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### **1101.01 Rules of the Director of ~~Public Utilities~~Columbus Water & Power.**

The Director of ~~Public Utilities~~Columbus Water & Power shall consistent with policies established by council make rules regulating the conditions under which water service shall be rendered.

### **1101.02 Effectiveness of rules.**

Any rules and regulations issued by the Director of ~~Public Utilities~~Columbus Water & Power are made effective on all consumers of water from the system of the Division of Water, both within and without the corporate limits.

### **1101.04 Charge for renewal of service.**

In all such cases where the Director of ~~Public Utilities~~Columbus Water & Power has ordered a discontinuance of water service for a violation of any rule or regulation there shall be charged the fees prescribed in C.C. 1105.09 for renewal of the water service.

### **1101.05 Revocation of Authorizations and Licenses.**

In case any person (including employees) has or is violating any of the provisions of this Article One or any of the prescribed rules and regulations of ~~the Department of Public Utilities~~Columbus Water & Power, such person shall have the authorization or license as a sewer contractor, plumber, water contractor, or sewer/water contractor revoked by the director of ~~public utilities~~Columbus Water & Power or board or officer issuing such authorization or license, and such person or licensee, in addition thereto, shall be subject to C.C. 1101.99.

### **1101.99 Penalty.**

Whoever violates any provision of this chapter, or any prescribed rule or regulation of ~~the Department of Public Utilities~~Columbus Water & Power authorized by this chapter, shall be deemed guilty of a misdemeanor and fined not exceeding one hundred dollars (\$100.00), or imprisoned for not more than thirty (30) days, or both. Any such violation shall constitute a separate offense on each successive day continued.

## **Chapter 1103 WATER PERMITS**

### **1103.03 Tapping mains.**

No person other than the properly authorized employees of the Division of Water acting under the direction of the Director of ~~Public Utilities~~Columbus Water & Power or a person or firm authorized by the Director of ~~Public Utilities~~Columbus Water & Power shall be permitted to tap or make any connections with the main or distributing pipes of the Division of Water.

### **1103.05 Permission to let water into premises.**

No plumber, water contractor, or sewer/water contractor, after making any connection with the service pipe or after making repairs or putting in any new attachment, shall leave the stopcock open or let the water into the premises without permission from the director of ~~public utilities~~Columbus Water & Power.

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### **1103.06 Water contractor authorization.**

No person shall work on City of Columbus water line systems without first obtaining the following:

- (a) Authorization from the director of ~~public utilities~~ Columbus Water & Power to work on such lines; and
- (b) A license issued as prescribed in Chapter 4114 through the board of review of plumbing and sewer contractors and of journeymen plumbers.

The director shall adopt rules setting forth the minimum standards based on qualifications and experience for granting such authorizations.

## **Chapter 1105 WATER RATES AND CHARGES**

### **1105.01 Definitions.**

"Available frontage" shall mean the frontage for all parcels which abut on the water main. On corner parcels the frontage shall be the shortest frontage which abuts on a street right-of-way. Parcels which already abut on a water main shall not be considered as part of the available frontage.

"Commodity charge" shall mean a water use charge that varies in amount with the level of water the customer actually uses. This charge recovers the operating and maintenance costs associated with treating water to drinking water standards, providing the distribution network to provide water to customers, and recovers the cost of system capital improvements.

"Consecutive" shall mean the purchase of bulk water that is distributed to principally residential consumers including but not limited to apartment and condominium complexes, planned unit developments, and manufactured homes.

"Contract areas" means areas served with water by the city where a contract exists between the city and a political subdivision.

"Corner parcel" shall be a lot or parcel abutting on two (2) or more intersecting streets.

"Eligible senior customers" means any customer who:

- (1) Is receiving service by means of a single meter to a single-family residence;
- (2) Is personally responsible for payment of the bill as head of household; and
- (3) Is sixty (60) years of age or older having a total income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.

"Front foot" shall mean the frontage that abuts on the street right-of-way. However, if a small section of a large property abuts the right-of-way, the front footage shall be the width of the larger more representative section of the property. When the property to be served does not abut upon a street right-of-way, front foot shall mean the width of the parcel.

"Noncontract areas" means areas outside the city served with water by the city where no contract exists with a political subdivision.

"Service connection" means the connection of all or any part of the service line to the tap.

"Service charge" shall mean a fixed charge to recover the costs incurred to provide service whether or not any consumption is used. These costs may include meter repair and replacement expenses, meter reading expenses, the costs of producing and mailing utility bills, applying payment as it is received, providing customer support and service, and other related water system costs.

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"Service line" means the line extending from the tap onto the premises to be served and shall include all the necessary pipes, lines and appurtenances from the tap to and including the meter.

"Tap" means the connection to the water main and the necessary pipes or lines extending from the water main to and including the curb stop or valve and box.

"Total income" means the adjusted gross income of the applicant and spouse for the year preceding the year on which application for the senior consumer water rate is made, as determined under the "Internal Revenue Code of 1954," 26 U.S.C. 1, as amended, plus income from the following sources not included in the federal adjusted gross income: old age and survivors benefits received pursuant to the Social Security Act, retirements, pensions, annuities, payments received pursuant to the "Railroad Retirement Act," 45 U.S.C.231 et seq.; and interest on federal, state and local government obligations. Disability benefits paid by the Veterans' Administration or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.

"Water service outside city" means water service furnished to consumers in contract areas or water service authorized by the Director of Public Utilities Columbus Water & Power for consumers in noncontract areas.

### **1105.038 Water metering systems.**

- A. The Director of Public Utilities Columbus Water & Power is hereby authorized to install, read, maintain, and replace metering systems for any and all water service lines, including but not limited to fire service lines, for properties served with water by the Division of Water. No person acting under the direction or authorization of the Director of Public Utilities Columbus Water & Power shall be required to obtain a certificate of appropriateness or approval under Title 31, Title 33, or Title 34 for the installation, maintenance, or replacement of such metering systems.
- B. The Director of Public Utilities Columbus Water & Power or the director's appointed agents are authorized to enter all properties served with water by the Division of Water for the purpose of installing, reading, maintaining, and replacing metering systems.
- C. Water service may be terminated for failure of a customer to provide access to the property for the purpose of installing, reading, maintaining, or replacing the metering systems pursuant to the provisions of city code Section 1101.03. Service charges will continue to be charged during the period water service is terminated pursuant to Section 1105.23.
- D. The property owner shall pay the appropriate service termination and resumption charges as specified in Section 1105.09 for denying access to the Director of Public Utilities Columbus Water & Power or the director's agents for the purpose of installing, reading, maintaining, and replacing the metering system.
- E. The customer is responsible for damage to the metering system resulting from negligence, vandalism, freezing or hot water and shall be charged for said damages to the meter according to Section 1105.09, Part E, except that said charge shall not be imposed when to the satisfaction of the director it is shown that the damage is the result of conditions beyond the control of the customer.
- F. If the customer causes the obstruction of a metering system after its installation, or requests that the metering system be relocated, and the Division of Water agrees to perform such relocation, the customer shall be responsible for the relocation trip charge as specified in Section 1105.09, plus the actual costs of relocating any part of the metering system.
- G. The Director of Public Utilities Columbus Water & Power will determine the type of metering system to be installed for each water service line and if in the director's opinion an existing system is inadequate to meet the intent of Section 1105.038, the director shall cause it to be replaced with a system meeting said intent.

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### **1105.07 Meter service fee.**

A meter service fee shall be paid when a permit is issued for a service connection or a change in meter size. A meter service fee paid for one (1) property will not be transferred to another property.

The cost of the meter service fee shall be based upon (1) the current contract cost of the metering system, (2) the current contract cost of the yoke or meter setter (usage of which is contingent upon meter size), and (3) the cost of installing and handling the metering system. The cost of the above items may be obtained from the Division of Water, water permits office.

Metering system where the size of meter is five-eighths ( $\frac{5}{8}$ ) inch—one and one-half ( $1\frac{1}{2}$ ) inch shall be installed by, maintained by, and remain the property of the city except for any yoke and meter setter and any deducting meter(s), which shall remain the responsibility of the applicant or property owner. If neither a yoke nor a meter setter is required for a meter setting, the meter service fee less the current cost of the yoke or meter setter (whichever is applicable due to meter size) shall be the amount charged.

Metering systems where the size of the meter is two (2) inches and larger shall be installed by the applicant under the inspection and approval of the Division of Water. The metering system shall be maintained by and remain the property of the city.

General Provisions. The new meter service fee, as set forth above, shall become effective as of January 1, 2016. It will be reviewed each year by the Director of ~~Public Utilities~~ Columbus Water & Power, who shall recommend to council any needed adjustments based upon actual costs.

### **1105.09 Special charges.**

The following charges shall be paid for the specified special services furnished by the Division of Water:

- A. Special meter reading at request of consumer, except for final bill or initial service:

During regular working hours \$30.00

After regular working hours \$30.00

- B. Service charge for trip to discontinue or attempt to discontinue water service or to turn on the water service due to non-payment of account arrearages \$20.00
- C. Service charge to (1) relocate metering system due to obstruction of the metering system or at the request of the customer, (2) disconnect or remove the metering system at request of customer, except where service line is being capped and abandoned, or (3) reconnect the metering system at request of the customer \$40.00

(Plus actual cost of relocating, disconnecting, removing and/or reconnecting any part of the metering system.)

- D. Service charge to turn on or off service at curb box at request of customer (except for emergency repairs.)

During regular working hours \$30.00

After regular working hours \$30.00

- E. Service charge to repair meter damaged by customer abuse, tampering, freezing, or hot water. (Plus actual cost of repair or new metering system, if required.)

Residential: During regular working hours \$60.00

Residential: After regular working hours \$65.00

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Commercial:\$315.00

- F. Service charge to investigate, notify or discontinue water service where fraud or illegal diversion has occurred, including unauthorized turn on or other violation of the rules and regulations of the Director of Public Utilities Columbus Water & Power (plus estimated quantity of water used)\$20.00
- G. Testing of meter at request of customer:
  - (1) Where meter does not test within ninety-seven (97) percent and one hundred three (103) percent accuracyNone
  - (2) Where meter tests within ninety-seven (97) percent and one hundred three (103) percent accuracy\$40.00
  - (3) Where meter is two (2) inches or larger in diameter, the meter shall be removed, transported to and from the meter shop, and reinstalled by the consumer under the inspection and approval of the Division of Water\$30.00
- H. Returned check processing charge\$25.00
- I. Service charge for additional trip to install metering system\$25.00
- J. Service charge to pump out meter pit to obtain a meter reading\$65.00
- K. Service charges associated with the chlorination process shall be as follows (full service contract areas only):
  - (1) Preliminary field check\$50.00
  - (2) Additional field checks (each occasion)\$50.00
  - (3) Chlorination/flushed (each occasion)\$130.00
  - (4) Flush and sample (each occasion)\$130.00
  - (5) Processing charge\$15.00
  - (6) Lab Sample (each sample)\$15.00
  - (7) Water Usage\$25.00
  - (8) Chlorine (per event)\$10.00
- L. Special charge for renewed service inspections performed on overtime\$30.00
- M. Hydrant Flow Test\$220.00
- N. Charges and fees for personnel services, administrative costs, indirect costs, labor and material supplied by the Division of Water may be established by Rule and Regulation of the Director pursuant to 1101.1.
- O. City of Columbus Backflow Tester (initial fee)\$100.00
  - (1) Annual Renewal Fee\$25.00
- P. Backflow Device Program Fee (annual fee)\$25.00

### **1105.10 Fire protection service inside city.**

For all fire protection service installations made after the effective date of this chapter requiring a separate fire service line the consumer shall install at the consumer's expense, subject to the inspection and approval of the Division of Water, all of the piping system necessary to extend from the consumer's system and connect to the city's existing water main.

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All separate fire service lines shall have installed, before service is established, an approved meter installation. Such meter and the installation shall meet the specifications and approval of the Division of Water and the entire installation shall be at the expense of the consumer.

The following rates shall apply to fire protection services:

For areas covered by retail contracts, the outside city rates shall be the total obtained by adding the inside city rates and the percentage increase or additions specified in the contract. If no percentage is specified in the contract, the outside city rates shall be the inside city rates multiplied by one and three tenths (1.3). For noncontract areas or areas where the contract has expired, the outside city rate shall be the inside city rate multiplied by one and one-half (1.5).

The city reserves the right to order the installation of a meter on an existing fire protection line upon violation of applicable ordinances and the rules and regulations of the Director of ~~Public Utilities~~ Columbus Water & Power.

No charge except the minimum charge will be made for any measured water flow resulting from the use of water for fire fighting purposes when such fire has been reported to the fire department serving the area involved.

Where an unmetered tap for a fire service line exists, the following charge shall be paid in lieu of the minimum charges per month prescribed in C.C. Sections 1105.04 and 1105.05:

When a property is served with both a fire protection service and water service, the amount to be paid for the combined service shall be the charge computed by using the applicable commodity rate established in Sections 1105.04 and 1105.05 and, where applicable, the monthly unmetered fire protection service charge established in Section 1105.10.

When a property is served by more than one (1) fire protection service and such services provide water to a common inter-connected fire protection system, the services shall be considered a single fire protection service with the rates or charges to be based on the largest tap or meter.

All outlets, except sprinkler heads, on unmetered fire protection service shall be sealed under the supervision of the Division of Water. No person shall break a seal or withdraw water from any unmetered fire protection system, except in the case of fire, without prior approval of the administrator of the Division of Water.

### **1105.11 Water main front foot connection charge.**

Each applicant shall pay the sum of twenty-two dollars (\$22.00) effective January 1, 1999 per front foot of the property to be served provided that this charge shall not be imposed for the replacement of a tap or increase in size of an existing tap. This charge shall not be imposed if the owner of the property concerned can show that said property owner or their predecessor in title paid, or is paying a special assessment for the construction of any of the water mains which provide such service or at no expense to the water enterprise fund constructed any of the water mains which provide such service. The number of feet to be paid for shall be determined by one of the following methods:

- A. Lots or parcels of ground having the same width at the front and rear and the same depth on each side shall be charged based on the actual frontage along the main line.
- B. Lots or parcels of ground which are of irregular shape shall be charged based upon the following formulas.
  1. For lots or parcels of ground with frontage in a straight line: footage will be measured on a line forty (40) feet from the front lot line and parallel to the center line of the street upon which such property is to face.
  2. For lots or parcels of ground with curved frontage: the width will be measured on a line parallel to, and forty (40) feet distant from, a line tangent to such curved frontage at a point midway between the sides of the lots or parcels of ground.

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- C. The Director of ~~Public Utilities~~Columbus Water & Power or appointed designee reserves the right to calculate and/or change front footage charges based upon topographical characteristics of a lot or irregular parcel of ground not covered in subsections (A) and (B) above. Reasons for such reductions may include, but are not limited to, gullies, ditches, creeks, streams, and/or utility easements.

### **1105.14 Water main extension.**

The Director of ~~Public Utilities~~Columbus Water & Power is authorized to provide water service to new consumers inside the corporate limits of the city when the Director determines that the water main extension is feasible both economically and from an engineering point of view and will not be detrimental to the best interests of the city having given consideration to the overall effect on the total water system and to the long term plans and probable future growth of the water system of the city.

### **1105.15 Charge for extension of water mains.**

(A) Contract Areas:

- (1) All water main extensions in areas having contract with the city for water service shall be installed and paid for as specified in the contract.

(B) Noncontract Areas:

- (1) All water main extensions in areas having no contract with the city for water service shall be installed and paid for by the developer, applicants or political subdivision requesting such service at no expense to the city, regardless of the size of water main installed or length of extension.
- (2) The specifications and standards of construction for all water main extensions shall be approved by the Division of Water.
- (3) The size of all water mains shall be determined by the administrator of the Division of Water and shall be large enough not only to serve the areas under immediate consideration but also to serve areas which are likely to be developed and which would be served by the water main under construction.

Unless otherwise required by the administrator of the Division of Water, no water main shall be smaller than six (6) inches nominal diameter.

- (4) All extensions of water mains shall include the installation of all taps, valves and fire hydrants. The number and location of fire hydrants shall be in accordance with standards established by the Columbus Division of Fire and shall be installed and paid for by the applicant or developer under the supervision of the Columbus Division of Fire. The number and location of all taps and valves shall be as required by the administrator of the Division of Water.
- (5) All water mains and appurtenances shall be owned, operated and maintained by the city, with title to be vested in the city upon completion of the water main.

(C) Within the city.

- (1) All water main extensions in the city shall be paid for by the applicant or developer requesting such extension. Where a water main extension is required by the city to be installed larger than eight (8) inches in nominal diameter, the city shall pay one hundred ten (110) percent of the difference in the cost of the pipe, fittings and valves between the installation of an eight (8) inch water main and the water main installed.
- (2) The administrator of the Division of Water shall determine from the division's records, or other sources, the cost of the pipe, fittings and valves, and this determination shall be final.

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- (3) The Director of ~~Public Utilities~~Columbus Water & Power may authorize water main extensions to be installed by a qualified developer and the director shall determine whether the water main shall be installed by the city or by the applicant or developer.
  - (4) For each water main extension requested and installed by the city, the Division of Water shall make an estimate of the total costs involved and the applicants or developer shall make a deposit to the city that is sufficient to cover the estimated cost of the water main extension. If the actual cost of the extension is higher or lower than the deposit, the applicants or developer will be refunded the amount of any excess deposit or shall pay to the city any deficit that may exist in the deposit, as the case may be.
  - (5) When water main extensions are installed by the city, the cost may be assessed against the abutting property owners, with the approval of council. Such assessment shall be in an amount equal to the total installation cost unless the line is required by the city to be larger than eight (8) inches. When the water main is required by the city to be installed larger than eight (8) inches, the amount assessed shall be the total installation cost less one hundred ten (110) percent of the difference in the cost of the pipes, fittings and valves between the installation of an eight (8) inch watermain and the water main installed. The costs shall be determined as prescribed in paragraph (2) above.
  - (6) The specifications and standards of construction for all water main extensions shall be prepared by the Division of Water. Plans and installation shall be subject to approval of the Division of Water.
  - (7) The size of all water mains shall be determined by the administrator of the Division of Water and shall be large enough not only to serve the areas under immediate consideration but also to serve areas which are likely to be developed and which should be served by the water main under consideration.

Unless otherwise required by the administrator of the Division of Water, no water main shall be smaller than six (6) inches nominal diameter.

- (8) All extensions of water mains shall include the installation of all taps, valves and fire hydrants. The number and location of the fire hydrants shall be in accordance with the requirements of the Columbus Division of Fire. The number and location of all taps and valves shall be as required by the administrator of the Division of Water.
- (9) All water mains and appurtenances shall be owned, operated and maintained by the city, with title to be vested in the city upon completion of the water main.
- (10) No water mains shall be installed except by the city unless authorized by an agreement between the city and the developer or applicants. Where water mains are installed by a developer or applicants and abut on parcels not owned by the developer or applicants nor included in the agreement, the developer or applicants shall be entitled to reimbursement when such parcels are connected to the water main within ten (10) years after the completion of the water main from the funds collected by the city for such connections pursuant to Section 1105-11 C.C. The amount of the reimbursement shall be determined by dividing the cost of the water main paid by the developer or applicants by the available frontage abutting on the water main provided that the total amount of reimbursement per front foot of property served shall not exceed the applicable charges established by Section 1105.11 C.C.

To be eligible for this reimbursement, the developer or applicants must file with the Division of Water within ninety (90) days after the completion of the water main or such further time as may be authorized by the Director of ~~Public Utilities~~Columbus Water & Power in accordance with the standards and specifications, receipts for all labor and material used in connection with the construction of the water main, together with the final, as-built plans, properly referenced for future location of the work.

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### 1105.17 Water system capacity charge.

No person shall make a service connection or any part thereof, unless a permit has been issued by the Director of Public Utilities Columbus Water & Power or appointed designee. The following charges shall be levied for each service connection made to any property and shall be paid at the time a permit is issued for the service connection. A separate payment shall be submitted for each permit requested.

If an existing tap is replaced with a new tap, the system capacity charge for the new tap shall be reduced by the system capacity rate for each tap replaced. Should the sum total of the credits exceed the system capacity rate for the new tap, the system capacity charge shall be zero (0.00). Replacement tap credits will be determined by current system capacity rates. No credit refunds will be issued.

For all taps used to supply fire protection only, the charge shall be one-half (½) the amount specified in this section.

#### Water System Capacity Charges Inside City

| Tap Size | Amount   |
|----------|----------|
| ¾        | \$ 1,406 |
| 1        | 2,210    |
| 1-½      | 4,821    |
| 2        | 10,045   |
| 3        | 20,089   |
| 4        | 40,179   |
| 6        | 64,286   |
| 8        | 112,501  |
| 10       | 220,984  |
| 12       | 341,520  |
| 16       | 401,788  |

#### Water System Capacity Charges Contract Areas

| Tap Size | Amount  |
|----------|---------|
| ¾        | 1,828   |
| 1        | 2,873   |
| 1-½      | 6,268   |
| 2        | 13,058  |
| 3        | 26,116  |
| 4        | 52,232  |
| 6        | 83,572  |
| 8        | 146,251 |
| 10       | 287,279 |
| 12       | 443,976 |
| 16       | 552,325 |

#### Water System Capacity Charges Noncontract Areas

| Tap Size | Amount   |
|----------|----------|
| ¾        | \$ 2,109 |

|     |         |
|-----|---------|
| 1   | 3,315   |
| 1-½ | 7,232   |
| 2   | 15,067  |
| 3   | 30,134  |
| 4   | 60,268  |
| 6   | 96,429  |
| 8   | 168,751 |
| 10  | 331,475 |
| 12  | 512,280 |
| 16  | 602,682 |

**1105.21 Income qualified discount for commodity charges.**

- (A) For purposes of this section, "income qualified residential customer" is defined as a direct residential customer of the city (whether inside the city or outside the city) having a total income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census or who is eligible for food stamp benefits, Ohio Medicaid, Low Income Home Energy Assistance (LIHEAP), Home Energy Assistance (HEAP), Ohio Works First, Social Security Disability, public housing benefits, or any other state or federal low income assistance program acceptable to the director.
- (B) All income qualified residential customers may receive a thirty (30) percent discount on the commodity portion of their sewer bill. This discount will be available to the income qualified residential customer upon application to and approval of ~~the Department of Public Utilities~~ Columbus Water & Power.
- (C) The Director may adopt regulations necessary to administer and enforce the provisions of this section. Regulations promulgated, pursuant to this chapter by the Director shall be published in the City Bulletin, with copies of the regulations being available for public review at the Director's office and other locations which may be designated by the Director.
- (D) Master metered properties are eligible to receive thirty (30) percent discount on the commodity portion of their sewer bill if the property owner proves to the satisfaction of the Director that the property meets one or both of the following criteria:
  - (1) eighty (80) percent or more of the rental units are occupied by participants in qualifying programs outlined in 1147.19(A); or
  - (2) the property receives subsidized housing benefits from any state or federal low income assistance program acceptable to the director.

If the criteria are met, the entire building or complex will be eligible to receive the thirty (30) percent commodity rate discount. The discount shall be applied to the master meter bill. Property owners must transmit the full benefit of the discount to residents.

- (E) Political subdivisions receiving water service pursuant to a wholesale master meter contract with the city are eligible to receive the income qualified discount if the political subdivision adopts the income qualified discount program as described in Section 1147.19 of the Columbus City Codes. Participating master metered suburban community customers must provide to ~~the Department~~ Columbus Water & Power a detailed listing in an approved format of all qualifying customers and their commodity usage prior to application of the discount to the master metered account billing. The discount shall apply only to the measured commodity usage of qualifying customers within the master metered suburban community's customer accounts.

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### **1105.22 Eligible senior customer discount.**

Eligible senior customers may have monthly water service charges waived from water bills. This discount will be available to eligible senior customers upon successful completion of application and approval by ~~the Department of Public Utilities~~ Columbus Water & Power.

### **1107.04 Transfer of funds.**

The fund, mentioned in C.C. 1107.02 and 1107.03, or any part thereof, shall always be subject to retransfer to the fund from which received, on written order of the Director of ~~Public Utilities~~ Columbus Water & Power for the purpose of final adjustment of the depositor's account.

### **1109.05 Bills to be paid by council.**

The Division of Water of ~~the Department of Public Utilities~~ Columbus Water & Power, at its regular monthly collection periods, shall at the then current rate per one thousand (1,000) cubic feet charged general consumers for water, render to the city council, bills for the amount of water used by hospitals and institutions granted the use of water free of charge under conditions and terms named herein, which bills shall be promptly paid to the Division of Water out of the general revenue fund of the city upon provision being made therefore by the council.

### **1111.02 Maintenance of privy vaults near watercourses.**

No person shall maintain any privy vault, catch basin, or other receptacle for sanitary or domestic sewage, barnyard, pig sty, hen coop, hog wallow, garbage heap or dump, or rubbish heap or dump within one hundred and fifty feet of any watercourse from which the city takes water for its water supply above the intake of any city water filtration plant or within one hundred fifty feet of the high water mark in any ravine, run, swale, draw, sinkhole, stream, ditch, or other watercourse, whereby water may flow directly or indirectly, permanently or at intervals, into any such watercourse from which the city takes water above the intake of any such plant; provided, that this section shall not apply to the maintenance of any privy vault, catch basin or other receptacle for sanitary or domestic sewage or of any barnyard, pig sty, hen coop, hog wallow, garbage heap or rubbish heap, from which no filthy or unsanitary matter can drain or flow into such stream above the intake of such plant, or into any ravine, run, swale, draw, sinkhole, stream, ditch or other watercourse, whereby such matter may be drained or may flow into any such watercourse above the intake of such plant and the Director of ~~Public Utilities~~ Columbus Water & Power of such city finds such to be the fact; provided further that this section shall apply outside the corporate limits only in those areas in which the city may now or hereafter be authorized by law to regulate.

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### **1111.05 Inspections.**

It shall be unlawful for any person having, owning or using the receptacles referred to in C.C. 1111.04 to refuse to permit the same to be inspected by the Director of ~~Public Utilities~~Columbus Water & Power or by some person duly authorized by the Director to make such inspection.

### **1111.11 Work or construction in or about streams or watercourses.**

No person shall construct any dam, levee, obstruction diminishing the cross section of a stream or watercourse, pier, abutment, bridge, lake, pond, or reservoir in, over, across or about any stream or watercourse, or shall alter the course or channel of any stream or watercourse, or shall widen or deepen any stream or watercourse, or shall perform any other work or construction which diminishes the cross section or capacity of any stream or watercourse without first obtaining a permit to do so from the Director of ~~Public Utilities~~Columbus Water & Power.

Any person desiring to perform any such work or construction shall make application to the Director of ~~Public Utilities~~Columbus Water & Power, accompanied by a fee of two dollars (\$2.00), and a copy of the plans and specifications for such work or construction. The director shall issue a permit to the applicant if he determines that the proposed work or construction will not hinder the free flow of water in the stream or watercourse, will not materially reduce the carrying capacity of the stream or watercourse, will not create a flood hazard to any public or private property in times of high water, will not cause injury to or otherwise adversely affect the rights or property of upper or lower riparian owners, and will not be adverse to the public interest. The director shall not issue a permit if the director determines that the proposed work or construction will hinder the free flow of water in the stream or watercourse, will materially reduce the carrying capacity of the stream or watercourse, will create a flood hazard to any property, public or private, in times of high water, will cause injury to or otherwise adversely affect the rights or property of any upper or lower riparian owner or will be adverse to the public interest.

### **1113.01 Protection against polluted water.**

- (A) If, in the opinion of the administrator of the Division of Water or designees, an approved backflow prevention device is necessary for the safety of the public water system, the administrator of the Division of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at the water consumer's own expense, install an approved device at a location and in a manner approved by the administrator of the Division of Water and shall have inspections and tests made of such approved device as required by the administrator of the Division of Water.
- (B) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of Columbus, Ohio may enter the supply or distribution system of said municipality.
- (C) The Division of Water shall make surveys and investigations of industrial and other properties served by the public water supply where actual or potential hazards to the public water system may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the administrator of the Division of Water shall deem necessary.

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- (D) The administrator of the Division of Water or a duly authorized representative shall have the right to enter any property served by a connection to the city's water supply for the purpose of inspecting the piping system or systems thereof. On request, the owner, lessees or occupants of any property so served shall furnish to the administrator of the Division of Water any information, which the administrator may deem necessary, regarding the piping system or systems or water use on such property. The refusal of such information or entry, when requested, shall, within the discretion of the administrator of the Division of Water, be deemed evidence of the presence of improper connections.
- (E) The administrator of the Division of Water shall be authorized to discontinue, after due notice to the occupants thereof, the water service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as the administrators may deem necessary to eliminate any danger to the city's water supply distribution system. Water service to such property shall not be restored until any such dangerous conditions have been eliminated or corrected in compliance with the provisions of this section.
- (F) The Director of ~~Public Utilities~~Columbus Water & Power shall have the authority as may be necessary in the interest of public safety, health, and general welfare to promulgate rules and regulations, to interpret and implement the provisions of this section and to secure the intent therefor.

### **1113.02 Use of water from fire pipes.**

Water shall not be used from any fire pipe, or extinguisher system, nor seals broken or removed, except in case of fire. In all cases where seals are broken or removed, written notice of the same must be given to the Director of ~~Public Utilities~~Columbus Water & Power within twenty-four (24) hours after its occurrence.

### **1113.03 Obstructing, using or defacing fire hydrants; permits, fees and charges.**

- (A) (1) No person shall in any manner, obstruct or cause to be obstructed, any fire hydrant in the city, nor place or cause to be placed, in or upon any public place or thoroughfare of the city, within ten (10) feet of any fire hydrant any articles, things, materials, dirt, snow or other substances so as to obstruct such hydrant.
- (2) No person other than employees of the City of Columbus, Division of Fire or Division of Water, shall connect any hose with or draw any water from, nor in any way molest or interfere with any of the fire hydrants of the city, without a permit approved by the fire official and the administrator of the Division of Water, or their designees.
- (3) The Fire Official and the Director of ~~the Department of Public Utilities~~Columbus Water & Power shall have authority as may be necessary in the interest of public safety, health and general welfare to promulgate rules and regulations, to interpret and implement the provisions of this chapter, to secure the intent thereof, to establish permit fees and to designate requirements applicable because of climatic or other conditions.
- (4) No person authorized to use a fire hydrant under a permit issued pursuant to (A)(2) above shall violate any of the conditions of the permit or any of the rules or regulations pertaining to said permit.
- (5) Except when authorized by a permit issued pursuant to (A)(2) above, no person shall paint, decorate, deface, or in any manner destroy any fire hydrant in the city.
- (B) Whoever violates Section 1113.03(A)(4), including any prescribed rule or regulation authorized by this chapter, shall be charged for unauthorized use of water through a fire hydrant in the amount of three hundred (\$300.00) dollars per occurrence plus the cost of repair for any damage to the fire hydrant.

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## 1115.02 Scope.

The provisions of this chapter shall be effective within the City of Columbus corporate limits and outside of the corporate limits to the maximum extent allowed by Ohio Revised Code sections 743.25, 3750.11(G), and any other state or federal law. Nothing contained in this chapter shall be construed so as to interfere with any existing or future lawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this ordinance. Nothing contained in this chapter shall be construed so as to interfere with the duties and powers of the Director of ~~Public Utilities~~Columbus Water & Power of the City of Columbus, Ohio.

## 1115.03 Administration.

Except as otherwise provided herein, the Director of ~~Public Utilities~~Columbus Water & Power of the City of Columbus, Ohio, or the Director's designated agents shall administer, implement and enforce the provisions of this chapter.

## 1115.04 Definitions.

As used in the wellfield protection rules:

- (1) "Above-Ground Storage Tank" means a device meeting the definition of "tank" in this rule but which is not an underground storage tank as defined in 1115-04(30) of this Chapter.
- (2) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (3) "Board" means the Board of Wellfield Protection Appeals.
- (4) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42 U.S.C. Sec. 9601 et seq.
- (5) "Certification" means a statement of professional opinion based upon knowledge and belief.
- (6) "Day" means a calendar day.
- (7) "Director" means the Director of ~~Public Utilities~~Columbus Water & Power of the City of Columbus, Ohio, or the Director's designee.
- (8) "Environmental Audit" means an environmental audit as required by Section 1115.08 hereof.
- (9) "Facility" means any premises located in a Wellfield Protection Area the use of which could impact the use of the underlying or adjacent aquifer for public drinking water supply. This definition includes but is not limited to buildings, storage areas, mining or processing operations, septic tanks, farming operations and related activities.
- (10) "Fifty-Five (55) Gallon Drum" means a cylindrical container constructed of steel, plastic, or dense paperboard (commonly called a fiber drum) having a capacity of fifty-five (55) gallons.
- (11) "Ground water" means water below the land surface in a zone of saturation.
- (12) "Hazardous Waste" means a hazardous waste as defined in rule 3745-51-03 of the Ohio Administrative Code or its successors.
- (13) "Journal" means the record or document into which all final actions of the Director are entered as required by section 1115.13 hereof.
- (14) "Mineral Processing Waste" means the sands, fine sands, silts, and clays, and other residual materials generated from on-site mineral processing activities.

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- (15) "Month" means a calendar month.
- (16) "Operator" means any person who is directly responsible for the overall operation of a Facility.
- (17) "OSHA" means the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.
- (18) "Owner" means the person who owns a Facility or part of a Facility.
- (19) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, the state, a municipality, commission, political subdivision of the state, or any interstate body.
- (20) "Regulated Substance" means any substance which the Director has designated and listed as regulated according to the provisions of 1115.06 of this chapter.
- (21) "Request to Use Additional Regulated Substances" means a request to use additional regulated substances as required by Section 1115.08 hereof.
- (22) "Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.
- (23) "SDWA" means the Safe Drinking Water Act, as amended, 42 U.S.C., Sec. 300f et seq.
- (24) "Spill" means the spillage, leaking, pumping, pouring, emitting, or dumping of regulated substances or materials which, when spilled, become regulated substances into or on any land or water.
- (25) "State" means the state of Ohio.
- (26) "Storage" means the holding of regulated substances for a temporary period, at the end of which the regulated substance is treated, disposed of, or stored elsewhere.
- (27) "Tank" means a stationary device, designed to contain an accumulation of Regulated Substances which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.
- (28) "Tank System" means a Regulated Substances storage or treatment tank and its associated ancillary equipment and containment system.
- (29) "TSCA" means the Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.
- (30) "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.
- (31) "Use" means the handling, placement, deposit, production, transportation, processing, transfer, treatment, storage, disposal, maintenance or installation of regulated substances.
- (32) "User" means any person who uses Regulated Substances.
- ~~(33) "Utilities Department" means Department of Public Utilities of the City of Columbus, Ohio.~~
- (3435) "Waste" means a waste as defined in rule 3745-51-02 of the Ohio Administrative Code or its successors. Mining overburden which remains on site shall not be considered waste for purposes of this chapter.
- (356) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from collapsing.
- (367) "Wellfield Protection Area I" or "WPI" means the land area within one thousand (1,000) feet of the outermost wall or casing of any present or future city-owned and operated public water supply well.

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(378) "Wellfield Protection Area II" or "WPII" means the land area surrounding any public water supply wellfield not included in WPI which is delineated by the five-year travel time contour based on the ground water gradients of the area as designated on the Director's hydrogeologic map.

(389) WPI and WPII are hereinafter sometimes referred to as the Wellfield Protection Area or Areas.

(3940) "Year" means a calendar year.

## 1117.01 Definitions.

As used in this chapter:

- (a) "Boardwalk" shall mean an elevated footpath or walkway built to cross Wetlands providing minimal interference to natural hydrology, where the entire structure is supported by posts or screw piles driven into the bottom of the Wetland.
- (b) "Contiguous Landowner" shall include any landowner who owns property that shares a border with Land Stewardship Property.
- (c) "Contiguous Property" shall mean privately owned property that shares a border with Land Stewardship Property.
- (d) "Director" shall mean the Director of ~~the Public Utilities~~Columbus Water & Power~~Department~~ for the City, or any representative the Director so designates.
- (e) "Encroachment" shall mean any unauthorized activity or unauthorized improvement, utility, or any other private structure or property that extends beyond the property line of a Contiguous Property onto Land Stewardship Property.
- (f) "Filtered View Corridor" shall mean gaps in vegetation that provide a view; created through invasive and noxious species removal and selected pruning, limbing, or removal of vegetation on Land Stewardship Property.
- (g) "Land Stewardship Design Standards" shall mean the criteria by which the City will uniformly administer the Land Stewardship Program elements including, but not limited to, an Overland Path, invasive and noxious species removal, Filtered View Corridor, Private Dock, and/or embankment stabilization.
- (h) "Land Stewardship License Agreement" shall mean a revocable License between the City and the eligible Contiguous Landowner that allows certain stewardship activities and improvements pursuant to the criteria set forth in the current Land Stewardship Design Standards. The Land Stewardship License Agreement will include a land stewardship design plan that is site-specific and details the extent and location of the authorized access to the Land Stewardship Property.
- (i) "Land Stewardship Program" shall mean a program administered by ~~the Department of Public Utilities~~Columbus Water & Power that, through a Land Stewardship License Agreement, allows eligible Contiguous Landowners to legally access the Land Stewardship Property for the purposes of establishing and maintaining activities and improvements pursuant to the criteria set forth in the current Land Stewardship Design Standards.
- (j) "Land Stewardship Property" shall mean all city owned and controlled lands adjacent to the Reservoirs, from the dams to the furthest upstream extent of city owned and controlled shores of the incoming tributaries, that have been determined by ~~the Department of Public Utilities~~Columbus Water & Power and Recreation and Parks Department to be eligible for participation in the Land Stewardship Program.
- (k) "License" means permission to conduct certain activities on Land Stewardship Property in accordance with specified terms contained within an associated written agreement.

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- (l) "Overland Path" shall mean a designated route across Land Stewardship Property that provides a Contiguous Landowner Land Stewardship Property access.
  - (m) "Paddlecraft" shall mean canoes, kayaks, paddleboards, and other similar contrivances allowed by the City for use on the Reservoirs. Pedal boats, jon boats, and row boats are not included within this definition.
  - (n) "Permit" means the written permission to maintain certain improvements or objects on Land Stewardship Property in accordance with specified terms.
  - (o) "Person" shall mean an individual, corporation, business trust, estate, trust, partnership, or association and includes any agent, trustee, executor, receiver, assignee, or other legally authorized representative thereof.
  - (p) "Private Dock" shall mean a floating structure or platform designed to provide water access or an area to secure a Vessel, and belonging to a Contiguous Landowner.
  - (q) "Private Stake" shall mean a wooden, metal, or alternate material post driven into the ground with the intended purpose of securing a Vessel by chain, rope, or cable.
  - (r) "Reservoirs" shall mean the Hoover, Griggs, and O'Shaughnessy water supply reservoirs.
  - (s) "Steps" shall mean relatively long treads and short risers, typically installed resting on the ground on a gradual slope.
  - (t) "Stairs" shall mean risers and treads supported by a continuous panel called a stringer, as well as any connected landings and platforms.
  - (u) "Streams" shall mean a water body which features a bed and bank and has surface water flowing occasionally or year-round. These include water bodies defined as ephemeral, intermittent, and perennial streams by the United States Army Corps of Engineers (USACE).
  - (v) "Vegetation Management" shall mean the planting, removal, physical or chemical alteration of existing native or non-native vegetation.
  - (w) "Vessel" shall mean every description of contrivance allowed by the City for use on the respective Reservoirs.
  - (x) "Watershed Management Section" shall mean the personnel and work section under ~~the City of Columbus, Department of Public Utilities~~ Columbus Water & Power, Division of Water.
  - (y) "Wetland" shall mean, as defined by the USACE, an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### **1117.05 Land Stewardship Program.**

- (A) Designation of Land Stewardship Property.
  - 1) The Director shall designate areas of the Reservoirs as eligible for participation in the Land Stewardship Program by a Contiguous Landowner.
  - 2) Changes to the Land Stewardship Program or eligible areas of Land Stewardship Property shall be jointly reviewed and approved by the Recreation and Parks Department and ~~the Department of Public Utilities~~ Columbus Water & Power.
  - 3) Any Land Stewardship Property that does not have an associated valid Land Stewardship License Agreement shall not be managed, maintained, or altered in any way, per CCC 1117.05(D), by a Contiguous Landowner without prior written permission from the Director.

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- 4) A valid Land Stewardship License Agreement shall be required prior to any Permit issuance including, but not limited to, a Private Dock Permit, Private Stake Permit, Steps Permit, Stairs Permit, Paddlecraft Storage Permit, or Boardwalk Permit.
  - 5) The terms of the Land Stewardship License Agreement shall designate all permissible uses, activities, and improvements on Land Stewardship Property. Any use, activity, or improvement that is not specifically authorized by the terms of the Land Stewardship License Agreement is prohibited, including but not limited to, alteration, cutting, mowing, trimming, gathering, collecting or taking possession of any grass, vegetation, flowers, trees or parts thereof, or other naturally occurring materials, the use of any chemical, including but not limited to, pesticides, fertilizers, or herbicides, physical harm to any natural formations, mineral deposits, historical or archeological features; construction or creation of any structures trails, paths, roads, or landscape features; alteration of any natural habitat or terrain including the deposition of waste or fill; removal, replacement, creation, or enhancement of any shore-bound or Reservoir habitats; planting or cultivation of seeds or vegetation, or any act that will pollute or otherwise harm the Reservoirs.
- (B) Licenses and Permits.
- 1) The Director may enter into License Agreements and issue Permits as provided by this chapter and by rules and regulations adopted pursuant to this chapter. Such License Agreements and Permits shall include, but not necessarily be limited to, a Land Stewardship License Agreement, Private Dock Permit, Private Stake Permit, Steps Permit, Stairs Permit, Paddlecraft Storage Permit, or Boardwalk Permit.
    - (a) The Director may adopt rules and regulations to establish and collect Permit fees as the Director determines necessary for the purposes of this chapter.
    - (b) The Director may adopt rules and regulations to establish Land Stewardship License Agreement and Permit liability insurance requirements as the Director determines necessary for the purposes of this chapter.
  - 2) The Director retains the unilateral right to decline to enter into Land Stewardship License Agreements and to decline to issue Permits.
  - 3) The Director has the unilateral right to temporarily or permanently suspend, terminate, or revoke any Land Stewardship License Agreement or Permit issued under this chapter upon providing a thirty (30) day notification.
  - 4) A violation of any term of a Land Stewardship License Agreement or Permit may result in the immediate suspension, termination, or revocation of the Land Stewardship License Agreement or Permit, as applicable.
- (C) Permitting of Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, or Boardwalks.
- 1) Permits shall be issued on a form prepared by ~~the Department~~ Columbus Water & Power for that purpose. Permits shall be non-transferable by assignment, loan, sublease, or other means.
    - (a) Permits may issue to allow for the following improvements: Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, or Boardwalks. The permitted improvements are to be privately constructed and maintained by the permittee, and they may extend over or on the Land Stewardship Property and/or Reservoir, whether extending from the Contiguous Property or the Land Stewardship Property.
    - (b) Effective January 1, 2022, new Private Stakes Permits will not be issued. However, Permits for Private Stakes may be renewed by eligible Contiguous Landowners where the Contiguous Property ownership has not changed hands.
  - 2) Any Permit granted hereunder shall be for the sole benefit of the permittee and the permittee's guests. A Permit will only be issued to the Contiguous Landowner whose name(s) appears on the property

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- deed of the Contiguous Property. Land Stewardship License Agreements and Permits will automatically terminate upon a transfer of the licensee or permittee's title ownership of the Contiguous Property.
- 3) Permits shall be signed by the owner(s) of the Contiguous Property. Individuals signing on behalf of a business, company, association, or corporate entity must provide satisfactory proof of authority to sign as an agent of the business, association, company, or corporate entity.
  - 4) The permittee shall, on behalf of the permittee and on behalf of permittee's guests, agree to abide by all applicable local, state, and federal rules, laws, and regulations relative to the permittee's or guest's conduct, their use and operation of any Vessel, use of all Reservoirs, adjacent parklands, Land Stewardship Property, and approved improvements. Furthermore, the permittee shall agree to assume the defense of and to indemnify and save harmless the City from any and all claims, suits, loss or damage or injury to person(s) or property of any kind or nature whatsoever arising in the use or operation of any Vessel, Private Dock, Private Stake, Steps, Stairs, Paddlecraft Storage, or Boardwalk.
  - 5) Permits issued for a Private Dock, Private Stake, or Paddlecraft Storage shall be valid for a one (1) calendar year period. These Permits must be renewed within ninety (90) days from expiration of the current Permit.
  - 6) Permits issued for Steps, Stairs, or Boardwalks shall be valid for a five (5) calendar year period. These Permits must be renewed within ninety (90) days from expiration of the current Permit.
  - 7) Requests to install, replace, repair, or make alterations to Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, or Boardwalks must be submitted to the Watershed Management Section on a form prepared by ~~the Department~~ Columbus Water & Power for that purpose. All such improvements must comply with applicable local, state, and federal rules, laws, and regulations. When in conflict, whichever code is more restrictive takes precedence. The Director must approve any proposed work in writing prior to commencement of activities.
  - 8) Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, or Boardwalks authorized prior to January 1, 2022 that are not in conformance with current Land Stewardship Design Standards are subject to inspection and may be required to be modified prior to being issued a Permit or renewal Permit.
  - 9) Upon cancellation, termination, or expiration of the Land Stewardship License Agreement or applicable permit not related to a change in ownership, all Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, Boardwalks, improvements, utilities, or any other private structures or property shall be removed by the Contiguous Landowner originally granted permission to make the improvements, at their expense. Where a change in ownership results in the termination of a Land Stewardship License Agreement and Permits, improvements may be left in place if they comply with the then-current Land Stewardship Design Standards and if the new Contiguous Landowner obtains a Land Stewardship License Agreement and any Permit that may be required.
  - 10) Any and all Encroachment-related issues must be fully resolved to the satisfaction of the City before a Land Stewardship License Agreement may be obtained and before any permission, License, or Permit may be granted.
  - 11) In addition to all other applicable Permit requirements, unless otherwise provided herein, no Vessel(s) or Paddlecraft other than those designated on the Permit shall be tied or stored at the designated Private Dock, Private Stake, or Paddlecraft storage area. The permittee of a Private Dock, Private Stake, or Paddlecraft Storage Permit must prove ownership of a Vessel or Paddlecraft that bears a Hull Identification Number (HIN) recognized by the United States Coast Guard by presenting to ~~the Department~~ Columbus Water & Power the current state of Ohio registration certificate or a copy thereof for the Vessel(s) to be tied or stored at the Private Dock, Private Stake or Paddlecraft Storage area.
    - (a) The Director may approve temporary docking or storage privileges for Private Dock, Private Stake, or Paddlecraft Storage permittees, not to exceed thirty (30) days in a boating season.

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- (b) The Director may consider applicants using leased Vessel(s) or Paddlecraft for Private Docks, Private Stakes, or Paddlecraft Storage with proper proof of the lease agreement, current registration and ownership of the leased Vessel(s) or Paddlecraft.
  - (c) Additional Vessel(s) or Paddlecraft registered to the same permittee may be considered.
- (D) Authorization to Install or Maintain Overland Paths, Filtered View Corridors, Stream or Wetland Crossings, or Vegetation Management.
- 1) Overland Paths, Filtered View Corridors, Stream or Wetland Crossings, or Vegetation Management may be authorized as provided for in a valid Land Stewardship License Agreement.
- (E) Abandonment and Removal. Private Docks, Private Stakes, Steps, Stairs, Paddlecraft Storage, Boardwalks, or any other improvements, utilities, or any other private structures or property on Land Stewardship Property without the valid Land Stewardship License Agreement or Permit will be considered abandoned by the owner and is subject to immediate removal from Land Stewardship Property.

### **1117.06 Land Stewardship Fund.**

The City Auditor has been authorized and directed to establish a special purpose subfund to be known as the "Land Stewardship Fund". The Director may receive contributions which shall be deposited with the City Treasurer in the Land Stewardship Fund.

Any funds, fees, civil damages, or other moneys received or recovered through the administration, implementation, and enforcement of the provisions of this chapter or by rules and regulations promulgated or policies adopted pursuant to this chapter, shall be deposited in the Land Stewardship Fund.

Expenditures from the Land Stewardship Fund can be used only for the administration, implementation, or enforcement of the Land Stewardship Program, or water quality and water supply best management practices designed to protect, enhance, or expand the Reservoirs and Land Stewardship Property. Expenditures shall be made only upon a warrant approved by the City Auditor.

~~The Department of Public Utilities~~ Columbus Water & Power shall keep a separate account of all receipts and expenditures of the Land Stewardship Fund.

### **1119.01 Purpose and Objectives.**

The purpose of chapter 1119 of the Columbus City Codes is to establish the Lead Service Line Replacement Program, to protect the public health, and to authorize the Director of ~~the Department of Public Utilities~~ Columbus Water & Power to administer and enforce chapter 1119. The provisions of Columbus City Codes chapter 1119 shall be applicable to service lines that are connected to the water service system of the Division of Water. The objectives of this chapter are:

- (A) To protect the public health by decreasing the public's potential exposure to lead in drinking water;
- (B) To protect the Division of Water operations; and
- (C) To establish requirements for the replacement of Lead Service Lines, within the corporate limits that receive water service from the system of the Division of Water.

### **1119.04 Lead Service Line Replacement Program.**

- (A) The Lead Service Line Replacement Program is hereby established for the purpose of abating the public nuisance caused by Lead Service Lines. The Director of ~~the Department of Public Utilities~~ Columbus Water &

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Power may develop rules and regulations to implement the Lead Service Line Replacement Program and set forth guidelines for replacing all Lead Service Lines within the water system of the Division of Water.

- (B) The Director may update the Lead Service Line Replacement Program rules and regulations, as necessary, to comply with changes to federal or state law, regulation or rule or in response to operational needs of ~~the Department of Public Utilities~~Columbus Water & Power.
- (C) City contribution to or payment for Lead Service Line replacement costs incurred pursuant to the Lead Service Line Replacement Program shall be determined in accordance with the Lead Service Line Replacement Program rules and regulations.
- (D) The property owner shall be responsible for the maintenance of any new service line provided pursuant to the Lead Service Line Replacement Program. Any costs of repair, replacement, or maintenance incurred after the replacement of the service line by the City shall be paid by the owner and shall not be subject to reimbursement by the City. The City will, if applicable, transfer any warranty for the work to the owner of the property.

### **1119.07 Powers of the Director.**

The Director of ~~the Department of Public Utilities~~Columbus Water & Power may promulgate rules and regulations and adopt policies as necessary to enforce or implement the provisions of chapter 1119. Rules or Regulations promulgated pursuant to this chapter shall be published in the City Bulletin, with copies made available for public review at the Director's office and other locations which may be designated by the Director. Nothing in this chapter shall be construed to require the Director or any person acting under the direction or authorization of the Director in carrying out the provisions of this chapter to obtain a certificate of appropriateness or approval under Title 31, Title 33, or Title 34.

### **1119.09 Legal Action.**

No person shall fail to comply with any Rule or Regulation adopted by the Director of ~~the Department of Public Utilities~~Columbus Water & Power pursuant to this chapter. Whenever a person has violated any provision(s) of this chapter, the City may seek any and all remedies otherwise allowed by law, including, but not limited to, disconnection of service, seeking injunctive relief against said person, and/or a civil action for damages.

### **1119.10 Lead Elimination Assistance Program.**

A lead elimination assistance program is hereby established for the purpose of assisting property owners in funding the replacement of their Lead Service Lines, as defined in Section 1119.02. The Director of ~~the Department of Public Utilities~~Columbus Water & Power is authorized to promulgate rules and regulations necessary to implement and administer the program. Notwithstanding any other sections of the city codes, the Director's rules and regulations may provide for deferral of the payment of costs associated with the replacement of private Lead Service Lines. The rules and regulations may also establish eligibility requirements and/or administrative fees for the program and may establish a loan program for property owners to assist those property owners with the replacement of their Lead Service Lines, with the repayment of costs deferred until the property is sold, transferred, or no longer used as a private residence. Repayment of loans and replacement costs will be secured through a mortgage recorded against the property.

### **1131.02 Application for sewer contractor authorization.**

No person shall work on City of Columbus sewer line systems without first obtaining the following:

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- (a) Authorization from the director of ~~public utilities~~Columbus Water & Power to work on such lines; and
  - (b) A license issued as prescribed in Chapter 4114 through the board of review of plumbing and sewer contractors and of journeymen plumbers.

The director shall adopt rules setting forth the minimum standards based on qualifications and experience for granting such authorizations.

### **1131.05 License suspension or revocation.**

Any authorization or license provided for in this chapter may be suspended by the administrator of the division of water reclamation or the board of review of plumbing and sewer contractors and of journeymen plumbers for the violation of any of the rules or regulations of ~~the Department of Public Utilities~~Columbus Water & Power relative to sewer building in the city, and no permit shall be issued until such times as the violations are corrected to the satisfaction of the administrator of the division of water reclamation.

Any authorization or license provided for in this chapter may at any time be revoked for incompetence, fraudulent use or a violation of the law of the state or the ordinances of the city relative to sewer building as prescribed in Chapter 4114. After revocation, no authorization or license shall be issued to such party until at least one (1) calendar year has elapsed.

### **1133.07 Permits.**

No person shall open any public right of way, easement, or private property for the purpose of constructing, reconstructing, repairing, locating or cleaning any sewer or service lateral without obtaining a permit from the Division of Water Reclamation, before the work is started. Failure to do so will result in a penalty as described in Section 1133.99. Each permit application shall be accompanied by a non-refundable fee of eighty-five (\$85.00) dollars and shall be paid to the Division of Water Reclamation, and deposited with the City Treasurer to the credit of the Sewer Operating Fund. All permits shall expire ninety (90) days from the date of issuance. Permits may not be transferred. No person acting under the direction or authorization of the Director of ~~Public Utilities~~Columbus Water & Power shall be required to obtain a certificate of appropriateness under Title 31, Title 33, or Title 34.

### **1137.01 Tapping sewer where property not assessed.**

Upon application to tap any sewer built by the city for the purpose of draining the service lateral of any property directly into such sewer, the Director of ~~Public Utilities~~Columbus Water & Power shall require a fee of forty-five dollars (\$45.00) per foot of width of front-footage be paid for the privilege of making such a direct connection from the service lateral to the main or lateral sewer before a permit is issued. This charge shall not be imposed if the owner of the property concerned can show that the owner or the owner's predecessor in title paid, or is paying a special assessment for the construction of the sewer to be tapped or that the sewer to be tapped was constructed at no expense to the sanitary enterprise fund. The number of feet to be paid for shall be determined by one of the following applicable methods:

- (1) Lots or parcels of ground having the same width at the front and rear and the same depth on each shall be charged for on the basis of the actual frontage.
- (2) Lots or parcels of ground which are irregular shape shall be charged for on the basis of the width of the property as measured on a line forty (40) feet from the front lot line and parallel to the center line of the street upon which property is to face, except that for lots or parcels of ground having curved frontage the width to be charged for shall be measured on a line parallel to and forty (40) feet distant

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from a line tangent to the curved frontage at a point midway between the sides of the lots or parcels of ground.

The width of front-footage to be paid for shall be determined by the use of an engineer's scale applied to the record drawings of the sewers sought to be tapped, on file in the office of the Division of Water Reclamation, and the widths so determined by the clerk issuing the permit shall be final. The amounts collected shall be deposited to the credit of the sewer fund.

### **1137.05 Well water used for cooling purposes.**

The use of water from any well for cooling purposes in the city shall be returned to the earth by means of an additional well for such purpose. All such wells and return wells shall be installed, cased, maintained and operated under rules established by the Ohio Department of Natural Resources, Division of Water, and with the approval of the Director of ~~Public Utilities~~Columbus Water & Power. However, if the flow from such cooling system is within a quantity and quality so as to not interfere with the operation of or cause damage to the sewer or drainage system of the city, any person operating such cooling system may, upon the issuing of a permit by the Director of ~~Public Utilities~~Columbus Water & Power, on the recommendation of the Administrator of the Division of Water, convey such water through a meter to the sewerage or drainage system of the city. The meter shall be installed by and at the expense of the owner under the supervision of the Director of ~~Public Utilities~~Columbus Water & Power and be read by the regular water meter readers of the city quarterly and be billed and paid for under the same rules and regulations as are provided for by the Division of Water for the sale of water. Such amounts when paid shall be deposited to the city treasury and credited to the sewer fund.

In addition to any penalty prescribed for violation of this section, any person who fails to pay the charge as herein levied and assessed for the conveying of water into the sewer or drainage system within ten (10) days from the date the charge shall be due and payable and subject to having the conveyance pipe disconnected until such person shall have paid all amounts due.

### **1141.02 Connections with city sewers.**

The Director of ~~Public Utilities~~Columbus Water & Power is authorized and directed for and on behalf of the city to enter into agreements with any person, hereinafter referred to as the owner, for the construction of private sewers by a licensed sewer contractor in public streets, alleys and other public places or in easements across private property in the city, for purpose of providing sewer service to a property where service is not available, is not adequate or is inaccessible, subject to the following requirements.

### **1141.12 Dedication to city.**

The owner shall dedicate the privately constructed sewer to the city, subject to its acceptance, following which the city shall be responsible for all maintenance and repair.

Prior to requesting the city to accept a dedication of a private sewer, the owner shall perform a video inspection of the interior of the pipe and a visual inspection of all maintenance holes, castings and surface areas over the trench of the installation. The owner shall then, at the owner's expense, make all necessary repairs. If the owner cannot be located or if the owner is unable to perform this work, the city will have the work completed and charged against the maintenance deposit.

Prior to dedication to the city, the city may, provided access to the sewer is available through the maintenance holes and subject to the approval of the Administrator for the Division of Water Reclamation, assume responsibility for the cleaning and removal of any stoppages that may occur, but all other maintenance and repair

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work required to keep the sewer in operation shall be the responsibility of the owner. The owner will be required to reimburse the city for all time and materials involved in cleaning the privately constructed sewer from the maintenance deposit.

If the owner fails to dedicate the privately constructed sewer to the city within the five (5) year period because all the possible connections have not been made, or for any other reasonable explanation, an extension of one additional five (5) year period may be granted by the city but only upon the basis of a written application submitted to the Director of Public Utilities Columbus Water & Power prior to the expiration of the first mentioned five (5) year period.

The owner of a privately constructed sewer may request the city to accept a dedication of the sewer as follows:

1. The one year warranty of the privately constructed sewer has expired.
2. All possible connections to the privately constructed sewer have been completed.
3. The city will assume ownership after expiration of the five (5) year period.

If dedication of the privately constructed sewer is not made, or an application for a time extension is not made or if such extension of time is not granted, or if the owner fails to dedicate the sewer within any extension of time that may be granted, then, upon the expiration of the five (5) year period, or upon the expiration of any extension of time, the sewer, together with all the rights and obligations of the owner shall, then, and thereafter become the responsibility of the city, unless the private sewer agreement entered into by the city and the owner provides otherwise.

## **1145.02 Definitions.**

Whenever used in this Chapter 1145, the meaning of the following words and terms shall be as defined in this section:

**1145.02.001 Amalgam or mercury amalgam:** Any of various alloys of mercury with other metals, especially an alloy of mercury and silver used in dental fillings.

**1145.02.002 Approved laboratory procedures:** The measurements, tests, and analyses of characteristics of water and wastes in accordance with analytical Federal guidelines as established in Title 40, Code of Federal Regulations (CFR) Part 136; or when none exists, as required by, or approved by, the regional Administrator of the United States Environmental Protection Agency; or when none exists, by the State of Ohio, or the Director.

**1145.02.003 Authorized or duly authorized representative of the user:**

- (A) If the user is a corporation:
- (1) The president, secretary, treasurer, or a 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
  - (2) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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- (B) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (C) If the user is a federal, state, or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (D) The individuals described in paragraphs A through C, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Columbus.

1145.02.004 **Best management practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 3745-3-04 of the Ohio Administrative Code. 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 materials storage.

1145.02.005 **Biodegradable:** Any material capable of being decomposed by biological agents especially bacteria and is easily broken down by biologic processes to nontoxic substances that exert an acceptable oxygen demand or nondeleterious effect on the receiving environment.

1145.02.006 **BOD or Biochemical oxygen demand:** The quantity of oxygen utilized in the biochemical oxidation of organic and inorganic matter in five (5) days at twenty (20) degrees C in accordance with an approved test procedure. At the Director's discretion, CBOD may be used as a substitute for BOD for the purpose of determining the organic strength of wastewater.

- (A) Carbonaceous Biochemical Oxygen Demand (CBOD): The biochemical oxygen demand of carbonaceous sources. This differs from BOD in that BOD measures both nitrogenous and carbonaceous sources, whereas CBOD excludes nitrogenous sources (e.g., nitrifying bacteria) from determination through the addition of a nitrification inhibitor.

1145.02.007 **Bypass:** The intentional diversion of wastestreams from any portion of a user's treatment facility.

1145.02.008 **Categorical industrial user:** An industrial user subject to a categorical pretreatment standard or categorical standard.

1145.02.009 **Categorical pretreatment standard:** Any regulation containing pollutant discharge limits enacted by USEPA in accordance with section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317(b) and (c)) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.

1145.02.010 **CFR:** Code of Federal Regulations.

1145.02.011 **City:** The City of Columbus, Ohio.

1145.02.012 **City of Columbus Construction and Material Specifications:** A manual compiled by the department of public service, which outlines specifications for construction of public works for the City of Columbus.

1145.02.013 **Clean Water Act or CWA:** Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. Sec. 1251 et seq., 86 Statutes 816, Public Law 92-500.

1145.02.014 **COD or Chemical oxygen demand:** A quantitative measure of the oxygen equivalent of the organic matter present in a sample that is susceptible to oxidation by a strong chemical oxidant in accordance with an approved test procedure.

1145.02.015 **Combined sewer:** A sewer, which was designed to carry sanitary wastewater and stormwater to the POTW or waters of the state.

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1145.02.016 **Combined wastewater:** Wastewater including any combination of sanitary wastewater and stormwater carried to the POTW water reclamation plants by a sewer.

1145.02.017 **Commercial Activity Areas** — Outdoor areas where the following activities are conducted and are exposed to stormwater:

- (A) Processing, manufacturing, fabrication, cleaning, or other permanent outdoor equipment or work areas,
- (B) Areas where vehicles and equipment are repaired, maintained, stored, disassembled, or disposed, and
- (C) Areas where high-risk materials, as defined by the Director, are handled and stored, including but not limited to loading docks, fuel and other liquid storage/dispensing facilities; material bins, containers, stockpiles, and other storage containers; and waste dumpsters, bins, cans, tanks, stockpiles, and other waste containers.

1145.02.018 **Composite sample:** A combination of individual samples representative of water or wastewater taken at preselected intervals to minimize the effect of the variability of the individual sample. Composite samples may be collected as either:

- (A) Flow proportional composite samples—collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each sample as the flow increases while maintaining a constant time interval between the samples.
- (B) Time proportional composite samples—composed of discrete samples collected in one (1) container at constant time intervals providing representative samples irrespective of flow.

1145.02.019 **Cooling water:** Water used for contact and noncontact cooling, including, but not limited to, water used for equipment cooling, evaporative cooling tower makeup, or reduction of effluent heat content.

1145.02.020 **Daily maximum:** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

1145.02.021 **Daily maximum limit:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

1145.02.022 **Day:** Calendar day.

1145.02.023 **Decontamination wastewater:** Wastewater generated during the process of neutralizing contaminants that have accumulated on personnel or equipment due to a nuclear, biological or chemical emergency.

1145.02.024 **Deleterious substance:** Any material which may be harmful to the POTW, the POTW water reclamation plant processes, the health and safety of POTW workers, and the POTW effluents or residual products.

1145.02.025 **Department:** ~~The Department of Public Utilities~~ Columbus Water & Power, City of Columbus, Ohio.

1145.02.026 **Director:** ~~The Director of the Department of Public Utilities~~ Columbus Water & Power, City of Columbus, or designee.

1145.02.027 **Discharge:** The introduction of liquids or wastes into the sewer system.

1145.02.028 **DWR:** Division of Water Reclamation.

1145.02.029 **Domestic origin waste:** Waste materials that originate solely from domestic wastewater which are removed from sewage disposal systems such as septic tanks, aeration systems, portable toilets, and sewage holding tanks.

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1145.02.030 **Domestic wastewater:** Wastewater derived solely from household sources, business buildings, and institutions, exclusive of any industrial wastewater.

1145.02.031 **Downspout:** A vertical structure used to drain rain collected in gutters from a roof to the ground.

1145.02.032 **Existing source:** Any source of discharge that is not a "new source".

1145.02.033 **Extra-strength:** Any discharge to the POTW that has strength characteristics, which exceed two hundred fifty (250) mg/l of BOD<sup>5</sup>, four hundred fifty (450) mg/l of COD, one hundred forty-five (145) mg/L of TOC, three hundred (300) mg/l of Total Suspended Solids (TSS), or forty (40) mg/l of Total Kjeldahl Nitrogen (TKN).

1145.02.034 **Foundation drain:** A drainage system for the lowest portion of a structure, typically a basement.

1145.02.035 **Fats, oils and grease or FOG:** a semi-solid, viscous liquid organic polar compound derived from petroleum, animal or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 Code of Federal Regulations (CFR) Part 136, as may be amended.

1145.02.036 **Flammable:** Any substance that has a flashpoint of less than or equal to one hundred forty (140) degrees Fahrenheit.

1145.02.037 **FSO or food service operation:** A commercial facility engaged in preparing or serving food for consumption by the public, such as but not limited to: restaurant, commercial kitchen, cafeterias, nightclubs, delicatessen, meat cutting-preparation, bakeries, bagel shops, grocery stores, caterer, hotel, school, hospital, correctional facility or care institution.

1145.02.038 **Grab sample:** A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

1145.02.039 **Grease-laden waste:** Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

1145.02.040 **Grease Interceptor:** Fats, oils and greases (FOG) disposal system. A plumbing appurtenance that reduces nonpetroleum fats, oils and greases in effluent by separation or mass and volume reduction.

- (A) **Gravity:** Plumbing appurtenances of not less than 500 gallons (1893 L) capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
- (B) **Hydromechanical:** Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

1145.02.041 **Grease Removal Device, Automatic (GRD):** A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

1145.02.042 **Hazardous waste:** A waste, as defined by Ohio Administrative Code Rule 3745-51-03.

1145.02.043 **Household sources:** Any source of wastewater limited to sanitary wastes from single and multiple family residences, hotels, motels, crew quarters, camp grounds, picnic grounds, or day use recreation areas. Household sources shall not include any industrial or commercial process wastewater.

1145.02.044 **Illicit discharge:** Discharge of any pollutant to the stormwater drainage system that occurs or may occur unless the discharge is authorized under a discharge permit issued by the Ohio EPA.

1145.02.045 **Incompatible:** Any wastewater or other substance that is deleterious or which degrades the quality of the POTW effluent or its sludges and residual products.

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1145.02.046 **Indirect discharge** or **discharge**: The introduction of pollutants into the POTW from any nondomestic source.

1145.02.047 **Industrial cost recovery**: The system for recovery of the industrial portion of the United States Environmental Protection Agency Project Grant Funds, as required by CFR Title 40 or subsequent revisions.

1145.02.048 **Industrial user** or **IU**: Any user who discharges, or permits the discharge of industrial wastewater to the city's POTW.

1145.02.049 **Industrial wastewater**: Any combination of liquid and water-carried wastes, discharged from any industrial or commercial establishment, and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water. Any wastewater from nondomestic sources.

1145.02.050 **Infiltration**: Stormwater and groundwater that enters a sanitary sewer system through such means as, but not limited to, defective pipes, pipe joints, connections, or maintenance hole walls. Infiltration does not include, and is distinguished from, inflow.

1145.02.051 **Inflow**: Stormwater and groundwater that enters a sanitary sewer system, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas; maintenance hole covers; cross connections from storm sewers; combined sewers; catch basins; storm waters; surface runoff; street wash-waters; or drainage. Inflow does not include, and is distinguished from, infiltration.

1145.02.052 **Inflow and Infiltration** or **I/I**: The total quantity of water from both infiltration and inflow entering a sanitary sewer system without distinguishing the source.

1145.02.053 **Instantaneous limit**: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

1145.02.054 **Interference**: A discharge which, alone or in conjunction with the discharge or discharges from other sources, either:

- (A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal.
- (B) 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) or of the prevention of sewage sludge use or disposal in compliance with state and federal statutory provisions and regulations or permits issued thereunder.

1145.02.055 **Local limit**: Specific discharge limits developed and enforced by the City of Columbus upon industrial or commercial facilities or users to implement the general and specific discharge prohibitions pursuant to Section 1145.23 of this chapter.

1145.02.056 **Medical waste**: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, hypodermic needles, disposable scalpels, and other sharp implements used in medical care, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

1145.02.057 **Monthly average**: The sum of all "daily discharges" measured during a calendar month by dividing by the number of "daily discharges" measured during that month.

1145.02.058 **Monthly average limit**: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

1145.02.059 **mg/l**: Milligrams per liter.

1145.02.060 **Monitoring facility**: A site accessible to the city for the collection of samples, flow data, or other parameters representative of the user's discharge to the POTW.

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1145.02.061 **MS4**: an acronym for "municipal separate storm sewer system" and is used to refer to the storm sewer owned or operated by the city.

1145.02.062 **Natural outlet**: Any outlet for discharge of stormwater into a watercourse, pond, ditch, lake, or other body of surface water.

1145.02.063 **New source**:

- (A) Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Clean Water Act (33 U.S.C. Section 1317(c)) which will be applicable to such source, if such standards are thereafter enacted in accordance with that section, provided that:
  - (1) The building, structure, facility or installation is constructed at a site which no other source is located; or
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the above criteria are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.
- (B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility, or installation meeting the criteria of Section (A)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous onsite construction program
    - (a) Any placement, assembly, or installation of facilities or equipment; or
    - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

1145.02.064 **Noncompliance**: Any violation of this chapter.

1145.02.065 **Nondomestic user**: Any user, which discharges wastewater other than from household sources.

1145.02.066 **NPDES**: National Pollutant Discharge Elimination System.

1145.02.067 **NPDES permit**: A permit issued to the city pursuant to Section 402 of the Clean Water Act.

1145.02.068 **Oil**: Any vegetable, mineral, animal, or synthetic substance which are generally slippery, combustible, viscous, liquid or liquefiable, soluble in various organic solvents or water.

1145.02.069 **Operator**: The person responsible for the overall operation of a facility.

1145.02.070 **ORC**: Ohio Revised Code.

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1145.02.071 **Organic:** Any compound containing carbon in any form other than carbonate.

1145.02.072 **Owner:** The person who owns a facility, or any part of a facility.

1145.02.073 **Pass-through:** A discharge which exits the POTW into the waters of the United States 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).

1145.02.074 **Person:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

1145.02.075 **pH:** The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

1145.02.076 **Pollution:** The artificial alteration of the chemical, physical, biological, or radiological integrity of water.

1145.02.077 **POTW or publicly owned treatment works:** A treatment works owned by the City of Columbus as defined by Section 212 of the Clean Water Act (33 U.S.C Section 1292). This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature, including sewers, pipes and other conveyances that convey wastewater to a POTW water reclamation plant.

1145.02.078 **Post-construction Stormwater Control Practice** — Is a permanent, structural practice intended to capture or treat stormwater runoff; reduce stormwater runoff rate or volume; or minimize contact between pollutant sources and precipitation or runoff.

1145.02.079 **POTW water reclamation plant:** That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

1145.02.080 **Pretreatment:** The reduction of 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 such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

1145.02.081 **Pretreatment requirements:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

1145.02.082 **Pretreatment standards or standards:** Shall include prohibited discharge standards, categorical pretreatment standards, and local limits as defined herein.

1145.02.083 **Private Sanitary Lateral:** The pipe carrying wastewater from a building to the sanitary sewer.

1145.02.084 **Prohibited discharge standards or prohibited discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1145.20 of this chapter, as well as, regulations adopted by the Director.

1145.02.085 **Public sewer:** Any sewer owned by the city, suburb, or entity contracting with the city, including storm, sanitary, or combined sewers.

1145.02.086 **Radioactive:** The property of a material providing spontaneous decay or disintegration of an unstable, atomic nucleus, accompanied by the emission of radiation.

1145.02.087 **RCRA or Resource Conservation and Recovery Act:** The Solid Waste Disposal Act (SWDA), as amended by the Resource Conservation and Recovery Act of 1976 and amendments to the Act, 42 U.S.C. Sec. 6901 et seq.

1145.02.088 **Rehabilitate:** To repair an existing sewer line.

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1145.02.089 **Replace:** To put something new in the place of.

1145.02.090 **Surface runoff:** The flow of water, from rain, snowmelt, or other sources, over land.

1145.02.091 **SDWA:** Safe Drinking Water Act, as amended, 42 U.S.C. Sec. 300f et seq.

1145.02.092 **Sanitary sewer:** A sewer which by design is intended to carry sanitary wastewater or industrial wastes into which storm, surface and ground waters are not intentionally admitted.

1145.02.093 **Sanitary Sewer Overflow** or **SSO:** An overflow, spill or release of wastewater from the separate sanitary sewer system into the environment.

1145.02.094 **Sanitary wastewater:** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities of dwellings, office buildings, industrial plants or institutions.

1145.02.095 **Septic tank waste:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

1145.02.096 **Sewage:** Human excrement and gray water (household showers, dishwashing operations, etc.).

1145.02.097 **Sewer collection system, sewer system or collection system:** All of the facilities required to transport stormwater, sanitary wastewater or combined wastewater from the source to the POTW water reclamation plant or waters of the state.

1145.02.098 **Sewer service charge:** The total monetary amount billable to a user for the provision of wastewater treatment and related activities.

1145.02.099 **Significant industrial user** or **SIU:** Except as provided in paragraphs (C) and (D) of this section, a significant industrial user is:

- (A) An industrial user subject to categorical pretreatment standards; or
- (B) An industrial user that:
  - (1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW water reclamation plant; or
  - (3) Is designated as such by the City of Columbus on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**Non-significant categorical industrial user**

- (C) The City of Columbus may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and the following conditions are met:
  - (1) The industrial user, prior to the City of Columbus' finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (2) The industrial user annually submits the certification statement required in Section 1145.59(B), together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
  - (4) The industrial user is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the following conditions are met:

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- (a) The industrial user does not discharge wastewater regulated by categorical pretreatment standards at any time; or
  - (b) The industrial user has not been in significant noncompliance, as defined in OAC 3745-3-03(C)(2)(h) for any time in the past two (2) years.
- (D) Upon a finding that a user meeting the criteria in Subsection (B) under the definition of significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Columbus may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**1145.02.100 Slug load or slug discharge:** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 1145.20 of this chapter, as well as, regulations adopted by the Director. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has the reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

**1145.02.101 Standard:** Any limit or prohibition on discharges as provided for by this chapter.

**1145.02.102 SIC or Standard industrial classification:** A classification pursuant to the most current edition of the Federal Standard Industrial Classification Manual and North American Industrial Classification System, as published by the Executive Office of the President, Office of Management and Budget.

**1145.02.103 Standard methods:** Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. References are to the current edition unless otherwise indicated.

**1145.02.104 Standard strength:** Wastewater of strength equivalent to domestic wastewater, i.e. having BOD of two hundred fifty (250) mg/l or less; COD of four hundred fifty (450) mg/l or less; TOC of one hundred forty-five (145) mg/L or less, TSS of three hundred (300) mg/l or less; and TKN of forty (40) mg/l or less.

**1145.02.105 S.U.:** Standard units.

**1145.02.106 State:** State of Ohio.

**1145.02.107 Storm water:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**1145.02.108 Storm Water Pollution Prevention Plan (SWP3) or (SWPPP):** The plan required by the Ohio EPA for compliance with its general or individual NPDES permit.

**1145.02.109 Storm sewer:** A conveyance or system of conveyances designed or used for collecting and conveying storm water which is not a combined sewer. A storm sewer includes but is not limited to catch basins, curbs, gutters, ditches, man-made channels, or storm drains and the roads or streets that include or are drained by these features.

**1145.02.110 Stream:** A surface watercourse having a channel with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodic flowing water.

**1145.02.111 Total dissolved solids (TDS):** The sum of all dissolved solids (volatile and non-volatile) in water or wastewater.

**1145.02.112 Total Kjeldahl Nitrogen (TKN):** Is the sum of nitrate (NO<sub>3</sub>), nitrite (NO<sub>2</sub>), organic nitrogen and ammonia (all expressed as N). Note: for laboratory analysis purposes, Total Kjeldahl Nitrogen (TKN) is a test performed that is made up of both organic nitrogen and ammonia.

**1145.02.113 Total non-filterable residue (TNFR):** Same as Total Suspended Solids (TSS).

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1145.02.114 **Total Organic Carbon (TOC):** The measure of the concentration of covalently bonded carbon, which is combustible to carbon dioxide. It is not to be confused with elemental carbon, dissolved carbon dioxide, inorganic carbonates or bicarbonates.

1145.02.115 **Total silver process wastewater:** The sum of all aqueous solutions used in silver imaging processes, including photography film developers, fixers, bleach-fix, stabilizers, low flow washes, rinse waters, other washes and all similar solutions.

1145.02.116 **Total suspended solids (TSS):** The total suspended matter that either floats on the surface of, or is in suspension within, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed by Standard Methods (same as TNFR).

1145.02.117 **Toxic:** Any pollutant, or combination of pollutants, listed as toxic in regulations enacted by the Administrator of the USEPA, or under the provision of the Clean Water Act, Section 307(a) (33 U.S.C. Section 1317(a)) or other Acts.

1145.02.118 **Trucked waste disposal site or TWDS:** The location(s) designated by the Director for receiving trucked wastes into the POTW.

1145.02.119 **Trucked wastes:** Any materials, usually liquid, such as, but not limited to, wastes from septic tanks, aeration systems, portable toilets, sewerage holding tanks, and industrial processes which are collected at the source by tank truck for disposal elsewhere.

1145.02.120 **ug/l:** Micrograms per liter.

1145.02.121 **USC:** United States Code.

1145.02.122 **USEPA:** United States Environmental Protection Agency.

1145.02.123 **Used oil:** Any oil that has been used, and, as a result of such use, contaminated with chemical or physical impurities.

1145.02.124 **User:** Any person who contributes, causes, or permits the contribution of wastewater or stormwater into the city's sewer system or POTW.

1145.02.125 **Wastewater:** The combination of the liquid and water-carried wastes and sewage from residences, commercial buildings, industrial plants and institutions including polluted cooling water, whether treated or untreated.

1145.02.126 **Water in Basement (WIB) Event:** Wastewater backups into buildings that are caused by flow conditions in a sewer main due to a rain event. Wet Weather Water in Basement (WIB) events do not include basement backups that occur in dry weather.

1145.02.127 **Waters of the state:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

## **1145.06 ~~Department~~ Columbus Water & Power property.**

No person shall break, damage, destroy, deface, cover or tamper with any property of ~~the~~ department Columbus Water & Power including, but not limited to the POTW or appurtenant devices and structures such as buildings, sewers, maintenance hole lids, treatment equipment, sampling equipment, flow monitoring equipment, signage, vehicles, or any other equipment, device, or property owned by ~~the~~ department Columbus Water & Power or which is under the Director's management.

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## 1145.20 Prohibited discharges.

- (A) General prohibitions. 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 its sludge processes, use, or disposal. These prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- (B) Specific prohibitions. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which constitutes a slug discharge. No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system:
- (1) Any solid or viscous substance capable of causing obstruction of the flow in the sewer system, POTW, or other interference with the proper operation of the POTW, for example, but not limited to: construction materials, ashes, cinders, sand, mud, yard waste, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, wax or fats, oils and grease.
    - (a) Food service operations (FSOs) and other users as determined by the Director shall prepare a written Fats, Oils and Grease Best Management Plan (FOG BMP). The FOG BMP shall be designed to minimize the amount of FOG waste discharged to the sanitary sewers. The FOG BMP shall list grease sources, and identify handling/cleaning practices that will minimize fats, oils and grease discharges. The FOG BMP shall also list standard operating procedures to minimize fats, oils and grease discharges or buildups in sewer lines.
      - (i) The FOG BMP shall specify the necessary inspection, cleaning frequency, and record keeping for maintaining any grease traps or interceptors located on site. The FOG BMP shall include the manufacturer's recommendations or instructions for operation and maintenance of the grease traps or interceptors or both. If recommendations or instructions from the manufacturer are not available, the user shall develop operation and maintenance procedures based on best professional judgment.
      - (b) The FOG BMP shall be signed and dated by a responsible company official.
      - (c) The user shall follow its FOG BMP.
      - (d) If requested, the user shall make its FOG BMP and all relevant supporting documents available to an inspector from the City of Columbus, Division of Water Reclamation (DWR) or the appropriate health department with jurisdiction over the user. If requested, the user shall provide a copy of its BMP to DWR. If DWR requests changes or modifications to the FOG BMP, the changes shall be made by the user within the time period specified by DWR and shall submit the revised FOG BMP for approval.
      - (e) The user shall maintain all inspection records and interceptor cleaning logs for a period of three (3) years.
    - (2) Any flammable or explosive substances, such as gasoline, kerosene, benzene, naphtha, or other substances having a flash point equal to or less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees C) using test methods specified in 40 CFR 261. 21.
    - (3) Any discharge that will cause the sewage temperature in the public sewer to be above one hundred twenty (120) degrees Fahrenheit (forty-nine (49) degrees C) after mixing with other flow in the public sewer at the nearest accessible point downstream from the user, or above one hundred four (104) degrees Fahrenheit (forty (40) degrees C) at the influent to the POTW water reclamation plant, or above one hundred sixty (160) degrees Fahrenheit (seventy-one (71) degrees C) in the user's sewer at the nearest accessible point upstream from confluence with the public sewer system.
    - (4) Any discharge having corrosive properties capable of: causing damage or a hazard to the sewer system or POTW, endangering the health and safety of ~~department~~ Columbus Water & Power employees,

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- impeding the use or disposal of residual sludges or causing damage to the receiving water or the environment.
- (5) Any discharge having a pH below 5.0 S.U. or above 12.5 S.U. at any time.
  - (6) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
  - (7) Any discharge containing toxic or poisonous substances in sufficient quantities to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.
  - (8) Any discharge which, by itself or in conjunction with others, results in toxic or noxious gases, vapors or fumes as defined in 40 CFR 403 or the USEPA document "Guidance to Protect POTW Workers from Toxic and Reactive Gases and Vapors" within the POTW in a quantity that may cause acute worker health and safety problems.
  - (9) Any discharge which contains an objectionable color not removed by the POTW such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (10) Any discharge containing radioactive waste except:
    - (a) When the user is authorized to use radioactive materials by the state department of health or other governmental agency empowered to regulate the use of radioactive materials; and
    - (b) When the waste is discharged in strict conformity with current regulations of the Ohio Environmental Protection Agency and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and
    - (c) When the user is in compliance with all rules and regulations of this chapter and all other applicable regulatory agencies; and
    - (d) When there is no harmful effect on city personnel, sewer system, sludges, or any receiving waters.
  - (11) Any used oil, including but not limited to, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
  - (12) Any discharge which exceeds ten (10) percent of the lower explosive limit in the air at any point within the POTW or sewer system.
  - (13) Any discharge of hazardous wastes as defined by RCRA, to a sanitary sewer, combined sewer or at a designated trucked waste disposal site.
  - (14) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 1145.70 of this chapter
  - (15) Any decontamination wastewater, as defined in Section 1145.02.022 of this chapter, without prior approval of the Director.
  - (16) Any discharge of hydrocarbon FOG in excess of 200mg/L.

### **1145.50 Required reports.**

No user shall fail to make reports to the City of Columbus which are required by this chapter, or by state or federal law.

Any report required by this chapter shall be submitted either electronically by methods approved by the Director or in writing to:

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City of Columbus Water & Power  
Division of Water Reclamation  
Industrial Pretreatment Program  
1250 Fairwood Avenue, Suite 186  
Columbus, OH 43206-3372  
FAX: 614-645-0227

All reports required by this chapter, state or federal law must be signed. Signatures contained in reports and certifications must meet the requirements of Ohio Administrative Code 3745-3-06 (F).

### **1147.01 Definitions.**

For the purpose of this chapter, the meaning of the following terms shall be defined in this section:

- (a) "Approved laboratory procedures" means the measurements, tests, and analyses of the characteristics of water and wastes in accordance with analytical procedures determined acceptable by Federal Guidelines as established in Title 40, Code of Federal Regulations, Part 136, or as approved by the Regional Administrator, U.S. Environmental Protection Agency.
- (b) "Billing Charge" shall mean a fixed charge to recover the costs incurred to provide service whether or not any consumption is used. These may include the costs of producing and mailing utility bills, applying payment as it is received, providing customer support and service, and other related sewer system costs.
- (c) "Commodity Charge" shall mean a sewer use charge that varies in the amount with the level of water the customer actually uses. This charge recovers the operating and maintenance costs associated with treating wastewater to clean water standards, providing the collection system to convey wastewater, and recovers the cost of system capital improvements. The charge includes an Operating and Maintenance charge, a Capital charge, Sewer Maintenance charge, and Industry Specific charge.
- (d) "Biochemical Oxygen Demand" has the same meaning as in Columbus City Codes Section 1145.02.
- (e) "Chemical Oxygen Demand" has the same meaning as in Columbus City Codes Section 1145.02.
- (f) "Contracted reserve capacity" means that portion of the unused system design capacity which has been retained by contract for future use by a user.
- (g) "Cooling water" means the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
- (h) "Director" means the director of ~~public utilities~~ Columbus Water & Power, City of Columbus.
- (i) "Discharge" means the disposal of sewage, water or any liquid from any sewer user into the Columbus sewerage system.
- (j) "Domestic waste" means any discharge to the sewer system that has strength characteristics which do not exceed 250 mg/l of BOD, 450 mg/L of COD, 145 mg/L of TOC, 300 mg/l of suspended solids and 40 mg/l of TKN.
- (k) "Industrial process" means any activity where materials are received and are altered by one or more internal operations and then dispatched in the altered form.
- (l) "Industrial user" means any nongovernmental user of the Columbus sewerage system identified in the Standard Industrial Classification Manual, 1972 edition, classified in Division A, B, D, E or I, that discharges wastewater from an industrial process, and the total wastewater discharged is not primarily non-process domestic waste.

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- (m) "Maintenance" means keeping the POTW in a state of repair and shall include expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.
  - (n) "Major contributor" means any wastewater contributor identified in the Standard Industrial Classification Manual (SIC) in any of Division A, B, D, E and I that: (1) Has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on the period of use); or (2) Has a flow or pollutant loading greater than five percent of the design capacity of the POTW; or (3) Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) Is found by the director to have significant impact, either singly or in combination with other contributing industries, on the POTW or upon the quality of effluent from the POTW.
  - (o) "Phosphorus" means total phosphorus content in wastewater as determined by approved laboratory procedures.
  - (p) "Primarily non-process domestic waste" means that at least ninety (90) percent of all wastewater contributed is attributable to sanitary conveniences.
  - (q) "Proportionate" means that each unit has the same relationship to the total with respect to magnitude, quantity and degree.
  - (r) "Replacement" means those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the POTW which are necessary to maintain the capacity and performance of the POTW for which they were designed and constructed.
  - (s) "Sewerage charge" means the aggregate of the appropriate user charges and local capital cost charges.
  - (t) "Sewerage system" means all of the facilities required to transport sewage from the premises of the source to a water reclamation plant and shall include the treatment and disposal facility. All such facilities of the City of Columbus shall be considered to be one such sewerage system.
  - (u) "Significant user" means a user who contributes ten (10) percent or greater of the system design flow or system design for pollutant loadings.
  - (v) "Standard Industrial Classification" means a coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the current Standard Industrial Classification Manual published by the U.S. Government Printing Office.
  - (w) "Standard Strength" has the same meaning as in Columbus City Codes Section 1145.02.
  - (x) "Total suspended solids (total nonfilterable) residue" has the same meaning as in Columbus City Codes Section 1145.02.
  - (y) "System design capacity" means the design capacity for normal domestic wastewater as established by accepted engineering standards.
  - (z) "Total organic carbon" has the same meaning as in Columbus City Codes Section 1145.02.
  - (aa) "Service load" means total billed load as determined by calculating the non-extra strength billed flows times standard strength pounds plus established extra strength flow and loadings.
  - (ab) "Treatment parameter" means a fundamental characteristic of sewage around which treatment is designed, such as, but not limited to flow, BOD, suspended solids and phosphorus.
  - (ac) "User" means any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the city sewerage system.
  - (ad) "Scavenger wastes" means liquid waste materials such as wastes from septic tanks, portable toilets, sewage holding tanks, grit waste and industrial processes which are usually collected at the source by tank truck for disposal elsewhere.

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- (ae) "Industrial wastewater" has the same meaning as in Columbus City Codes Section 1145.02.
  - (af) "NPDES Permit" means the conditions and limits set forth by the NPDES on the City of Columbus, division of water reclamation for discharging water reclamation plant effluent into public waters.
  - (ag) "Debt service charge" means the portion of a user's bill that is used to offset the principal and interest payments on outstanding debt of the division of water reclamation.
  - (ah) "Operations and Maintenance (O&M)" means the organized procedure for causing a piece of equipment, a water reclamation plant, or other facility or system to perform its intended function and to keep these units in such condition that it is able to continually and reliably perform its intended function.
  - (ai) "Residential user class" means all users who discharge sewage from a structure of human occupancy.
  - (aj) "Commercial user class" means all users who discharge sewage from a non-industrial business establishment.
  - (ak) "Governmental user class" means all users who discharge sewage from a property owned by a local, state or federal governmental entity.
  - (al) "Institutional user class" means all users who discharge sewage from a school, church or hospital.
  - (am) "User charges" means the operation, maintenance and replacement cost of the division of water reclamation.
  - (an) "Total Kjeldahl Nitrogen" has the same meaning as in Columbus City Codes Section 1145.02.
  - (ao) "Sewer service outside the city" means sewer service furnished to consumers in contract areas or sewer authorized by the Director of ~~Public Utilities~~Columbus Water & Power for consumers in non-contract areas.
  - (ap) "Non-contract areas" means areas outside the city provided with sewer service by the city where no contract exists with a political subdivision.
  - (aq) "Wet Weather Charge" - A charge based upon the Equivalent Residential Unit to recover costs of construction of projects necessary to meet the requirements of consent orders that mandate elimination of wet weather flow from Combined Sewer Overflows and Sanitary Sewer Overflows. This charge recovers debt service costs and other expense of all projects related to correcting wet weather overflows.
  - (ar) "Equivalent Residential Unit" (ERU) - Each ERU is based on two thousand (2,000) square feet of impervious surface area. Residential customers are assigned one (1) ERU per residence. All other customers are charged based on measured impervious area divided by two thousand (2,000) square feet to determine an ERU equivalent. The maximum per customer charge based on calculated ERUs is one thousand (1,000).
  - (as) "Eligible senior customers" means any customer who (a) is receiving service by means of a single meter to a single-family residence; (b) is personally responsible for payment of the bill as head of household; and (c) is sixty (60) years of age or older having a total income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.
  - (at) "Significant industrial user" has the same meaning as in Columbus City Codes Section 1145.02.
  - (au) "POTW" or "publicly owned treatment works" means a treatment works owned by the City of Columbus as defined by Section 212 of the Clean Water Act (33 U.S.C Section 1292). This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature, including sewers, pipes and other conveyances that convey wastewater to a POTW water reclamation plant.

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### **1147.03 Powers and duties of director of ~~public utilities~~ Columbus Water & Power.**

Sewer charges levied pursuant to this chapter shall be collected by ~~the Department of Public Utilities~~ Columbus Water & Power. The director of ~~public utilities~~ Columbus Water & Power shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the city's sewerage system; for the construction and use of sewers and connections to the sewerage system consistent with policies established by council; and for the regulation, collection, rebating and refunding of such sewer charges.

### **1147.05 Rate establishment procedures.**

Rates shall be established by city council after a recommendation from the sewer and water advisory board, who shall review the rates annually. Rates shall be designed to recover the cost of rendering sewerage service for the year under consideration. Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

The Director of ~~Public Utilities~~ Columbus Water & Power shall prepare an annual sewer rate report with a recommended rate schedule. This report shall contain data utilized in the determination of said sewer rates. The report will be presented to the Sewer and Water Advisory Board on or before the second Monday of September of each year. The Sewer and Water Advisory Board shall make a recommendation to City Council on or before the last Monday of October of each year, concerning appropriate sewer rates to become effective January 1 of each year.

The Director of ~~Public Utilities~~ Columbus Water & Power shall annually notify in conjunction with the regular billing process, all users of the sewer charge rate being charged and the portion of the sewer service charge attributable to the operation, maintenance and replacement costs of the Division of Water Reclamation.

### **1147.06 Method of rate determination.**

- (a) User charge system. The sewer charge rate structure shall include a charge designed to recover from each user the cost of treating that user's effluent and the cost of providing sewerage system related services to that user. The user charge rate structure shall recover sufficient revenues to adequately operate, maintain and replace sewerage system facilities and to provide for an adequate level of sewerage system related services.

In determining the annual rate, the following shall apply:

- (1) Wastewater treatment costs, both direct and indirect, shall be distinguished from non-treatment costs.
- (2) Treatment costs shall be further subdivided into operation, maintenance and replacement costs. Each of these costs shall be assigned to an appropriate treatment parameter (flow, biochemical oxygen demand, suspended solids, phosphorus, etc.) based on the processes with which they are associated.
- (3) Unit cost per treatment parameter shall be determined based upon the estimated annual service loads for the rate year under consideration.
- (4) Non-treatment costs shall be subdivided as follows:
  - (1) Customer specific costs are those costs which tend to vary independent of the effluent discharged. These non-treatment costs are fixed on an annual basis and are shared equally by all customers.
  - (2) Billing costs are those costs which tend to vary with the number of bills rendered and may be distinguished as monthly or quarterly billing costs. Customer related costs and billing related costs shall be converted to a unit cost per customer and per bill respectively.

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- (3) Industry specific costs are those costs associated with the monitoring of industrial wastewater discharges including the collection and analysis of discharge samples. Industry specific costs are to be recovered either on a commodity or customer basis as deemed appropriate in the annual rate review. Customer related costs shall be recovered according to the classification system established in C.C. 1147.08.
  - (5) Nothing in these rules shall be interpreted to preclude charges to users for special or unique services rendered by the Division of Water Reclamation. Such charges shall be recommended to Council for approval, as appropriate, by the Director of Public Utilities Columbus Water & Power.
  - (b) Local capital cost recovery system. The sewer charge rate structure shall include a unit cost per treatment parameter designed to recover each user's share of the local capital costs associated with the financing of notes and bonds to improve and/or expand the sewerage system of the City of Columbus. The charge will be determined as defined in this chapter of the Columbus City Code, 1959, and will be added to the appropriate user charge to establish the applicable sewer charge.

### **1147.08 User classifications.**

User charge classifications. The following user charge classes are hereby established:

- (a) Standard Strength User. The standard strength user class shall include all users (including business and industry) whose wastewater load characteristics are less than two hundred fifty (250) mg/L of BOD, less than four hundred fifty (450) mg/L of COD, less than one hundred forty-five (145) mg/L of TOC, less than three hundred (300) mg/L of suspended solids and less than forty (40) mg/L of TKN. All standard strength users shall be charged for effluent at one hundred fifty (150) milligrams per liter of BOD, two hundred (200) milligrams per liter of suspended solids and twenty-five (25) milligrams per liter of TKN.
- (b) Extra Strength User. The extra strength user class shall include all users whose average wastewater discharge concentration is equal to or greater than two hundred fifty (250) milligrams per liter (mg/L) BOD, four hundred fifty (450) milligrams per liter (mg/L) COD, one hundred forty-five (145) milligrams per liter (mg/L) TOC, three hundred (300) milligrams per liter of suspended solids or forty (40) mg/L of TKN. All users classified as extra strength users shall be charged at established effluent levels. A surcharge shall be levied on all effluent in excess of two hundred fifty (250) mg/L BOD, four hundred fifty (450) mg/L COD, one hundred forty-five (145) mg/L TOC, three hundred (300) mg/L suspended solids or forty (40) mg/L TKN unless billing costs as determined by the director of public utilities Columbus Water & Power exceed the total extra strength surcharges to be recovered.
- (c) Industrial User. The director of public utilities Columbus Water & Power shall assign industrial users, as defined in C.C. 1147.01, to the following industrial classes based on the degree of effort required the division of water reclamation to monitor and control their discharges. Industrial users may be assigned to more than one class and class assignments may be revised as monitoring activities change. The director may establish additional industrial user classes if it is determined that an industry or industries do not fit the established class or if special situations arise. The industrial user classes are as follows:
  - Major Group A. Includes industries requiring monitoring due to actual or potential extra strength discharges.
    - Subgroup A1. Plant activities reviewed about once per year by phone or visit.
    - Subgroup A2. Not sampled but charged extra strength as part of a charge class.
    - Subgroup A3. Marginal for extra strength, sampled at intervals to determine necessity for extra strength charges.
    - Subgroup A4. Sampled once per sampling sequence.
    - Subgroup A5. Sampled twice per sampling sequence.

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Subgroup A6. Sampled three times per sampling sequence.

Subgroup A7. Requires temporary extra sampling due to changes in operation. Above normal sampling for subgroup A4, A5 and A6.

Subgroup A8. Company has provided satisfactory sampling systems to allow evaluation through split samples.

- a. Several split samples are obtained per month.
- b. Samples are split and analyzed on a daily basis.

Major Group B. Includes industries requiring action due to known or possible sewer use problems.

Subgroup B1. Activities reviewed about once a year.

Subgroup B2. Sewer use parameter checked as part of extra strength sampling.

Subgroup B3. Samples of discharge collected and analyzed at intervals.

Subgroup B4. Company has been identified as requiring sewer use control by USEPA categorized pretreatment standards:

- a. After Columbus has been designated as "control authority."
- b. Before Columbus is designated as "control authority."

Subgroup B5. Company has been identified as having an unacceptable discharge, and a program to resolve the problem is required and:

- a. Major city activity is required;
- b. Significant city activity is required;
- c. Minimal city activity is required.

Subgroup B6. Company requires control, but the problem has been resolved and intermittent monitoring is now required.

### **1147.09 Right to hearing and appeal.**

Wastewater strength characteristics shall be determined by personnel of the division of water reclamation on the basis of best available data including information from monitoring programs, analytical data, and other valid sources of information on characteristics of specific wastewater discharge. Each extra strength user shall be notified in writing of the appropriate standard industrial classification categorization and wastewater strength determination prior to being designated extra strength. Such notification shall also inform the extra strength user of the opportunity to review the designated standard industrial classification category or strength classification with the division of water reclamation. Any classification may be subject to a hearing with the director of ~~public utilities~~ Columbus Water & Power in the event the validity of the standard industrial classification categorization and/or strength determination is questioned. The director's decision shall be subject to request for reconsideration by the wastewater review commission in accordance with procedures specified in Section 1145.21 of the Columbus City Code, 1959.

### **1147.13 Agreements for use of city sewerage system.**

The Director of ~~Public Utilities~~ Columbus Water & Power is hereby authorized upon prior approval of city council by ordinance to enter into agreements with the state of Ohio, the county of Franklin, cities, villages, corporations, firms, public institutions and individual owners whose premises are located without the corporate limits of the city, who desire to discharge sewage, industrial wastewater, water or other liquids into the city's

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sewerage system, which agreements shall fix the terms and conditions under which said sewage, industrial wastewater, water or other liquids may be discharged into said sewage system and shall be in conformity with all of the provisions of this chapter; provided, however, that all such agreements entered into as enumerated above relative to the use of the city's sewerage system shall make provision for and be subject to any change in rates of charge as may be established by ordinance of council, and, provided, further, in the case of agreements as enumerated above, but excepting those with individual owners, all such agreements entered into subsequent to the effective date of January 1, 1978, shall terminate on December 31 of the first even year following the date of execution thereof, and thereafter, unless specifically authorized by ordinance passed by the city council, may be renewed for periods of not to exceed two (2) years. In the case of agreements with individual owners, the Director of ~~Public Utilities~~Columbus Water & Power, in lieu of specifying a fixed date of termination therein, as hereinabove provided, may in the Director's own discretion enter into agreements without such fixed date of termination; provided, however, that such agreement shall stipulate that the right is reserved to either party to the agreement to terminate the same upon sixty (60) days notice in writing to the other party of such intention.

#### **1147.14 Measurement of water, determination and payment of charges.**

A proportionate charge shall be made to all users that discharge wastewater, either directly or indirectly, into the city sewerage system. Such charges shall be based on the quantity of water used as measured by a water meter or through the use of a sewage flow meter and the users wastewater strength classification as determined in accordance with this chapter. All water and sewage flow meters and their installation shall meet the acceptability of the director.

- (a) In the event a lot, parcel of land, building premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastewater, water or other liquids into the city sewerage system, either directly or indirectly, is a user of water supplied by the Division of Water of the city, and the quantity of water used is measured by a water meter acceptable to the city's Director of ~~Public Utilities~~Columbus Water & Power, then, in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge as provided in this chapter.
- (b) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision discharging sanitary sewage, industrial wastewater, water or other liquids into the city sewerage system, either directly or indirectly, is a user of water supplied by the Division of Water of the city, and the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the Director of ~~Public Utilities~~Columbus Water & Power, then, in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge as provided in this chapter.
- (c) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastewater, water or other liquids into the city sewerage system, either directly or indirectly, is not a user of water supplied by the Division of Water of the city, and the water used thereon or therein is not measured by a water meter or is measured by a water meter not acceptable to the Director of ~~Public Utilities~~Columbus Water & Power, then, in each such case, the owner or other interested party shall, at his or its own expense, install and maintain a water meter acceptable to the director and the quantity of water used, as measured by said meter shall be used to determine the sewer charge as provided in this chapter.
- (d) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharging sanitary sewage, industrial wastewater, water or other liquids into the city sewerage system, either directly or indirectly, is a user of the water supplied by the Division of Water of the city, and, in addition, uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Director of ~~Public Utilities~~Columbus Water & Power, then, in each case, the owner or other interested party shall, at his or its own expense, install and maintain water meters satisfactory to the Director on all supplies and the quantity of water used to determine the sewer charge shall be the sum of the quantities of water measured by the several meters.

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- (e) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision, discharges sanitary sewage, industrial wastewater, water or other liquids into the city sewerage system, either directly or indirectly, and it can be shown by such party, to the satisfaction of the Director of ~~Public Utilities~~Columbus Water & Power, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewerage system, then the Director of ~~Public Utilities~~Columbus Water & Power may determine in such manner and by such method as the Director may find practicable the percentage of metered water entering the sewerage system, and the quantity of water used to determine the sewer charge shall be that percentage, so determined, of the quantity of water measured by the water meter or meters, or, the Director of ~~Public Utilities~~Columbus Water & Power may require or permit the installation of acceptable additional meters at such party's expense and in such a manner as to determine the quantity of water actually entering the sewerage system, in which case the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewerage system as so determined. In the event such additional meters are installed, an additional charge of two (\$2.00) dollars shall be made to cover the cost of reading and computing the flow of each such meter and such additional charge shall be added to each sewer charge bill rendered as otherwise herein provided and described. The two (\$2.00) dollar charge is based on a quarterly billing cycle so the maximum annual charge will be eight (\$8.00) dollars.
- (f) The sewer charge provided in this section shall be payable at the office of the city treasurer and, at the option of the Director of ~~Public Utilities~~Columbus Water & Power, shall be made payable at the same time as the water bill for the lot, parcel of land, building, premises, municipal corporation or other political subdivision, payable.
- (g) The Director of ~~Public Utilities~~Columbus Water & Power may require, as a condition to any sewerage agreements entered into as hereinabove provided, that the city shall be furnished with information and data as to all sources of water supply, other than the Columbus' Division of Water, which may be in existence or may later be developed within the confines of the premises covered in such agreement, such data and information, in the case of wells, to include the location, size, capacity and depth thereof.

#### **1147.17 Sewerage system capacity charge.**

For the purposes of this section the following terms shall be defined as follows:

- (1) "Domestic water service line" shall mean the line extending from the tap at the water main to the meter and shall include all the necessary appurtenances and shall be dedicated to solely providing domestic potable water.
- (2) "Fire suppression service line" shall mean the line extending from the tap at the water main to the meter and shall include all the necessary appurtenances and shall be dedicated to solely providing water for any necessary fire suppression system.
- (3) "Combined domestic water/fire suppression line" shall mean the line extending from the tap at the water main to the meter and shall include all the necessary appurtenances and shall provide water simultaneously to the domestic water system and the fire suppression system.

For the purposes of providing revenue to help finance and to more equitably distribute the cost of construction of necessary additions to both the sewer system and the water reclamation plants, it is hereby determined and declared necessary to provide for the establishment, exaction, and regulation of a sanitary sewer-capacity charge as hereinafter determined with such charge to be in addition to any and all other fees which may be imposed with respect to said sewer system.

The funds received from the collection of such charge, as it is herein authorized, shall be deposited daily with the city treasurer who shall credit them to a special fund from which the council of the city may take appropriations for the payment of the cost and expense of the construction, operation, maintenance,

management and repair of the sanitary sewerage systems, regulator chambers, storm standby tanks, pumping stations and water reclamation plants and for the payment of the cost and expense of replacement, extensions to or the enlargement of the same and for the payment of the principal and interest on any debt incurred for the construction of such sewerage system, regulator chambers, storm standby tanks, pumping stations, and water reclamation plants.

The Director of ~~Public Utilities~~Columbus Water & Power shall be and is hereby authorized and directed to exact a sanitary system-capacity charge whenever: (1) Application is made for the issuance of a sewer permit to provide sanitary sewer service to a new structure; (2) At the time an existing structure is enlarged or its use changes; and (3) When an existing structure is removed and a new structure built and reuse is made of an existing sanitary sewer service or new sanitary sewer service is constructed, wherever such property is or will be tributary, directly or indirectly, to any trunk sanitary sewer built by the city, either inside or outside the corporate limits of said city and as provided elsewhere in the Columbus City Code.

The charge so exacted shall be determined in accordance with the following:

| Size of Domestic Water Service Line | Sewerage System Capacity Charges |
|-------------------------------------|----------------------------------|
| ¾"                                  | \$3,892                          |
| 1"                                  | 6,116                            |
| 1-½"                                | 13,344                           |
| 2"                                  | 27,801                           |
| 3"                                  | 55,601                           |
| 4"                                  | 111,203                          |
| 6"                                  | 177,925                          |
| 8"                                  | 311,368                          |
| 10"                                 | 611,616                          |
| 12"                                 | 945,224                          |
| 16"                                 | 1,112,029                        |

There shall be no sewer system-capacity charge for a fire suppression system service line. The fee for a combined domestic service/fire suppression service line shall be determined by the ~~public utilities~~Columbus Water & Power Director.

Credit. If a domestic water service line is replaced, the sewer system capacity charge shall be reduced by the sewer system capacity rate for each domestic water service line which is replaced. Should the sum total of the credits exceed the system capacity rate, the sewer system capacity charge shall be zero (0.00). Replacement credits will be determined by current sewer system capacity rates. No credit refunds will be issued.

**1147.19 ~~Low-~~Income qualified discount for commodity charges.**

- (A) For purposes of this section, "income qualified residential customer" is defined as a direct residential customer of the city (whether inside the city or outside the city) having a total income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census or who is eligible for food stamp benefits, Ohio Medicaid, Low Income Home Energy Assistance (LIHEAP), Home Energy Assistance (HEAP), Ohio Works First, Social Security Disability, public housing benefits, or any other state or federal low income assistance program acceptable to the director.
- (B) All income qualified residential customers may receive a thirty (30) percent discount on the commodity portion of their sewer bill. This discount will be available to the income qualified residential customer upon application to and approval of ~~the Department of Public Utilities~~Columbus Water & Power.
- (C) The Director may adopt regulations necessary to administer and enforce the provisions of this section. Regulations promulgated, pursuant to this chapter by the Director shall be published in the City Bulletin, with

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copies of the regulations being available for public review at the Director's office and other locations which may be designated by the Director.

- (D) Master metered properties are eligible to receive a thirty (30) percent discount on the commodity portion of their sewer bill if the property owner proves to the satisfaction of the Director that the property meets one or both of the following criteria:
- (1) eighty (80) percent or more of the rental units are occupied by participants in qualifying programs outlined in 1147.19(A); or
  - (2) the property receives subsidized housing benefits from any state or federal low income assistance program acceptable to the director.

If the criteria are met, the entire building or complex will be eligible to receive the thirty (30) percent commodity rate discount. The discount shall be applied to the master meter bill. Property owners must transmit the full benefit of the discount to residents.

- (E) Political subdivisions receiving water service pursuant to a wholesale master meter contract with the city are eligible to receive the income qualified discount if the political subdivision adopts the income qualified discount program as described in Section 1147.19 of the Columbus City Codes. Participating master metered suburban community customers must provide to ~~the Department~~Columbus Water & Power a detailed listing in an approved format of all qualifying customers and their commodity usage prior to application of the discount to the master metered account billing. The discount shall apply only to the measured commodity usage of qualifying customers within the master metered suburban community's customer accounts.

#### **1147.24 Eligible senior customer discount.**

Eligible senior customers may have monthly sewer service billing charges waived from sewer bills. This discount will be available to eligible senior customers upon successful completion of application and approval by ~~the Department of Public Utilities~~Columbus Water & Power.

#### **1149.02 Definitions.**

Whenever used in this Chapter 1149, the meaning of the following words and terms shall be defined in this section:

1149.02.001 "Abatement " means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

1149.02.002 "Approved plans " shall mean plans approved according to a permits and plan review which will govern all improvements made within the city that require stormwater facilities or changes or alterations to existing stormwater facilities.

1149.02.003 "Director " means the Director of ~~the Department of Public Utilities~~Columbus Water & Power, City of Columbus, Ohio.

1149.02.004 "Equivalent Residential Unit (ERU) " is a value, equal to two thousand (2,000) square feet of impervious area of residential properties within the City of Columbus.

1149.02.005 "Facilities" mean various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, maintenance holes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

1149.02.006 "Impervious area" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, and blacktop.

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1149.02.007 "NPDES" means National Pollutant Discharge Elimination System.

1149.02.008 "NPDES Permit" means a permit issued to the city pursuant to Section 402 of the Clean Water Act [Codified as 33 USC Sect. 1342].

1149.02.009 "Residential property" means all single family properties and duplexes within the city.

1149.02.010 "Square footage of impervious area" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

1149.02.011 "Storm sewer" means a sewer which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

1149.02.012 "Stormwater system" means all manufactured facilities, structures, and natural watercourses owned by the city, or over which the city has jurisdiction by law to operate or maintain, used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, public stormwater open channels and pumping stations.

1149.02.013 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

1149.02.014 "Public stormwater open channel" means all open channels which convey, in part or in whole, stormwater, and (1) are owned, operated or maintained by a city division other than the division of water reclamation; or (2) a stormwater open channel which has a permanent drainage/stormwater easement owned by the city and drains an area which includes city-owned property or right-of-way. A public stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

1149.02.015 "Retention facility" means a facility which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.

1149.02.016 "Detention facility" means a facility, by means of a single control point, provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, rooftops, buffed underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

1149.02.017 "Credit" means an on-going reduction in a customer's stormwater service fee given for certain qualifying activities which reduce either the impact of increased stormwater runoff or reduces the city's costs of providing stormwater management.

#### **1149.04 Powers of director of ~~public utilities~~ Columbus Water & Power.**

Stormwater service charges levied pursuant to this chapter may be collected by ~~the Department of Public Utilities~~ Columbus Water & Power. Notwithstanding other provisions of the Columbus City Codes, the director of ~~public utilities~~ Columbus Water & Power shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical, and efficient management and protection of the city's stormwater system; for the construction and use of storm sewers and connections to the stormwater system consistent with policies established by the council; and for the regulation, collection, rebating and refunding of such stormwater charges.

#### **1149.06 Stormwater rate establishment procedures.**

Stormwater rates shall be designed to recover the cost of rendering stormwater service for the time period under consideration. Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

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The director of ~~public utilities~~ Columbus Water & Power shall prepare an annual stormwater rate report with a recommended rate schedule. This report shall contain data utilized in the determination of said stormwater rates. The report will be presented to the sewer and water advisory board on or before the second Monday of September of each year. The sewer and water advisory board shall make a recommendation to city council on or before the last Monday of October of each year, concerning appropriate stormwater rates to become effective January 1 of each year.

The director of ~~public utilities~~ Columbus Water & Power shall annually notify in conjunction with the regular billing process, all persons subject to these charges, of the stormwater rate being charged.

### **1150.03 Definitions.**

For the purpose of flood plain development only, the following terms, phrases, words and their derivations have the meaning given herein. Other terms used in this chapter may be defined elsewhere in this code. For the purpose of flood plain development only, where a conflict occurs, the most restrictive definition takes precedence.

Where not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" [See: "Special Flood Hazard Area".]

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.

"Base flood elevation" means the projected water surface level, measured from mean sea level, at any given point in a base flood.

"Basement" means any area of the building having its floor sub grade (below ground level).

"Director" means the Directors of ~~the Department of Public Utilities~~ Columbus Water & Power or designee.

"Development" means any artificial change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

"Federal Emergency Management Agency" or "FEMA" means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Fill" means a deposit of earth material placed by artificial means.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry areas from the overflow of a watercourse, or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "100-year flood plain" [See: "Special Flood Hazard Area".]

"Flood profile" means any one (1) or all of the cross-sectional profiles of the water surface elevations for the base flood (base flood elevations) along watercourses, as delineated on the Flood Insurance Rate Map and the Flood Insurance Study.

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"Flood Insurance Rate Map" or "FIRM" means an official map on which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has delineated the Special Flood Hazard Areas.

"Flood Insurance Study" or "FIS" means the official report in which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

"Floodproof" means any structural feature, addition, change or adjustment to a building, structure or property primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, buildings, structures and contents of buildings.

"Flood protection elevation" means that elevation not less than one and one-half (1½) feet above the base flood elevation to which uses regulated by the flood plain development regulations are required to be elevated or floodproofed.

"Floodway" means that portion of the "Special Flood Hazard Area," excluding the "floodway fringe," which is the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the "base flood" without cumulatively increasing the water surface elevation by more than one-half (½) foot.

[Note: Floodways are delineated on the Flood Boundary and Floodway Map, or on the Flood Insurance Rate Map or profiled in the Flood Insurance Study. Floodways may also be delineated in other sources of flood information.]

"Floodway fringe" means that portion of the "Special Flood Hazard Area," excluding the "floodway," which is subject to inundation by the "base flood" in which development may occur.

"Floodway obstruction" means any object in, along, across, or projecting into any portion of the floodway which may impede, slow, or change the direction of the flow of water, either in and of itself or by catching or collecting waterborne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property.

"Historic Structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- D. Individually listed on the inventory of historic places maintained by the Columbus Register of Historic Properties whose historic preservation program has been certified by the Ohio Historic Preservation Office.

"Lowest floor" means the lowest level of the lowest enclosed area, including basement or crawlspace, of a building or structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in the Columbus City Codes for enclosures below the lowest floor.

"Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

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"Manufactured home park" means, as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three (3) or more manufactured homes, used for habitation, are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

"New construction" means a structure for which the "start of construction" commenced on or after the initial effective date of the city of Columbus, Ohio, Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recurrence interval" means the average interval of time, based upon a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified flood.

"Special Flood Hazard Area" means a river or other watercourse and its adjacent area subject to inundation by the "base flood." A "Special Flood Hazard Area" is also known as a "flood plain" or "100-year flood plain" and is composed of the "floodway" and the "floodway fringe." Special Flood Hazard Areas are designated by the Federal Emergency Management Agency as either Zone A, AE, AH, AO, A1-30, or A99.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means:

- A. A building or any structure having a roof supported by columns or walls, or any series of structures separated only by "fire separations" but contained under a common roof or within common walls, and requiring a building permit in accordance with Title Forty-One of the Building Code that is used for shelter, occupancy, enclosure, or support of persons, animals, or property; or
- B. A combination of materials, other than a building, to form a construction that is safe and stable including, but not limited to, stadiums, gospel or circus tents, reviewing stands, platforms, staging, observation towers, sheds, coal bins, above grade gas or liquid storage tanks, or fences in excess of six (6) feet in height.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each

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such flood event, on the average, equals or exceeds twenty-five (25) percent of the fair market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) of the fair market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term "substantial improvement" does not include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, safety and building code specifications which have been identified by the applicable code enforcement official, prior to the application for a development permit and which are the minimum necessary to assure safe living conditions;
- B. Any alteration of an "historic structure" provided that the alteration shall not preclude the structure's continued designation as an "historic structure;" or
- C. Any improvement to a structure that is considered "new construction."

"Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.

"Violation" means the failure of a structure or other development to be fully compliant with these regulations.

- D. The Director shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

#### **1150.11 Basis for establishing the Special Flood Hazard Areas.**

The special flood hazard areas have been identified by the Federal Emergency Management Agency in scientific and engineering reports entitled "Flood Insurance Study, Franklin County, Ohio and Incorporated Areas", dated June 17, 2008, "Flood Insurance Study", Delaware County, Ohio, and Incorporated Areas" dated April 16, 2009, and the "Flood Insurance Study, Fairfield County, Ohio and Unincorporated Areas" dated September 19, 2007. These studies, or successor studies, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps (FIRM), and any revisions thereto are hereby adopted by reference and declared to be part of the Columbus City Codes. These flood insurance studies are on file with ~~the Department~~ Columbus Water & Power and are available for public inspection.

#### **1150.29 Application for a certificate a Special Flood Hazard Area Development and Use Permit.**

An application shall be submitted to ~~the Department~~ Columbus Water & Power. The application shall contain at least the following documentation, certified by a professional engineer or architect registered in the State of Ohio, in addition to that required by this code:

- A. A current survey of the property with a maximum contour interval of two (2) feet, which shall be submitted on a base map plotted at the same scale as the site plan. A smaller contour interval may be required to accurately delineate the floodway and floodway fringe boundaries and base flood elevation data with direction to flooding source;
- B. In addition to the information provided for a building permit, the following information shall be provided where base flood elevation data are utilized within special flood hazard areas designated on the Flood Insurance Rate Maps as a flood hazard district, regardless of the data source:

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1. The area, depth, location and quantity of all proposed fill and/or excavation,
  2. The actual elevation in relation to mean sea level of the lowest floor of all proposed buildings and structures located in special flood hazard areas,
  3. Specifications for building construction and materials and floodproofing procedures as required by the Columbus City Codes,
  4. The location and description of existing or proposed storage of materials,
  5. The location and description of existing and proposed drainage facilities,
  6. For each new construction or substantial improvement of a building or structure, verify and record the actual elevation (in relation to mean sea level) to which the building or structure is to be floodproofed and maintain the floodproofing certification required,
  7. Certification by a registered professional engineer or architect that the proposed flood proofing methods for any building or structure meets the floodproofing criteria of the Columbus City Codes through the use of the floodproofing certificate,
  8. Description of the extent to which any watercourse shall be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse shall not be diminished,
  9. Any additional information deemed necessary for the project review.
- C. For development proposed within the floodway, the following additional information may be requested by the Director for review by an approved technical institute or other governmental agency as set forth in C.C. 1150.31 for development proposed within the floodway:
1. A representative cross-section of the flood plain perpendicular to the direction of flow, showing the usual channel of the watercourse and the elevation of land areas adjoining each side of the channel of the watercourse within the designated flood plain;
  2. Photographs of the site topography, looking both upstream and downstream from the development site, which show the usual channel and adjacent areas within the flood plain;
  3. Locations and descriptions of any existing or proposed floodway obstruction in the vicinity of the site
  4. Any additional information deemed necessary for the project review.

**1150.31 Information to be obtained and maintained by ~~the department~~ Columbus Water & Power.**

Where base flood elevation data are utilized within special flood hazard areas on the city of Columbus' Flood Insurance Rate Map, regardless of the data source, the Director shall maintain records submitted by the applicant as follows:

- A. For all new or substantially improved residential structures, obtain and record the actual elevations in relation to mean sea level of the lowest floor, including basement and record whether or not such structures contain an enclosure below the lowest floor;
- B. For all new or substantially improved nonresidential structures:
  1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
  2. Maintain the floodproofing certificates required by City Code; and

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- C. For all structures, maintain all records pertaining to the provisions of this chapter, including Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, as-built elevations, base flood elevation data, exemptions and variance documentation.

### **1150.33 Exemptions in the floodway fringe.**

An exemption may be issued by the Director for the reconstruction, rehabilitation or restoration to improve an existing building or structure in the floodway fringe if:

- A. The project cost is less than fifty (50) percent of the market value of the structures as documented by submission of a licensed contractor's or occupying home owner's written estimate for the project's cost and either a certified appraisal by a licensed appraiser of the market value of the structure or the appropriate county auditor's office market figure.
- B. The project is being undertaken to correct existing violations of state or local health, sanitary, safety, and building codes as identified by ~~the Department~~ Columbus Water & Power, prior to the development permit application and which are the minimum necessary to assure safe living conditions. This requires submission of:
  - 1. The documentation required in part A. of this section; and
  - 2. A copy of the applicable code order.
- C. The project involves reconstruction, rehabilitation, or restoration of a designated historic structure. This requires the submission of:
  - 1. The documentation required in part A. of this section; and
  - 2. A statement from the city of Columbus Historic Preservation Office that the structure is listed on the Columbus Register of Historic Properties or a statement from the Ohio Historic Preservation Office that the structure is listed on the National Register of Historic Places, State Registry of Archaeological Landmarks, State Registry of Architectural Landmarks, or State Inventory of Historic Places.

Written notice shall be given to an applicant to whom an exemption is granted stating that the project shall be permitted but the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced floor elevation.

### **1150.35 Variances to the required flood protection elevation.**

The Columbus Building Commission, as established under the Columbus Building Code, Title 41, is hereby empowered to hear and decide requests for variances to the provisions of this code for a site located within a Special Flood Hazard Area and may grant a variance for construction below the flood protection elevation only upon determination that:

- A. For variance requests in the floodway fringe:
  - 1. The variance is the minimum necessary to afford relief;
  - 2. There is good and sufficient cause for the variance;
  - 3. The failure to grant a variance would result in an exceptional hardship to the applicant;
  - 4. The variance shall not result in increased base flood levels;
  - 5. The variance shall not result in any additional threat to public safety, extraordinary public expense, creation of a nuisance, create fraud on or victimize the public, or conflict with existing city codes or ordinances;

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6. The activity, development, and/or use is protected by methods to minimize flood damage; and
  7. All conditions listed in subsection C. of this section are addressed.
- B. For variance requests in the floodway:
1. All conditions listed in subsections A. and C. of this section are addressed; and
  2. Prior approval by FEMA is included if the activity, development, and/or use would result in an increase in base flood levels.
- C. All required technical evaluations, relevant factors, and standards specified in this code are submitted in a report form to address:
1. The danger that materials may be swept onto other lands;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The safety of vehicular access to the property in times of flood for ordinary and emergency vehicles;
  5. The costs of providing governmental services during and after floods including maintenance and repair of ~~public utilities~~Columbus Water & Power and facilities such as electrical, gas, sewer, and water systems; streets and bridges;
  6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the city sanctioned plans and flood plain management programs for that area;
  9. The importance of the services provided by the proposed facility to the city;
  10. The necessity to the facility of a waterfront location, where applicable; and
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters and the effect of wave action, if applicable, expected at the site.

The Director may request other data and documentation as a condition to the granting of a variance to flood plain development regulations, as the Director deems necessary to further the purpose of this chapter and to assure compliance with other city codes.

Written notice shall be given to an applicant to whom a variance is granted stating that construction shall be permitted with a lowest floor elevation below the flood protection elevation but the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced floor elevation.

### **1153.01 Utility advisory board.**

There shall be an utility advisory board consisting of the city auditor or a representative; the Director of ~~Public Utilities~~Columbus Water & Power or a representative; the director of finance and management or a representative; seven (7) citizens of the City of Columbus, one (1) of whom is knowledgeable and representative of residential customers, one (1) of whom is knowledgeable and representative of Columbus Division of Power customers, one (1) of whom is knowledgeable and representative of low-income residential customers, and one (1) of whom is knowledgeable and representative of senior citizen residential customers, and one (1) citizen of a

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political subdivision other than Columbus which is a customer of the Columbus Division of Water and the Columbus Division of Water Reclamation, appointed by the mayor with the concurrence of city council in accordance with Section 61 of the Charter of the city to serve for a term of four (4) years; the four (4) appointed members of the board currently serving four (4) year terms shall serve those terms to conclusion; the three (3) new members of the board shall initially be appointed as follows: one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years, all subsequent appointments, except those to fill vacancies for the unexpired term, shall be for a full term of four (4) years.

The board shall select one (1) of its members as chairperson, and a rate clerk of ~~the Department of Public Utilities~~Columbus Water & Power shall act as secretary, but shall have no vote. The board shall meet upon call of the chairperson or any three (3) members upon at least seventy-two (72) hours written notice to each member or at such time as may be set by the board at any regularly called meeting.

The utility advisory board shall review at least annually the operation of the Division of Water Reclamation, the Division of Water, and the Division of Power for the purpose of reviewing the adequacy of the rates established for and charged by said divisions and recommending to council such changes in rates, if any, as in the opinion of the board are necessary. In making such review and recommendations, the board shall be guided by Sections 118 through 124 of the Charter of the City of Columbus and the projected needs, and plans of the division, and the past and projected expenses and revenues of the division.

On or before the last Monday of October of each year, or at such other times as requested by council, the utility advisory board shall prepare a report to council with the board's recommendations as to whether a rate change is required in the Division of Water Reclamation, the Division of Water, or the Division of Power, and if so, the recommended rates that should be established for each such division together with such detailed information and data, and in such form, as the board deems necessary.

#### **Article V. Electricity**

**Editor's Note:** This Article V covers ordinances relating to the Municipal Electricity Service, which is administered by the Division of Power of ~~the Department of Public Service~~Columbus Water & Power.

~~The Department of Public Utilities~~Columbus Water & Power exercises administrative power over privately owned electric utility companies. Maximum rates to be charged by privately owned electric utility companies granted a City franchise are prescribed by ordinance. Due to the temporary and specialized nature of such rate ordinances they are not included in the Columbus City Codes. Please consult ~~the Department of Public Utilities~~Columbus Water & Power for current maximum rates applicable to privately owned electric utilities.

#### **1160.01 Rules of the Director of ~~Public Utilities~~Columbus Water & Power.**

The Director of ~~Public Utilities~~Columbus Water & Power shall consistent with policies established by council make rules regulating the conditions under which electricity service shall be rendered.

#### **1160.02 Effectiveness of rules.**

Any rules and regulations issued by the Director of ~~Public Utilities~~Columbus Water & Power are made effective on all consumers of electricity from the system of the Division of Power, both within and without the corporate limits.

#### **1160.04 Charge for renewal of service.**

In all such cases where the Director of ~~Public Utilities~~Columbus Water & Power has ordered a discontinuance of electricity service for a violation of any rule or regulation there shall be charged the fees prescribed in C.C. 1163.19 for renewal of the electricity service.

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### **1160.05 Revocation of Authorizations and Licenses.**

In case any person (including employees) has or is violating any of the provisions of this Article Five or any of the prescribed rules and regulations of ~~the Department of Public Utilities~~Columbus Water & Power, such person shall have the registration as an electrical contractor or electrician revoked by the board or officer issuing such authorization or license, and such person or licensee, in addition thereto, shall be subject to C.C. 1160.99.

### **1160.99 Penalty.**

Whoever violates any provision of this chapter, or any prescribed rule or regulation of ~~the Department of Public Utilities~~Columbus Water & Power authorized by this chapter, shall be deemed guilty of a misdemeanor and fined not exceeding one hundred (\$100.00) dollars, or imprisoned for not more than thirty (30) days, or both. Any such violation shall constitute a separate offense on each successive day continued.

### **1161.09 Authority to contract.**

The Director of ~~the Department of Public Utilities~~Columbus Water & Power or delegated representative is authorized to enter into contracts to provide electric service to customers in accordance with the rates and schedule of charges set forth in Chapter 1163, Columbus City Codes, as amended, or as such rates and charges may be amended from time to time.

### **1161.10 Other electric contracts.**

Notwithstanding the published electric rates and schedule of charges in Chapter 1163, Columbus City Codes, as amended, the Director of ~~the Department of Public Utilities~~Columbus Water & Power is authorized to negotiate and enter into contracts with electricity consumers for such other rates and schedules of charges where, in the opinion of and with the approval by ordinance of City Council, it is in the best interests of the city and where it shall tend to best develop and increase the business, to increase the load factor and to promote in other ways the general success of the city's electric utility.

### **1162.01 Illegal use of electricity; information; posting.**

- (a) It shall be unlawful for any person to take electricity or in any way use electricity for private use which is furnished by the Division of Power, unless such person shall have first received permission from the Director of ~~Public Utilities~~Columbus Water & Power. Any person not employed by the city, or any ex-employees of the city, who furnishes information to the Division of Power of any such illegal use of electricity, may receive as compensation for such information, not to exceed twenty-five (25) percent of any amount received by the Division of Power as a result of such information for such illegal use of electricity, and the amounts to be paid to such informant under twenty-five (25) percent, to be left to the discretion of the administrator of the Division of Power. The administrator is authorized to make such payments out of the amount so recovered.
- (b) The administrator of the Division of Power shall have printed and cause the same to be posted in as many public places in the city as the administrator deems necessary, copies of (a) above.

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## 1162.02 Connecting to electricity system.

No person other than the properly authorized employees of the Division of Power acting under the direction of the Director of ~~Public Utilities~~Columbus Water & Power or a person or firm authorized by the Director of ~~Public Utilities~~Columbus Water & Power shall be permitted to make any connections with the electricity system of the Division of Power.

## 1163.01 Definitions.

- (a) "Maximum capacity" means the sum of the individual demands as determined separately for each metered service and supplied under the provisions of this chapter.
- (b) "Individual demand" means the measured demand where the connected load on a metered service is in excess of twenty (20) kilowatts; where the connected load is twenty (20) kilowatts or less, the individual demand may be established by periodic test, or as the estimated demand derived from the connected load.
- (c) "Measured demand," either by permanent installation of a demand meter or by periodic test, shall be determined in accordance with the division's standard practices and, except in unusual cases, shall be the maximum fifteen minute integrated kilowatt demand recording of an integrating demand meter, or the highest registration of a thermal type demand meter, during the billing period. In instances of highly fluctuating loads, or demands of short duration, the measured demand may be determined by appropriate metering equipment designed to measure fully the impact of such demands. Where measured demand are determined by periodic test a measured demand so determined shall continue in effect until superseded by a subsequent test.
- (d) "Estimated demands" means a calculated demand figure determined from the connected load, as follows:
  - First 5,000 watts @ 90%
  - Next 5,000 watts @ 80%
  - Over 10,000 watts @ 70%
- (e) "Contract location" means each separate point of delivery of service metered and billed under a separate service contract. Under special conditions, two (2) or more services supplied to a consumer at one (1) "contract location" may be combined on one (1) service contract as determined by the Director of ~~Public Utilities~~Columbus Water & Power or designee under the applicable schedule.
- (f) "Service" means the conductors and equipment for delivering electric energy from the secondary distribution main, or from the transformer, or from a distribution feeder to the wiring system of the premises served.
- (g) "Sub-station" means a receiving point for electric energy consisting of transformers, voltage regulators, switches and miscellaneous equipment and appurtenances.
- (h) "Commercial service" means electric energy delivered to commercial enterprises such as stores, hotels, offices, schools, churches, hospitals, apartment buildings, rooming or boarding houses, sales rooms, shops and a combined residence and office.
- (i) "Industrial service" means electric energy delivered to factories, processing plants, manufacturing plants and similar industries.
- (j) "Residential service" means electric energy delivered to residences.
- (k) The off-peak period shall be the time between 7:00 p.m. of each week day and 7:00 a.m. of the following day, between 5:00 p.m. on Friday and 7:00 a.m. of the following Monday and all day of New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. The

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hours of the off-peak period above defined shall be subject to change from time to time at the city's option, provided that the week day off-peak period shall not be reduced to less than eight (8) hours. On-peak hours are all hours not defined as off-peak hours.

- (l) "Eligible senior customers" means any customer who (a) is receiving service by means of a single meter to a single-family residence; (b) is personally responsible for payment of the bill as head of household; and (c) is sixty (60) years of age or older having a total income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census.
- (m) "Total income" means adjusted the gross income of the applicant (and spouse for the senior citizen adjustment) for the year preceding the year on which application for the senior citizen or low income adjustment is made, as determined under the "Internal Revenue Code of 1954," 26 U.S.C. 1, as amended, plus income from the following sources not included in the federal adjusted gross income: old age and survivors benefits received pursuant to the "Social Security Act," retirements, pensions, annuities, payments received pursuant to the "Railroad Retirement Act," 45 U.S.C. 231 et seq., and interest on federal, state and local government obligations. Disability benefits paid by the Veterans Administration or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.
- (n) "Income qualified residential customer" means a direct residential customer that (a) has a total household income of less than two hundred (200) percent of the poverty level as published by the U.S. Department of Commerce, Bureau of Census or (b) who is eligible for food stamp benefits, Ohio Medicaid, Low Income Home Energy Assistance (LIHEAP), Ohio Works First, Social Security Disability, or public housing benefits.
- (o) "Household" means any individual or group of individuals living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.
- (p) "Winter period" means the billing months of October through May.
- (q) "Summer period" means be the billing months of June through September.

### **1163.02 Rates established.**

For each metered service, or location, rate schedules for electric energy and service furnished by the Division of Power, ~~Department of Public Utilities~~Columbus Water & Power, to the various classes of users and consumers, shall be established and fixed as set forth in this chapter.

The Director of ~~Public Utilities~~Columbus Water & Power or designee shall determine the applicable rate schedule and permitted use at the time the service contract is entered into. Such determination shall be reviewed periodically and any change in the applicable rate schedule or permitted use determined necessary for the proper serving of the consumer and the protection of the electric energy supply of the city, shall become effective as of the date of the next succeeding billing.

### **1163.025 Electricity metering systems.**

- A. The Director of ~~Public Utilities~~Columbus Water & Power is hereby authorized to install, read and maintain metering systems to any and all properties served with electricity by the Division of Power. No person acting under the direction or authorization of the Director of ~~Public Utilities~~Columbus Water & Power shall be required to obtain a certificate of appropriateness or approval under Title 31, Title 33, or Title 34 for the installation, maintenance, or replacement of such metering systems.
- B. The Director of ~~Public Utilities~~Columbus Water & Power or the director's appointed agents are authorized to enter all properties served with electricity by the Division of Power for the purpose of installing, reading and maintaining the metering system.

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- C. Electricity service may be terminated for failure of a customer to provide access to the property for the purpose of installing, reading or maintaining the metering systems pursuant to the provisions of City Code Section 1160.03.
  - D. The property owner shall pay the appropriate service termination and resumption charges as specified in Section 1163.19 for denying access to the Director of Public Utilities Columbus Water & Power or the director's agents for the purpose of installing, reading and maintaining the metering system.
  - E. The customer is responsible for damage to the metering system resulting from negligence or vandalism and shall be charged for said damages to the meter according to Section 1163.19, except that said charge shall not be imposed when to the satisfaction of the director it is shown that the damage is the result of conditions beyond the control of the customer.
  - F. If the customer causes the obstruction of the metering system after its installation, or requests that the metering system be relocated, and the Division of Power agrees to perform such relocation, the customer shall be responsible for the relocation trip charge as specified in Section 1163.19, plus the actual costs of relocating any part of the metering system. The customer shall be responsible for removing or relocating equipment not owned by the Division of Power.
  - G. The Director of Public Utilities Columbus Water & Power will determine the type of metering system to be installed for each customer and that if in the director's opinion an existing system is inadequate to meet the intent of Section 1163.025, the director shall cause it to be replaced with a system meeting said intent.

### **1163.03 Power cost reserve adjustment.**

The power cost reserve adjustment includes the power cost adjustment (PCA) and the operating reserve allocation (ORA). The power cost reserve adjustment shall be expressed in dollars per KWH. The adjustment shall be effective at the beginning of each month to reflect adjustments made for actual purchased power costs incurred during the third month preceding, as determined as part of the power cost adjustment calculation, and may include an operating reserve allocation component, relating to the current month's billing cycle.

The power cost reserve adjustment formula is as follows:

$$\text{Power cost reserve adjustment} = \text{PCA} + \text{ORA}$$

The rates set forth in the applicable rate schedules are based upon a PCB, or power cost base. The power cost base is the projected cost of purchased power per KWH, based on the total estimated cost of purchased power and the total estimated net electricity purchased, for the upcoming fiscal year, as of a referenced date (i.e., the reset date). This base may not reflect the actual cost of purchased power per KWH for a given month during the fiscal year; therefore, the monthly power cost adjustment formula is used to adjust the power cost base to the actual cost of purchased power per KWH for a given month. Consumer electric bills may increase or decrease based on the power cost adjustment and will be adjusted based upon energy used.

- (1) "PCA" is the power cost adjustment calculation to reflect the actual cost of purchase power for a given month. The power cost adjustment charge or credit shall be determined within the nearest 1/1000 of a KWH in accordance with the following formula:

$$\text{PCA} = (\text{Pm}/(\text{Egm}+\text{Epm}) - \text{PCB}) \times ((\text{Egm} + \text{Epm})/\text{Esm})$$

PCA = Power cost adjustment to be charged in accordance with the power cost reserve adjustment as set forth within this chapter. The power cost adjustment amount per KWH will be charged times the energy used during the current billing month along with the electric rates established in this chapter.

Pm = Net cost of purchased power for the third month preceding the current billing month.

Egm = Net energy produced by the O'Shaughnessy Generating Plant for the third month preceding the current billing month. This energy shall be omitted from the PCA formula during periods when it is not used to directly serve electric customers of the City of Columbus.

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Epm = Net energy purchased from other parties during the third month preceding the current billing month

Esm = Total energy sales from customer meters read during the third month preceding the current billing month.

PCB = Power Cost Base = The estimated cost of purchased power over the fiscal year, to the nearest 1/1000 of a KWH, as of a referenced date (i.e., the reset date), based on the total estimated cost of purchased power for the fiscal year, divided by the total estimated net electricity, as stated in total KWH, to be purchased over the fiscal year.

- (2) "ORA," the operating reserve allocation component of the power cost reserve adjustment, is an upward or downward adjustment in power cost reserve adjustment rate level as determined necessary by the Director of ~~Public Utilities~~Columbus Water & Power or designee to maintain competitive rates and/or to provide revenue to meet established street lighting construction goals. The Director or designee may set or adjust the ORA monthly, provided, in no event, shall the director or designee set or adjust the ORA level to be greater than \$0.008 per KWH above the PCA for the third month preceding.

#### **1163.04 Residential electric service, Schedule "A" (Rate 10).**

- A. The following conditions shall apply to Residential service.
- B. Type of service and permitted use:
1. The service shall be supplied at 120/240 volts, single phase, 60 hertz, alternating current from the Division of Power's distribution system.
  2. Use of the service shall be limited to lighting, heating, cooking, refrigeration, and miscellaneous appliances as commonly used in a domestic dwelling.
- C. Rates and charges for each separately metered service shall be as follows:
1. Customer Charge: \$11.25. The customer charge shall be the minimum monthly charge for service.
  2. Energy Charge: \$.11267 per kWh
- D. Power Cost Reserve Adjustment: The schedule of charges described in division (C) shall be adjusted in accordance with the Power Cost Reserve Adjustment as set forth in section 1163.03.
- E. Senior Citizen Discount: Eligible senior customers may apply to have the Customer Charge waived. The waiver will be available to the senior customer upon approval of ~~the Department of Public Utilities~~Columbus Water & Power.
- F. Income Qualified Discount: Eligible income qualified residential customers may apply to receive a thirty (30) percent discount on the total Energy Charge for all kilowatt-hours of energy supplied pursuant to this section. This discount will be available to the income qualified residential customer upon approval of ~~the Department of Public Utilities~~Columbus Water & Power.

#### **1163.05 Residential electric service, Schedule "A-1" (Small User, Rate 11).**

- A. Residential service for any new customer or for an existing customer who changes service location will be billed as provided for in Schedule "A" until the first billing month during the summer period, unless such customer establishes to the satisfaction of the Division of Power that the customer's usage would be within the limits provided in this Schedule A-1.
- B. Type of service and permitted use:

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1. The service shall be supplied at 120/240 volts, single phase, sixty (60) hertz, alternating current from the Division of Power's distribution system.
  2. Use of the service shall be limited to lighting, heating, cooking, refrigeration, and miscellaneous appliances as commonly used in a domestic dwelling.
- C. Rates and charges for each separately metered service:
1. Customer Charge: \$11.25. The customer charge shall be the minimum monthly charge for service.
  2. Energy Charge: \$.09892 per kWh
- D. In any billing month during the Summer period, if usage exceeds seven hundred (700) KWH, billing will be rendered that month under Schedule "A" and thereafter for all subsequent months through the four (4) months of the next Summer period.
- E. Power Cost Reserve Adjustment: The schedule of charges described in division (C) shall be adjusted in accordance with the Power Cost Reserve Adjustment as set forth in section 1163.03.
- F. Senior Citizen Discount: Eligible senior customers may apply to have the Customer Charge waived. The waiver will be available to the senior customer upon approval of ~~the Department of Public Utilities~~Columbus Water & Power.
- G. Income Qualified Discount: Eligible income qualified residential customers may apply to receive a thirty (30) percent discount on the total Energy Charge for all kilowatt-hours of energy supplied pursuant to this section. This discount will be available to the income qualified residential customer upon approval of ~~the Department of Public Utilities~~Columbus Water & Power.

### **1163.11 Charges when meter impracticable, Schedule "F".**

Applicability:

To Various Customers:

"When it is impracticable to supply electric energy through a meter, a fair and uniform charge shall be made by the Director of ~~Public Utilities~~Columbus Water & Power or designee.

Type of Service:

Alternating current at the city's standard conditions supplied from its secondary or primary distribution mains.

Electric Rate:

The same as set forth in the various applicable rate schedules.

### **1163.19 Service charge.**

The following charges shall be paid for the specified special services furnished by the Division of Power:

- A. Special meter reading at request of consumer, except for final bill or initial service:

During Regular Working Hours \$30.00

After Regular Working Hours \$30.00

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- B. Service charge for trip to discontinue or attempt to discontinue electricity service or to turn on the electricity service due to non-payment of account arrearages:

During Normal Business Hours:

Disconnect or Reconnect at Meter\$20.00

Disconnect or Reconnect at Pole\$145.00

Normal hours for reconnection are 6:45 a.m. to 4:45 p.m. all week days, excluding Holidays

Other Than Normal Business Hours:

Reconnect at Meter\$55.00

Reconnect at Pole\$285.00

- C. Additional reconnection charges:

Reset Meter\$30.00

Remove Locking Device\$20.00

- D. Service charge to turn on or off service at request of customer:

During Regular Working Hours:

At Meter\$20.00

At Pole\$145.00

Normal hours for reconnection are 6:45 a.m. to 4:45 p.m. all week days, excluding Holidays

After Regular Working Hours:

At Meter\$55.00

At Pole\$285.00

- E. Service charge to replace meter damaged by customer abuse or tampering:

During Regular Working Hours:

Residential\$60.00

Small Commercial\$205.00

Large Commercial\$210.00

After Regular Working Hours:

Residential\$75.00

Small Commercial\$235.00

Large Commercial\$255.00

- F. Service charge to investigate, notify or discontinue electricity service where fraud or illegal diversion has occurred, including unauthorized turn on or other violation of the rules and regulations of the Director of Public Utilities Columbus Water & Power (plus estimated quantity of electricity used)\$20.00

To Remove Meter\$30.00

To Install Locking Device\$35.00

- G. Testing of meter at request of customer:

- (1) Where meter does not test within ninety-eight (98) percent and one hundred two (102) percent accuracyNone

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- (2) Where meter tests within ninety-eight (98) percent and one hundred two (102) percent accuracy\$40.00
  - H. Returned check processing charge\$25.00
  - I. Service charge for additional trip to inspect metering system\$25.00
  - J. Charges and fees for personnel services, administrative costs, indirect costs, labor and material supplied by the Division of Power may be established by Rule and Regulation of the Director pursuant to 1160.01

### **1163.24 Net Metering.**

- (a) Availability of Service. Net metering shall be available to all Division of Power customers who:
  - (1) Purchase their electric energy and service from the Division of Power under the applicable rate class set forth in Sections 1163.04 through 1163.077; and
  - (2) Host distributed generation that uses advanced energy resources as defined in Section 1163.24(b).
- (b) Definitions. As used in this section:
  - (1) "Advanced Energy Resources" means generation produced by fuel cells, waste-to energy generation, low-impact hydropower, wind power, biomass, landfill gas, solar photovoltaic, and solar thermal resources.
  - (2) "Distributed Generation" is electrical generation located on the customer's premises that:
    - A. Is primarily intended to offset part or all of the customer's own electrical requirements on the premises;
    - B. Is interconnected with the Division of Power's electric system in compliance with the terms of division (c) of this section; and
    - C. Operates in parallel with the Division's distribution system.
  - (3) "Net energy" is the difference, positive or negative, between the amount of electricity supplied by the Division of Power to the customer through the Division's electric distribution system and the amount of electricity generated by the customer's distributed generation which is fed back into the Division's electric distribution system.
  - (4) "Net metering" is a method of measuring the difference, positive or negative, between the kilowatt hours of electricity supplied by the Division of Power to the customer through the Division's electric distribution system and the kilowatt hours of electricity generated by the customer's distributed generation which is fed back into the Division's electric distribution system.
- (c) Conditions of Service. The following requirements apply to net metering:
  - (1) Interconnection. No customer shall connect distributed generation to the Division of Power's distribution system except upon the Division's approval of a written application in a form prescribed by the Division. The customer shall be responsible for the permitting, design, installation, operation, and maintenance of the distributed generation; the costs of any necessary modification of the Division's facilities; payment of the Division's cost to review the application and perform any necessary studies; and any additional terms or conditions included in the application or in the Division's approval of the application.
  - (2) The City shall not be liable directly or indirectly for permitting or allowing the connection of the customer's distributed generation to the Division of Power's distribution system or for the acts or omissions of the customer's distributed generation that cause property damage, loss, injury, or death to any person.

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- (3) Metering.
- A. Metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction.
  - B. The Division of Power shall install and test revenue quality metering equipment, if needed.
  - C. The Division of Power shall own, operate, test, and maintain such metering equipment and shall bear the costs associated with the purchase, installation, operation, testing, and maintenance of the metering equipment.
- (d) Billing and Charges.
- (1) Monthly energy charges. Monthly energy charges shall be determined according to the applicable rate class as provided for in Chapter 1163 and associated rules and regulations.
    - (A) If a customer's net energy is positive during a billing month, the energy charge of the customer's applicable rate class shall be calculated using the customer's net energy for the billing month. All other charges shall be applicable and charged as set forth in the Division of Power's rate schedule and calculated in accordance therewith.
    - (B) If a customer's net energy is negative during a billing month, only the energy charge of the customer's rate class shall be offset using the customer's net energy supplied to the Division of Power's system. All other charges shall be applicable and charged as set forth in the Division of Power's rate schedule and calculated in accordance therewith. If the customer's net energy under its rate schedule is negative during the billing month, the negative net energy shall be allowed to accumulate as a credit to offset energy charges the customer incurs in future billing months.
  - (2) Additional Charges. The customer shall pay any additional charges applicable to the customer's rate class, including but not limited to, maximum demand charge based on energy delivered to the customer, and any charges for equipment, labor, metering, testing or inspections requested by the customer.
- (e) Director of ~~the Department of Public Utilities~~ Columbus Water & Power's Authority. The Director of ~~the Department of Public Utilities~~ Columbus Water & Power shall have the authority to promulgate rules and regulations to facilitate net metering and the interconnection of distributed generation of advanced energy resources, including community solar, within the Division of Power's customer base.

### **1165.01 Street lights required.**

Any developer of commercial and residential development within the City of Columbus shall install street lights along public right of ways at locations to be determined by the Division of Power. No person acting under the direction or authorization of the Director of ~~Public Utilities~~ Columbus Water & Power shall be required to obtain a certificate of appropriateness or approval under Title 31, Title 33, or Title 34.

### **1165.05 Agreements to erect street lights.**

Upon receipt of information that a developer will cause the installation of street lights pursuant to this chapter, the Director of ~~Public Utilities~~ Columbus Water & Power is authorized to enter into agreements, granting such right and privilege, and such agreements shall contain the following provisions and conditions.

- (a) The City shall be held free and harmless from any and all claims for damages of every nature arising or growing out of the improvements so agreed to be made.
- (b) The party requesting the installation of street lights shall pay the cost of inspection and shall deposit, with the City Treasurer through the administrator of the Division of Power, the sums of money

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estimated by the administrator of the Division of Power to be necessary therefore, and in the event that such estimated amounts are to be insufficient shall deposit such additional amounts as are necessary upon demand. All unexpended monies so deposited shall be refunded.

- (c) Such party shall furnish a surety bond or an irrevocable letter of credit issued by a bank and subject to the provisions of Chapter 1305 of the Ohio Revised Code satisfactory to the Director of ~~Public Utilities~~Columbus Water & Power, or a certified check upon a solvent bank of the City, in the sum of one hundred (100) percent of the estimated cost of the proposed improvement to guarantee the performance of the agreement and to warrant all work performed against and defective work or labor done, or defective material furnished for a period of one (1) year following acceptance by the Division of Power.
- (d) Any violations of the terms of the agreement or non-compliance therewith shall constitute a breach of contract and the administrator of the Division of Power shall have the right and privilege to stop the work forthwith.
- (e) Upon completion of the work in accordance with the plans and specifications therefore, the street lighting system shall become the property of the City at no cost to the City and without encumbrance of any nature.

#### **1165.06 Improvements; requirements.**

- (a) Plans for the improvements required in this chapter shall be prepared and signed by a registered engineer holding a State of Ohio Certificate of Registration.
- (b) Plans for the improvements required by this chapter shall be installed after approval of the final plat which is prepared for recording. In lieu of immediate completion of the improvements the developer shall enter into an agreement with the director of ~~public utilities~~Columbus Water & Power and file a surety bond or irrevocable letter of credit with him to secure to the City of Columbus the actual construction of such improvements within a period not to exceed one year, in accordance with the specifications, and inspection by the City of Columbus.

#### **1167.01 Protection of electricity system.**

- (A) The administrator of the Division of Power or a duly authorized representative shall have the right to enter any property served by a connection to the city's electricity system for the purpose of inspecting the electricity system or systems thereof. On request, the owner, lessees or occupants of any property so served shall furnish to the administrator of the Division of Power any information, which the administrator may deem necessary, regarding the electricity system or electricity use on such property. The refusal of such information or entry, when requested, shall, within the discretion of the administrator of the Division of Power, be deemed evidence of the presence of improper connections.
- (B) The administrator of the Division of Power shall be authorized to discontinue, after due notice to the occupants thereof, the electricity service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as the administrator may deem necessary to eliminate any danger to the city's electricity distribution system. Electricity service to such property shall not be restored until any such dangerous conditions have been eliminated or corrected in compliance with the provisions of this section.
- (C) The Director of ~~Public Utilities~~Columbus Water & Power shall have the authority as may be necessary in the interest of public safety, health, and general welfare to promulgate rules and regulations, to interpret and implement the provisions of this section and to secure the intent therefore.