COUNCIL AGENDA

November 16, 2026
Committee and Council Meetings can be viewed by accessing YouTube
Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE – Haily Kovach, 5th Grade, Legend Elementary

CAUCUS

MINUTES of November 2, 2026

APPOINTMENTS
Mayor Hall - Reappointing City of Newark Service Director, David Rhodes, and Newark Water Administrator, Brandon Fox, to the Newark Community Improvement Corporation (CIC), known as Newark Development Partners. Their terms will begin January 1, 2027 and will expire December 31, 2029.

REPORTS OF STANDING COMMITTEES
Finance
Service
Safety

REPORTS FROM CITY OFFICIALS
Ryan Bubb, City Auditor – Operating report for the period ending October 31, 2026

Brenda Cooper, Tax Administrator – Income Tax Revenue Reports for the period ending October 31, 2026

COMMUNICATIONS
Scott Brown, Regional Liaison to the Ohio Auditor of State – Presenting the City Auditor's Office the "State Award of Distinction" for the 2025 Audit.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING
26-28 An ordinance amending Section 1062.08 False Alarms and Section 1610.03 Enforcement of the codified ordinances of the City of Newark, Ohio.

ORDINANCES ON FIRST READING

26-33 AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER SCHEDULE OF CHARGES AND FEES PURSUANT TO SECTION 1040.31 OF THE NEWARK CODIFIED ORDINANCES.

26-34 AN ORDINANCE REPEALING AND REPLACING CHAPTER 1040 OF THE CODIFIED ORDINANCES FOR THE CITY OF NEWARK, OHIO REGARDING DEFINITIONS, GENERAL PROHIBITIONS ON DISCHARGES, LIMITATIONS ON WASTEWATER STRENGTH AND SEWER SERVICE CHARGES DEFINED.

RESOLUTIONS ON SECOND READING

26-65 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. ($338.00 - Amount was received as a forfeiture from a criminal case and is to be placed in the Law Enforcement and Drug Law Enforcement Fund per City Ordinance 222.04)($52,536.65 - One Ohio Disbursements)

RESOLUTIONS ON FIRST READING

26-66 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. ($4,600.00 - Request appropriation into equipment account for thermal imaging camera. Donation was received from Newark Elks earmarked specifically for these. Pay in. # 159211)

26-67 Minor rehabilitation of pavement within project limits.

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

Ordinance No. 26-28

BY _____

AN ORDINANCE AMENDING SECTION 1062.08 FALSE ALARMS AND SECTION 1610.03 ENFORCEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO

WHEREAS, the City of Newark, Ohio, Divisions of Fire and Police, by duty, monitor alarm systems throughout the City; and

WHEREAS, Section 1062.08, False Alarms, was enacted in 1976 and it is now necessary to make modifications to this portion of the Codified Ordinances of the City of Newark so the Divisions of Fire and Police may continue to effectively conduct their duties; and

WHEREAS, the City of Newark, Ohio, Division of Fire, pursuant to Chapter 1610 of the Codified Ordinances of the City of Newark, enforces the Ohio Fire Code; and

WHEREAS, expansion of enforcement powers with regard to premises inspections and food trucks are necessary to effectuate enforcement of the Ohio Fire Code; and

WHEREAS, this matter was considered by the Safety Committee of Council who referred this legislation to the full Council for consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO, THAT:

SECTION 1: Section 1062.08, False Alarms, implemented by Ordinance 76-79, is hereby amended by repeal of Ordinance 76-79 and the enactment of the new Section 1062.08, False Alarms as attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2: Section 1610.03, Enforcement, implemented by Ordinance 13-16, is hereby amended by repeal of Ordinance 13-16 and the enactment of the new Section 1610.03, Enforcement as attached hereto as Exhibit "B" and incorporated herein by reference.

SECTION 3: This Ordinance shall be effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, _____.

_____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

_____
MAYOR

APPROVED AS TO FORM:

_____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

EXHIBIT A

1062.01 AUTHORITY OF SAFETY DIRECTOR; LICENSE AGREEMENTS.

The Director of Public Safety is hereby authorized to provide, to those making application for the same, an alarm utility monitoring service and to enter into license agreements relating thereto in accordance with the provisions of this chapter.

(Ord. 76-79. Passed 12-20-76.)

1062.02 RULES AND REGULATIONS.

The Director of Public Safety shall establish rules and regulations which may be necessary to regulate the type and manner of installation and/or connection of intrusion and fire alarm systems with City owned communication systems, the location thereof and the method of monitoring the same.

(Ord. 76-79. Passed 12-20-76.)

1062.03 LIMITATION ON LICENSING.

The Director of Public Safety shall not enter into any license agreement when the installation and/or connection for which application is made will impair or interfere with the primary function of the City owned communication system to which connection is to be made, nor shall he enter into any such agreement when the application, if granted, would require modification, enlargement or extension of the City communication system not authorized by Council.

(Ord. 76-79. Passed 12-20-76.)

1062.04 INSTALLATION AND/OR CONNECTION, REPAIR, ETC. OF PRIVATE ALARM SYSTEMS.

The installation and/or connection, modification, alteration, repair, relocation and removal of private alarm systems shall be made at the discretion of and under the inspection of the Director of Public Safety, or his designated representative, and in each instance shall be at the sole cost and expense of the owner of such system.

(Ord. 76-79. Passed 12-20-76.)

1062.05 LIMITATION OF INSTALLATION AND/OR CONNECTIONS; DISCONTINUANCE AND DISCONNECTION.

The Director of Public Safety shall have the initial authority to limit the total number of installations and/or connections or to cause discontinuance and disconnection of any private alarm system when this is deemed necessary for the health, safety and welfare of the community and in accordance with the provisions of this chapter and the rules and regulations promulgated pursuant thereto.

(Ord. 76-79. Passed 12-20-76.)

1062.06 RESPONSIBILITY OF CITY.

(a) The City shall assume no responsibility or liability nor shall it be liable or responsible in any mariner or form to any licensee or permittee for any reason arising by

virtue of permitting an installation and/or connection of a private alarm system to City owned communication systems.

(b) The City shall assume no responsibility or liability nor shall it be responsible or liable to any consumer user of a private alarm system when the same is provided such consumer user through the intermediary of any commercial alarm system service company or organization, nor shall any such company or organization represent to its clients that the City has any obligation, responsibility, liability or duty arising on its part by reason of the granting of any license under the provisions of this chapter.

(Ord. 76-79. Passed 12-20-76.)

1062.07 LICENSE FEE.

The license fee for each separate private alarm system which is installed and/or connected to a City communication system for monitoring shall be sixty dollars ($60. 00) per year for private alarm systems located within the City and one hundred dollars ($100. 00) per year for private alarm systems located outside the City. The license period shall extend from January 1 to December 31 of each year, or for any portion thereof with prorated fee consideration. Such fee shall be payable in advance and no portion thereof shall be refundable.

(Ord. 76-79. Passed 12-20-76.)

1062.08 FALSE ALARMS.

~~(a) Penalty Assessed. A penalty of twenty-five dollars ($25.00) shall be assessed for each false alarm to which the Divisions of Police and/or Fire respond. Such penalty shall be assessed against the holder of the permit or license for the alarm with which the false alarm is associated, or, in the event no such permit or license has been issued, the assessment shall be made against the owner of the premises upon which the alarm is located. Such penalty is applicable to all alarm systems, whether connected to City communication systems or not, except as follows:~~

~~(1) Notwithstanding the provisions assessing such penalty, no charge shall be made for the first three false alarms which may occur during any calendar year in an alarm system, either intrusion or fire, installed in a residential premises. As used in this chapter, "residential premises" mean only those premises that are used exclusively as a dwelling establishment. Premises that are a combination of both business and/or commercial premises together with a residential premises shall not qualify as residential premises under this paragraph, except in the case where the alarm system is installed in the residential portion of the premises that is occupied by a person who is unassociated with the business or commercial enterprise. In addition, alarm systems installed in individual units in apartments or condominium complexes shall qualify for this exemption, but alarm systems that are for the entire apartment or condominium complex shall not qualify for such exemption.~~

~~(2) Notwithstanding the provisions assessing such penalty, no charge shall be made for the first false alarm of any calendar year for any alarm system installed in a commercial, business or other nonresidential premises.~~

~~(3) There shall be no charge or penalty for a false alarm to which there is no response by the Division of Police or the Division of Eire, nor when the cause of the false alarm has been demonstrated to be lightning, windstorm or other such acts of God.~~

~~(b) Determination Procedure. The responding units of the Divisions of Police and/or Fire shall determine whether the activation of an alarm system constitutes a false alarm or an alarm activated by an intruder, fire or fire-related problem. In malting such a determination, the appropriate Division shall consider a false alarm to be the activation of an alarm system caused by the negligence of the owner or other person authorized to be on the premises, by the faulty installation or repair of or the failure to maintain the alarm system, or by any other malfunction of such alarm system not specifically excepted here from.~~

~~(c) Appeal. Any person aggrieved by the determination of a Division that a false alarm has occurred, may, within thirty days from the assessment of the penalty therefor, appeal, in writing, to the Director of Public Safety. Within thirty days of the receipt of such a written appeal, the Director shall afford the appellant the opportunity to present evidence to indicate that such alarm was not a false alarm. The decision of the Director shall be final.~~

~~(d) Payment and Effect of Nonpayment of Penalty. Any penalty for a false alarm as provided for in this section, which remains unpaid for thirty days after the date of issuance of an invoice for such charge, shall constitute reason for and result in the cancellation of the license for or the removal of the appropriate alarm system, unless during such thirty-day period the owner of the premises or other person who is responsible for the alarm system appeals as provided for in subsection (c) hereof. If, at the conclusion of any appeal proceeding, it is determined that the penalty for a false alarm is to be upheld, the appellant shall have thirty days from such decision in which to make payment for such penalty.~~

~~(Ord. 76-79. Passed 12-20-76.)~~

1. **DEFINITIONS.**
    a. **RESPONSIBLE PARTY** MEANS ANY OF THE FOLLOWING: (1) THE HOLDER OF A PERMIT OR LICENSE WITH WHICH A FALSE ALARM IS ASSOCIATED; (2) IN THE EVENT NO SUCH PERMIT OR LICENSE HAS BEEN ISSUED THE OWNER OF THE PREMISES UPON WHICH THE ALARM IS LOCATED OR THEIR AGENT; AND/OR (3) THE OWNER OF THE BUSINESS WITH WHICH A FALSE ALARM IS ASSOCIATED OR THEIR AGENT.

b. **PREMISES** MEANS ANY OF THE FOLLOWING: (1) LOCATIONS THAT ARE USED EXCLUSIVELY AS A DWELLING ESTABLISHMENT; (2) LOCATIONS USED EXCLUSIVELY AS COMMERCIAL ESTABLISHMENTS; (3) A LOCATION THAT IS A COMBINATION OF RESIDENTIAL, BUSINESS, AND/OR COMMERCIAL PREMISES WHERE THE ALARM SYSTEM IS INSTALLED IN THE RESIDENTIAL PORTION OF THE PREMISES THAT IS OCCUPIED BY A PERSON WHO IS UNASSOCIATED WITH THE BUSINESS OR COMMERCIAL ENTERPRISE; AND/OR (4) ALARM SYSTEMS INSTALLED IN INDIVIDUAL UNITS IN APARTMENTS OR CONDOMINIUM COMPLEXES.

c. **FALSE ALARM** MEANS THE ACTIVATION OF AN ALARM SYSTEM CAUSED BY THE NEGLIGENCE OF THE OWNER OR OTHER PERSON AUTHORIZED TO BE ON THE PREMISES, BY THE FAULTY INSTALLATION OR REPAIR OF OR THE FAILURE TO MAINTAIN THE ALARM SYSTEM, OR BY ANY OTHER MALFUNCTION OF SUCH ALARM SYSTEM NOT SPECIFICALLY EXCEPTED HERE FROM.

2. **FALSE ALARMS PROHIBITED.**

a. NO RESPONSIBLE PARTY SHALL PERMIT A FALSE ALARM TO WHICH THE DIVISIONS OF POLICE AND/OR FIRE ("DIVISIONS") RESPOND, WHETHER OR NOT SUCH ALARM SYSTEM IS CONNECTED TO CITY COMMUNICATIONS SYSTEMS.

3. **PROHIBITIONS.**

a. UNLESS OTHERWISE STATED HEREIN, THE RESPONSIBLE PARTY SHALL BE CIVILLY FINED FOR FALSE ALARMS EXCEPT THAT NO CIVIL FINE SHALL BE LEVIED FOR THE FIRST THREE FALSE ALARMS WHICH MAY OCCUR DURING ANY CALENDAR YEAR IN AN ALARM SYSTEM, EITHER INTRUSION OR FIRE, INSTALLED IN A PREMISES. ALARM SYSTEMS THAT ARE FOR THE ENTIRE APARTMENT OR CONDOMINIUM COMPLEXES SHALL NOT QUALIFY FOR SUCH EXEMPTION.

b. A VIOLATION OF SECTION 2(A) OF THIS DIVISION THREE OR MORE TIMES IN ANY CALENDAR YEAR SHALL RESULT IN A CIVIL FINE AS FOLLOWS:

i. A FOURTH FALSE ALARM IN A CALENDAR YEAR, $150.00;

ii. A FIFTH FALSE ALARM IN A CALENDAR YEAR, $250.00;

iii. ~~AFTER~~ A SIXTH FALSE ALARM IN A CALENDAR YEAR, $250.00

iv. A SEVENTH, EIGHTH, AND NINTH FALSE ALARM IN A CALENDAR YEAR, $500.00 FOR EACH OFFENSE.

c. UPON A TENTH FALSE ALARM IN ONE CALENDAR YEAR, THE DIVISION, IN ITS DISCRETION, MAY REFER THE MATTER TO THE

CITY LAW DIRECTOR FOR CRIMINAL PROSECUTION. A TENTH FALSE ALARM IN ANY CALENDAR YEAR IN VIOLATION OF SECTION 2(A) OF THIS DIVISION IS A MISDEMEANOR OF THE FIRST DEGREE PUNISHABLE PURSUANT TO SECTION 698.02 OF THE NEWARK CODIFIED ORDINANCES. EACH SUBSEQUENT FALSE ALARM FOLLOWING A TENTH FALSE ALARM IN ANY CALENDAR YEAR MAY BE TREATED AS A SEPARATE FIRST-DEGREE MISDEMEANOR OFFENSE. STRICT LIABILITY IS INTENDED TO BE IMPOSED FOR A VIOLATION OF THIS SECTION.

d. THE APPLICABLE DIVISION CHIEF OR THEIR DESIGNEE MAY, IN THEIR DISCRETION WHEN CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, WAIVE THE CIVIL FINE ASSESSED FOR A FOURTH THROUGH NINTH FALSE ALARM DURING ANY CALENDAR YEAR.
e. THERE SHALL BE NO CIVIL FINE FOR A FALSE ALARM TO WHICH THERE IS NO RESPONSE BY THE DIVISIONS, NOR WHEN THE CAUSE OF THE FALSE ALARM HAS BEEN DEMONSTRATED TO BE LIGHTNING, WINDSTORM OR OTHER SUCH ACTS OF GOD.

4. **APPEAL.** REGARDING THE FIRST THROUGH NINTH FALSE ALARM IN ONE CALENDAR YEAR, ANY RESPONSIBLE PARTY CIVILLY FINED BY THE DETERMINATION OF A DIVISIONS THAT A FALSE ALARM HAS OCCURRED, MAY, WITHIN THIRTY (30) DAYS FROM THE ASSESSMENT OF THE CIVIL FINE THEREFOR, APPEAL, IN WRITING, TO THE APPLICABLE DIVISION CHIEF. WITHIN THIRTY DAYS OF THE RECEIPT OF SUCH A WRITTEN APPEAL, THE APPLICABLE DIVISION CHIEF SHALL AFFORD THE APPELLANT THE OPPORTUNITY TO PRESENT EVIDENCE TO INDICATE THAT SUCH ALARM WAS NOT A FALSE ALARM. THE DECISION OF THE DIVISION CHIEF SHALL BE FINAL.

5. **PAYMENT AND EFFECT OF NONPAYMENT OF CIVIL FINE.**
   a. ANY CIVIL FINE FOR A FALSE ALARM AS PROVIDED FOR IN THIS SECTION, SHALL BE PAID IN FULL NO MORE THAN THIRTY (30) DAYS AFTER THE DATE OF ISSUANCE OF AN INVOICE FOR SUCH CHARGE UNLESS DURING SUCH THIRTY (30) DAY PERIOD THE RESPONSIBLE PARTY APPEALS. IF, AT THE CONCLUSION OF ANY APPEAL PROCEEDING, IT IS DETERMINED THAT THE CIVIL FINE FOR A FALSE ALARM IS UPHELD, THE APPELLANT SHALL HAVE AN ADDITIONAL THIRTY (30) DAYS FROM SUCH DECISION IN WHICH TO MAKE PAYMENT OF CIVIL FINE IN FULL UNLESS ADDITIONAL TIME IS PERMITTED BY THE APPLICABLE CHIEF IN THEIR DISCRETION.
   b. UPON EXPIRATION OF THE TIME TO FILE AN APPEAL OR EXPIRATION OF THE TIME TO PAY A CIVIL FINE UPHELD FOLLOWING

APPEAL, EACH CIVIL FINE CHARGED UNDER THIS SECTION AND LEFT UNPAID MAY BE REDUCED TO A LIEN UPON THE CORRESPONDING LOT, PARCEL OF LAND, BUILDING OR PREMISES SERVED BY THE ALARM SYSTEM.

c. THE DIVISIONS, THROUGH THE DIRECTOR OF SAFETY, SHALL CERTIFY TO THE LICKING COUNTY AUDITOR FOR PLACEMENT AS A LIEN UPON THE REAL PROPERTY TAX LIST REFLECTING THE CIVIL FINE PURSUANT TO THIS CHAPTER AND IF NOT PAID SHALL BECOME DUE AND PAYABLE WITH THE INTEREST AND PENALTIES ALLOWED BY LAW AND BE COLLECTED AS OTHER TAXES.

1062.09 DEPOSIT OF MONEYS.

All moneys accruing to the City by reason of the fees and penalties assessed and collected under the provisions of this chapter shall be deposited into a separate account in the General Fund.

(Ord. 76-79. Passed 12-.20-76.)

EXHIBIT B

1610.01 2011 EDITION ADOPTED; PURPOSE.

There is hereby adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Ohio Fire Code, recommended by the State of Ohio, Department of Commerce, Division of State Fire Marshal, being particularly the 2011 edition and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. It is further ordained that the City of Newark, Ohio does hereby accept and incorporate into the Codified Ordinances of the City of Newark, Ohio any and all future Fire Prevention and Inspection Code as adopted by the Ohio Fire Marshal's Office unless otherwise repudiated or amended.

(Ord. 08-3. Passed 2-4-08; Ord. 13-16. Passed 7-1-13.)

1610.02 FILE AND DISTRIBUTION COPIES.

One copy of the Ohio Fire Code adopted in Section 1610.01 is on file with the Clerk of Council for inspection by the public and one copy is also on file in the County Law Library. In addition, the Clerk of Council has copies available for distribution to the public, at cost.

1610.03 ENFORCEMENT.

~~(a) The Ohio Fire Code shall be enforced by the Bureau of Fire Prevention within the Fire Division of the City, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Division.~~

~~(b) The Chief of the Fire Division may detail such members of the Fire Division as inspectors as shall from time to time be necessary. The Chief of the Fire Division shall recommend to the Director of Public Safety the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Division and appointments made after such examination shall be for an indefinite term with removal only for cause.~~

~~(c) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all the proceedings required under this Code, with such statistics as the Chief of the Fire Division may wish to include therein. The Chief of the Fire Division shall also recommend any amendments to the Code which, in his judgment, are desirable.~~

1. THE OHIO FIRE CODE SHALL BE ENFORCED BY THE BUREAU OF FIRE PREVENTION WITHIN THE DIVISION OF THE CITY ("DIVISION"), WHICH IS HEREBY ESTABLISHED AND WHICH SHALL BE OPERATED UNDER THE SUPERVISION OF THE DIVISION CHIEF.

2. THE DIVISION CHIEF MAY DETAIL SUCH MEMBERS OF THE DIVISION AS INSPECTORS AS SHALL FROM TIME TO TIME BE NECESSARY. THE DIVISION CHIEF SHALL RECOMMEND TO THE DIRECTOR OF PUBLIC SAFETY THE EMPLOYMENT OF TECHNICAL INSPECTORS, WHO, WHEN SUCH AUTHORIZATION IS MADE, SHALL BE SELECTED THROUGH AN EXAMINATION TO DETERMINE THEIR FITNESS FOR THE POSITION. THE EXAMINATION SHALL BE OPEN TO MEMBERS AND NONMEMBERS OF THE DIVISION AND APPOINTMENTS MADE AFTER SUCH EXAMINATION SHALL BE FOR AN INDEFINITE TERM WITH REMOVAL ONLY FOR CAUSE.
3. A REPORT OF THE BUREAU OF FIRE PREVENTION SHALL BE MADE ANNUALLY AND TRANSMITTED TO THE MAYOR. IT SHALL CONTAIN ALL THE PROCEEDINGS REQUIRED UNDER THIS CODE, WITH SUCH STATISTICS AS THE DIVISION CHIEF MAY WISH TO INCLUDE THEREIN. THE DIVISION CHIEF SHALL ALSO RECOMMEND ANY AMENDMENTS TO THE CODE WHICH, IN HIS JUDGMENT, ARE DESIRABLE.

4. **FEE SCHEDULE ESTABLISHED.** THE DIVISION SHALL ESTABLISH A SCHEDULE OF FEES FOR THE REASONABLE COSTS ASSOCIATED WITH ENFORCEMENT ACTION PURSUANT TO THIS CHAPTER, WHICH SHALL BE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST, AT COST. SUCH FEE SCHEDULE MAY BE UPDATED FROM TIME-TO-TIME, AS REASONABLY NECESSARY, TO REFLECT INCREASES TO THE REASONABLE COSTS OF ENFORCEMENT ACTION.
    a. THE FEES AND CIVIL FINES ESTABLISHED HEREIN SHALL BE LEVIED AGAINST THE RESPONSIBLE PARTY. THE RESPONSIBLE PARTY MEANS: (1) THE OWNER OF THE PREMISES OR THEIR AGENT; (2) THE OWNER OF THE BUSINESS LOCATED ON THE PREMISES OR THEIR AGENT; AND (3) THE HOLDER OF A PERMIT, LICENSE, OR CERTIFICATION SUBJECT TO THE OHIO FIRE CODE.
    b. FEES ESTABLISHED SHALL BE ACCRUED ON A PER INSPECTION RATHER THAN A PER VIOLATION BASIS. NOTWITHSTANDING THE FEE SCHEDULE, NO FEE SHALL BE CHARGED FOR THE FIRST TWO (2) INSPECTIONS IN ANY CALENDAR YEAR. A SUBSEQUENT INSPECTION SHALL BE LEFT UP TO THE BUREAU OF FIRE PREVENTION BASED ON INSPECTION FINDINGS THAT COULD INCLUDE SIGNIFICANT FIRE CODE VIOLATION OR LIFE THREAT.

5. **PROHIBITIONS CONCERNING PREMISES INSPECTIONS.**
    a. NO RESPONSIBLE PARTY SHALL FAIL TO CURE AN INSPECTION VIOLATION WITHIN A REASONABLE TIME AS DETERMINED BY THE DIVISION. THIS INSPECTION IS INDEPENDENT OF ANY OTHER INSPECTION PROMULGATED BY THE CITY OF NEWARK LOCAL ORDINANCES, INCLUDING TITLE TWO – BUSINESS REGULATION.
    b. IF THE DIVISION DETERMINES AN INSPECTION VIOLATION AND THE RESPONSIBLE PARTY DOES NOT CURE IT WITHIN THE DESIGNATED

TIME RESULTING IN A SUBSEQUENT INSPECTION A CIVIL FINE SHALL BE IMPOSED, IN ADDITION TO FEES, AS FOLLOWS:

i. A THIRD INSPECTION IN ANY CALENDAR YEAR, $150.00;
ii. A FOURTH INSPECTION IN ANY CALENDAR YEAR, $250.00; AND
iii. AFTER A FOURTH INSPECTION IN ANY CALENDAR YEAR THE RESPONSIBLE PARTY SHALL BE CIVILLY FINED $500.00 PER INSPECTION.
iv. THE DIVISION CHIEF OR THEIR DESIGNEE MAY, IN THEIR DISCRETION WHEN CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, WAIVE THE CIVIL FINE ASSESSED FOR A THIRD THROUGH SIXTH INSPECTION DURING ANY CALENDAR YEAR.
v. UPON THE RESPONSIBLE PARTY'S FAILURE TO CURE THE VIOLATION WITHIN THE DESIGNATED TIME RESULTING IN A SIXTH INSPECTION IN ONE CALENDAR YEAR IN VIOLATION OF SECTION 5 OF THIS SUBCHAPTER, THE DIVISION, IN ITS DISCRETION, MAY REFER THE MATTER TO THE CITY LAW DIRECTOR FOR CRIMINAL PROSECUTION, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE PUNISHABLE PURSUANT TO SECTION 698.02 OF THE NEWARK CODIFIED ORDINANCES. STRICT LIABILITY IS INTENDED TO BE IMPOSED FOR A VIOLATION OF THIS SECTION.
vi. FAILURE TO CURE AN INSPECTION VIOLATION IN THE TIME ALLOTTED BY THE DIVISION FOLLOWING A TENTH INSPECTION SHALL RESULT IN A SEPARATE FIRST-DEGREE MISDEMEANOR OFFENSE PER SUBSEQUENT INSPECTION.

6. **FOOD TRUCK AND MOBILE FOOD VENDING UNIT INSPECTIONS.** THE DIVISION SHALL ESTABLISH CRITERIA FOR INSPECTION OF FOOD TRUCKS AND/OR MOBILE FOOD VENDING UNITS PURSUANT TO THE OHIO FIRE CODE, LOCAL ORDINANCES, AND WHERE APPLICABLE THE LAWS OF THE STATE OF OHIO. SUCH INSPECTIONS MAY BE SCHEDULED WITH THE DIVISION'S PREVENTION BUREAU DURING REGULAR BUSINESS HOURS, MONDAY THROUGH FRIDAY, AND SHALL OCCUR AT THE DIVISION PREMISES BEFORE MARCH 1ST OF EACH YEAR. FEES AUTHORIZED BY SECTION 4 OF THIS SUBCHAPTER MAY INCLUDE A SPECIAL DUTY FEE FOR INSPECTIONS OCCURRING OUTSIDE OF REGULAR BUSINESS HOURS, WEEKENDS, OR HOLIDAYS. THE DIVISION SHALL ESTABLISH AN INSPECTION LOG CONCERNING INSPECTION OF FOOD TRUCKS AND/OR MOBILE FOOD VENDING UNITS, SPECIFICALLY INCLUDING AT A MINIMUM: CONTACT INFORMATION FOR THE RESPONSIBLE PARTY, DATE OF INSPECTION, INSURANCE INFORMATION, DATE OF INSPECTION, AND DATE THE INSPECTION FEE IS PAID.

a. "FOOD" SHALL MEAN A RAW, COOKED OR PROCESSED EDIBLE SUBSTANCE, ICE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE OR FOR SALE IN WHOLE OR IN PART FOR HUMAN CONSUMPTION.
b. "FOOD TRUCK" MEANS A LICENSED, MOTORIZED VEHICLE OR MOBILE FOOD VENDING UNIT WHICH IS TEMPORARILY LOCATED ON A PREMISES TO SELL FOOD ITEMS TO THE GENERAL PUBLIC.
c. "MOBILE FOOD VENDING UNIT" MEANS A FOOD SERVICE OPERATION OR RETAIL FOOD ESTABLISHMENT THAT IS OPERATED FROM A FOOD TRUCK. FOR THE PURPOSE OF A MOBILE FOOD VENDING PERMIT, "MOBILE FOOD VENDING UNIT" EXCLUDES FOOD DELIVERY OPERATIONS AND VENDING MACHINES, AS DEFINED IN OHIO REVISE CODE 3717.01(L).
d. "RESPONSIBLE PARTY" AS USED IN SUBSECTIONS 6, 7, 8, AND 9 OF THIS CHAPTER SHALL ALSO MEAN THE OWNER OR OPERATOR OF A FOOD TRUCK OR MOBILE FOOD VENDING UNIT OR THEIR AGENT.

7. **PROHIBITIONS CONCERNING FOOD TRUCKS AND MOBILE FOOD VENDING UNITS.**
   a. NO RESPONSIBLE PARTY OPERATING A FOOD TRUCK OR MOBILE FOOD VENDING UNIT WITHIN THE CITY SHALL FAIL TO SCHEDULE AN ANNUAL INSPECTION, PASS SAID INSPECTION BY THE DIVISION, AND DISPLAY A DIVISION INSPECTION STICKER AS DESCRIBED BY SUBSECTION 6 OF THIS CHAPTER.
      i. EACH PERMIT ISSUED UNDER THIS CHAPTER SHALL EXPIRE ON THE TWENTY-EIGHTH (28TH) DAY OF FEBRUARY FOLLOWING THE DATE OF ISSUE.
      ii. EACH INSPECTION SHALL COST $100.00 PER FOOD TRUCK OR MOBILE FOOD VENDING UNIT INSPECTED.
      iii. FOOD TRUCKS AND MOBILE FOOD VENDING UNIT SHALL OBTAIN ALL APPLICABLE APPROVALS AND PERMITS, AND SHALL FOLLOW ALL APPLICABLE PROCESSES AS REQUIRED BY THE CITY.
      iv. FOOD TRUCKS AND MOBILE FOOD VENDING UNIT SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS, REGULATIONS AND ORDINANCES.
   b. UPON DETERMINATION OF A VIOLATION OF SECTION 7(A), THE DIVISION MAY REQUIRE IMMEDIATE CESSATION OF OPERATION AND FOOD DISTRIBUTION, REMOVAL OF THE FOOD TRUCK OR

MOBILE FOOD VENDING UNIT FROM EVENT AND/LOCATION, AND A CIVIL FINE SHALL BE IMPOSED AS FOLLOWS:

i. A FIRST VIOLATION IN ANY CALENDAR YEAR, $150.00;
ii. A SECOND VIOLATION IN ANY CALENDAR YEAR, $500.00; AND
iii. AFTER A SECOND VIOLATION IN ANY CALENDAR YEAR THE RESPONSIBLE PARTY SHALL BE CIVILLY FINED $500.00 AND THE DIVISION, IN ITS DISCRETION, MAY REFER THE MATTER TO THE CITY LAW DIRECTOR FOR CRIMINAL PROSECUTION, WHICH IS A MISDEMEANOR OF THE 1ST DEGREE PUNISHABLE PURSUANT TO SECTION 698.02 OF THE NEWARK CODIFIED ORDINANCES. STRICT LIABILITY IS INTENDED TO BE IMPOSED FOR A VIOLATION OF THIS SECTION.
iv. THE DIVISION CHIEF OR THEIR DESIGNEE MAY, IN THEIR DISCRETION WHEN CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, WAIVE THE CIVIL FINE ASSESSED FOR A FIRST THROUGH SECOND VIOLATION DURING ANY CALENDAR YEAR.

8. **TRANSFER OF INSPECTION STICKER PROHIBITED.**
   a. NO INSPECTION STICKER ISSUED UNDER THIS CHAPTER SHALL BE TRANSFERRED OR ASSIGNED BY THE RESPONSIBLE PARTY TO ANY OTHER INDIVIDUAL OR ORGANIZATION, OR TO ANY OTHER FOOD TRUCK OR MOBILE FOOD VENDING UNIT. SHOULD A CHANGE IN OWNERSHIP OF A FOOD TRUCK OR MOBILE FOOD VENDING UNIT OCCUR AT ANY TIME, THE SUCCEEDING OWNER MUST COMPLY WITH THE INSPECTION AND FEE REQUIREMENTS OF THIS CHAPTER.

9. **INSPECTION SUSPENSION, REVOCATION**
   a. INSPECTION STICKERS ISSUED TO FOOD TRUCKS OR MOBILE FOOD VENDING UNITS UNDER THIS CHAPTER MAY BE SUSPENDED OR REVOKED BY THE DIVISION FOR ONE OR MORE OF THE FOLLOWING REASONS:
      i. FRAUD, MISREPRESENTATION OR BRIBERY IN SECURING THE INSPECTION STICKER OR DURING THE COURSE OF BUSINESS;
      ii. VIOLATION OF ANY PROVISION OF THIS CHAPTER;
      iii. FAILURE TO DISPLAY THE INSPECTION STICKER AS ISSUED;
      iv. FAILURE TO HAVE VALID PERMITS OR LICENSES REQUIRED BY THE LICKING COUNTY HEALTH DEPARTMENT OR ANY OTHER CITY, STATE, OR FEDERAL AGENCY AS APPLICABLE;
      v. CONVICTION OF ANY CRIMINAL OR TRAFFIC OFFENSE WHILE USING A FOOD TRUCK OR MOBILE FOOD VENDING UNIT;

vi. CONVICTION OF ANY CRIMINAL OFFENSE INVOLVING THEFT OR FRAUD;
vii. FOR ANY OF THE REASONS WHICH COULD HAVE BEEN GROUNDS FOR REFUSING TO ISSUE THE ORIGINAL INSPECTION STICKER;
viii. KNOWINGLY ALLOWING ANOTHER PERSON TO USE A FOOD TRUCK OR MOBILE FOOD VENDING UNIT IN VIOLATION OF ANY PROVISION OF THIS CHAPTER; AND/OR
ix. FOR OTHER GOOD CAUSE AT THE DISCRETION OF THE DIVISION.

10. **APPEAL.** ANY RESPONSIBLE PARTY CIVILLY FINED FOLLOWING INSPECTION DUE TO FAILURE TO CURE A VIOLATION, MAY, WITHIN THIRTY (30) DAYS FROM THE ASSESSMENT OF THE CIVIL FINE THEREFOR, APPEAL, IN WRITING, TO THE DIVISION CHIEF. WITHIN THIRTY (30) DAYS OF THE RECEIPT OF SUCH A WRITTEN APPEAL, THE DIVISION CHIEF SHALL AFFORD THE APPELLANT THE OPPORTUNITY TO PRESENT EVIDENCE TO INDICATE THAT: (1) THE TIMEFRAME TO CURE THE CITED VIOLATION WAS INSUFFICIENT AND/OR (2) THE CIVIL FINE WAS ISSUED WITHOUT CAUSE. THE DECISION OF THE DIVISION CHIEF SHALL BE FINAL.

11. **PAYMENT AND EFFECT OF NONPAYMENT OF CIVIL FINE.**
    a. ANY CIVIL FINE AS PROVIDED FOR IN THIS SECTION, SHALL BE PAID IN FULL NO MORE THAN THIRTY (30) DAYS AFTER THE DATE OF ISSUANCE OF AN INVOICE FOR SUCH CHARGE UNLESS DURING SUCH THIRTY (30) DAY PERIOD THE RESPONSIBLE PARTY APPEALS. IF, AT THE CONCLUSION OF ANY APPEAL PROCEEDING, IT IS DETERMINED THAT THE CIVIL FINE IS UPHELD, THE APPELLANT SHALL HAVE AN ADDITIONAL THIRTY (30) DAYS FROM SUCH DECISION IN WHICH TO MAKE PAYMENT OF CIVIL FINE IN FULL UNLESS ADDITIONAL TIME IS PERMITTED BY THE DIVISION CHIEF IN THEIR DISCRETION.
    b. UPON EXPIRATION OF THE TIME TO FILE AN APPEAL OR EXPIRATION OF THE TIME TO PAY A CIVIL FINE UPHELD FOLLOWING APPEAL, EACH CIVIL FINE CHARGED UNDER THIS SECTION AND LEFT UNPAID MAY BE REDUCED TO A LIEN UPON THE CORRESPONDING LOT, PARCEL OF LAND, BUILDING OR PREMISES INSPECTED.
    c. THE DIVISION, THROUGH THE DIRECTOR OF SAFETY, SHALL CERTIFY TO THE LICKING COUNTY AUDITOR FOR PLACEMENT AS A LIEN UPON THE REAL PROPERTY TAX LIST REFLECTING THE CIVIL FINE PURSUANT TO THIS CHAPTER AND IF NOT PAID SHALL BECOME DUE AND PAYABLE WITH THE INTEREST AND PENALTIES ALLOWED BY LAW AND BE COLLECTED AS OTHER TAXES.

1610.04 DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED. (REPEALED)

(EDITOR'S NOTE: Section 1610.04 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.05 DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED. (REPEALED)

(EDITOR'S NOTE: Section 1610.05 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.06 ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES, DANGEROUS ARTICLES. (REPEALED)

(EDITOR'S NOTE: Section 1610.06 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.07 MODIFICATIONS. (REPEALED)

(EDITOR'S NOTE: Section 1610.07 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.08 APPEALS. (REPEALED)

(EDITOR'S NOTE: Section 1610.08 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.09 NEW MATERIALS, PROCESSES OR OCCUPANCIES. (REPEALED)

(EDITOR'S NOTE: Section 1610.09 was repealed as part of the 1980 revision and updating of these Codified Ordinances.)

1610.10 CONFLICT OF LAWS.

In the event of any conflict between any of the provisions of the Ohio Fire Code adopted herein and a provision of this Part Sixteen - Fire Prevention Code or any other local ordinance or provision, the stricter standard shall control.

1610.99 GENERAL CODE PENALTY.

(a) EXCEPT AS OTHERWISE PROVIED BY THIS CHAPTER, ~~W~~whoever violates any of the provisions of this chapter, including the provisions of the Ohio Fire Code, or fails to comply therewith, or violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or fails to comply with such an order as affirmed or modified by the Director of Public Safety or by a court of competent jurisdiction, within the time fixed therein, is severally for each and every such violation and noncompliance respectively, guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00). The imposition of one penalty for any violation shall not excuse the violation

or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, a separate offense shall be deemed committed each ten days that prohibited conditions are maintained.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ORDINANCE 26-33

BY: _____

AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER SCHEDULE OF CHARGES AND FEES PURSUANT TO SECTION 1040.31 OF THE NEWARK CODIFIED ORDINANCES.

WHEREAS, the sewer department recently completed a Wastewater Master Plan and Rate Study; and,

WHEREAS, current and future revenue, operation and maintenance expenses, personnel expenses and debt expenses were evaluated and compared against industry standards; and,

WHEREAS, projected sewer revenue is expected to deficient compared to anticipated sewer expenses; and

WHEREAS, it is necessary to amend the Sewer Schedule of Charges and Fees Ordinance 23-02 to provide for an increase in the user charges; and,

WHEREAS, the Service Committee of the Newark City Council met on the 2nd day of November, 2026 and voted to forward the amendments on to the full Council for its further consideration; and,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: All legislation inconsistent herewith is hereby repealed.

Section 2: The Sewer Schedule of Charges and Fees in the Sewer Use Ordinance codified as 1040.31 of the Newark Codified Ordinances, is hereby amended as attached hereto as Exhibit A, and shall be effective January 1, 2027.

Section 3: This ordinance shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2026.

_____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR:_____

_____
MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

EXHIBIT A

SCHEDULE OF CHARGES AND FEES

Effective January 1, 2027 and each January 1 thereafter

Sewer Rates	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Administrative Charge										
All Customers	$ 9.94	$ 10.60	$ 11.30	$ 12.05	$ 13.07	$ 14.18	$ 15.39	$ 16.70	$ 18.12	$ 19.66
Commodity Charge										
All Customers	$ 2.52	$ 2.68	$ 2.86	$ 3.05	$ 3.31	$ 3.59	$ 3.89	$ 4.23	$ 4.58	$ 4.97
Debt Service Charge (Usage <3 CCF)										
Residential	$ 0.39	$ 0.42	$ 0.45	$ 0.48	$ 0.52	$ 0.56	$ 0.61	$ 0.66	$ 0.72	$ 0.78
Commercial	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Industrial	$ 2.08	$ 2.22	$ 2.37	$ 2.53	$ 2.74	$ 2.97	$ 3.23	$ 3.50	$ 3.80	$ 4.12
Governmental	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Institutional	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Debt Service Charge (Usage >3 CCF)										
Residential	$ 2.08	$ 2.22	$ 2.37	$ 2.53	$ 2.74	$ 2.97	$ 3.23	$ 3.50	$ 3.80	$ 4.12
Commercial	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Industrial	$ 2.08	$ 2.22	$ 2.37	$ 2.53	$ 2.74	$ 2.97	$ 3.23	$ 3.50	$ 3.80	$ 4.12
Governmental	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Institutional	$ 3.56	$ 3.79	$ 4.04	$ 4.31	$ 4.68	$ 5.08	$ 5.51	$ 5.98	$ 6.48	$ 7.03
Industrial Surcharge ($/Lb.)										
CBOD										
Level I, <6,000 Lbs./Day	$ 0.264	$ 0.373	$ 0.526	$ 0.742	$ 0.806	$ 0.874	$ 0.948	$ 1.029	$ 1.116	$ 1.211
Level II, 6,000 to 18,000 Lbs/Day	$ 0.750	$ 0.750	$ 0.750	$ 0.750	$ 0.814	$ 0.883	$ 0.958	$ 1.039	$ 1.128	$ 1.224
Excess, > 18,000 Lbs/Day	$ 1.500	$ 1.500	$ 1.500	$ 1.500	$ 1.628	$ 1.766	$ 1.916	$ 2.079	$ 2.255	$ 2.447
TSS	$ 0.271	$ 0.393	$ 0.569	$ 0.824	$ 0.894	$ 0.970	$ 1.053	$ 1.142	$ 1.240	$ 1.345
Ammonia	$ 0.372	$ 0.486	$ 0.633	$ 0.826	$ 0.896	$ 0.973	$ 1.055	$ 1.145	$ 1.242	$ 1.348
COD	$ 0.067	$ 0.109	$ 0.178	$ 0.290	$ 0.314	$ 0.341	$ 0.370	$ 0.401	$ 0.435	$ 0.472
Industrial Waste Surveillance Charge per month- Sampling Days per week										
Tier I- < 5 days per week	$ 250.00	$ 250.00	$ 300.00	$ 300.00	$ 300.00	TBD	TBD	TBD	TBD	TBD
Tier II- 5 or more days per week	$ 500.00	$ 500.00	$ 600.00	$ 600.00	$ 600.00	TBD	TBD	TBD	TBD	TBD
Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:										
01 to 15 days - No Consumption			$0.00							
01 to 15 days- 1 to 3 Consumptions			Minimum Bill							
16 to 30 days			Normal Monthly Billing							

ORDINANCE 26-34

BY: _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 1040 OF THE CODIFIED ORDINANCES FOR THE CITY OF NEWARK, OHIO REGARDING DEFINITIONS, GENERAL PROHIBITIONS ON DISCHARGES, LIMITATIONS ON WASTEWATER STRENGTH AND SEWER SERVICE CHARGES DEFINED.

WHEREAS, it is necessary to amend the Sewer Use Ordinance to improve the administration of the rules and regulations set forth in the ordinance, specifically to reflect the addition and modification of definitions, addition of general prohibitions on discharges, limitations on wastewater strength, and modification of sewer service charges defined; and,

WHEREAS, due to the extensive modifications required to comply with the Ohio EPA and the Industrial Pretreatment Standards, it is necessary to repeal and replace Chapter 1040 of the Codified Ordinances of the City of Newark, Ohio; and,

WHEREAS, the Service Committee of the Newark City Council voted to forward this matter to full Council for its further consideration.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: That Chapter 1040 of the Codified Ordinances of the City of Newark, Ohio is hereby repealed and replaced with the attached Exhibit A.

Section 2: This ordinance shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2026.

_____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR:_____

_____
MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

EXHIBIT A

CHAPTER 1040 Sewers

1040.01 General provisions

1040.02 Definitions

1040.03 Unsanitary deposits

1040.04 Unlawful discharges to natural outlets

1040.05 Installation of toilet facilities

1040.06 Private sewage disposal systems

1040.07 Private sewers

1040.08 Trucked and Hauled Wastes

1040.09 Connections to public sewers

1040.10 Control manholes

1040.11 Special Interceptors

1040.12 Illegal use of sewers

1040.13 Clean wastewaters

1040.14 General Prohibitions on Discharge

1040.15 Limitations on wastewater strength

1040.16 Limitations on Radioactive Wastes

1040.17 Dilution

1040.18 Review of extraordinary discharges

1040.19 Accidental discharges and operating upsets

1040.20 Pretreatment

1040.21 Industrial Wastewater Discharge Permit Application

1040.22 Discharger Reporting Requirements

1040.23 Records Retention

1040.24 Confidential Information

1040.25 Powers and Authorities of Inspectors

1040.26 Termination of service

1040.27 Disputes and appeals

1040.28 Rental for sewage services

1040.29 Sewer service charges defined

1040.30 Sewer user classifications

1040.31 Charges and fees

1040.32 Payment of charges; delinquency; collection; deposit of funds

1040.33 Notification of charges

1040.34 Sewer Rental Fund

1040.35 Measurement of volume; meters

1040.36 Industrial waste testing

1040.37 Falsifying information

1040.38 Annual publication of violators

1040.39 Special agreements

1040.40 Municipal Review of Regulations, Charges and Fees

1040.41 Liability; equitable remedies.

1040.42 Issuance of orders by the Director; notification of violations; recovery of legal and other expenses.

1040.43 Penalties

1040.44 Severability

1040.01 GENERAL PROVISIONS

(a) This chapter establishes uniform regulations for users of the sewerage works and enables the City of Newark to protect the public health in conformity with all applicable laws.

(b) The objectives of this chapter are to:

(1) Prevent the introduction of pollutants into the sewerage works which will interfere with the operation of the works or contaminate the resulting municipal biosolids;

(2) Prevent the introduction of pollutants into the sewerage works which do not receive adequate treatment or will otherwise be incompatible with the works and which will pass through the works into receiving waters or the atmosphere;

(3) Improve the opportunity to recycle and reclaim wastewater and biosolids from the works;

(4) Identify the minimum standards for construction and maintenance of building sewer connections; and

(5) Establish provisions to levy and collect sewer service charges and rentals for premises served by the sewage works.

(c) Discharges into the sewage works shall be regulated by enforcing the administrative and penalty provisions in this chapter, as well as those contained in the Pretreatment Enforcement Response Plan

1040.02 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of words and phrases used in this chapter shall be as follows:

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

(2) "Administrative charge" means the charge by the City to recipients of waste treatment services to offset the administrative costs of operating the wastewater collection and treatment system.

(3) "Administrator" means the Water Administrator, Department of Public Service, Division of Water and Wastewater, of the City.

(4) "Best Management Practices" shall include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(5) "Biochemical Oxygen Demand" (BOD_5) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/l), as determined by Standard Methods. The Extra Strength Surcharge is levied on only the carbonaceous portion of BOD ($cBOD_5$). The nitrogenous portion of BOD ($nBOD_5$) is responsible for oxygen consumption due to the nitrification process and is excluded from the surcharge via addition of a chemical nitrification inhibitor at the beginning of the (5) day test. ($nBOD_5 + cBOD_5 = BOD_5$)

(6) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning three (3) feet outside the building wall.

A. "Combined building drain" means a building drain which conveys combined sewage.

B. "Sanitary building drain" means a building drain which conveys sanitary sewage, with or without industrial wastes.

C. "Storm building drain" means a building drain which conveys storm water or other drainage, but no sewage.

(7) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

A. "Combined building sewer" means a building sewer which conveys combined sewage.

B. "Sanitary building sewer" means a building sewer which conveys sanitary sewage, with or without industrial wastes.

C. "Storm building sewer" means a building sewer which conveys storm water or other drainage, but no sewage.

(8) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(9) "Categorical Pretreatment Standards" shall mean National Pretreatment Standards specifying quantities or concentrations of pollutant properties which may be discharged or introduced to the sewage works by specific industrial users. A list of Categorical Industries identified by USEPA can be found in 40 CFR parts 400-471.

(10) “Categorical Industrial Users (CIUs)” shall mean a subset of all industrial users (ius) that are specifically regulated by additional USEPA Pretreatment Standards. The list of categorical industries can be found in 40 CFR Parts 400-471.

(11) "Chemical oxygen demand" or "COD" means the oxygen consuming capacity of inorganic and organic matter under standard laboratory procedures, expressed in milligrams per liter (mg/1), as determined by Standard Methods.

(12) "Commercial Class" means all nonresidential users not defined as industrial, governmental or institutional users.

(13) "City" means the City of Newark, Ohio.

(14) "City Engineer" means the City Engineer of the City.

(15) "Clean Wastewaters" or "Unpolluted Wastewaters" means those liquid wastes which meet the criteria established by the OEPA for effluents discharged to watercourses in the City.

(16) "Combined sewage" means a combination of sanitary sewage and surface or storm water, with or without industrial wastes.

(17) "Combined sewer" means a sewer which is designed to carry a combination of sanitary sewage and surface or storm waters, with or without industrial wastes.

(18) "Cooling water" means the water discharged from any system of condensation, air conditioning, cooling or refrigeration. It shall be free front odor and oil and shall contain no polluting substances.

(19) "Debt service charge" means the charge by the City to recipients of waste treatment services to offset the costs of retirement of bonds or notes used to finance portions of sewage works.

(20) "Director" means the Director of Public Service of the City or the Director's designee,

(21) "Division of Water and Wastewater" or "Division" means the Division established by the City for the purpose of managing and operating the water works and sewage works of the City.

(22) "Federal Act" means the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977 (PL 95-217), 33 U.S.C. 1251 et seq., as well as any guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

(23) "Fats, Oils & Greases" (or "FOG") shall mean any and all of a variety of N-hexane extractable substances as determined by extraction as in *USEPA Method 1664 A: N-Hexane Extractable Material (HEM) by Extraction and Gravimetry (Oil and Grease)*.

A. "Hydrocarbon Fats, Oils & Greases" - shall mean those substances detected and quantified by the SGT-HEM portion of *USEPA Method 1664 A: N-hexane extractable material (HEM), Silica Gel treated N-hexane extractable material (SGT-HEM) by extraction and gravimetry.* Hydrocarbon fats, oils & greases are also defined as total petroleum hydrocarbons (TPH).

(24) "Garbage" means solid wastes from domestic and commercial preparation, cooking and dispensing of food, or from the handling, storage and sale of produce.

(25) "Governmental Class" means all nonresidential users having connections to the sewage works which are owned by municipalities, counties, the State or the Federal Government.

(26) "Holding tank waste" means any waste from holding tanks, including vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(27) "Indirect Discharge" (or "Discharge") shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

(28) "Industrial Discharger" ("Industrial User or ""IU") shall mean a source of Indirect Discharge

(29) "Industrial Process Wastewater" Liquid wastes that result from the manufacture, fabrication, reconstitution, extraction, washing, and/or rinsing of industrial products and equipment. This includes raw materials used in the manufacturing process, intermediary and finished industrial products, manufacturing and maintenance equipment operation and clean up. Industrial Process Wastewater does not include sanitary sewer discharge, non-contact cooling water, or boiler blow-down water. The City of Newark reserves the right to modify this definition on a case-by-case basis.

(30) "Industrial Wastes" shall mean the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process; or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

(31) "Industrial Wastewater Discharge Permits" shall mean industry-specific permits issued by the Director regulating all applicable pretreatment standards, local, State and Federal discharge limits, reporting requirements specifying the terms and conditions under which the users may use the sewage works, limitations on wastewater strength, effluent limitations, discharge reporting requirements, self-monitoring requirements, methods of collecting samples, sampling techniques, the terms under which samples are to be analyzed, pretreatment standards, orders on sampling access points, standard conditions, and any other term, condition, or limitation deemed appropriate by the Director of Public Service.

(32) "Institutional Class" means all nonresidential users having connections to the sewage works which are owned by private schools, colleges, churches and church related facilities, hospitals and nursing homes.

(33) "Interference" means the inhibition of the sewage works, treatment processes or operations contributing to a violation of any requirement of the City's NPDES permit.

(34) "mg/l" means milligrams per liter.

(35) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(36) "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, of which wastewater discharge commenced after August 13, 1979, and meets the definition detailed in 40CFR Chapter I, Subchapter D, Part 122.2.

A. Construction is carried out at a site at which no other source is located;

B. The construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site. Any construction at the site of an existing facility that does not meet the above criteria shall not result in a new source.

(37) "Normal domestic sewage" shall mean sewage having an average daily total suspended solids (TSS) concentration of not more than 250 mg/L, an average daily $cBOD_5$ of not more than 200 mg/L, and an average daily Ammonia (NH_3) concentration of not more than 15 mg/L or an average daily Total Kjeldahl Nitrogen (TKN) concentration of not more than 30 mg/L.

(38) "NPDES permit" means the National Pollutant Discharge Elimination System permit program, whether administered by the United States Environmental Protection Agency (USEPA) or the State of Ohio Environmental Protection Agency (OEPA).

(39) "OEPA" means the Ohio Environmental Protection Agency.

(40) "Operation and maintenance" means the procedures associated with the daily operation and required maintenance of public sewers and wastewater treatment plants.

(41) "Operation, Maintenance and Replacement" (OM&R) - shall mean Replacement, as specifically required by 40 CFR, Chapter I, Subchapter B, Part 35, Subpart I, 35.2030, shall mean the procedures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.

(42) "Outside user charge" means the debt service charge for waste treatment services for users outside the corporate limits of the City.

(43) “Owner/Operator” shall mean any individual, firm, company, association, society, corporation or group. For a corporation, a person shall be a company officer directly in charge of wastewater discharges. The second sentence of this definition shall not be construed to preclude organizational liability under the Penalties and Remedies section of this Ordinance, Section 25 (C).

(44) "Pass through" means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

(45) "Person" means any individual, firm, company, association, society, corporation or group. For a corporation, a person shall be a company officer directly

in charge of wastewater discharges. The second sentence of this definition shall not be construed to preclude organizational liability under the penalties and remedies set forth in this chapter.

(46) "pH" shall mean the negative logarithm of the effective hydrogen-ion concentration or hydrogen-ion activity in gram equivalents per liter of the solution. In simple terms, pH is a measure of acidity or alkalinity of a solution that is a number on a scale (0 – 14 standard units) on which a value of 7 represents neutrality. Values decreasing from 7 indicate increasing acidity. Values increasing from 7 indicate increasing alkalinity. Each whole number on the scale represents a tenfold change in acidity or alkalinity.

(47) "POTW" means the publicly owned treatment works.

(48) "Premises" means any parcel or portion of real estate, including any improvements, determined by the Director to be a single user for purposes of receiving, using and paying for services.

(49) "Pretreatment" means reduction in the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging pollutants to the sewage works.

(50) “Pretreatment Standards” shall mean pollutant discharge limits which apply to Industrial Users (IUs) and other non-residential users. Typically, there are three types of Pretreatment Standards.

General and specific prohibitions
Categorical pretreatment standards
Local limits

All three types of standards can be enforced by USEPA, state, and local governments, even though they are developed at different levels of government (i.e., federal, state, and local). Pretreatment standards and requirements can be expressed as numeric limits, narrative prohibitions, and best management practices (BMPs).

(51) "Private sewer" means a sewer which is not owned by the public authority, and in which all owners of abutting properties do not have equal rights.

(52) "Properly shredded garbage" means wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

(53) "Public authority" means any governmental agency having jurisdiction by law.

(54) "Public sewer" means a sewer which is owned and controlled by the public authority.

(55) "Replacement" shall mean replacement of equipment and infrastructure in wastewater treatment plants and wastewater conveyance systems that are failing due to normal wear and tear caused by the operation of these facilities, and where routine maintenance is no longer a cost-effective procedure

(56) "Residential Class" means users from all single or multiple-unit residences which discharge sanitary sewage only.

(57) "Sanitary sewage" means water-carried wastes from residences, business buildings, institutions, commercial establishments, industrial establishments or manufacturing establishments, contributed by reason of human occupancy or sanitary conveniences.

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

(59) "Sewage" means wastewater after it has been used and discharged into a sewer.

(60) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sanitary sewage or industrial wastes, including the treatment processes or operations associated with collecting, pumping, treating or disposing of sanitary sewage or industrial wastes.

(61) "Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water.

(62) "Sewer service charges" means a combination of the administrative charge, the user charge, the debt service charge, the strength surcharge (if applicable) and the industrial waste surveillance charge (if applicable).

(63) "Sewer Rental Fund" means an account into which the City deposits collections from sewer service charges.

(64) "Shall" is mandatory; "May" is permissive.

(65) "Significant Industrial User" (or “SIU”) - shall mean all industrial users subject to categorical pretreatment standards; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential to adversely affect the POTW's operation; or for violating any pretreatment standard or requirement. The Director may at any time, by self-initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement. Non-contact cooling water,

boiler blow-down and sanitary wastewater are all excluded from the calculation of industrial process wastewater.

(66) “Significant Non-Compliance” shall mean persistent violations from an industrial user (IU) that meet one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during any rolling six-month period exceed (by any magnitude) the daily maximum limit or the Federal Pretreatment Standard average limit (select industries) for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a USEPA prescribed six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for $cBOD_5$, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(67) "Slug load" shall mean any pollutant, including oxygen demanding pollutants ($cBOD_5$, COD, etc.), released in a discharge, either intentionally or inadvertently, at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(68) "Standard Industrial Classification" (or "SIC") shall mean the classification of users based on the 1987 *Standard Industrial Classification Manual*, as amended and supplemented, Office of Management and Budget of the United States of America.

(69) “Standard methods” means the laboratory procedures specified in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

(70) "Storm sewer" means a sewer which carries storm and surface waters, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

(71) "Strength surcharge" shall mean the charge levied by the City to offset the increased costs of treating excessive high strength wastes with elevated quantities of TSS, cBOD5, TKN, COD, and ammonia (NH3).

(72) "Surveillance charge" means the charge by the City to industrial users to offset the cost of monitoring and analyzing industrial wastewater discharges.

(73) "Total Kjeldahl Nitrogen (TKN)" means the sum of the concentration of organic nitrogen plus ammonia nitrogen.

(74) "Total Suspended Solids (TSS)" shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, sewage or other liquids, and which is removable by laboratory filtering, expressed in milligrams per liter (mg/L), as determined by Standard Methods.

(75) "Toxic pollutant" means any pollutant designated by Federal regulations pursuant to Section 307 of the Federal Act.

(76) "USEPA" means the United States Environmental Protection Agency.

(77) "User" means any person that discharges or causes or permits the discharge of wastewater into a public sewer.

(78) "User charge" means the charge by the City to recipients of waste treatment service to offset the cost of operation, maintenance and replacement of the City sewage works.

(79) "Wastes" means sewage and all other substances (liquid, solid, gaseous or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing or processing operation of any nature, including substances placed within containers of any nature prior to, and for purposes of, disposal.

(80) "Wastewater" means industrial waste, sanitary sewage or any other waste, including that which may be combined with any ground water, surface water or storm water, that may be discharged to the sewage works.

(81) "Wastewater Treatment Plant" (WWTP) means any arrangement of devices and structures used for treating sewage.

(82) "Watercourse" or "Waterway" means a channel in which a flow of water occurs, either continuously or intermittently.

(83) "Water works" means all facilities for intake supply, treatment and distribution of potable water.

1040.03 UNSANITARY DEPOSITS

No person shall place, deposit, or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the City, or in any area under the jurisdiction of the City.

1040.04 UNLAWFUL DISCHARGES TO NATURAL OUTLETS

No person shall discharge or cause to be discharged or permit to be discharged, to any natural outlet under City jurisdiction, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided according

to the provisions of this Chapter. All discharges to natural outlets shall be subject to regulation by National Pollutant Discharge Elimination System permits, this Ordinance, City of Newark Stormwater Management Code, other orders issued by the Director, or orders issued by the USEPA or OEPA.

1040.05 INSTALLATION OF TOILET FACILITIES

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, alley or right-of-way in which there is or may be located a public sanitary sewer, shall, at owner's expense, install suitable toilet facilities and connect these facilities directly with the public sewer according to the provisions of Section 7 of this Chapter.

1040.06 PRIVATE SEWAGE DISPOSAL SYSTEMS

(a) Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for private sewage disposal.

(b) Where a public sanitary sewer is not available to the premise, the building sewer shall be connected to a private sewage disposal system according to the following provisions:

(1) The type, capabilities, location and layout of a private sewage disposal system shall comply with all requirements of the local health authority and all recommendations of the OEPA. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet in cases where an approved public water supply is available, and 31,500 square feet in cases where the water supply must be obtained from a well on the same lot. No holding tank waste shall be permitted to discharge into any natural outlet.

(2) No person shall directly or indirectly discharge holding tank wastes into a public sewer unless a permit is secured from the Director. Unless allowed by the terms and conditions of the permit, a separate permit shall be secured for each separate discharge. This permit shall specify the location of the discharge, the time of day the discharge is to occur, the volume of the discharge and its constituents. If a permit is granted for discharge of wastes into a public sewer, the user shall pay the applicable user charges and fees and shall meet any other conditions required by the Director.

(3) Where it is necessary to install a private sewage disposal system to serve a property and a public sewer becomes available to that property, the private sewage disposal system may be utilized providing no extraneous maintenance or proven surface or subsurface pollution occurs. Should extraneous maintenance such as pumping or leach field expansion become necessary, direct connection shall be made to the public sewer. Any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material and comply with all requirements of the local health authority.

(4) The owner shall, at their expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

1040.07 PRIVATE SEWERS

(a) All private sanitary and combined sewers in the city shall be regulated by the Division, but monitored and operated by their owners. The Division may maintain and operate any private sewer which meets Division standards, provided a proper easement is dedicated to the City and the dedication is accepted by Ordinance or Resolution by the City.

(b) All private sanitary and combined sewers shall continue to be owned by the private owners until the owner and Division mutually agree to transfer ownership to the City.

1040.08 TRUCKED AND HAULED WASTES

(a) No person shall access the sewer system or POTW for any activity including discharge or hauled septic or industrial wastes except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Director, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this Chapter.

(b) Permits.

(1) A Trucked Waste Discharge Permit from the Director, or designee, shall be required for each vehicle, which is to be used for delivery of waste materials to the City of Newark Wastewater Treatment Plant. A Trucked Waste Discharge Permit may be issued to an applicant who complies with the terms and conditions of this Chapter. The Director may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.

(2) An application for a Trucked Waste Discharge Permit shall be submitted to the Director on an approved form and shall contain the following information:

(a) Vehicle owner's name, address and phone number;

(b) Vehicle operator's name, address and phone number (if not the same as owner);

(c) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;

(d) Motor vehicle serial number and valid Ohio vehicle license number;

(e) Make, model and year of vehicle and tank capacity;

(f) A listing of all other governmental licenses and permits issued to the vehicle or for use of the vehicle;

(g) All drivers contact information including name and cell phone number. Any new driver added during the term of the Permit must provide contact information to the Director prior to hauling.

(h) Any other information as required by the Director.

(3) An application fee shall be submitted with each application along with evidence of a five thousand ($5,000.00) surety bond for each vehicle for which a Permit is requested. Application fee shall be submitted by check or money order made payable to "City of Newark."

(4) Any applicant denied a Trucked Waste Discharge Permit will be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a Trucked Waste Discharge Permit may appeal to the Director in writing, within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of the license on the part of the applicant, and they shall not be eligible for further administrative appeal.

(5) A Trucked Waste Discharge Permit shall be valid for two (2) years from its date of issuance, unless otherwise suspended or revoked.

(6) Trucked Waste Discharge Permits are not transferable to other vehicles, operators, or owners.

(7) Permit Reissuance: The holder of a Trucked Waste Discharge Permit shall apply for permit reissuance by submitting a completed permit application on a form approved by the Director, a minimum of sixty (60) days prior to the expiration of the hauler's existing Permit. All applicable fees and surety bond per Section 6.B.(3) are applicable at time of reissuance.

(c) Revocation

Non-compliance with any part of this Section or subsequent regulations or orders as issued by the Director or other sections of this Chapter or sections of other applicable City Ordinances; shall subject Permit holder to revocation of the Permit to utilize the services of the City of Newark Wastewater Treatment Plant for the disposal of trucked wastes. The Permit holder shall be provided written notice of any revocation. The Permit holder may appeal the revocation to the Director in writing, within ten (10) days of receipt of the notice of revocation. Failure to appeal revocation within ten (10) days of notification of the revocation shall be deemed agreement upon the part of the Licensee or Permit holder to the revocation of that Permit. Reissuance of any permit, after revocation, shall be at the discretion of the Director, and may be made subject to such conditions, as the Director deems appropriate.

(d) Suspension

(1) In lieu of revocation of any permit, the Director may, at their discretion, suspend any permit for non-compliance with any part of this Section, or pursuant regulations or orders, for a period not to exceed sixty (60) days. The Permit holder shall be provided with written notification of the suspension. The Permit holder may appeal the suspension to the Director in writing within ten (10) days of receipt of the notice of the suspension. Failure on the part of the Permit holder to appeal the suspension within ten (10) days of receipt of the notice of the suspension, shall be deemed agreement on the part of the Permit holder to the conditions of the suspension.

(2) No person shall use any truck under a Permit suspension to discharge waste to the City of Newark Wastewater Treatment Plant during the period of suspension, even if the truck is sold or leased to another party during the period of suspension.

(e) Regulations

The Director may establish such regulations as necessary to control the discharge of trucked wastes to the City of Newark Wastewater Treatment Plant. The Director may restrict or prohibit the discharge of trucked waste to the City of Newark Wastewater Treatment Plant, which originates from sources outside the municipal jurisdiction of the City of Newark. These regulations may include, but are not limited to:

(1) Provisions requiring the display of vehicle permit number and tank capacity in gallons;

(2) Minimum equipment and maintenance standards for permitted vehicles;

(3) Standards and procedures for use of the City's trucked waste discharge facilities;

(4) Training requirements for permit holders.

(f) Restrictions and Prohibitions

The Director may restrict or prohibit discharge of any trucked waste to the City of Newark Wastewater Treatment Plant at their discretion. No trucked waste may be discharged to the City of Newark Wastewater Treatment Plant without the express, written permission of the Director or designee on a manifest form as approved by the Director. The discharge of trucked wastes shall be permitted only at locations, and during such hours, as shall be established by the Director. Discharge of trucked waste to the sewer system at any other location, or at any other time, is a violation of this Chapter. No trucked waste shall be discharged to the sewer system, which has any of the following components:

(1) Material not readily biodegradable or not known to be compatible with the treatment processes utilized in the POTW;

(2) Material deleterious to treatment plant operations or plant operators such as oils and greases of a mineral origin, gasoline, toxic materials, flammables, solvents, paint materials, sand or other materials capable of causing physical damage to the POTW;

(3) Materials which would cause unusual expense in handling and/or treatment, unless prior arrangements have been made at the discretion of the Director for payment of additional costs of services;

(4) Any material regulated under a Federal Categorical Pretreatment Standard or any sludges or wastes resulting from treatment of materials under Federal Categorical Pretreatment Standards;

(5) Any materials which violate, or could violate, any prohibitive or restrictive provisions of the City of Newark Ordinances or which violates any Federal or State industrial discharge standards, regulations or laws;

(6) No material other than those from Household Sources origin may be discharged to the City POTW as a trucked waste unless prior approval has been received by the hauler from the Director. Application for such approval shall be made on the Waste Evaluation Form approved by the Director.

(g) Prohibited Activities

No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system at times and/or places other than those designated by the Director, or without express permission of the Director, shall be considered a violation of the conditions of this Section, and the violator will be subject to revocation of the Trucked Waste Discharge and/or other enforcement activity as indicated in this Ordinance and other applicable laws.

(h) Enforceability

Any and all conditions in any permit or license issued pursuant to this section are specifically and independently enforceable, regardless of whether they are expressly required by or set out in this Ordinance.

1040.09 CONNECTIONS TO PUBLIC SEWERS

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances without first obtaining a permit from the Director.

(b) The construction, modification of, or extension to any sanitary or combined sewer is prohibited, unless approved by the Director and the OEPA.

(c) Any connection to a sanitary or combined sewer within the jurisdiction of the Division shall be subject to all regulations, charges, rates, fees and assessments which are, or may be, established by the City.

(1) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly result from the installation

of the building sewer. The owner of properties served by a sewer shall be responsible for the operation, cleaning, maintenance, repair and reconstruction of the building sewer from the building to the point of connection with the public sewer.

(2) A separate, independent building sewer shall be provided for each building, unless otherwise approved by the Director.

(3) Original building sewers may be used in connection with new buildings only when they comply with all of the provisions of this chapter.

(4) The building sewer shall be PSM Polyvinyl Chloride Pipe, ASTM D3034 SDR 35 minimum, unless otherwise approved by the Director. Joints shall conform to ASTM D3212 and installation shall conform to ASTM D2321. Joints shall be tight and waterproof. At the owner's expense, all material shall be inspected and tested according to the requirements of the Director. Current building sewers installed prior to the effective date of this Ordinance shall be grandfathered with respect to material type. All building sewer installations after the effective date of this Ordinance shall meet all material classes listed in this Section 1040.08.

(5) The size and slope of the building sewer shall be subject to the approval of the Director and shall conform to City of Newark Standard Drawings.

(6) No building sewer shall be installed parallel to and/or near a building in such a manner as to affect the structural integrity of the building. The depth shall be sufficient to afford protection from frost and no less than 36" to the top of pipe. The building sewer shall be installed at uniform grade and in straight alignment so far as possible. Pipe bends shall not exceed forty-five degrees. A cleanout shall be installed at a minimum of each time the cumulative change in direction reaches 45 degrees and every 100'.

(7) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged to the building sewer.

(8) All excavations required for the installation of the building sewer shall be open trench work, unless otherwise approved by the Director. Pipe installation and backfill shall be performed according to ASTM D2321. No backfill shall occur until the work has been inspected.

(9) The connection between the building and the public sewer shall be made at the Y-branch, provided that the Y-branch is available at a suitable location. Where no properly located Y-branch is available, the owner shall, at their expense, make a saddle-type connection by cutting a neat hole into the public sewer to receive the building sewer. The invert of the building sewer at the point of connection shall be at or above the spring line of the public sewer. The joint shall be smooth and neat, and the connection shall be made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Director.

(10) The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the applicant, under the supervision of the Director or their representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. A street, sidewalk, parkway or other public property that is disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(12) No person constructing a sanitary sewer or building or house connection shall leave the excavation open, unsealed or incomplete in any fashion which would permit storm, surface or subsurface water to enter the sewer.

(13) Any work for sewer installation that occurs within the public Right of Way require an approved Right of Way permit from the City Engineering Department.

1040.10 CONTROL MANHOLES

All industrial users discharging industrial wastes to the sewage works and the owner of any property served by a building sewer discharging other than normal sewage shall install a suitable control manhole in the building sewer, together with any meters and appurtenances the Director may require, to permit observation, inspection, sampling and flow measurement of the combined wastes from its premises. When required, the manhole shall be accessible, safely located and constructed according to plans approved by the Director. The manhole shall be installed by the owner, at the owner's expense, and be maintained by the owner to be safe and accessible at all times.

1040.11 SPECIAL INTERCEPTORS

(a) Grease, oil, solids and/or sand interceptors or traps shall be provided when, in the opinion of the Director, it is necessary to properly handle liquid wastes containing grease in excessive amounts, flammable wastes, or sand and other harmful ingredients. Interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Director and shall be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, shall be of substantial construction, gas-tight, water-tight and shall be equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained in efficient operation at all times by the person at their expense.

(b) The approval of special interceptors by the Director does not in any way guarantee their functioning in the manner described by the constructor or

manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying the interceptors to accomplish the intended purpose.

1040.12 ILLEGAL USE OF SEWERS

Any such connections or discharges after the effective date of this Ordinance shall be considered illegal and shall be subject to immediate removal by the person at their expense.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial wastewater to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into sewers specifically designed and designated as storm sewers, or into a natural outlet approved by the Director.

(b) No person shall discharge garbage grindings into a public sewer except properly shredded garbage generated in preparation of food normally consumed on the property. Garbage grinders shall not be used to grind plastic, paper products, inert materials or garden refuse.

(c) Subfoundation building drains connected to sanitary sewers before the effective date of this Ordinance shall be removed if the Director establishes that they are detrimental to the operation of the sewage works, and that their removal is cost effective. These connections shall be prohibited after December 17, 2012.

(d) Should the owner of an illegally connected premises fail to remove the connection within 90 days, the Division shall remove the connection at the owner's expense.

1040.13 CLEAN WASTEWATER

Clean wastewater from air conditioning, cooling, or condensing systems, or from swimming pools (if dechlorinated - typically less than 1ppm chlorine) shall be discharged to a storm sewer. Where a storm sewer is not available, clean wastewater shall be discharged to a combined sewer or to a natural outlet, only with approval of the Director and the OEPA. Where neither a storm sewer, combined sewer nor natural outlet is available, clean wastewater may be discharged to a sanitary sewer only with the written approval of the Director.

1040.14 GENERAL PROHIBITIONS ON DISCHARGE

(a) Any water, wastes, or vapor containing heat in amounts which will accelerate the biodegradation of wastes, cause the formation of excessive amounts of hydrogen sulfide in the sewage works, or inhibit biological activity in the

wastewater treatment plant. In no case shall heated discharges cause the temperature in the public sewer to exceed 65 degrees Celsius (150 degrees F), or the temperature of the influent at the treatment plant to exceed 40 degrees C (104 degrees F);

(b) No person shall discharge, or cause to be discharged, directly or indirectly, any substance which causes an interference or pass through of the POTW, or which disrupts or inhibits the POTW, its treatment processes, operations, or disposal of, or beneficial re-use of, biosolids and/or treated effluent. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which constitutes a slug load (see definitions section). No person shall discharge, or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system: any solid or viscous substance capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the sewer system, for example, but not limited to: construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, wax and/or fat, oils and greases;

(c) Any water or wastes containing over 200 mg/L of Hydrocarbon FOG (fats, oils and grease).

(d) Any water or wastes containing petroleum oil, non-biodegradable cutting oil or products of mineral oil origin are prohibited if discharged in amounts that can pass through or cause interference. (Industrial cooling water which may be polluted with insoluble oils, grease or suspended solids shall be pretreated to remove the pollutants and the resultant wastewater shall be discharged according to the provisions in Section 11);

(e) Any water or wastes which will create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas or any waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21;

(f) Any water or wastes containing more than 10 mg/L of the following gases; hydrogen sulfide, sulfur dioxide or nitrous oxide;

(g) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer;

(h) Any water or wastes containing phenolic compounds in excess of 40.00 mg/l. These limits may be modified if the aggregate of contributions throughout the service area creates treatment difficulties or produce a prohibitive effluent discharge to receiving waters.

(i) I. Any water or wastes, acid or alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the

Division. Free acids or alkalis of such wastes must be neutralized at all times, within the permissible pH range, 6 to 12;

(j) Any water or waste containing strong acid iron pickling wastes or concentrated plating solution, whether neutralized or not;

(k) Any water or wastes which result in the presence of toxic or poisonous solids, liquids, gases, vapors, or fumes within the POTW in sufficient quantity, either singly or by interaction with other wastes, that may cause: 1) acute worker health and safety problems, 2) pass through or cause an interference which inhibits or disrupts the sewage works, 3) constitute a hazard to animals, 4) create a public nuisance, 5) prevent entry into the sewers for maintenance and repair, 6) cause the treatment plant effluent, residues, biosolids or scums to be unsuitable for reclamation and reuse, or 7) cause a violation of any requirement of the POTW's NPDES permit;

(l) Any water or waste containing suspended solids of such a character and quantity that unusual provisions, attention or expense is required to handle such solids at the wastewater treatment plant;

(m) Any slug load, as defined in 1040.02 of any pollutant, including oxygen-demanding pollutants, released in a single extraordinary discharge episode of such volume or strength to cause interference in the sewage works;

(n) Any water or waste containing more than 0.02 mg/l total identifiable chlorinated hydrocarbons; or

(o) Any water or waste which causes a detrimental environmental impact or causes the quality of the wastewater treatment plant effluent to violate the NPDES permit limitations or applicable water quality standards.

1040.15 LIMITATIONS ON WASTEWATER STRENGTH

(a) In General. No person shall discharge wastewater containing in excess of:

Substance	General Limit**
Antimony	9.3
Arsenic	0.30
Barium	5.0
Cadmium	0.1
Chromium (T)	4.0
Chromium (Hex)	0.25
Copper	1.1
Cyanide (as CN)	0.44
Fluoride (as F)	5.0
Iron (dissolved)	15.0
Lead	0.5
Manganese	5.0
Mercury	0.003
Molybdenum	0.67
Nickel	3.1
Phenols	40.0
Selenium	0.1
Silver	0.1
Sulfide (as S)	10.0
Zinc	2.9

** All units in mg/l

Wastewaters from individual establishments may be subject to volume and concentration controls by the Director. Discharge limitations promulgated by the Federal Act, Ohio EPA, and the City's Pretreatment Enforcement Response Plan shall apply where they are more stringent than those specified in this Ordinance.

1040.16 LIMITATIONS ON RADIOACTIVE WASTES

No person shall discharge, or cause to be discharged, wastewater containing any radioactive waste or isotope with a half-life or concentration that exceeds limits established by applicable State or Federal regulations.

1040.17 DILUTION

No person shall in any way increase the use of potable or process water, or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to comply with the standards specified in this Ordinance.

1040.18 REVIEW OF EXTRAORDINARY DISCHARGES

(a) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create other conditions deleterious to the sewage works, shall be subject to control or shall be debarred from the system by the Director.

(b) Concentrated dye wastes, spent tanning solution or other wastes which are highly colored, or wastes of unusual volume, concentration of solids, or composition; for example, total suspended solids of inert nature, total dissolved solids or unusual cBOD5, shall be subject to special review by the Director for:

(1) Approval or rejection of admission to the public sewers;

(2) Modification at the point of origin to permit admission to the public sewers;

(3) Pretreatment by the person to permit admission to the public sewers.

1040.19 ACCIDENTAL DISCHARGES AND OPERATING UPSETS

All Industrial Users shall develop and maintain a plan to minimize or prevent discharge of "slug loads" of chemicals or other materials that could be detrimental to the WWTP or related infrastructure. A person legally responsible for an industry's Slug Control Plan shall review and update the Plan, at a minimum, every two (2) years. Slug Control Plans shall be sent to the Director as soon as they are updated. If contact information for employees involved in the implementation of the Slug Control Plan change, these changes shall also be forwarded to the Director. The Director retains the right to modify this requirement at any time.

(a) A person shall notify the Division immediately upon the occurrence of a slug load or accidental discharge of hazardous materials, oxygen demanding wastes, and other wastes prohibited by this Ordinance or the Industrial Wastewater Discharge Permit. The notification shall include the location of the discharge, date and time, type of waste, concentration and volume, and corrective actions. A person who discharges any prohibited liquid or solid waste into a public sewer or natural outlet shall be liable for any expense, loss or damage to the sewage works. In addition, they shall be liable for any fines imposed on the Division under State or Federal law as a result of this discharge, as well as any penalty or remedy imposed on that person under Section 25(C) of this Ordinance.

(b) Any person who experiences an upset in operations and is unintentionally and temporarily in a state of noncompliance with this Ordinance and/or the Industrial Wastewater Discharge Permit due to factors beyond reasonable control shall inform the Division immediately after commencement of the operating upset. Where information is given orally, the person shall file a written follow-up report with the Division within five (5) days. The report shall:

(1) Describe the incident, its cause and its impact on the person's compliance status;

(2) Give the duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of the conditions of non-compliance.

(c) Signs shall be permanently posted in conspicuous places on the person's premises advising employees whom to call in the event of a slug load, accidental discharge or operating upset. Any employee who may cause or discover such a discharge shall be given instruction in emergency notification procedures.

1040.20 PRETREATMENT

(a) National Categorical Pretreatment Standards, as promulgated by the USEPA pursuant to the Federal Act, shall be met by all dischargers of the regulated industrial categories.

(b) Where the Wastewater Treatment Plant achieves substantial and consistent pollutant removal, revisions of the Categorical Pretreatment Standards shall be considered by the Director if applicable, upon the written request of a regulated person, according to the criteria and provisions of 40 CFR Chapter I, Subchapter N, Part 403.7 of the General Pretreatment Regulations. In any case, the Director shall require that the person's discharge shall not cause the wastewater treatment plant effluent to violate applicable water quality standards and effluent limitations specified in the City's NPDES permit.

(c) Industrial Wastewater Discharge Permits (formerly Administrative Orders) shall be issued by the Director to Categorical Industrial Users (CIUs) and Significant Industrial Users (SIUs). Discharge limits, as well as other conditions are specified in these permits, and may be more stringent or differ slightly than those listed in the Sewer Use Ordinance. Criteria listed in the Industrial Wastewater Discharge Permits are industry-specific and legally enforceable. If an industry wishes to appeal any part of the Industrial Wastewater Discharge Permit after it is issued by the Director, appeals must be submitted in writing to the Director within thirty (30) days of the effective date of the permit. Industries shall operate on the conditions specified in the previous discharge permit until the Director has made a decision regarding any revisions to the new permit. The Director shall inform the industry, in writing, of the final decision regarding the appeal within forty-five (45) days of the appeal request.

(d) The Director has the authority to issue orders to require compliance with any requirement of this Ordinance, including applicable Categorical Pretreatment Standards, the City’s Pretreatment Enforcement Response Plan, the Industrial

Wastewater Discharge Permit issued to each Significant Industrial User, as well as any other discharge limits and reporting requirements. Any violation of these orders shall be considered a violation of this Ordinance and shall subject the user to the penalty and remedies provisions contained herein. If the Director determines that an existing or proposed discharge could cause damage to, impose an unreasonable burden upon, or be inadequately treated by the sewage works, they shall require the person, at the owner's expense to:

(1) Reduce or modify the objectionable characteristics of the wastes to meet limits or conditions specified in this Ordinance prior to discharging these wastes to a public sewer;

(2) Control the quantities and rates of discharge of the wastes over a twenty-four (24) hour day and seven (7) day week; or,

(3) Dispose of the wastes and prevent them from entering the sewerage works.

(e) Any person may install pretreatment facilities without an order from the Director, however all building plans, specifications, operating procedures, compliance schedules and any other pertinent information relating to pretreatment or control facilities shall be submitted to the Director for approval. A Permit-to-Install (PTI) may be also required by Ohio EPA if change to the IU's current operating procedure, pretreatment equipment, and/or waste stream constituents is significant (OAC 3745-42). No construction of facilities shall begin until written approval is obtained from the Director and OEPA if a PTI is required. Any subsequent changes in the pretreatment facilities or operating procedures shall be submitted to and be approved by the Director before the changes are implemented.

(f) All pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the person at the owner's expense, subject to periodic inspection by the Division. The person shall maintain operating records and, if required by the facility's Industrial Wastewater Discharge Permit, shall submit to the Division a monthly summary report of the character of the influent and effluent, showing the performance of the pretreatment facilities. Changes to an Industrial User's effluent discharge and/or changes to the wastewater treatment process must be reported in writing to the Director as soon as these changes occur.

(g) Bypassing or diverting of wastewater from the pretreatment facility is prohibited unless:

(1) Bypass was unavoidable in order to prevent loss of life, personal injury or severe property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering

judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(3) The user submitted notices as required under this section.

If the user knows in advance of the need for a bypass, they shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in this section.

The user may allow with notice, any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

The user shall submit notice of an unanticipated bypass as required in 1040.18.

(h) Testing for pollutants will be conducted in accordance with applicable sections of 40 CFR Part 136, "Guidance for Establishing Test Procedures for Analysis of Pollutants". The Director retains the right to create, modify, and schedule sampling requirements for each industry. This includes, but is not limited to, grab sampling, discrete sampling, 24-hour composite sampling, and extended or truncated composite sampling. The Director reserves the right to change sampling schedules and sample type at any time without prior notice to the Industrial User.

(i) If a parameter-specific violation is discovered in the industrial wastewater discharge, a Notice of Violation shall be issued by the Director as required in the Pretreatment Enforcement Response Plan. If sampling by the industrial user results in a violation of any permit limit, the industrial user must resample the pollutant in violation and submit the results of said resampling to the City within 30 days of discovering the violation. If industrial wastewater sampling performed by the City results in a limit violation, the City shall inform the industrial user of the violation and instruct the industrial user to resample and report results within 30 days of discovering the violation. Resampling is not required if any of the following occur:

(1) Sampling is already performed at the industrial user at a frequency of at least once per month; or

(2) The required sampling was already conducted by the City or industrial user between the time when the initial sampling was conducted and the time when the initial results were available.

1040.21 INDUSTRIALWASTEWATER DISCHARGE PERMIT APPLICATION

(a) Every person discharging or proposing to discharge other than normal sewage either directly or indirectly into the sewage works shall comply with all provisions of this Ordinance, Federal and State Regulations, and the City’s

Pretreatment Enforcement Response Plan. Every person shall also complete and file an Industrial Wastewater Discharge Permit Application within the time specified by the Director upon ratification and incorporation of this Ordinance into the City Ordinances. This application, provided by the Director, shall request the following information:

(1) Facility name, address, mailing address and SIC number;

(2) Wastewater constituents, characteristics and concentration, as determined by bona fide chemical and biological analyses acceptable to the Director;

(3) The time and duration of discharges;

(4) The average daily wastewater flow rate, including the method of determination;

(5) Facility site plans and floor plans, detailing all sewer connections by size, control manholes or sampling access locations and pretreatment equipment;

(6) Description of facilities, manufacturing processes or service activities on the premises;

(7) Nature and concentration of any discharge pollutant or substance prohibited or limited by this chapter;

(8) A statement detailing whether pretreatment or additional operation and maintenance procedures are required to comply with the provisions and limitations of this Ordinance. If such procedures are required to achieve compliance, a schedule for completion of pretreatment equipment or additional operation and maintenance procedures shall be submitted to the Director. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the person to comply with the requirements of this ordinance including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance. The Director shall not permit a time increment for any single step directed toward compliance to exceed nine (9) months. Any violation of this compliance schedule shall be considered a violation of this Ordinance;

The person shall submit a progress report to the Director no later than fourteen (14) days after each scheduled milestone date and the final compliance date. This report shall include, at a minimum, a statement detailing whether the person has complied with the increment of progress represented by the milestone date, and, if not, the date on which they expect to comply with this increment of progress, the reason for delay and the steps being taken to return to the approved schedule. The Director shall not permit the time increment between progress reports to exceed nine (9) months;

(9) Products manufactured or services rendered by type, amount, process and rate of production; and

(10) The type and amount of raw materials used.

(11) Disclosure of all environmental permits held by the facility (air pollution control, NPDES, CERCLA, RCRA, SARA, etc.); and

(12) Routine activities that may adversely affect the City's Stormwater conveyance system, and a description of controls in place to mitigate this risk.

(b) The completed application shall be signed by the facility's Chief Executive Officer and sent to the Director. If the evaluation requires additional information, the Director shall request the necessary information from the person, and shall notify the person in writing when the application is acceptable.

All applications must be received by the Director at least 30 days before the current Industrial Wastewater Discharge Permit expires.

1040.22 DISCHARGER REPORTING REQUIREMENTS

(a) Notification of Changed Discharge: All Industrial Users shall promptly notify the Director in advance of any significant change in the volume or character of pollutant in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR Chapter (I) Subchapter (N) Part 403.12 (p). Any change may be considered significant when the increase is greater than twenty percent (20%) on a sustained or permanent basis.

(b) New Sources. New sources and sources that become Categorical Industrial Users subsequent to promulgation of an applicable categorical standard, shall be required to submit to the Director a report which contains the information listed in Section 19 at least ninety (90) days prior to commencement of discharge. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of information requested in Section 19 (B) (C) (D).

Compliance Report. Within ninety (90) days following commencement of the introduction of wastewater into the sewage works by a new discharger, any discharges subject to this Ordinance shall be reported to the Director indicating the average discharge flow and the nature and concentration of all prohibited or regulated substances contained in the discharge. The report shall state whether applicable pretreatment standards are being met on a consistent basis, and if not, what measures are necessary to achieve compliance with these standards.

(c) Categorical Pretreatment Standard - Baseline Reports.

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administration decision made upon a category determination submission under 40 CFR Chapter I, Subchapter N, Part 403.6(a)(4), whichever is the latter, existing Industrial Users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to a POTW, shall be required to submit to the Director, a report which contains the information listed in Section 19. Where reports containing this information already have been submitted to the Director in compliance with the requirement of 40 CFR Chapter I, Subchapter N, Part 403.12, the Industrial User will not be required to submit this information again.

(d) Periodic Compliance Reports.

Any person subject to a Categorical Pretreatment Standard or any pretreatment provision of this Ordinance shall submit, at minimum, a semi-annual report to the Director indicating the nature and concentration of prohibited or regulated substances in their discharge. This report shall include a record of all measured average and maximum flows during the reporting period, the results of discharge sampling and analyses and any other information required by the Director. In certain instances, where ongoing monitoring by City personnel is already in place through an Industrial Wastewater Discharge Permit, this requirement may be waived at the Director's discretion.

(e) All analyses shall be performed by methods approved by the Director.

(f) General Signing Requirements.

(1) All reports, applications, plans, and other correspondence required by this Ordinance shall be signed in accordance with Ohio Administrative Code 3745-50-42. Where this Ordinance fails to specify a specific individual as being responsible for signing the specified report, the reports shall be signed as hereinafter provided. All signed reports, whether the reports be signed under this general signing requirement or a specific signing requirement provided for elsewhere in this Ordinance, shall be accompanied by the certification found below in subsection (4) titled "Certification".

a. For a corporation - For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision- making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million ($25,000,000) in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

c. For a municipal, State, Federal or other public agency, by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a Federal agency includes: 1. The chief executive officer of the agency; or 2. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of the EPA).

(2) All reports required by this chapter shall be signed by a person described in paragraph (f)(1) hereof, or by a duly authorized representative of that person. A person is duly authorized representative only if all of the following are true.

a. The authorization is made in writing by a person described in paragraph (f)(1) of this section;

b. The authorization specifies either an individual or a position having responsibility for their overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and;

c. The written authorization is submitted to the Director.

(3) If an authorization under paragraph (2) of this section is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (2) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by the authorized representative.

(4) Any person signing a document under paragraph (f)(1) or (2) hereof shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Industrial discharge reports submitted via electronic document (pdf, Excel spreadsheet, etc.) must show an audit trail of any changes after the original document has been produced. No electronic signatures will be accepted unless express written consent is given by the Director. Conditions regarding electronic signature will be determined at the time of consent, and shall ensure that the

signatory has unique access to the corresponding signature. In lieu of electronic signature, a handwritten signature acknowledging the required Certification Statement on the pdf copy of the report shall be accepted.

1040.23 RECORDS RETENTION

All persons subject to this Ordinance shall retain and preserve for no less than five (5) years, any records, books, documents, memoranda, reports, correspondence, inspections, and any and all summaries relating to monitoring, sampling and chemical analysis made by or on their behalf in connection with their discharge. This includes the following for all samples:

(1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples.

(2) The dates that the analyses were performed.

(3) The name and address of the laboratory that performed the analyses.

(4) The analytical techniques or methods used.

(5) The results of such analyses.

In the event of legal action and or litigation requiring records retention longer than five (5) years, all records will be preserved for a minimum of three (3) years beyond the date of disposition of the legal matter. Current Industrial Wastewater Discharge Permits (previously Administrative Orders) and environmental plans/agreements (e.g. Slug Discharge Plans and Toxic Organic Management Plans) must be retained while in use. Previous versions that have expired must be retained for a minimum of three (3) years. If ongoing enforcement actions are occurring, the three-year retention period shall commence after the enforcement action has concluded.

Industrial users shall make the records described in this section available for inspection and copying by the City and the Ohio EPA.

1040.24 CONFIDENTIAL INFORMATION

A person will provide, in writing, any requests for confidentiality to the Director. The Director will evaluate the request and provide a written response within forty-five (45) days after receiving the request. In all cases, all chemical formulations and processes that could impact the industry's wastewater discharge shall be disclosed in their entirety to the Director via the Industrial Wastewater Discharge Permit Application, regardless of confidentiality.

(a) Any record, report, or other information obtained under this chapter shall be available to the public, except upon a showing satisfactory to the control authority

that all or part of such record, report, or other information, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, in which instance the control authority shall consider such record, report, or other information or part thereof as confidential and administer such record, report, or other information pursuant to this rule. Wastewater constituents and characteristics and other effluent data, as defined in 40 C.F.R. 2.302, shall not be considered confidential information and shall be available to the public without restriction. All other information that is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 C.F.R. 2.302.

(b) A request for confidential treatment shall be submitted to the control authority simultaneously with submission of the specific record, report, or other information with documentation sufficient to support that the record, report, or other information is confidential. Failure to make such timely request shall constitute a waiver of the right to prevent public disclosure. A request at a later time will be entertained by the control authority, but the control authority will not be liable for any information released prior to receiving the request.

(c) A decision as to whether to treat the record, report, or other information as confidential shall be made by the control authority within forty-five days of receipt of the request and accompanying documentation. Until such decision is made, the record, report, or other information or part thereof, shall be treated as confidential. The person requesting confidentiality shall be notified in writing of the control authority's decision.

(d) Any record, report, or other information determined to be confidential may be disclosed, without such person's consent in any of the following circumstances:

(1) To officers, employees, or authorized representatives of the state or a federal agency.

(2) In any judicial proceeding.

(3) In any administrative hearing.

1040.25 POWERS AND AUTHORITIES OF INSPECTORS

(a) The Director and other duly authorized Division employees bearing proper credentials and identification shall be permitted to enter all premises without advanced notice to conduct inspection, sampling, compliance monitoring, metering operations to ensure compliance with the provisions of this Ordinance, and to inspect and copy industrial user records. While performing these activities, Division personnel shall observe all safety rules established by the person.

(b) Where a person has security measures requiring proper identification and clearance before entry, the person shall;

(1) Make necessary arrangements with security staff to permit entry of Division personnel without delay to obtain samples of wastes being discharged at various sampling points; or,

(2) Install suitable gauging and sampling manholes outside security limits immediately accessible to Division personnel at all times.

1040.26 TERMINATION OF SERVICE

The City retains the right to utilize the Pretreatment Enforcement Response Plan (ERP) as required. Nothing in this Ordinance shall prohibit or exclude those mechanisms listed in the Pretreatment ERP as legally enforceable actions. All rights listed in the Pretreatment ERP to issue compliance enforcement actions, conduct Show Cause Hearings, issue fines, etc. shall prevail.

The penalty provisions which follow shall in no way relieve a person from liability for damage to any facilities, injury to persons or property, or for any expense, loss of, or damage to the sewage works, caused or permitted to be caused by the person. Additionally, the provisions herein set forth shall not be construed to limit the City's ability to seek other forms of redress, such as, but not limited to, injunctive relief. No person shall be subject to both an assessment of a fine by the Director in the nature of a penalty as provided below and a criminal penalty for the same offense.

(a) Emergency Termination of Service

(1) The Director may order the immediate termination of service and may take all measures necessary to halt or prevent any discharges to the POTW where the Director finds any person causing, engaging in, or maintaining a condition or activity which in the Director’s judgment presents an imminent danger to; 1) public health or safety, or 2) the environment, or 3) results in (or is likely to result in) interference with the sewage works, or 4) violation of any provision of this Ordinance, any order issued by the Director pursuant to authority, the Pretreatment Enforcement Response Plan, any order issued by the OEPA or any order issued by the USEPA.

(2) Before issuing any termination of service order, the Director shall notify the user and/or facility owner in such a manner as in the Director's judgment would provide reasonable notification that the Director intends to issue a termination of service order. The Director may issue such order without prior notification if reasonable attempts to notify the user and/or facility owner have failed, but, in such event, notification shall be given as soon thereafter as practical. Within five (5) calendar days after the issuance of the order, the Director shall provide the user and/or facility owner with an opportunity to be heard and to present evidence that such condition or activity does not present an imminent danger to public health or safety or to the environment, or that the condition or activity does not violate a provision of this Ordinance, an order issued by the Director pursuant to authority,

the Pretreatment Enforcement Response Plan, any order issued by the OEPA or any order issued by the USEPA, or that the activity or condition does not result in, nor is it likely to result in interference, with the sewage works.

(3) Any final order of termination constitutes a final, appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear at and defend their activity or condition at the hearing before the Director as provided for above, constitutes a waiver of that person's right of appeal.

(b) Termination of Service other than in Emergencies for Specified Reasons.

(1) The Director may terminate the wastewater treatment service to any person who fails to:

A. Factually report the wastewater constituents and characteristics of his or her discharge;

B. Report significant changes in wastewater constituents or characteristics;

C. Permit reasonable access to the premises by Division personnel for the purpose of inspection or monitoring;

D. Comply with all provisions of this Ordinance, or Industrial Wastewater Discharge Permit if applicable; or,

E. Comply with the conditions of any judicial order entered with respect to this chapter.

(2) Prior to termination of service, under this subsection, the Director shall notify the person in writing that the Director intends to terminate service. The notice shall advise the person of the violation and the necessary action to be taken. The person shall respond in writing within a time specified by the Director, a narrative detailing remedial measures taken or not taken to resolve the violation, and reasoning leading to those decisions. A hearing shall be scheduled prior to termination of service where the person may show cause why the termination should not be ordered. If the Director decides not to terminate service, the person shall be granted a period of time, determined by the Director, to correct any violation or effect remedial measures, if needed. Thereafter, the person shall be on notice that further violation shall be immediately subject to the prescribed penalties. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment.

(3) Any final order of termination constitutes a final appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear and defend their activity or condition at the hearing before the Director, as provided for above, constitutes a waiver of that person's right to appeal.

1040.27 DISPUTES AND APPEALS

(a) Any person adversely affected by any final appealable order may appeal directly to the Licking County Court of Common Pleas for an order vacating or modifying such order.

(b) Any person desiring to appeal shall file a notice of appeal with the Director setting forth the order appealed from and the grounds of the appeal. A copy of such notice of appeal shall also be filed by the Appellant with the court. The notice of appeal shall be filed with the Director within thirty (30) days after the mailing of the Director's final order or within thirty (30) days of service upon the Appellant, whichever is earlier.

(c) The person so appealing to the Court shall be known as Appellant and the Director shall be known as the Appellee. Appellant and Appellee shall be deemed to be parties to the appeal. The filing of an appeal provided this section does not automatically suspend or stay execution of the order appealed from, but upon application by the Appellant, the Court may suspend or stay such execution pending determination of the appeal upon such terms as it deems proper.

(d) If, upon completion of the appeal, the Court finds that the order appealed from was lawful and reasonable, it shall make a written order affirming the order appealed from. If the Court finds that such order was unreasonable or unlawful, it shall make a written order vacating the order appealed from and making the order which it finds the Director should have made.

(e) In addition to the foregoing civil penalties and not in limitation thereof, no person shall violate any term or provision of this Ordinance. No person shall violate any order, or term or condition thereof of the Director issued under this Chapter 3 or any order of the OEPA or any order of the USEPA. Any person who does violate the foregoing shall be guilty of a misdemeanor of the first degree. Each day of occurrence or part thereof shall be considered a separate offense. Punishment shall be in accordance with Section 698.02 of the Codified Ordinances of the City of Newark, Ohio. In case of organizational culpability, punishment shall be in accordance with Section 698.04 of the Codified Ordinances of the City of Newark, Ohio.

1040.28 RENTAL FOR SEWAGE SERVICES

It is declared necessary and conducive to the protection of the public health, safety and welfare of the City to levy and collect service charges or sewer rentals on all occupied premises, served by, connected with, or having access to the sewage works of the City. The proceeds of these charges or rentals shall be used by the Division as specified in this Chapter.

1040.29 SEWER SERVICE CHARGES DEFINED

Every Person having access to or who discharges sanitary sewage, industrial wastes, water or other wastes either directly or indirectly into the sewage works under the jurisdiction of the Division, shall be charged for the use of these works and for the treatment of their sewage.

The sewage service charges shall consist of an Administrative Charge, User Charge, Debt Service Charge, Strength Surcharge and Industrial Waste Surveillance Charge as follows:

(a) Administrative Charge. The recipients of waste treatment services shall pay an administrative charge and the administrative charges in aggregate shall approximate the administrative costs of the system.

(b) User Charge. The user charge is payment to the City by recipients of waste treatment services to offset the cost of operation, maintenance and replacement of the sewage works provided by the City. User charges are intended to enable the Division to be financially self-sufficient with respect to the operation, maintenance and replacement of the sewage works.

(c) Debt Service Charge. The debt service charge in the aggregate shall approximate the total annual payments necessary to retire debt attributable to loans, bonds and notes used to finance portions of the sewage works.

(d) Strength Surcharge. The strength surcharge is based on the pounds of total suspended solids, cBOD5 and Ammonia in excess of the amount found in normal domestic sewage. COD may be applied in lieu of cBOD5 when deemed appropriate by the Director. Total Kjeldahl Nitrogen (TKN) may be applied in lieu of Ammonia when deemed appropriate by the Director.

"Normal Domestic Sewage", defined for the purpose of determining surcharge, shall mean sewage having an average daily Total Suspended Solids (TSS) concentration of not more than 250 mg/L, an average daily Carbonaceous Biochemical Oxygen Demand (cBOD5) of not more than 200 mg/L, and an average daily Ammonia (NH3) concentration of not more than 15 mg/L or an average daily Total Kjeldahl Nitrogen (TKN) concentration of not more than 30 mg/L

When any or all of the TSS, or cBOD5, NH3 or TKN of a water or waste accepted for admission to the sewage works exceeds the values of these constituents for normal domestic sewage, the strength surcharge shall be based on the cost of treating the excess quantities of waste measured in one hundred (100) pound units.

(e) Industrial Waste Surveillance Charge. The industrial waste surveillance charge is a flat rate fee charged to each classification of user when applicable. This fee, assessed in addition to all other charges, shall be utilized to defray the cost of monitoring and analyzing point source discharges.

Definitions:

Tier I Less than 5 days per week sampling

Tier II 5 days per week sampling

Fees:

Tier I Fee See SCHEDULE OF CHARGES AND FEES

Tier II Fee See SCHEDULE OF CHARGES AND FEES

1040.30 SEWER USE CLASSIFICATIONS

The classes of sanitary sewer system users are:

Class I Residential

Class II Commercial

Class III Industrial

Class IV Governmental

Class V Institutional

(a) Residential Class I - shall include all single or multiple unit residences which discharge sanitary sewage only. The residential class does not include transient population residences such as hotels and motels.

(b) Commercial Class II - shall include all nonresidential users not defined as industrial, governmental or institutional users (Section 3C, 3D and 3E listed below). Transient population residences, such as hotels and motels, shall be commercial class users. The allowable sewage strength for commercial class users shall be based on the volume and quantity of pollutants present in the wastewater.

(c) Industrial Class III - shall include all nonresidential users who contribute waste other than sanitary sewage and who are identified in the Standard Industrial Classification (SIC) Manual, 1987, as amended and supplemented, under the following divisions:

(1) Division A: Agriculture, Forestry and Fishing;

(2) Division B: Mining;

(3) Division D: Manufacturing;

(4) Division E: Transportation, Communications, Electric, Gas and Sanitary Services;

(5) Division I: Services

A user in these Divisions may be excluded from the Industrial Class if it is determined that the user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Industrial Class users are required to have a suitable control manhole as provided for in Section 1040.35.

(d) Governmental Class IV - shall include all nonresidential users having connections to the sewage works which are owned by municipalities, counties, the State of Ohio or the Federal Government.

(e) Institutional Class V - shall include all nonresidential users having connections to the sewage works which are owned by private schools, colleges, churches and church-related facilities, hospitals and nursing homes.

1040.31 CHARGES AND FEES

(a) User Charge - The user charge which covers the cost of operation, maintenance and replacement is comprised of an administrative charge and a commodity charge. The commodity charge is based on usage, with a base rate or minimum of 300 cubic feet.

(1) Administrative charge - The administrative charge shall consist of a unit rate cost per account administered by the City.

(2) Commodity charge - The commodity charge will be based on the metered quantity of water consumed per month. Each account shall be billed monthly for a minimum of 300 cubic feet or the actual metered quantity, whichever is greater.

When a premises has more than one meter, the administrative charge shall be applied to each account; the commodity rate may be applied to either the consolidated flow or to each account, except as specified in Section 1040.34.

(b) Debt Service Charge - The debt service charge shall be based on the metered quantity of water consumed per month for each account. Each account shall be billed monthly for a minimum of 300 cubic feet or the actual metered quantity, whichever is greater.

(c) Strength Surcharge - The strength surcharge shall be levied on a quarterly basis.

(d) Industrial Waste Surveillance Charge - The industrial waste surveillance charge shall be levied on a quarterly basis on Industrial Class III users and on all other users with cBOD5, TSS, NH3, TKN, and/or other contaminants in concentrations greater than those defined for normal domestic sewage.

(e) Outside User Charge - The debt service charge for present and future connections or taps to the City's sewage works made outside the corporate limits shall be two times the rate for those within the corporate limits.

(f) Schedule - The Schedule of Charges and Fees is established from time to time by Council.

1040.32 PAYMENT OF CHARGES; DELINQUENCY; COLLECTION; DEPOSIT OF FUNDS

(a) Sewer charges shall be assessed monthly. Payment shall be made within ten (10) days following receipt of the statement of charges. Sewer charges shall be billed on a joint statement with water charges and shall be payable at the City of Newark Division of Water and Wastewater office.

(b) If the bill for sewer service remains unpaid for a thirty (30) day period, the arrearage will be added to the next monthly billing. Notice shall be given with this bill that if both bills are left unpaid at the Water Office after the due date (two bills that are past due constitute a double bill), a delinquent charge shall be applied to the bill, and water furnished by the Division shall be scheduled for shut off without further notice. If water service is scheduled for termination, a service fee and deposit shall be assessed to the account if not paid by the termination date.

(c) If water service is terminated due to delinquent payment of charges, service shall not be restored until all water, sewer, delinquent and service charges and deposit are paid in full.

(d) Each charge levied by or pursuant to this chapter shall be made a lien upon the corresponding lot, land or premises served by a connection to the sanitary sewage system. If the charge is not paid, it shall be certified to the Auditor of Licking County, Ohio, who shall place that amount on the tax duplicates of the County, with interest and penalties allowed by law, and collect it as other taxes are collected.

(e) The funds received from the collection of sewer service charges as defined in Section 1040.29 shall be deposited in the Sewer Rental Fund.

1040.33 NOTIFICATION OF CHARGES

On or before December 31 of each year, the City shall provide, with one of its regular billings, a notification to each user regarding Sewer Use charges, which include, but is not necessarily limited to costs for Administrative Charges, Operation, Maintenance and Replacement, and Debt Service.

1040.34 SEWER RENTAL FUND

(a) The sewer rental fund is an account into which collections from sewer service charges are deposited. The sewer rental fund shall be used to pay the costs of management, administration, operation, maintenance, (including replacement) of the sewage works; the debt service resulting from capital improvements to the sewage works; land acquisition costs; and additions to the sinking fund for retirement of the debt.

(b) That portion of sewer service charges collected for operation, maintenance and replacement (OM&R) costs shall be accounted for separately and shall be utilized only for those costs associated with OM&R. A portion of the funds collected for OM&R, but not less than One Hundred and Fifty Thousand Dollars ($150,000) per annum, shall be deposited in an interest-bearing account (Sewage Works Replacement), the principal and interest from which shall be restricted in use to offset major maintenance and/or replacement costs associated with, but not necessarily limited to, the major equipment items.

1040.35 MEASUREMENT OF VOLUME; METERS

(a) When premises are supplied either in whole or in part with water from wells or any source other than the public water supply, the source of supply shall be registered on a form provided by the Division. The owner of the premises shall install and maintain, at their expense, meters acceptable to the Division of all water supplies. The metered quantity of water shall determine the sewage service charge.

(b) When a person can demonstrate to the satisfaction of the Director that a minimum average of 2,000 gallons per day of the water measured by the water meter(s) does not enter the sewage system, they may submit an application, provided by the Division, to install an auxiliary water meter (Section 7E below). The Director may require an additional meter(s), installed at the person's expense, to measure the quantity of water entering the sewage works. The measured quantity of water entering the sewage works shall determine the sewage service charge.

(c) When wells are used as a supplementary water supply for a period not exceeding six (6) months in any calendar year, the base rate portion of the user charge may be waived by the Director for the period of non-usage, subject to any requirements they may deem necessary.

(d) Fire protection service branches shall be exempt from all sewage service charges, except for water used for purposes other than fire protection.

(e) Where an auxiliary meter(s) is required to determine the quantity of water subject to sewage service charges, the meter(s) shall be installed only with the approval of the Director. The meters shall be installed, owned and maintained by the property owner. Venturi meters, flumes, weirs and other methods of measuring

flow shall be used only when authorized by the Director. Meters which shall be approved are:

(1) Meters purchased from the Division;

(2) Meters equal or similar to Division meters, purchased elsewhere and tested by the Division;

(3) Crest or turbine-type meters of two (2) inches in size and over, used where the meter is under full head at all times, provided that the meter is tested and approved for large constant flows by the Division;

(4) Meters used currently for tax purposes by the Federal Government (which will be accepted without tests); or

(5) Existing private meters now in place, but on a conditional basis. If these meters are suspected of faulty registration, they are subject to a test by order of the Director.

Other meters shall be tested by the manufacturer and a certificate of the test shall be filed with the Director. Such meters shall not be used without the written approval of the Director.

Where an auxiliary meter has been installed, it shall not be removed without the approval of the Director.

(f) All meters shall be installed according to the standard rules and regulations of the Division or other applicable public water works.

Where private meters are used on wells or in an industrial water distribution system, and are set behind the primary water supply meter, the prescribed standard rules and regulations may be modified or waived by the Director.

(g) If a person who discharges clean wastewater installs and operates equipment to dispose of such wastewater or to prevent such wastewater from entering the sewerage works, he or she shall be exempt from payment of sewage service charges for the quantity of clean wastewater disposed of or diverted. When such equipment is operational, the person shall install a meter, at their expense, to measure the quantity of water disposed of or diverted.

(h) If the Director finds that it is not practical to measure the wastewater by meters, it shall be determined, by any method practical, the percentage of water entering the sewage works. The quantity of water thus determined shall provide the basis of the sewage service charge.

1040.36 INDUSTRIAL WASTE TESTING

(a) A person discharging other than normal domestic sewage shall install a suitable control manhole in the building sewer, together with such meters and

appurtenances the Director may require, to permit observation, inspection, sampling and flow measurement of the combined industrial wastes from the premises. This chamber shall be constructed according to approved plans, at the person's expense and maintained by owner to be safe and accessible at all times.

(b) All measurements, tests and analyses of the combined industrial wastes shall be conducted according to 40 CFR Chapter I, Subchapter D, Part 136.

(c) The strength of the wastes shall be determined from samples taken at the control manhole at any period or duration, and in any manner the Division may elect; or, at any place mutually agreed upon by the person and the Division. The results of routine sampling and analysis by the person may also be used to determine the surcharge, after verification by the Division. If it is not possible to install a suitable control manhole for Industrial users and/or other dischargers with cBOD5, TSS, NH3, and/or TKN concentrations greater than those defined for normal domestic sewage, then the City shall take grab samples or use other reasonable measures and/or estimates to establish the strength of wastes for these users. The waste strength shall be used to determine the surcharge. The surcharge shall be applied to total water consumption and shall be based on the average strength of all industrial wastes discharged to the sewage works during the quarterly billing period.

(d) The Division shall assume the cost of operation and the necessary analytical work of not more than two (2) gauging and sampling manholes or points of discharge. The work time of Division personnel engaged in the field operations and laboratory analyses shall not exceed a five (5) day, forty (40) hour week.

If more than two (2) gauging and sampling manholes or points of discharge are necessary, additional costs to install measurement devices, personnel costs required to operate the manholes or sampling points, and subsequent laboratory analysis costs shall be borne by the owner/operator of the non-residential facility.

Where an owner/operator of a non-residential facility discharges effluent to a manhole(s) used as a gauging and sampling point, and the effluent volume and duration prevent installation of hydraulic equipment until the owner/operator ceases operations by weekend close down, the costs of installation, including overtime pay, shall be borne by the owner/operator of the non-residential facility. If the owner/operator elects to install the hydraulic equipment, the installation shall be approved by the Director.

If a period in excess of the standard five (5) day, forty (40) hour week is required for Division personnel to properly gauge, sample, and analyze the discharged effluent, the extra costs shall be borne by the owner/operator of the non-residential facility.

(e) If the owner/operator of a non-residential facility disagrees with the analysis on which the sewage surcharge is based, the owner/operator may request, in

writing, additional sampling and analysis, the cost of which shall be borne by the owner/operator of the non-residential facility.

(f) In the event an analysis of the wastes is not furnished to the Director upon request (i.e. routine Self-Monitoring reports, other circumstances requiring specialized sample collection and analysis, etc.), the sewage surcharge shall be based on a chemical analysis of a similar process or other data acceptable to the Director. This surcharge shall continue in effect until results from the requested analysis of the wastes are submitted by the owner/operator of the non-residential facility and confirmed by the Director.

1040.37 FALSIFYING INFORMATION

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Director or the Division; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by this Ordinance shall be in violation of this Ordinance and shall be guilty of a misdemeanor of the first degree. (Misdemeanor penalties are detailed in Sections 698.02 and 698.04 of the Codified Ordinances of the City of Newark.)

1040.38 ANNUAL PUBLICATION OF VIOLATORS

At least annually, the Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements for each pollutant parameter, taken during a rolling six-month period exceed, by any magnitude, the published limits for select industries;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a rolling six-month period equal or exceed the product of the limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for cBOD5, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through of the POTW (including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, compliance reports, periodic self-monitoring reports, and reports on progress with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

1040.39 SPECIAL AGREEMENTS

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Division and any person whereby a waste of unusual strength or character may be accepted by the Division for treatment, subject to payment by the person; however, any special agreement shall not be permitted for any waste in excess of federal regulations or limitations.

1040.40 MUNICIPAL REVIEW OF REGULATIONS, CHARGES AND FEES

(a) Regulations. On or before July 1 each year, the Water Administrator and/or designee shall review the Sewer Use Regulations. If changes or additions are required to ensure compliance with applicable laws and regulations, they shall be submitted to the Director for approval. Upon approval, the changes or additions shall be submitted to City Council for legislative action, to incorporate the changes into this Ordinance.

(b) Charges and Fees. Annually, the Water Administrator shall submit to the Director of Public Service a recommended system of sewer service charges. If approved, the Director shall submit the sewer service charge schedule to City Council at the first regular October meeting for ratification and incorporation into the City Ordinances. The system shall comply with the following requirements:

(1) The costs of operation and maintenance of the sewage works within the Division's jurisdiction shall be distributed in each user class in proportion to its contribution to the total wastewater loading of the sewage works. To ensure a proportional distribution of operation and maintenance (including replacement)

costs to each user class, strength, volume, and delivery flow rate characteristics shall be considered the basis for the user's contribution.

(2) The cost of treating and handling the extra strength constituents of TSS, cBOD5, NH3, and/or TKN shall be determined and reported as a cost per one hundred (100) pounds.

(3) The actual cost of collecting samples, testing and reporting the results of analyses shall be determined and distributed proportionately to the appropriate user class.

(4) The system of charges shall be reviewed annually and revised periodically to reflect actual operation and maintenance (including replacement) costs. The system of charges shall generate sufficient revenue to offset the capital, operations and maintenance cost of the sewage works, and other expenditures authorized by Section 1040.33.

1040.41 LIABILITY; EQUITABLE REMEDIES

In addition to the foregoing civil penalties and not in limitation thereof, no person shall violate any term or provision of this Ordinance. No person shall violate any order, or term or condition thereof of the Director issued under Section 1040.43 or any order of the OEPA or any order of the USEPA. Any person who does violate the foregoing shall be guilty of a misdemeanor of the first degree. Each day of occurrence or part thereof shall be considered a separate offense. Punishment shall be in accordance with Section 698.02 of the Codified Ordinances of the City of Newark, Ohio. In case of organizational culpability, punishment shall be in accordance with Section 698.04 of the Codified Ordinances of the City of Newark, Ohio.

The civil and criminal penalty provisions and fines provided in this chapter shall in no way relieve a person from liability for damage to any facilities, injury to persons or property or any expense, loss or damage to the sewage works caused or permitted to be caused by such person. Additionally, the provisions herein set forth shall not be construed to limit the City's ability to seek other forms of redress, such as, but not limited to, injunctive relief. No person shall be subject to both an assessment of a fine by the Director of Public Service in the nature of a penalty as provided in Section 1040.43 and a criminal penalty for the same offense.

1040.42 ISSUANCE OF ORDERS BY THE DIRECTOR; VIOLATIONS; ASSESSMENT OF FINES; NOTIFICATION OF VIOLATIONS; RECOVERY OF LEGAL AND OTHER EXPENSES

Civil Penalties – Assessment of Fines by the Director

(1) No person shall violate any term, provision or condition or such order issued by the Director. The Director shall have the authority to assess a penalty for each violation of such order for at least five thousand dollars ($5,000.00) per violation per day. Each day of violation or any part thereof, shall constitute a separate offense. This provision shall not be construed to prohibit the Director from assessing fines in an amount less than $5,000.00 if the circumstances, in the estimation of the Director of Public Service, warrant the lesser fine.

(2) Prior to the assessment, the Director shall notify the offender of the violation in writing and shall schedule a time and place to allow the offender to appear and respond to the allegations. Should the Director find that a violation has occurred, the Director shall notify the offender of the assessment and its amount. The offender shall remit payment to the Director of Public Service, Division of Wastewater, within thirty (30) days from the notice of the assessment.

(3) Such assessment shall be recoverable by the City of Newark in the same manner as other debts owed to the City of Newark.

(4) In addition to the assessment provided herein, the City may recover reasonable attorney's fees, costs, and other expenses of litigation by appropriate suit at law against the person found to be violating the order. The City may also recover special expenses including, but not limited to, equipment rental, chemicals and labor necessary to ensure the proper operation and maintenance of the wastewater facilities.

(5) In determining the amount of the assessment to be levied, the Director shall consider the offender's history of prior enforcement actions; the severity of the infraction; and the existence of any mitigating factors.

(6) Any final order of assessment constitutes a final appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear and respond to the allegations before the Director shall constitute a waiver of that person's right of appeal.

1040.43 PENALTY

In addition to the foregoing civil penalties and not in limitation thereof, no person shall violate any term or provision of this Ordinance. No person shall violate any order, or term or conditions thereof of the Director issued under Section 1040.43 or any order of the OEPA or any order of the USEPA. Any person who does violate the foregoing shall be guilty of a misdemeanor of the first degree. Each day of occurrence or part thereof shall be considered a separate offense. Punishment shall be in accordance with Section 698.02 of the Codified Ordinances of the City of Newark, Ohio. In case of organizational culpability, punishment shall be in accordance with Section 698.04 of the Codified Ordinances of the City of Newark, Ohio.

1040.44 SEVERABILITY

If any provision, section clause or sentence of this Chapter is invalidated by any court, the remaining provisions, sections, clauses or sentences shall not be affected but shall continue in full force and effect

Resolution No.26-65

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently, and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of $338.00 (Amount was received as a forfeiture from a criminal case and is to be placed in the Law Enforcement and Drug Law Enforcement Fund per City Ordinance 222.04)

100.203.5267	Drug Fine Expenses	338.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of $52,536.65 (One Ohio Disbursements)

258.100.5268	One Ohio Disbursements	52,536.65

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2026.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____

Resolution No.26-66

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently, and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of $4,600.00 (Request appropriation into equipment account for thermal imaging camera. Donation was received from Newark Elks earmarked specifically for these. Pay in. # 159211)

100.204.5331	Equipment	4,600.00

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2026.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____

PID No.: **122236**

BY: _____

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution #: 26-67
County/Route/Section: LIC SR 16 17.61

The following is a/an Resolution enacted by the City of Newark of Licking County, Ohio hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

Minor rehabilitation of pavement within project limits.

NOW THEREFORE, be it ordained by the City of Newark of Licking County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to by unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C.,

Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI Authority to Sign

The LPA hereby authorizes, _____ of the City of Newark is hereby empowered on behalf of the City of Newark to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, _____ to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Newark to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Passed: _____, 20____.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

PID No.: **122236**

CERTIFICATE OF COPY
STATE OF OHIO

City of Newark of Licking County, Ohio

I, _____, as Clerk of the City of Newark of Licking County, Ohio do hereby certify that the foregoing is a true and correct copy of Resolution _____ adopted by the legislative Authority of the said City of Newark on the _____ day of _____, _____. That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____ 2_____.

_____
(Clerk)

(SEAL) City of Newark of Licking County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The aforegoing is accepted as a basis for proceeding with the project herein described.
For the City of Newark of Licking County, Ohio.

Attested: _____ _____ Date _____

For the State of Ohio

Attested: _____ _____ Date_____
(Director, Ohio Department of Transportation)