/or location of the immediate receiving stream or surface water(s), the subsequent named receiving water(s) and the major river watershed in which they are located.
- J. The limits of earth disturbing activities beyond the development area.
- K. The existing and proposed topography shown in appropriate contour intervals.
- L. Settling ponds drawn to scale with basic dimensions.
- M. Detail drawings of structural control facilities.
- N. Proposed utilities which may affect erosion and sediment control practices.

(3) A description of conservation practices to be employed during the construction period:

- A. The identification schedule, phasing and coordination of construction operations and erosion and sediment control practices, including vegetative plantings and mulch.
- B. A description and detailed sketches of conservation measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Such practices may include among others: infiltration of runoff, flow reduction by use of open vegetated swales, diversions, permanent grass plantings, tree and shrub

- plantings, streambank protection practices, grade stabilization structures, etc.
- C. A general description of the storm water management strategy proposed to meet the requirements of Section 965.03.
  - D. The location and design calculations for all permanent storm water conveyance detention and retention structures and other control structures.
  - E. Where applicable, the type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Soil testing for fertility and lime is preferred.
  - F. Proposed utilities which may effect erosion and sediment control practices.
- (4) A description of maintenance provisions:
- A. The person or entity financially responsible for maintenance of the permanent storm water control structures, storm water conveyance structures and other conservation practices.
  - B. Maintenance requirements and schedules as defined by Section 965.06(c).
  - C. Permanent access and access easements required to perform inspection and maintenance of storm water control structures, storm water conveyance systems, permanent vegetative plantings and other conversation practices shall be provided as follows:
    - 1. Access to flood control storm drainage ditches, channels and storage facilities, shall be by means of easements. Such easements shall not be less than twenty feet in width, exclusive of the width of the ditch, channel, or other facility it is to serve. An easement of this type shall be provided at least on one side of the flood control or storm drainage ditch, channel, or similar type facility.
    - 2. Access along the storm sewers shall be by means of easements or via permanent right of way. Such easements shall be not less than twenty feet in width, with a minimum of five feet in width on either side of the center line of the pipe.
    - 3. Access around storm water storage facilities shall be a twenty-five foot easement in the case of detention (dry) basins and a twenty-five foot level bench in the case of retention (wet) basins, measured from the top of the high water line and shall include the storage facility itself.
    - 4. Easements for the emergency flow ways shall be a minimum of twenty feet in width or larger if required to provide at least a ten foot wide walkway adjacent to the flow way.
    - 5. Flood control or storm drainage easement containing underground facilities, shall have a minimum width of twenty feet.
    - 6. Those lots crossed by an easement are restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics and against the construction therein of buildings, fences and walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment; and also restricted against the changing of final grade from that described by the approved grading plan.
- (5) Post-construction storm water pollution prevention measures shall be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Such practices may include, among others, stable runoff conveyance, stream channel protection, buffer strips, grass filter strips, infiltration practices and water quality treatment ponds.

(Ord. 1997-65. Passed 10-14-97.)

#### **965.05 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL PRACTICES.**

(a) Requirements.

- (1) No person shall cause or allow earth-disturbing activities, land clearing, grading, excavating or filling except in compliance with the performance criteria set out in subsection (b) hereof.
- (2) Erosion and sediment control practices used to satisfy the performance criteria shall meet the

specifications in the current edition of *Water Management and Sediment Control for Urbanizing Areas* publication of the USDA Soil Conservation Service, Ohio or local technical manual whichever is more stringent.

- (3) The performance criteria are general guidelines and shall not limit the right of the Village of Oakwood to impose, at any time, additional, more stringent requirements, nor shall the criteria limit the right of the Village of Oakwood to waive, in writing, individual requirements.

(b) Performance Criteria. In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use planning and practices to maintain the level of conservation established by the following performance criteria:

- (1) Timing of Sediment Trapping Practices. Sediment control practices shall be functional throughout earth disturbing activity. Settling facilities, perimeter controls, sediment control barriers and other practices intended to trap sediment shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the up-slope development area is permanently restabilized. Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity.
- (2) Clearing and Grubbing. Clearing and grubbing will be done in two or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion and sediment and storm water control practices. After the perimeter controls are in place and functioning the remaining phases(s) of clearing and grubbing may continue. For areas within fifty feet of any stream, first order or larger, soil stabilization practices shall be initiated within two days on all inactive, disturbed areas.
- (3) Stabilization of Denuded Areas. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site and shall also be applied within seven days to denuded areas which may not be at final grade, but will remain dormant for longer than forty-five days. For areas within fifty feet of any stream, first order or larger, soil stabilization practices shall be initiated within two days on all inactive, disturbed areas.
- (4) Settling Facilities. Concentrated storm water runoff from denuded areas flowing at rates which exceed the design capacity of sediment barriers shall pass through a sediment-settling facility. The facility's storage capacity shall be no less than sixty-seven cubic yards per acre of total drainage area. Settling facilities, including permanent storm water management ponds that are designed to trap sediment during construction, shall be designed to provide for a slow release of sediment- laden water. The ideal drawdown time is from three to four days.
- (5) Sediment Barriers. Sediment barriers, such as sediment fences or diversions directing runoff to settling facilities, shall protect adjacent properties and water resources from sediment transported by sheet flow. Sheet and rill flow runoff from denuded areas shall be diverted to a settling pond or treated by a geotextile silt fence or other approved sediment barrier. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier.
- (6) Storm Sewer Inlet Protection. All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment laden water will not enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm sewer system drains to a settling facility.
- (7) Working in or Crossing Streams. Streams, including bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted or stopped. To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. If a live (wet) stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.
- (8) Construction Access Routes. Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, or onto public roads. Where soil is

transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently for safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after most sediment has been removed by shoveling or sweeping.

- (9) Sloughing and Dumping. No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the Village of Oakwood and, when applicable, the U. S. Army Corps. of Engineers, for such purposes as, but not limited to, construction of bridges, culverts and erosion control structures. Unstable soils prone to slipping or landslides shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address such problems.
- (10) Cut and Fill Slopes. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, up-slope drainage area, groundwater conditions and slope stabilization.
- (11) Stabilization of Outfalls and Channels. Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten year (or greater) frequency storm without eroding.
- (12) Establishment of Permanent Vegetation. Permanent vegetative cover shall be established on denuded areas. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Village of Oakwood, covers eighty percent (80%) or more of the soil surface and provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.
- (13) Disposition of Temporary Practices. All temporary erosion and sediment control practices shall be removed or permanently stabilized within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the Village of Oakwood. Trapped sediment shall be permanently stabilized to prevent further erosion.
- (14) Maintenance. All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued physical and financial maintenance of permanent erosion controls shall be identified to the satisfaction of the Village of Oakwood.
- (15) Underground Utility Construction. The construction of underground utility lines, pipes, etc., shall be subject to the following criteria:
  - A. Trenches shall remain open for no more than five days.
  - B. Trench dewatering devices shall discharge in an approved manner which will not adversely affect resource waters or off-site property.
- (16) NPDES Permit. If the construction site is subject to a NPDES permit, a copy of all of the required inspection sheets shall be submitted to the Village Engineer within two working days of the date the inspection was conducted.

(Ord. 1997-65. Passed 10-14-97.)

#### **965.06 PERMANENT STORM WATER MANAGEMENT CONTROLS.**

To protect property from flood damage and channel erosion and to protect water resources from degradation resulting from accelerated storm water flows, all development areas shall be designed and constructed in compliance with these regulations.

##### **(a) Requirements.**

- (1) Storm water management systems shall be designed for the ultimate use of the land. Development areas developed for subdivisions shall provide a storm water management system for the ultimate development of all the subdivided lots. In the event pre-development conditions are such that any potential increase in runoff rate and/or runoff volume may

cause a substantial risk to downstream properties, the Engineer may require, in addition to the minimum requirements stated herein, additional storm water management controls to minimize the potential harm to downstream properties.

- (2) Storm water management ponds and facilities shall be designed so that they will continue to function with minimal maintenance.
- (3) Storm water management ponds and facilities shall be designed for multi- use wherever practical.
- (4) Storm water management ponds and facilities shall be designed with specific regard to safety.
- (5) The design criteria shall be applied to each watershed within the development area. If the Village of Oakwood allows post-development drainage to cross pre-development drainage divides all pre and post- development runoff rates and volumes shall be calculated using their respective drainage divides.
- (6) All storm water ponds and facilities that are designed to serve the dual purpose of a sediment trap during construction shall be designed to provide for a slow release of sediment laden water. The ideal drawdown time is from three to four days (72 hours to 96 hours).
- (7) All storm water ponds and facilities that are designed to serve the dual purpose of a sediment trap during construction shall be designed to provide the maximum flow time reasonably possible for sediment laden water from the point of entry in the pond of facility until it flows out of the structure.
- (8) All permanent structures shall be designed with an appropriate level of landscape design features, including the concrete and other man made objects used in the construction of the facilities.

(b) Storm Water Management Design Criteria.

- (1) Runoff rate. The runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the two, five, ten, twenty-five, fifty and 100 year storms.
- (2) Runoff volume. Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one year pre-development storm runoff rate.
- (3) Critical storm. The Critical Storm for a specific development area is determined as follows:
  - A. Determine the total volume of runoff from a one year frequency, twenty-four hour storm, occurring on the development area before and after development.
  - B. From the volumes in subsection (3)A. above, determine the percent of increase in volume of runoff due to development.
  - C. Using this percentage, select the critical storm from the following table:

<b>The Percentage Increase in Volume of Runoff is:</b>		<b>The 24-Hour “Critical Storm” for Discharge will be:</b>
<b>Equal to or Greater than:</b>	<b>and Less than:</b>	
0%	10 %	1 Year
10%	20%	2 Years
20%	50%	5 Years
50%	100%	10 Years
100%	250%	25 Years
250%	500%	50 Years
500%	no limit	100 Years

- (4) Methods. Methods for controlling increases in storm water runoff peaks and volumes may include but are not limited to:
  - A. Retarding flow velocities by increasing friction.
  - B. Grading and use of grade stabilization structures to provide a level of control in flow paths and stream gradients.
  - C. Induced infiltration of increased storm water runoff into soil where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil

for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.

D. Provisions for detention and retention; for example, permanent ponds and lakes with storm water basins provided with proper drainage, multiple-use areas for storm water detention and recreation, wildlife, or transportation, or subsurface storage areas.

E. Soil limitations shall be determined by current edition of the local soil survey by the Soil Conservation Service, USDA.

(c) Storm Water Facility Maintenance. The owner and/or developer shall maintain all storm water management facilities for a period of two years following final inspection and acceptance and/or one year after the last lot has been developed within those areas which drain into the facility. All storm water management facilities shall be maintained to meet the design standards and the provisions of these regulations. The owner and/or developer shall post a maintenance bond, in the form as approved by the Director of Law, in the sum of twenty five percent (25%) of the performance guarantee specified in Section 965.08. Failure to maintain the improvement during the two year maintenance period may result in action against the owner and/or developer or against the maintenance bond.

(1) Maintenance required for aesthetics, recreation or nuisance control shall be the responsibility of the owners of the land served by the facility. See Section 965.07.

(2) An inspection and maintenance agreement, in the form as approved by the Director of Law, binding on all owners and subsequent owners of land draining into the storm water facilities shall be created as part of the design criteria. Such agreement shall provide for access to the facilities at reasonable times for regular inspection by the Village of Oakwood to ensure that the facility is maintained to meet design standards and the provisions of these regulations. Such agreements or restrictions shall be recorded on the deeds for all affected properties and reference thereon be made to the entity or individual(s) to be responsible for maintenance. The location, dimensions and bearing of storm water facilities and easements shall be recorded on the deed, or when in an approved subdivision, on the final plat and reference thereon be made to the entity or individual(s) responsible for maintenance.

(d) Maintenance Information in Storm Water Management Plan. The Storm Water Management Plan shall contain the following information:

(1) Maintenance inspection schedules including the printed name, address and phone number of the inspecting official.

(2) The person or entity financially responsible to maintain the permanent storm water control structures, storm water conveyance structures and other conservation practices.

(e) Inspection Requirements. Maintenance practices shall be inspected as follows:

(1) A registered engineer shall inspect and submit an inspection report to the Village of Oakwood on all storm water detention and retention structures and conveyances by June 1 of each year.

(2) All permanent erosion control practices shall be inspected and certified by a Certified Professional Erosion and Sediment Control Specialist (CPESC) or an appropriately trained and experienced professional. The inspection report shall be submitted to the Village of Oakwood by June 1 of each year.

(Ord. 1997-65. Passed 10-14-97.)

#### **965.07 SITE OWNERSHIP.**

Unless otherwise specified by action of the Council of the Village of Oakwood, the developers, property owners or their successors and assigns shall have full and complete responsibility for maintaining the condition of the site as specified herein. Failure to comply will result in enforcement actions as set forth in Section 965.08(c).

(Ord. 1997-65. Passed 10-14-97.)

#### **965.08 ADMINISTRATION.**

(a) Guarantees for Completion of Work.

(1) All persons proposing earth-disturbing activities involving one acre or more shall provide a performance guarantee in the form of a letter of credit, cash on deposit, traditional



performance bond, or other form as deemed adequate by the Law Director of the Village of Oakwood.

- (2) The performance guarantee shall be retained by the Village of Oakwood until measures identified in the Storm Water Management Plan and these regulations have been completed to the satisfaction of the Village of Oakwood.
  - (3) The performance guarantee shall be one hundred ten percent (110%) of the design engineer's estimate for establishing vegetative stabilization on the site and constructing the storm water management facilities, as approved by the Village Engineer.
- (b) Inspection and Enforcement Actions.
- (1) The Village of Oakwood or its representatives may inspect any permitted development area to determine compliance with the approved plan and these regulations. When it is determined that there is a violation or the development area is not in compliance the following procedure shall be followed:
    - A. The Village Engineer or Building Inspector representing the Village of Oakwood shall notify the property owner of the violation and the remedial work required to be in compliance with the approved plan and these regulations.
    - B. A follow up inspection shall be made not more than one week after the property owner has been notified of the violation.
    - C. If the violation remains unabated, the Village of Oakwood may issue, in person or by certified mail, an order to comply. The order shall describe the deficiencies and the remedial work necessary and specify a date whereby the work must be completed.
    - D. On the date specified in the order to comply the site shall be reinspected.
    - E. If the Village of Oakwood determines that a violation still exists one or all of the following options may be pursued:
      1. The Storm Water Management Permit may be revoked. No construction shall proceed without a Storm Water Management Permit.
      2. An injunction or other appropriate relief may be sought through the court of competent jurisdiction.
      3. The performance guarantee may be used by the Village of Oakwood to abate the erosion, sedimentation or water management problem caused by the subject site.
  - (2) The inability to perform any of the inspection and enforcement procedures as defined in this Section shall not preclude the use of any other procedures to elicit compliance with the approved plan or these regulations. In the event an emergency or threat to public welfare exists, as determined by the Village Engineer, the Village may take whatever action it deems necessary to abate the emergency, notwithstanding anything contained in these procedures to the contrary.
- (c) Penalties for Violation.
- (1) No Storm Water Management Permit shall be revoked or suspended until a hearing is held by Village Council or its designated representative. At least five days written notice of such hearing shall be served on the permit holder either personally or by certified mail.
  - (2) Violation of the provisions of these regulations or failure to comply with any of its requirements shall constitute a first degree misdemeanor. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.
  - (3) The Village of Oakwood may invoke any and all other actions, penalties and remedies against the owner or developer which it may have for their failure to comply with these regulations.
- (d) Variances.
- (1) The Oakwood Village Council may grant a variance to these regulations where the applicant or permit holder can show that compliance with all or part of these regulations cannot be reasonably met or is not appropriate. A variance may be granted if the probability of off site damage is slight because of exceptional topographic or other physical conditions of the development area.
  - (2) Requests for variances shall be submitted in writing to the Village of Oakwood and shall include written justification for the granting of the variance.

(e) Decisions of Village Council. All decisions of Village Council concerning a requested variance shall be deemed final.

(Ord. 1997-65. Passed 10-14-97.)

#### **TITLE FIVE - Other Public Services**

Chap. 981. Garbage and Refuse Collection.

Chap. 982. Snow Removal for Senior Citizens or Handicapped.

Chap. 985. Parks.

Chap. 987. Fees for Equipment Rental and Other Services.

#### **CHAPTER 981**

#### **Garbage and Refuse Collection**

**981.01 Definitions.**

**981.02 Container requirements.**

**981.03 Container location and pickup.**

**981.04 Collection regulations.**

**981.05 Uncollected waste constitutes a nuisance.**

**981.06 Wastes to be deposited in containers only.**

**981.07 Vehicle requirements.**

**981.071 Hours of collection and transportation.**

**981.08 Service and Properties Department to remove wastes.**

**981.09 Collectors to wear cap and badge.**

**981.10 Rules and regulations.**

**981.11 Enforcement.**

**981.99 Penalty.**

#### **CROSS REFERENCES**

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

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

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

Littering and deposit of garbage, rubbish, junk, etc. - see GEN. OFF. 517.08

Storage of vehicles and materials - see GEN. OFF. Ch. 543

Garbage disposers and incinerators - see P. & Z. Ch. 1367

#### **981.01 DEFINITIONS.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Garbage" means all waste or offal of fish, fowl, fruit, vegetable and animal matter resulting from the preparation of food for human consumption from houses, kitchens, hotels, restaurants, markets and commission houses, etc., exclusive of shells from oysters and clams.
- (b) "Refuse" means paper, barrels, boxes, baskets, wood, rags, mattresses, worn- out furniture, old shoes, leather, carpets, broken glass, crockery, tin cans, rubber and similar discarded materials. It does not, however, include any material in the nature of earth, sand, brick, stone, plaster, ashes or other substances that may accumulate as a result of building operations.
- (c) "Other refuse" means all discarded materials not included in the foregoing definitions.
- (d) "Owner" means the owner or part owner of the premises, including the holder of the title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any person, firm, corporation or fiduciary directly in control of the premises.
- (e) "Premises" means a lot, parcel or plot of land including the buildings and/or structures thereon.
- (f) "Residential unit" means the place of abode of persons living separately or together as an independent family.
- (g) "Double-family residence" means the grouping together of two residential units under a common roof.

- (h) "Multi-family residence" and/or "apartment" means the grouping together under a common roof of three or more residential units.
- (i) "House trailer" means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundations and located within a trailer park.
- (j) "Commercial and industrial establishment" means any type of venture having financial profit as the primary aim.

(Ord. 1971-20. Passed 2-2-71.)

#### **981.02 CONTAINER REQUIREMENTS.**

(a) No person or owner shall permit to accumulate upon the premises any garbage or refuse except in covered containers as hereinafter provided, except for tree cuttings.

(b) No such container shall be stored or placed closer to any building, used in whole or in part as a place for human habitation, than twenty-five feet, except storage in a building located upon the same premises wherein such containers are stored.

(c) No garbage and/or refuse container shall be stored or placed in front of the premises and/or on the tree lawn except as hereinafter provided.

(d) Refuse may be stored in garbage containers; however, no night soil shall be placed in either garbage or refuse containers.

(e) All garbage shall be kept in rust-resistant, watertight, nonabsorbent and easily washable containers which are covered with close-fitting lids. Where practical all garbage shall be drained of liquids and wrapped in papers. These containers shall be of adequate capacity and provided in sufficient number to hold all garbage that accumulates between collections. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.

(f) All refuse shall be stored in reasonably tight and substantial containers that are easy to handle and whose weight does not exceed fifty pounds. Such container shall be of adequate capacity and provided in sufficient number to hold all refuse that accumulates between collections. Insofar as practical, boxes, papers, tree cutting and odd articles shall be crushed and bundled in lengths not to exceed four feet and shall not exceed fifty pounds in weight.

(Ord. 1971-20. Passed 2-2-71.)

#### **981.03 CONTAINER LOCATION AND PICK-UP.**

All garbage and refuse to be collected shall be placed in suitable containers and placed on the tree lawn in front of the premises within five feet of the street or road right of way no earlier than one hour prior to sunset the evening before, or by 7:00 a.m. of the day of regular collection. Empty containers shall be removed from the tree lawn by no later than midnight of the day of collection.

(Ord. 1988-92. Passed 10-18-88.)

#### **981.04 COLLECTION REGULATIONS.**

The following regulations shall apply to the collection of garbage and refuse:

- (a) No person shall collect or transport garbage or refuse within the Municipality who does not have a written contract with the Municipality for such purpose, except private haulers who have contracts to collect garbage and refuse from commercial and industrial establishments, multi-family dwellings and/or apartments, and/or house trailers located within trailer parks.
- (b) The Municipality shall provide weekly collection of garbage and refuse for one and two-family residential units located in the Municipality.
- (c) Owners of commercial and industrial establishments, multi-family dwellings and/or apartments and operators of house trailer parks shall provide their own garbage and refuse collection.
- (d) All garbage and refuse shall be hauled in a vehicle with an all steel leakproof body so that spillage or drippage from vehicles transporting garbage and refuse shall not be permitted. Such vehicle shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.

(Ord. 1971-20. Passed 2-2-71.)

#### **981.05 UNCOLLECTED WASTE CONSTITUTES A NUISANCE.**

All uncollected fermenting, putrefying or odoriferous garbage or refuse in containers or dumped in the open is hereby declared to be a nuisance, and the person or owner responsible shall be liable to prosecution under this chapter and/or Sections 521.08 or 521.09.

(Ord. 1971-20. Passed 2-2-71.)

**981.06 WASTES TO BE DEPOSITED IN CONTAINERS ONLY.**

No person shall deposit any garbage, refuse or other waste, or permit the same to be deposited at any place within the Municipality, except in containers as provided in this chapter and then within his own premises or premises under his control.

(Ord. 1971-20. Passed 2-2-71.)

**981.07 VEHICLE REQUIREMENTS.**

(a) No person shall use any vehicle to convey garbage or refuse unless such vehicle is tightly constructed and equipped with a close-fitting cover, and unless such vehicle is tightly covered at all times except when the same is being loaded or unloaded. No person shall load or drive on any public street, way or alley any such vehicle containing garbage or refuse so as to permit any part of the contents of such vehicle to fall, spill or leak therefrom.

(b) The owner or person in possession or control of any such vehicle shall cause it to be cleaned at least once a week while in use and to be kept clean when not in use.

(Ord. 1971-20. Passed 2-2-71.)

**981.071 HOURS OF COLLECTION AND TRANSPORTATION.**

(a) No person owning or driving a vehicle hauling solid waste, garbage or refuse shall cause the collection, transportation or transfer of such waste other than between the hours of 6:00 a.m. and 7:00 p.m.

(b) No collection, transportation or transfer shall occur on Saturdays after 4:00 p.m.

(c) Collection, transportation or transfer is strictly prohibited on Sundays.

(d) Application for exceptions to this provision may be made to the Director of Public Service and Property. Such exceptions shall be granted within the discretion of the Director only where the applicant is able to demonstrate circumstances of great practical difficulty in the collection and transportation of solid wastes, garbage and refuse in areas where there is heavy day-time vehicular and pedestrian traffic and concentration of commercial activity. Violation of this section shall be a misdemeanor of the second degree on the first offense; and a misdemeanor of the first degree upon conviction of a second offense.

(Ord. 1990-107. Passed 12-6-90.)

**981.08 SERVICE AND PROPERTIES DEPARTMENT TO REMOVE WASTES.**

(a) When waste has been set out on a public street or alley for collection by the Service and Properties Department, no person, except an employee of the Department, shall remove any of such waste.

(b) When waste has been set out on private premises, no person, other than a Department employee, shall remove any waste therefrom except with the consent of the owner or lessee of the premises.

(Ord. 1971-20. Passed 2-2-71.)

**981.09 COLLECTORS TO WEAR CAP AND BADGE.**

(a) The employees of the Service and Properties Department while engaged in removing waste shall wear a distinctive cap and a badge of a design approved by the Director of Public Service and Properties and of sufficient size so that the employee's number thereon shall be readily discernible from a distance of ten feet. Such cap and badge shall be furnished to each employee by the Municipality.

(b) No person not an employee of the Department engaged in the removal of waste, shall wear any cap or badge issued to or so designed to resemble that issued to such an employee, in order to deceive the public.

(Ord. 1971-20. Passed 2-2-71.)

**981.10 RULES AND REGULATIONS.**

The Mayor and/or the Director of Public Service and Properties is hereby authorized and empowered to make such rules and regulations for the collection, storage and disposal of rubbish and garbage as he deems necessary in the interest of public health, safety and welfare. Such rules and regulations shall have the same force and effect as ordinances when not repugnant thereto or to the Constitution or laws of the State.

(Ord. 1971-20. Passed 2-2-71.)

**981.11 ENFORCEMENT.**

It shall be the duty of the members of the Police Department to enforce the provisions of this chapter, but nothing herein contained shall be construed to exempt any other officer or employee of the Municipality or any Health Board, having jurisdiction in the Municipality, from the obligations of enforcing such provisions.

(Ord. 1971-20. Passed 2-2-71.)

**981.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00)

or imprisoned not more than six months, or both. Each day such violation continues shall constitute a separate offense.

(Ord. 1971-20. Passed 2-2-71.)

## **CHAPTER 982**

### **Snow Removal for Senior Citizens or Handicapped**

**982.01 Removal by Village.**

**982.02 Registration; fee.**

**982.03 Extension of registration.**

**982.04 Payment of contractors.**

### **CROSS REFERENCES**

Snow removal contractors - see BUS. REG. Ch. 795

#### **982.01 REMOVAL BY VILLAGE.**

The Mayor, under the terms and conditions stated herein, and under such other rules and regulations established by the Mayor, consistent herewith, and necessary in order to carry out the provisions of this chapter, shall provide driveway snow removal to any resident of this Municipality sixty-two years of age or older or handicapped person, who qualifies for such service under the terms and stipulations of this chapter. The Village will provide the service when, in the opinion of the Mayor, all necessary public highway and street snow removal has been accomplished or provided for, subject to the following terms:

- (a) Snow removal may be provided to any resident who is sixty-two years of age or older who resides alone, or with a spouse of like age or older, if the resident and spouse are fully retired, and if the snow removal could be dangerous to the resident's health.
- (b) Snow removal may be provided to any resident, regardless of age, who is handicapped to the point of being unable to shovel snow or work, and presents a certified doctor's certificate verifying such handicap.

(Ord. 1977-17. Passed 2-1-77.)

#### **982.02 REGISTRATION; FEE.**

Any resident who qualifies under Section 982.01 and who desires such snow removal service, must register with the Mayor's office and at the time of registration shall:

- (a) Pay a service fee of one dollar (\$1.00) to cover the cost of administration and service;  
(Ord. 1977-17. Passed 2-1-77.)
- (b) If a handicapped person, under sixty-two years of age, produce a doctor's certificate that the resident is handicapped; if sixty-two years of age or over, proof of age will be sufficient.

(Ord. 1977-21. Passed 2-17-77.)

- (c) Certify that the applicant and spouse are fully retired, or handicapped, and live alone, and that there is no other able-bodied person residing with the applicant capable of removing snow;
- (d) Execute a consent and release, in a form approved by the Law Director, granting permission to and exonerating the Village from any and all liability for providing such snow removal service.

(Ord. 1977-17. Passed 2-1-77.)

#### **982.03 EXTENSION OF REGISTRATION.**

In the Mayor's discretion, if any person who would apparently qualify within the above requirements is unable to come in and register at a time of immediate need, the Mayor may proceed to offer the services of this chapter for a period not to exceed seven days prior to such resident qualifying under the terms of this chapter.

(Ord. 1977-17. Passed 2-1-77.)

#### **982.04 PAYMENT OF CONTRACTORS.**

The Mayor is authorized to pay thirty-five dollars (\$35.00) per hour to any contractor hired for senior citizens and handicapped driveway plowing. The Mayor is further authorized and directed within the amount appropriated for the operation of the Service Department, to provide for supplemental snow removal services for senior citizens and handicapped persons qualifying for such service under the terms of this chapter, by retaining the services of other persons, with appropriate snow removal equipment, to provide for the supplemental snow removal services, when Village employees are not available to perform such service, and that such persons shall be paid a fee not to exceed forty-five dollars (\$45.00) per hour for such supplemental

snow removal service.

(Ord. 1985-71. Passed 12-12-85.)

Any amounts paid to persons who are employed to perform such supplemental snow removal services referred to herein shall be thirty percent (30%) of such amount for wages and seventy percent (70%) for equipment costs and maintenance.

(Ord. 1979-18. Passed 2-20-79.)

## **CHAPTER 985**

### **Parks**

#### **985.01 Hours.**

#### **985.99 Penalty.**

#### **CROSS REFERENCES**

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

Playgrounds - see Ohio R.C. 755.12 et seq.

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

#### **985.01 HOURS.**

(a) All parks and Village recreational areas within the Village shall be closed at dusk, and remain closed until the following dawn.

(b) The Service Director is directed to post all public parks and recreational areas with appropriate signs indicating the adoption of this rule.

(Ord. 1986-52. Passed 4-15-86.)

#### **985.99 PENALTY.**

Whoever violates this chapter shall be guilty of a misdemeanor of the third degree.

(Ord. 1986-52. Passed 4-15-86.)

## **CHAPTER 987**

### **Fees for Equipment Rental and Other Services**

987.01 **Village dump truck rental.**

987.02 **Fees.**

987.03 **Delivery of mulch.**

987.04 **Fees.**

#### **987.01 VILLAGE DUMP TRUCK RENTAL.**

Residents of the Village of Oakwood may rent a Village dump truck, subject to availability, in accordance with the following terms and conditions:

- (a) The rental of Village dump trucks is limited to Village of Oakwood residents only;
- (b) The rental of Village dump trucks shall be limited to times when such vehicles are ordinarily not being used for Village purposes;
- (c) The Director of Public Service and Properties shall determine what vehicles are available for rent and at what times;
- (d) All dump trucks rented by the Village shall be driven to the resident's property by Village personnel and left in a safe location. The keys to such dump truck shall be removed and the resident shall not be permitted to move such vehicle during the time it is located on his or her property. Village personnel shall remove the dump truck at the conclusion of the rental.
- (e) No hazardous or dangerous material may be placed in the Village dump truck and all items placed in the Village's dump truck must be of such nature to be legally disposable at a sanitary or demolition debris landfill;
- (f) Any damage done to any Village dump truck while on the property of any resident shall be the responsibility of the resident, and such resident shall pay all costs related to the repair of the Village's dump truck; and
- (g) The resident shall execute a release, in a form approved by the Law Director, exonerating the Village and its employees from any and all liability for providing such dump truck to the resident.

(Ord. 2009-15. Passed 6-9-09.)

#### **987.02 FEES.**

(a) Small Dump Truck

\$30.00 per day or fraction thereof.

(b) Large Dump Truck

\$35.00 per day or fraction thereof.

The fees provided herein shall be by check or money order only, made payable to the "Village of Oakwood", at the time the dump truck is delivered to the resident's property.

(Ord. 2009-15. Passed 6-9-09.)

**987.03 DELIVERY OF MULCH.**

The Village, subject to time and equipment availability, agrees to deliver mulch purchased by any resident from a business located within the corporate limits of the Village of Oakwood, to any resident in accordance with the following terms and conditions:

- (a) The resident makes prior arrangements with the Director of Public Service and Properties or his or her designee to pick up the purchased mulch and to deliver same to the resident's property;
- (b) The resident and the Director of Public Service and Properties or his or her designee agree to a location on the resident's property for the unloading of the mulch;
- (c) The resident shall execute a release, in a form approved by the Law Director, exonerating the Village and its employees from any and all liability for damaging the resident's driveway or other property of the resident in the delivery and unloading of such mulch.

(Ord. 2009-15. Passed 6-9-09.)

**987.04 FEES.**

The fees for the pick up and delivery of mulch shall be as follows:

- (a) First delivery during any one year period. Free.
- (b) For each delivery thereafter within any one year period. \$25.00 per load.

The fees provided herein shall be by check or money order only, made payable to the "Village of Oakwood", at the time the delivery is made to the resident's property.

(Ord. 2009-15. Passed 6-9-09.)

**CODIFIED ORDINANCES OF OAKWOOD**