

CHAPTER 911 Water

EDITOR'S NOTE: Ohio R.C. 743.02 provides that the Director of Public Service may make such bylaws and regulations as he deems necessary for the safe, economical and efficient management and protection of the City water works. Such bylaws and regulations shall have the same validity as ordinances when not repugnant thereto or to the Constitution or laws of the State of Ohio. The Director of Public Service, pursuant to Ohio R.C. 743.03, shall manage, conduct and control the City water works, furnish supplies of water and collect water rents. The Director may assess and collect a water rent of sufficient amount and in such manner as he deems most equitable from all tenements and premises supplied with water, as provided by Ohio R.C. 743.04.

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CROSS REFERENCES

Power to provide and regulate water system - see Ohio R. C. 715.08, 717.01, 743.01
 Water pollution - see Ohio R. C. 715.08, 743.24 et seq.
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Rate assessment by Service Director - see Ohio R. C. 743.04
 Free use of municipally owned utilities - see Ohio R. C. 743.27
 Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R. C. 4933.22
 Water tap fees outside City - see ADM. 137.04

911.01 FREE WATER TO PARKS.

The Safety-Service Director is authorized and directed to furnish to each and every public park in the City the necessary and sufficient supply of water for all proper and incidental purposes within such parks free of charge. (1939 R.O., 12:09)

911.02 DEVICE TO PROTECT SYSTEM FROM CONTAMINANTS DUE TO BACKFLOW.

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

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

(c) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary.

(d) The Superintendent of Water of Lancaster or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of Lancaster for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this section.

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

(f) The Superintendent of Water of Lancaster is hereby authorized and directed to adopt rules and regulations for the Division of Water for Backflow Prevention and Cross-Connection Control consistent with the Ohio Administrative Code 3745-95 or its successor. (Ord. 1-99. Passed 1-11-99.)

911.03 UNLAWFUL CONNECTIONS.

No person, firm or corporation shall establish, or permit to be established, or maintain, or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of Lancaster, may enter the supply or distributing system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and by the Ohio Environmental Protection Agency.
(Ord. 30-94. Passed 10-10-94.)

911.04 SURVEYS AND INVESTIGATIONS OF PROPERTIES SERVED.

It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply, where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary. (Ord. 30-94. Passed 10-10-94.)

911.05 RIGHT OF ENTRY.

The Superintendent of Water shall have the right to enter at any reasonable time, any property served by a connection to the public water supply or distributing system of Lancaster for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served, shall furnish to the Superintendent of Water any information which he may request, regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections, as provided in this chapter.
(Ord. 30-94. Passed 10-10-94.)

911.06 SERVICE DISCONTINUANCE AND RESTORATION.

The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected, in compliance with the provision of chapter. (Ord. 30-94. Passed 10-10-94.)

911.07 CAPACITY CHARGE FOR WATER.

(a) The City Engineer is hereby authorized and directed to collect a water system capacity charge whenever application is made for the issuance of a water tap permit to provide water service to a structure, whenever such property is either inside or outside the corporate limits of the City and as provided elsewhere in the City code.

(b) When City forces do not perform actual installation of the main water line or a service connection, the City Engineer is hereby authorized and directed to collect a water system capacity charge whenever an application is made for the issuance of a sewer permit to provide sanitary sewer service to a structure, whenever such property is or will be tributary, directly or indirectly, to any trunk sewer built by the City, either inside or outside the corporate limits of the City and as provided elsewhere in the City codes.

(c) When City forces do not perform actual installation of the main water line or a service connection, or applicant does not apply for a sewer permit, the City Engineer is hereby authorized to collect a water system capacity charge when an application for a building permit is approved by the City Engineering Department.

(d) The charge shall be determined in accordance with the following:

TABLE 1
(1) PROPERTY INSIDE CORPORATE LIMITS
DOMESTIC USE ONLY

<u>Water Meter Size</u>	<u>Capacity Fee</u>
5/8 or 3/4 inch	\$ 3,690
1 inch	6,149
1 1/2 inch	12,299
2 inch	19,678
4 inch	61,493
6 inch	112,986
8 inch	221,375
10 inch	356,660
12 inch	528,840

Fees for meters larger than 12 inch will be determined on an individual basis.

TABLE 2
(2) PROPERTY INSIDE CORPORATE LIMITS
FIRE PURPOSES ONLY-NO WATER METER

<u>Tap Size</u>	<u>Capacity Fee</u>
1 inch	\$ 1,556
1 1/2 inch	3,500
2 inch	6,222
4 inch	24,889
6 inch	56,000
8 inch	99,500

Fees for taps larger than 8 inch will be determined on an individual contract basis. If domestic line is used also with fire line, Section (3) is also applicable.

(3) PROPERTY INSIDE CORPORATE LIMITS
FIRE LINE WITH DOMESTIC METER

When customer requests a fire line, one large line capable of providing the required fire flow be installed from the distribution system and that the domestic service be tapped off the fire line inside the structure where a meter is installed to record domestic flow for billing purposes. The charges shall be determined in accordance with the following.

Customer to be charged the scheduled meter size for the domestic line found in TABLE 1 plus the fee located in TABLE 2.

TABLE 3

(4) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO AN
EXISTING LINE FOR DOMESTIC USE ONLY

<u>Water Meter Size</u>	<u>Capacity Fee</u>
5/8 or 3/4 inch	\$ 5,535
1 inch	9,224
1 1/2 inch	18,449
2 inch	29,517
4 inch	92,240
6 inch	184,479
8 inch	332,063
10 inch	534,990
12 inch	793,260

Fees for taps larger than 12 inch will be determined on an individual basis.

TABLE 4

(5) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING
TO EXISTING LINE FOR FIRE PURPOSE ONLY

<u>Tap Size</u>	<u>Capacity Fee</u>
1 inch	\$ 2,334
1 1/2 inch	5,250
2 inch	9,333
4 inch	37,339
6 inch	84,000
8 inch	149,000

Fees for taps larger than 8 inch will be determined on an individual contract basis. If domestic line is used also with fire line, Section (6) is also applicable.

(6) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING
TO AN EXISTING LINE FOR FIRE LINE WITH DOMESTIC
METER

When a customer requests a fire line, one large line capable of providing the required fire flows be installed from the distribution system and that the domestic service be tapped off the fire line inside the structure where a meter is installed to record domestic flows for billing purposes. The charges shall be determined in accordance with the following:

Customers to be charged the scheduled meter size for domestic line found in TABLE 3 plus the fee located in TABLE 4.

(e) Credit for Existing Tap. In the event of an existing lot having service and the owner would like to increase the size of the tap/meter, a one time credit would be given. Credit would be determined by subtracting the price of the existing tap/meter from the price of the increased tap/meter. The owner then would be responsible for the difference of the two. This fee would then have to be paid when tap application is filed with the Division of Water.

(f) Property Outside Corporate Limits That Does Not Have An Existing City Maintained Line. The Superintendent of Water along with the City Engineer, Mayor, and or Service Director and Law Director may negotiate with areas outside corporate limits of Lancaster. Negotiated contract must be approved by a simple majority of City Council.
(Ord. 47-04. Passed 8-23-04.)

911.07.1 PAYMENT FOR PERSONS WITH QUALIFIED INCOMES.

(a) People or families with a qualified income as set forth in subsection (b) hereof may elect to pay the water capacity charge and or tapping fee over a five year period.

(b) "Qualified income" or this section means a gross income of the family unit less than twenty thousand dollars (\$20,000.00) in the year application is made to defer such charges and fees. Such application shall be made in affidavit form to the Superintendent of Water whenever application is made for the issuance of a water tap. After certification to Council, such charges and fees shall be certified in ordinance form to the County Auditor to be placed upon tax duplicate and collected in the same manner as other taxes and assessments over such five year period.

(c) All funds received as herein authorized shall be deposited with the City Treasurer and credited to the special fund described in Section 911.07 (b).
(Ord. 47-04. Passed 8-23-04.)

911.07.2 HEARING BOARD.

(a) A Hearing Board shall be appointed by the Mayor as needed for arbitration of differences between the Superintendent of Water and the water users on matters concerning interpretation and execution of the provision of this chapter. The cost of the arbitration will be divided equally between the City and the water user.

(b) One member of the board shall be a registered professional engineer; one member shall be a representative of an industry or manufacturing enterprise; one member shall be a lawyer and one member shall be selected at large for his/her interest in accomplishing the objectives of this chapter. (Ord. 15-99. Passed 3-22-99.)

911.07.3 VALIDITY.

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) The validity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 15-99. Passed 3-22-99.)

911.07.4 PENALTY.

(a) Whoever violates any provision of this chapter, shall be served by the Service-Safety Director with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

(b) Whoever continues any violation beyond the time limit provided for in subsection (a) hereof shall be guilty of an unclassified misdemeanor with a fine of up to one hundred dollars (\$100.00) for each day a violation continues.

(c) Whoever violates any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(d) The City shall enforce by mandamus, injunction or other legal remedy these rules and regulations, and shall remove any harmful or improper construction or obstruction or shall close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the code.

(e) The City shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this chapter. (Ord. 15-99. Passed 3-22-99.)