

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE

51. SEWERS

DAYTON - PUBLIC WORKS

CHAPTER 50: GARBAGE

Section

- 50.01 Receptacle use required
- 50.02 Removal of contents from receptacles required; exception
- 50.03 Receptacle specifications
- 50.04 Preparation of garbage
- 50.05 Placement for collection
- 50.06 Placement of brush, tree limbs, and the like
- 50.07 Certain matter not to be placed in receptacles
- 50.08 Unauthorized use of receptacles; supervision of receptacles
- 50.09 Waste collection service fee
- 50.10 Hours of service
- 50.11 Dumpster user fee

- 50.98 Civil offense
- 50.99 Penalty

~~§ 50.01 RECEPTACLE USE REQUIRED.~~

The owner or titleholder of any property and any person using or occupying any building, house, or structure within the city shall provide and maintain in good order and repair, garbage or trash receptacles of sufficient number to contain the garbage or trash that will accumulate on the premises, except where container collection service is provided.

(Ord. 830.03, passed 6- -80; Am Ord. 1999-8, passed 7-20-99) Civil offense, see § 50.98

§ 50.02 REMOVAL OF CONTENTS FROM RECEPTACLES REQUIRED; EXCEPTION.

(A) It shall be the duty of every owner of a garbage or trash receptacle to remove or to have removed the contents of the same in accordance with this chapter at least once a week, excluding weeks that contain national public holidays.

(B) It shall be unlawful for any person other than a duly authorized employee of the city or the collection contractor, to collect or remove any garbage or trash from garbage and trash receptacles used in the regular collection service or from any container utilized in the container collection service. Every owner or occupant of improved real estate within the city and every business, firm, or corporation, including individually-owned businesses, shall be required to utilize the garbage collection service provided by the city.

(Ord. 830.3, passed 6- -80) Civil offense, see § 50.98

§ 50.03 RECEPTACLE SPECIFICATIONS.

(A) Receptacles used for storage or refuse materials shall be watertight and meet the following specifications:

(1) Trash cans shall be of a durable grade of galvanized metal or other suitable material approved by the Superintendent of Public Services, from twenty (20) to thirty-two (32) gallons in capacity, and weigh less than twenty-five (25) pounds empty or seventy-five (75) pounds fully loaded with normal refuse. They shall be provided with two (2) lifting handles on opposite sides and a tightly-fitting cover with a lifting handle. The can shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.

(2) Refuse bags must be made of heavy, multiple-ply paper, or polyethylene copolymer resin, and designed for outdoor storage of refuse. Bags must be securely tied or sealed to prevent emission of odors, be of material so liquids and greases will not be able to penetrate through the material, and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.

(B) Receptacles which have deteriorated or have been damaged to the extent that the covers will not fit securely, or those having jagged or sharp edges capable of causing injury to refuse collectors or other persons whose duty it is to handle containers, are declared a nuisance and shall be condemned by the collection contractor, the City Inspector/Zoning Administrator, or their authorized representatives. If the receptacles are not removed within five days after notice of such defective conditions to the owner or user, then the receptacles shall be confiscated.

(Ord. 830.3, passed 6- -80; Am. Ord. 199-7, passed 3-4-97) Civil offense, see § 50.98

§ 50.04 PREPARATION OF GARBAGE.

(A) Garbage and trash that is mixed with water or other liquids shall be drained before being placed in a garbage or trash receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other combustible material before being placed in a garbage receptacle. Grease in a free-flowing state shall be reduced to a solid.

(B) All mattresses, upholstered furniture and pillows and cushions therefrom, carpeting and other upholstery-like material shall be securely wrapped in plastic before being placed for garbage and trash collection.

(Ord. 830.3, passed 6- -80; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2009-12, passed 11-3-09; Am. Ord. 2013-1, passed 2-5-13) Civil offense, see § 50.98

§ 50.05 PLACEMENT FOR COLLECTION.

(A) The owner or titleholder of any property and any person using or occupying any building, house, or structure within the city shall,

jointly and independently be responsible to see that garbage and trash receptacles shall be placed at the alley for regular collection service where the premises has access to the alley. Refuse and refuse receptacles may be placed on public property in alleys for removal by regular collection or special order service only where there is clear passage for public vehicles, but in no case shall refuse or refuse storage containers project more than two (2) feet or sixty-one hundredths (0.61) meters into the alley right-of-way.

(B) (1) The owner or titleholder of any property and any person using or occupying any building, house, or structure within the city shall, jointly and independently be responsible to see that garbage and trash receptacles shall be placed for collection no earlier than



twenty-four (24) hours prior to scheduled collection and shall be removed from the location no more than twenty-four (24) hours following scheduled collection.

(2) In addition to the requirement contained in division (B)(1) above, any garbage and trash receptacles placed for collection more than twenty-four (24) hours prior to scheduled collection or remaining more than twenty-four (24) hours after scheduled collections may be confiscated by the city. Each receptacle shall be marked with the address of the presumed owner as can best be determined and shall be held by the city for no less than fourteen (14) days. The owner or occupant of the presumed premises may, one (1) time within any twelve (12) month period, retrieve the receptacle(s) within the fourteen (14) day period without charge. The owner or occupant of the presumed address may, for the second or subsequent time within any twelve (12) month period, retrieve the receptacles within the (14) day period after paying a fee of fifty dollars (\$50.00) per receptacle. Any trash receptacles not retrieved within 14 days shall be presumed abandoned and may be disposed of by the city.

(C) If it is not practicable to collect and remove garbage and trash through alley collection service, the owner, occupant, tenant, or lessee of the premises shall place his receptacles at such point as the route supervisor shall find and designate to be most accessible for collection and removal.

(D) In the business districts served by container service or dumpster service, the route foreman shall designate the area for placement of the containers for removal.

(E) When alleys or streets become impassable because of inclement weather or other unusual conditions, the collection contractor may notify residences and commercial establishments to place refuse receptacles at the nearest collection point which is accessible to refuse removal vehicles.

(Ord. 830.3, passed 6- -80; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 1999-8, passed 7-20-99; Am. Ord. 2007-10, passed 5-22-07; Am. Ord. 2011-9, passed 9-13-11) Civil offense, see § 50.98

§ 50.06 PLACEMENT OF BRUSH, TREE LIMBS, AND THE LIKE.

(A) If trash is of such a nature that it cannot be placed in a required trash receptacle, it shall be carefully placed beside the trash receptacle in bundles less than fifty (50) pounds or twenty-two and eight tenths (22.8) kilograms in weight. Trash, such as paper cartons or wood boxes, that cannot be placed in a receptacle shall be prepared for collection by placing the smaller cartons and boxes in the larger cartons and boxes until the larger cartons and boxes are completely filled. After the large cartons and boxes are completely

filled, they shall be securely tied. Cartons and boxes shall not be larger than thirty-six (36) inches or ninety-one and forty-four hundredths (91.44) centimeters along any side so they can be placed in regular collection trucks.

(B) Brush, long stems of bushes, tree limbs, and cuttings shall be cut into four (4) foot or one and twenty-two hundredths (1.22) meter lengths and tied securely into bundles weighing not more than fifty (50) pounds or twenty-two and sixty-eight hundredths (22.68) kilograms. All brush shall be collected from the alley at the regular collection point or where there is no alley or the alley is inaccessible to trucks from the parkway, brush in the alley shall be placed so it does not in any way block, hinder the passage of, or damage vehicles.

(Ord. 830.3, passed 6- -80; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 50.98

§ 50.07 CERTAIN MATTER NOT TO BE PLACED IN RECEPTACLES.

Dead animals, feces, materials impregnated with urine, poisons, explosives, dangerous or corrosive chemicals, clothing taken from persons with infectious diseases, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks, tires, crates, and other refuse from construction or remodeling, shall not be placed in receptacles used for regular collection service or the city container collection service.

(Ord. 830.3, passed 6- -80; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 50.98

§ 50.08 UNAUTHORIZED USE OF RECEPTACLES; SUPERVISION OF RECEPTACLES.

(A) It shall be unlawful for any person to place, or permit another to place, any garbage or trash in any receptacle, at any refuse collection plant, or in any refuse container used in the container collection service unless the refuse is from the premises served by the container, or from the premises at which the receptacle or collection is located.

(B) Service containers at several points in the city areas are provided for refuse from apartment house areas, businesses, and institutions within the city limits, and refuse from outside the city limits shall not be placed in the service containers.

(C) It shall be unlawful for any person to place or deposit, or permit another to place or deposit, prohibited refuse in service containers or to put anything on the ground at these locations.

(D) The owner or occupant of any building, house, structure, or land shall cause to be removed all refuse items of the nature which are prohibited by the regular collection service, and which are located, owned, or deposited on the property or on the public right-of-way adjacent to the property. The existence of refuse or any other item on

the property or the adjacent public right-of-way shall be prima facie evidence that the owner or occupant failed to remove the refuse or other item or items so stored or located thereon at his or her own expense, as provided by this subchapter. Removal within three (3) days of notice by the city is required.

(E) Each owner, manager, occupant, tenant, or lessee of a house or building used for residential, business, or commercial purposes shall maintain supervision and surveillance over the garbage or trash receptacles serving the premises, and if the receptacles are not emptied and the contents removed by an employee of the collection contractor or other duly authorized person for a period of five (5) days, he or she shall notify the city of the fact within five (5) days. (Ord. 830.3, passed 6- -80; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 50.98

§ 50.09 WASTE COLLECTION SERVICE FEE.

(A) For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "OWNER OF IMPROVED REAL ESTATE." The titleholder of record.

(2) "PERSON, FIRM, OR CORPORATION DOING BUSINESS IN THE CITY OF DAYTON, KENTUCKY." The person, firm, or corporation in whose name the occupational license fee for said business is registered.

(B) There is hereby levied and imposed upon the owners of improved real estate in the City of Dayton, Kentucky and upon persons, firms, and corporations doing business in the City of Dayton, Kentucky, a waste collection service fee as follows:

(1) For each residential unit, the sum of one hundred forty-three dollars (\$143.00) per annum in fiscal years 2008, 2009 and 2010, one hundred forty-nine dollars (\$149.00) per annum in fiscal year 2011, one hundred fifty-five dollars (\$155.00) per annum in fiscal year 2012, one hundred sixty-one dollars (\$161.00) per annum in fiscal years 2013 and 2014, one hundred sixty-eight dollars (\$168.00) per annum in fiscal years 2015 and 2016, and each fiscal year thereafter, payable as stated herein;

(2) For each business or commercial unit, the sum of one hundred fifty-eight dollars (\$158.00) per annum in fiscal years, 2008, 2019, and 2010, one hundred sixty-four dollars (\$164.00) per annum in fiscal year 2011, one hundred seventy dollars (\$170.00) per annum in fiscal year 2012, one hundred seventy-six dollars (\$176.00) per annum in fiscal years 2013 and 2014, one hundred eighty-three dollars (\$183.00) per annum for fiscal years 2015 and 2016, and each fiscal year thereafter, payable as stated herein;

(3) For each business or commercial unit and attached living unit in which the owner of said business resides, the sum of one hundred forty-four dollars (\$144.00) per annum in fiscal year 2004, 2005 and 2006 and one hundred fifty dollars (\$150.00) per annum in fiscal year 2007 and each fiscal year thereafter, payable as stated herein;

(4) For each business or commercial unit averaging the use of more than the equivalent of ten (10) eighteen (18) gallon trash containers per pickup shall contract directly with and pay directly a private waste collection service.

(C) The waste collection service fee provided by this section shall be added to the yearly ad valorem tax bill for the said property and shall be collected on or before the date due for such ad valorem taxes. All waste collection service fees remaining unpaid after such date shall be deemed delinquent and shall be subject to the same penalty as set for delinquent ad valorem taxes for the same year in addition to any other penalty provided under this chapter. Further, delinquent waste collection fees may be collected by the City Attorney in civil suit against the responsible party if all other methods of collection fail in any manner allowed by law.

(D) All proceeds collected under this section shall be paid into a separate fund to pay for the collection of waste, collection of debris, and upkeep and cleanliness of the city and its properties. Nothing in this section shall be interpreted to prohibit payment of monies from the separate fund into the city's General Fund for services of the type described herein paid from General Fund revenues.

(Ord. 610.03, passed 11-17-87; Am. Ord. 1989-24, passed 12-5-89; Am. Ord. 1992-9, passed 5-19-92; Am. Ord. 1995-9, passed 5-16-95; Am. Ord. 1999-14, passed 12-21-99; Am. Ord. 2003-10, passed 5-13-03; Am. Ord. 2007-22, passed 10-4-07)

§ 50.10 HOURS OF SERVICE.

(A) No person, association, corporation, or other entity engaged in the business or activity of collection of garbage and refuse or in the business or activity of scrapping within the city shall permit its drivers or collectors to collect except between the hours of 6:30 a.m. and 9:00 p.m. For purposes of this section, "scrapping" shall be defined as the collecting, gathering or hauling of any waste, or any old, abandoned or unwanted metal, wood, glass, block, brick, rubber, plastic, vinyl, slate, building material, roofing material, wrought iron, wiring, piping, copper, aluminum, steel, or any other material whether for resale, collecting, recycling, reuse or discarding.

(B) No person actually engaged in the collection of garbage and refuse or in the activity of scrapping within the city shall make collections except between the hours of 6:30 a.m. and 9:00 p.m. For

purposes of this section, "scrapping" shall be defined as the collecting, gathering or hauling of any waste, or any old, abandoned or unwanted metal, wood, glass, block, brick, rubber, plastic, vinyl, slate, building material roofing material, wrought iron, wiring, piping, copper, aluminum, steel or any other material whether for resale, collecting, recycling, reuse or discarding.

(Ord. 1992-14, passed 10-6-92; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2010-4, passed 5-18-10) Civil offense, see § 50.98

§ 50.11 DUMPSTER USER FEE.

(A) Each and every resident of the city having refuse materials created in the city of a nature and size not accepted by the city's residential waste contractor, may have use of the city dumpster for the discharge of said materials provided that: (a) the materials do not include grass, weeds, trees or other biodegradable yard materials; (b) the materials are not of a toxic or hazardous nature; and (c) the materials will be accepted by the city's trash hauler.

(B) Each such qualified person shall make written application in person at the city business office between 9:00 a.m. and 3:30 p.m. to the City Clerk/Treasurer stating his or her name and address, the address of the property at which he or she resides, the date and time that materials will be transported to the dumpster, that the refuse material was created in the city, the amount of the material and the kind of material proposed for discharge. The City Clerk/Treasurer may request proof of any of the information requested and may request verification by the City Inspector that the refuse materials were created in the city and are acceptable.

(C) Upon satisfaction that the user meets the requirement, the City Clerk/Treasurer shall charge zero dollars (\$0.00) for the first ninety-six (96) cubic feet of materials, or portion thereof, per residence, and collect a fee of forty-five dollars (\$45.00) for each additional ninety-six (96) cubic feet of materials or portion thereof. The City Clerk/Treasurer shall issue the user a receipt stating the amount of materials, type of materials, date and time of discharge, and amount paid.

(D) The resident shall take the receipt, along with the materials to the dumpster site and present the receipt to the Superintendent of Public Works or his or her designee who shall inspect the materials and certify that the type of materials are acceptable and that the amount of materials does not exceed that stated in the receipt. Upon such finding, the user may discharge the materials into the city dumpster.

(E) All funds collected by the city shall be placed in the General Fund and used for the general operating expenses of the city. (Ord. 1995-9, passed 6-5-95; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2006-10, passed 8-1-06) Civil offense, see § 50.98

§ 50.98 CIVIL OFFENSE.

(A) Violation of any provision of Chapter 50, §§ 50.01, 50.02, 50.03, 50.04, 50.05 or 50.06, is declared to be a civil offense. Any person violating any provision shall be fined not more than two hundred dollars (\$200.00). Any person electing not to contest citation for said offense shall be fined two hundred dollars (\$200.00). Each day of violation shall constitute a separate offense.

(B) Violation of any provision of Chapter 50, §§ 50.07, 50.08, 50.10, or 50.11, is declared to be a civil offense. Any person violating any provision shall be fined not more than two hundred dollars (\$200.00). Any person electing not to contest citation for said offense shall be fined two hundred dollars (\$200.00). Each day of violation shall constitute a separate offense.

(Ord. 1996-15, passed 10-1-96; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2002-3, passed 5-7-02; Am. Ord. 2004-3, passed 4-6-04; Am. Ord. 2006-18, passed 9-19-06)

§ 50.99 PENALTY.

Whoever violates any provision of this chapter for which no other penalty has been specifically provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both.

CHAPTER 51: SEWERS

Section

Connections; Discharges; Rates

- 51.01 Connection with sewer system required; tapping fee
- 51.02 New buildings to be connected with sewer system
- 51.03 Privies, cesspools, and the like prohibited
- 51.04 Prohibited discharges
- 51.05 Rates and charges; billing
- 51.06 Sanitary sewer user fee

Excavations for Utility Purposes

- 51.15 Definitions
- 51.16 Permit required; application, fee
- 51.17 Repair and restoration
- 51.18 Inspection fee
- 51.19 Bond
- 51.20 Liability insurance
- 51.21 City may authorize repair or restoration; lien
- 51.22 Violations

Storm Sewers

- 51.40 Connection required
- 51.41 Plans for drainage required for permit issuance
- 51.42 Disposal where connection impractical

- 51.98 Civil offense
- 51.99 Penalty

§ 51.01 CONNECTION WITH SEWER SYSTEM REQUIRED; TAPPING FEE.

(A) All owners and occupants of houses, apartments, hotels, motels, mobile homes, manufacturing or commercial establishments, or any other buildings of any kind situated upon lots abutting on any street, alley, or easement in the city in which there has heretofore been installed a sewer line of the municipal sewer system of the city, or in which there is hereafter installed a sewer line which is part of any future extension or improvement to said municipal sewer system, shall, within 90 days from the date such sewer line is installed and placed in operation, connect therewith all sanitary sewerage drain pipes of such houses, apartments, hotels, motels, mobile homes, manufacturing or commercial establishments, or other buildings, conveying the sewage therefrom into said sewer line. Such connections are to be made under those regulations established by ordinance of City Council, and failure to do so is hereby declared to be a nuisance.

(B) A tapping fee for sewer installation shall be paid to the Department of Public Services at the time the application for connection is filed. The tapping fee shall be one hundred dollars (\$100.00).

(Ord. 830.1, passed 10-21-65; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

Cross-reference:

Bond requirement for persons making sewer connections, see § 110.10

§ 51.02 NEW BUILDINGS TO BE CONNECTED WITH SEWER SYSTEM.

All architects, contractors, builders, or other person who shall erect new buildings for dwelling, manufacturing, or commercial purposes on a lot or parcel of ground abutting on a street, alley, or easement in the city in which there may be hereafter installed and maintained any sewer line shall, before erecting the building, exhibit to the City Council or any other board or body of the city which may be in charge and control of the municipal sewer system, satisfactory evidence that a means has been or will be provided for connecting the sanitary sewerage drain pipes from the building to the sewer line. No storm-water drain shall be connected with any sanitary sewer hereafter constructed, nor shall any stormwater be otherwise introduced into any separate sanitary sewer.

(Ord. 830.1, passed 10-21-65; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.03 PRIVIES, CESSPOOLS, AND THE LIKE PROHIBITED.

(A) It shall be unlawful for any person to construct or maintain a privy, vault, cesspool, septic tank, or similar contrivance for the reception of sewage when the premises abut on a public sewer line in any street, alley, or other easement in the city. All such privies or toilets shall be removed by the owners and the occupants of the property abutting on any street, alley, or other easement or private property on which runs a sewer line and to which the drainage from the premises may be connected.

(B) All such privies, surface toilets, or other means of casting or depositing sewerage into a container above or below the surface of the ground, into the soil, into any running or percolating stream of water, or into any cistern or well, whereby the soil is contaminated with such sewerage, are hereby declared to be unlawful and to constitute a nuisance.

(Ord. 830.1, passed 10-21-65; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.04 PROHIBITED DISCHARGES.

It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary or storm sewer system of the city:

(A) Grease, fatty material, offal, or garbage;

(B) Stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer; or

(C) Gasoline, benzine, fuel oil, or any petroleum products or volatile liquids.

(Ord. 610.03, passed 10-20-81; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.05 RATES AND CHARGES; BILLING.

(A) The users of the sewer collection system of the city are hereby classified into two classes:

(1) Those who will be users when available, of the collection facilities to be constructed, in part, from proceeds of the sale of certain revenue bonds issued in 1965; and

(2) Those who are users of the existing system only.

(B) There shall initially be no charge imposed on the users of the existing system.

(C) There is hereby established an initial schedule of rates and charges for the use of and services rendered by the municipal sewer collection facilities other than the existing system, as follows. The rates are payable each March 1, June 1, September 1, and December 1. Any bill not paid within 15 days after the due date shall be subject to a penalty of 10% of the amount due.

(1) Flat rate: \$16.50 per quarter.

(2) Apartment building rates:

4 units	\$33 quarterly
5 units	40 quarterly
6 units	47 quarterly
Each additional unit	7 per unit quarterly

(D) A tap-in charge of \$100 shall be levied against all users who connect to the newly constructed sewer collection facilities. Sewage disposal service for all users of the sewer collection system of the city, existing and as extended, shall continue to be rendered by Sanitation District No. 1 of Campbell and Kenton Counties, under contract.

(E) The schedule of rates and charges set forth in division (C) shall apply to all establishments in any manner directly or indirectly connected with and served by the municipal sewer collection system of the city, other than the existing system.

(F) The rates and charges set forth in division (C) shall be billed to the owners or occupants of the premises. If the occupant of any of the premises is not the owner, both the occupant and the owner shall be responsible for the payment of sewer bills.

(G) The rates and charges set forth in division (C) shall be revised from time to time as may be necessary in order that the city may comply with the covenants and undertakings securing the sewer revenue bonds of the city.

(Ord. 830.1, passed 10-21-65; Am. Ord. 830.1A, passed 12-7-65; Am. Ord. 830.1A, passed 5-7-68) Penalty, see § 51.99

§ 51.06 SANITARY SEWER USER FEE.

(A) There is hereby levied and imposed upon all users of public sanitary sewer lines within the corporate limits of the city a quarterly sanitary sewer user fee in the amount of \$4.05 for the first ten thousand cubic feet of water or less, and \$4.05 for each additional ten thousand cubic feet of water or portion thereof.

(B) The quarterly sanitary sewer user fee hereby established shall be collected by the Sanitation District No. 1 of Campbell and Kenton Counties, or other agency as authorized by the Mayor and funds generated from said fee shall be remitted to the city on a quarterly basis.

(C) All funds collected by the city shall be placed in a separate fund to be established by the City Clerk/Treasurer who shall make a separate accounting of the fund and who shall record, maintain and invest the revenue received.

(D) The revenues received under this section, including any interest accumulated from investment of the revenues shall be used exclusively for the purposes of payment of all of the city's debt obligation to the Sanitation District No. 1 of Campbell and Kenton Counties as required by Kentucky Revised Statute and for the costs of collection of the fee.

(E) The City Clerk/Treasurer shall file an annual report of revenues, collected, interest earned, and expenditures made to the Mayor. Upon a determination by the Mayor that adequate revenues and interest have accrued to pay the debt obligation described herein, the fee hereby imposed shall be terminated.
(Ord. 1995-8, passed 5-16-95)

EXCAVATIONS FOR UTILITY PURPOSES§ 51.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"PERMITTEE." Includes and applies to any person or entity on behalf of whom the work being done under the permit is to be performed, and the application for the permit shall be signed by the person or entity in addition to the person or entity actually doing the work.

§ 51.16 PERMIT REQUIRED; APPLICATION, FEE.

(A) No person, utility, company, or entity shall cut, excavate, damage or in any way alter any street, sidewalk, water line or sewer line in the city in order to install or repair any utility line or in order to connect into the consolidated water or sewer system of the city without first obtaining a permit for such action from the City Inspector/Zoning Administrator. In addition, no person shall cause such action to be done or suffer or permit any person acting on his

behalf or under his control to do such action without first obtaining a permit. This subchapter shall apply to water and sewer lines on private property if the lines are part of or connected with the water and sewer systems operated by the city.

(B) The permit shall be granted pursuant to application therefore made to the City Inspector/Zoning Administrator in such manner and in such form as he may prescribe. A fee in the amount established by the city shall be paid for each such application. A separate permit shall be required for each street, water line, or sewer line sought to be cut, excavated, or altered. The permit shall contain a clause whereby the permittee agrees to be bound by the terms of this subchapter.

(Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.17 REPAIR AND RESTORATION.

Every cut, excavation, or alteration made pursuant to this subchapter shall be fully repaired and restored by the permittee or the person or entity on whose behalf the permittee is acting, according to generally accepted engineering standards. The repair or restoration shall be inspected by the City Inspector/Zoning Administrator, or such qualified person as he may designate. The permittee shall notify the City Inspector/Zoning Administrator of the progress of the repair or restoration and shall comply with the reasonable directions of the City Inspector/Zoning Administrator concerning the time and manner of the inspection.

(Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.18 INSPECTION FEE.

The permittee shall pay to the city a fee in the amount established by the city for inspection time required by this subchapter.

(Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.19 BOND.

The City Inspector/Zoning Administrator shall, as a condition precedent to granting a permit under this subchapter, require the permittee to post a bond paid by cash or certified check in the amount established by the city, sufficient to defray the cost of performing the repair and restoration work that will arise out of the work to be done pursuant to that permit.

(Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.20 LIABILITY INSURANCE.

Any person, utility, company, or entity obtaining a permit to open or excavate in any street, sidewalk, grassplot, alley, water line or sewer line whether the work is to be done by that person or the city, shall obtain and file with the City Council, and continue to keep in force until the excavation and reconstruction work has been completed, a liability insurance policy conditioned for the benefit of persons suffering injury, loss, or damage to their person or property resulting from any negligence in connection with the excavation and

reconstruction work, or as a result of the negligence of the person or of the city, their agents, servants, or employees, and which policy shall also protect the city against any liability which may be imposed by law upon it by reason of such excavation and reconstruction work. The liability policy shall be in a sum of not less than \$10,000 for the injury or death of any person, and not less than \$20,000 for the death or injury of all persons affected by any one accident, and not less than \$1,000 for the benefit of persons who may suffer property damage in any one accident resulting from the negligent excavation and reconstruction work. Such policy shall, as to the form thereof and the solvency of the insurance company, be subject to the approval of the City Clerk/Treasurer.

(Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.21 CITY MAY AUTHORIZE REPAIR OR RESTORATION; LIEN.

Upon the failure of the permittee to properly repair and restore any cut, excavation, or alteration, the city may authorize the repair or restoration of the area in a proper manner. In the event the city must make the repair or restoration, the city shall have a lien against the property on which repair and restoration is made for the reasonable value of labor and materials used in remedying the situation. The lien shall be on record in the Clerk/Treasurer's office and shall bear interest at 12% per annum thereafter until paid in full.

§ 51.22 VIOLATIONS.

In addition to the remedies provided in § 51.21, every owner of premises on which a cut, excavation, or alteration is made, and every permittee herein who causes or permits a violation of this subchapter upon conviction, shall be fined as set forth in § 51.99. Further, if deemed necessary to protect the public ways and public utilities of the city, additional permits under this subchapter may be denied to any person or entity convicted of violating it.

STORM SEWERS

§ 51.40 CONNECTION REQUIRED.

All downspout drains, driveway drains, and storm water drains shall be connected to storm sewers where and when it is, in the opinion of the City Inspector, reasonable to do so, but in no case shall any storm drain or sewer be connected to sanitary sewer.

(Ord. 1993-17, passed 8-17-93; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.41 PLANS FOR DRAINAGE REQUIRED FOR PERMIT ISSUANCE.

No zoning or building permit shall be issued for any structure or for the remodeling of any structure which does not show the locations for downspout drains, driveway drains, and storm water drains from point of collection to point of disposal in accordance with the provisions of this section.

(Ord. 1993-17, passed 8-17-93)

§ 51.42 DISPOSAL WHERE CONNECTION IMPRACTICAL.

(A) Where it is impractical to tie or connect a house storm drain system directly to a storm sewer, the storm water shall be carried underground in pipe to be disposed of in the gutter of the public street abutting the lot on which construction or improvement is taking place. If it is necessary to cut the curb to place storm drains so that storm water will empty into the public street gutter, the curb shall be patched and grouted in a clean, workmanlike manner acceptable to the City Inspector and at the cost of the owner or contractor.

(B) If storm water cannot be disposed of in a public storm sewer or street gutter, the storm water shall be carried in pipe into the back yard to a point approximately equidistant from the two side lot lines, the rear lot line, and the rear line of the structure. No storm water shall be discharged toward or in the immediate vicinity of a property line. The termination of the line shall be marked so that, during final inspection, the City Inspector may approve or order changes in same.

(Ord. 1993-17, passed 8-17-93; Am. Ord. 1997-7, passed 3-4-97) Civil offense, see § 51.98

§ 51.98 CIVIL OFFENSE.

Violation of any provision of Chapter 51, §§ 51.01, 51.02, 51.03, 51.04, 51.16, 51.17, 51.18, 51.19, 51.20, 51.40, 51.42, is declared to be a civil offense. Any person violating any provision shall be fined not more than five hundred dollars (\$500.00). Any person electing not to contest citation for said offense shall be fined five hundred dollars (\$500.00). Each day of violation shall constitute a separate offense.

(Ord. 1996-15, passed 10-1-96; Am. Ord. 1997-7, passed 3-4-97; Am. Ord. 2002-3, passed 5-7-02)

§ 51.99 PENALTY.

Whoever violates any provision of this chapter for which no other penalty has been specifically provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both.

