

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-2505

AMENDING CERTAIN SECTIONS OF PART NINE, STREETS AND PUBLIC SERVICES CODE, OF THE CITY CODE OF HUBER HEIGHTS.

WHEREAS, the citizens of Huber Heights require City codified ordinances that are current, up to date, and reflect the current practices and processes of the City; and

WHEREAS, as part of the Ordinance Review Commission process, the Ordinance Review Commission has identified provisions within the Streets and Public Services Code that require updating or other changes; and

WHEREAS, the City Council has determined that revisions in Chapters 903, 911, 915, 919, 920, 921, 922, 923, 924, 929, 932, 935, 943, 950 and 951 are necessary to enhance the effective and efficient delivery of municipal services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Nine, Streets and Public Services Code, Chapter 903 – Construction And Improvements In Public Right-Of-Way, Section 903.02(f) – Permit Required For Excavation Or Construction is hereby amended to read as follows:

903.02 – Permit required for excavation or construction.

- (f) Any party aggrieved by the penalty imposed herein may file a written appeal to the City Manager within ten days of the date of the imposition of the Civil Penalty under the same process as set forth in Section 920.07 of this Code.

Section 2. Part Nine, Streets and Public Services Code, Chapter 903 – Construction And Improvements In Public Right-Of-Way, Section 903.04(a) – Permit Application; Driveway Limitations; Permit Refusal; Specific Applicant is hereby amended to read as follows:

903.04 – Permit application; driveway limitations; permit refusal; specific applicant.

- (a) The person, firm, corporation, or political subdivision or any other legal entity recognized under the laws of the state of Ohio, desiring to exercise any license or privilege for which a permit is required by this chapter, shall make application in writing to the City Engineer or his duly authorized representative on the standard City permit form, setting forth the privilege desired. Such application shall be accompanied by a plat or drawing when required, showing the details of the improvement, together with the location in the street or other public place where the privilege is desired, with reference to street and lot lines and the dimensions of the portion of the public way to be used; provided however, that no privilege shall be granted for the construction or maintenance of a driveway apron over or through any gutter, curb or sidewalk which is more than 25 feet in width at the back edge of the sidewalk, nor shall any driveway opening be made within 40 feet from the end of the radial portion of any curb at a street intersection, nor shall a permit be granted for any driveway to be constructed over or through a sidewalk in such manner that the surface of the sidewalk shall be slanted or inclined at the point of the driveway other than the slope and alignment shown on the City's standard drawings, except when a variance is authorized by the City Engineer or his duly authorized representative in writing and notation of same on the permit.

Section 3. Part Nine, Streets and Public Services Code, Chapter 911 – Repair And Maintenance Of Curbs, Sidewalks And Driveways, Section 911.04 – Rules And Regulations By Director is hereby amended to read as follows:

911.04 – Rules and regulations by director.

The Director of Public Service is hereby authorized to adopt, promulgate, amend and enforce such administrative rules and regulations as may be necessary to execute and enforce the provisions of this chapter and is further specifically authorized and empowered to fix and establish, in compliance with the Building Code and adopted specifications, the thickness, width, materials and specifications of sidewalks, driveways and curbing to be installed, altered or repaired within the limits of any public street and the manner of performing any work relating to the matters referred to in this chapter. Such rules and regulations shall be kept on file and open to public inspection in the office of the Director and shall be published in the same manner as City ordinances. No driveway shall be constructed or reconstructed if the nearest edge of such driveway is less than 40 feet from the end of the radial portion of any curb at a street intersection.

Section 4. Part Nine, Streets and Public Services Code, Chapter 915 –Driveway Access Policy, Section 915.03(e) – Design Regulations is hereby amended to read as follows:

915.03 – Design regulations.

- (e) *Location of Driveways at Roadway Intersections.* New driveways shall not begin closer to an existing street intersection than that 40 feet from the end of the radial portion of any curb at a street intersection. The City Engineer shall evaluate requests for location of driveways of other uses than residential by considering traffic volumes, type of land use, pavement width, lane usage, sight distance restrictions, etc.

Section 5. Part Nine, Streets and Public Services Code, Chapter 911 – Repair And Maintenance Of Curbs, Sidewalks And Driveways, Section 911.02(e) – Duty To Repair And Clean Sidewalks And Curbs is hereby amended to read as follows:

911.02 – Duty to repair and clean sidewalks and curbs.

- (e) Concrete sidewalks that are located in front of a zoned residential property and are designated by the City as a Bikepath are to be repaired or replaced by the City when such repairs are selected or required by the City. A City Bikepath is defined as an eight foot wide concrete sidewalk located within the street right-of-way and is part of a designated path that is to be used for bicycles or pedestrians. It is located outside the traveled way and physically separate from motorized vehicular traffic. The Bikepath also may be used by skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users.

Section 6. Part Nine, Streets and Public Services Code, Chapter 919 – Street Lighting Assessment Procedure, Section 919.01(b) – Procedure is hereby amended to read as follows:

919.01 – Procedure.

- (b) The Clerk of Council shall cause the publication of the resolution of necessity in a newspaper of general circulation, once a week for two consecutive weeks within the City and shall also mail notice of the passage of the resolution to all members of the proposed lighting district by regular mail at their last known tax mailing address.

Section 7. Part Nine, Streets and Public Services Code, Chapter 920 – Utility Structures, Section 920.07 – Appeals is hereby amended to read as follows:

920.07 – Denial/Revocation; Appeal.

- (a) The following are grounds for revocation or denial of a permit:

- (1) The intentional provision of materially misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);
 - (2) The failure to comply with any condition of approval, order, or other applicable law, rule, or regulation;
 - (3) The utility structure as proposed or installed is otherwise not in compliance with the provisions of this Chapter
 - (4) The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed or slow to perform work as part of an open permit.
- (b) The City Engineer's decision to deny or revoke a Permit may be appealed to the City Manager. All appeals must be in writing and submitted within ten (10) calendar days from the date of the action being appealed. If the City Engineer issues a denial or revocation of a Permit, the City Engineer shall notify the applicant in writing including the grounds therefor, within three (3) business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three (3) business days of the receipt of the request for appeal of a hearing date to be within twenty-one (21) days.
- (c) At any properly scheduled appeal, the respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:
- (1) Present his/her positions, arguments and contentions;
 - (2) Offer and examine witnesses and present evidence in support;
 - (3) Cross-examine witnesses purporting to refute respondent's position, arguments and contentions;
 - (4) Offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
 - (5) Offer any such evidence into the record.
- The City Manager shall render a decision within five (5) business days after the hearing.

Section 8. Part Nine, Streets and Public Services Code, Chapter 921 – Utilities, Section 921.04.10 – Appeals is hereby amended to read as follows:

921.04.10 – Appeals.

The City Engineer's decision to deny or revoke a Permit may be appealed to the City Manager. All appeals on a denial of a Permit must be made in writing within ten (10) calendar days from the date of the action being appealed. If the City Engineer issues a denial or revocation of a Permit, the City Engineer shall notify the applicant in writing including the grounds therefor, within three (3) business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three (3) business days of the receipt of the request for appeal of a hearing date to be within twenty-one (21) business days. The respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:

- (1) Present his/her positions, arguments and contentions;
- (2) Offer and examine witnesses and present evidence in support;
- (3) Cross-examine witnesses purporting to refute respondent's position, arguments and contentions;
- (4) Offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
- (5) Offer any such evidence into the record.

The City Manager shall render a decision within five (5) business days after the hearing.

Section 9. Part Nine, Streets and Public Services Code, Chapter 922 – Stormwater Management Code, Section 922.02.(c) – Stormwater Charge Generally is hereby amended to read as follows:

922.02 – Stormwater charge generally.

- (c) The City's Storm drainage service charges shall be fair and reasonable and bear a substantial relationship to the cost of providing service and Facilities. Single family residential properties shall pay the same Stormwater service charges. Charges for non-residential properties within the City shall be calculated based on the relationship that the total Impervious Surface (as defined in Section 922.03) for such parcel bears to the average Impervious Surface area of residential homes within the City as defined in Section 922.26.

Section 10. Part Nine, Streets and Public Services Code, Chapter 922 – Stormwater Management Code, Section 922.03 – Definitions is hereby amended to read as follows:

922.03 Definitions.

County means Montgomery County or Miami County and means the county where the applicable part of the City is situated.

Section 11. Part Nine, Streets and Public Services Code, Chapter 922 – Stormwater Management Code, Section 922.13(c) – Permits And Plan Review is hereby amended to read as follows:

922.13 – Permits and plan review.

- (c) Plans for all improvements made within the City that require Stormwater Facilities or changes or alterations to existing Stormwater Facilities must be submitted to the City Manager or his designee for review and approval. Plans and applications may be submitted directly to the City Manager or his designee or through the building permit process. All improvements must conform to the provisions of this chapter or rules or regulations promulgated hereunder and the master plan. The City Manager, or his designee shall have 30 days after the date of application to review each plan submitted. Plans that are not approved may be resubmitted after revisions are made. No permit shall be issued until a plan is approved or the need for a permit is waived by the City Manager or his designee.

Section 12. Part Nine, Streets and Public Services Code, Chapter 922 – Stormwater Management Code, Section 922.30(b) – Adjustment Of Service Charge is hereby amended to read as follows:

922.30 – Adjustment of service charge.

- (b) The City Manager or his designee shall have 30 days to investigate the matter. The City Manager or the City Manager's designee shall timely review and rule upon the application for adjustment.

Section 13. Part Nine, Streets and Public Services Code, Chapter 923 – Sanitary Sewers, Section 923.03 –Waste To Be Discharged In Sanitary Sewer is hereby amended to read as follows:

923.03 – Waste to be discharged in sanitary sewer.

All water-borne waste from toilets, lavatories, bathtubs, showers, laundry tubs, washing machines, refrigeration drips, soda fountains, drinking fountains, sinks, basement and garage floor drains (with the use of grease traps) shall be discharged into the sanitary sewer system. Any other waste will be permitted only upon written authorization from the City and the Tri-Cities Authority or the then-current owner of the North Regional Wastewater Treatment Plant (NRWTP).

Section 14. Part Nine, Streets and Public Services Code, Chapter 923 – Sanitary Sewers, Section 923.04 – Sewer Use And Pretreatment; Penalties For Violations is hereby amended to read as follows:

923.04 – Sewer use and pretreatment; penalties for violations.

- (a) *General Prohibitions.* No person shall discharge to any of the City's sanitary sewer facilities any substances or wastes which in whole or in part:
- (1) Receives on-site treatment through a septic tank or leach field;
 - (2) Create a fire or explosion hazard;
 - (3) Contain corrosive properties, that is in no case shall discharges have a pH lower than 6.0 or greater than 10.0;
 - (4) Cause obstruction or other interference;
 - (5) Constitute a slugload;
 - (6) Contain heat in amounts which will accelerate the formation of excessive amounts of hydrogen sulfide;
 - (7) Inhibit sampling efforts;
 - (8) Endanger monitoring or maintenance personnel;
 - (9) Inhibit biological activity in the wastewater treatment facilities, that is, a discharge of 140 degrees Fahrenheit or greater may be prohibited;
 - (10) Contain noxious, malodorous gas or substance which creates a public nuisance or hazard;
 - (11) Contain radioactive wastes in harmful quantities;
 - (12) Contain nonshredded garbage;
 - (13) Contain any odor or color producing substances exceeding limits;
 - (14) Cause the North Regional Wastewater Treatment Plant (NRWTP) effluent or residues, sludges, or scums to be unsuitable for reclamation and reuse or interfere with sludge disposal practices;
 - (15) Cause the NRWTP to violate any of its NPDES permit limits or requirements or otherwise pass-through the facility;
 - (16) Contain any heavy metals or other substances which violate the Federal General Pretreatment Regulations (40 CFR 403)
- (b) *Federal Categorical Pretreatment Standards.*
- (1) No person shall discharge to any of City's sanitary sewer facilities, wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the limit prescribed in such applicable pretreatment standards.
 - (2) The General Pretreatment Regulations (40 CFR 403) effective November 16, 1988 and as printed in the Federal Register in October 17, 1999, Part IV or as amended are applicable to this section, including reporting and compliance schedule, sampling parameters, violation notices, etc.
 - (3) Sanitary rules and regulations as adopted by this chapter are hereby amended to include the following sections and subjects:
 - A. Definition of Significant Industrial User - 40 CFR 403.3(t).
 - B. Submittal of Significant Industrial User List - 40 CFR 403.8(f)(6).
 - C. Industrial User Notification of Status - 40 CFR 403.8(f)(2)(iii).
 - D. Fire and Explosivity Prohibition - 40 CFR 403.5(b)(1).
 - E. Oil and Grease Prohibition - 40 CFR 403.5(b)(6).
 - F. Reactivity and Fume Toxicity - 40 CFR 403.5(b)(7).
 - G. Trucked and Hauled Waste - 40 CFR 403.5(b)(8).
 - H. Local Limits Development and Enforcement - 40 CFR 403.5(c)(1).
 - I. Control Mechanisms - 40 CFR 403.8(f)(1)(iii).
 - J. Inspection and Sampling - 40 CFR 403.8(f)(2)(v).
 - K. Spills and Batch Discharges - 40 CFR 403.8(f)(2)(v).
 - L. Annual Publication of Industrial Users in Significant Violation - 40 CFR 403.8(f)(2)(vii).
 - M. Enforcement Responses Plans - 40 CFR 403.8(f)(5).
 - N. Semi-Annual Significant Industrial User Self Monitoring - 40 CFR 403.12(h)
 - O. Hazardous Waste Notification Requirements - 40 CFR 403.12(p)(1).
 - P. Notification of Changes in Discharge Including Hazardous Wastes - 40 CFR 403.12(j).
 - Q. Toxicity Testing - 40 CFR 122.21(j)(1-3).
 - R. Local Limit Evaluation - 40 CFR 122.21(j)(4).

- (4) In addition to the application of the above rules and regulations, the following sections and subjects shall also be applicable:
- A. Baseline Monitoring Report and 90-day Compliance Report Section 2(G)(1).
 - B. Administrative Orders to Users - Section 2(L)(3).
 - C. Administrative Fines - Section 2(L)(3)(f).
 - D. Authorized Representative - Section 2(G)(3).
 - E. Certification Statement - Section 2(G)(4).
 - F. General Rewording of Ambiguous or Unclear Sections of Document.

A copy of the full document as amended is on file in the office of the Clerk of Council and is incorporated herein by reference.

- (c) *Recovery of Costs Incurred by the City.* Any user violating any of the provisions of these rules and regulations, or who discharges or causes a discharge that produces a deposit or obstruction, or causes damage to or impairs the City wastewater facility shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of these rules and regulations.

- (d) *Penalties for Violations.*

- (1) Whoever violates or continues to violate any provision of these rules and regulations, or whoever violates or continues to violate any provisions of these rules and regulations beyond the time limit for compliance set forth in the order, notice of violation or compliance schedule established by the City Manager, shall be subject to the following:
- A. The first violation shall constitute a third degree misdemeanor punishable by a fine of up to \$500.00 and/or up to 60 days in jail. Each subsequent violation of the same provision by the same offender shall constitute a misdemeanor of the first degree punishable by a fine of up to \$1,000.00 and/or up to six months in jail. If the subsequent violation is a continuing one, each day of such violation shall constitute a separate violation.
 - B. The property may be subject to disconnection from the City's wastewater facilities.

Section 15. Part Nine, Streets and Public Services Code, Chapter 923 – Sanitary Sewers, Section 923.08(g) – Billing And Delinquent Accounts is hereby amended to read as follows:

923.08 – Billing and delinquent accounts.

- (g) *Sewer Rebate for Filling of a Pond, Lake, Swimming Pool, or Other Similar Basin.*
- (1) Customer may receive a rebate for the sanitary sewer charges incurred as a result of filling an artificial pond, lake, swimming pool, or other similar basin that will retain water provided the following conditions are met; and
- A. The sanitary service charges are based on water usage and it is proven to the City that the water usage includes water distributed to fill an artificial pond, lake, swimming pool, or other similar basin that will retain water; and
 - B. The sanitary service charges are based on water usage where such water usage constitutes the only discharge to the sanitary sewer and such water usage is metered; and
 - C. The water distributed to fill an artificial pond, lake, swimming pool, or other similar basin that will retain water does not result in discharge of the water into the wastewater system.
- (2) The customer requesting the rebate must show to the City that the water usage that is listed on a bill received by the customer was for the filling of the pond, lake, swimming pool, or other similar basin and the amount of water used to fill the pond, lake, swimming pool, or other similar basin. Customer shall provide City with the dimensions of the pond, lake, swimming pool, or other similar basin and any design specifications from an architect, engineer or contractor showing the volume of the pond, lake, swimming pool, or other basin to be filled.

Section 16. Part Nine, Streets and Public Services Code, Chapter 923 – Sanitary Sewers, Section 923.10 – Complaints And Appeals is hereby amended to read as follows:

923.10 – Complaints and appeals.

- (a) Customers who are not satisfied with the resolution to a billing complaint may appeal in writing to the Citizen's Water and Sewer Advisory Board as appointed by Council. Such appeals must be filed within thirty (30) days of the date of the bill being appealed. Such appeals, to be considered by the Board, shall include at a minimum the name, address and phone number of the complainant (for use during business hours), a discussion of the facts of the case, any related documentation, and in all cases, the basis for the bill adjustment request. The customer shall receive notice of the Board meeting at least ten days prior to the meeting. Notice shall be by ordinary mail to the address shown on the appeal. The Board shall render a decision on the complaint. The Board's decision shall be final unless appealed to Council.
- (b) Any person, feeling aggrieved by a decision of the Board may appeal such decision to Council by notifying the Clerk of Council in writing within ten (10) business days after receiving notice of the decision of the Board. Notice will be deemed to have been received by a customer on the date of the Board meeting if the customer attends the meeting. Otherwise, notice will be deemed to have been received by a customer on the date that someone at the residence of the customer signs for the notice. Such notice shall contain the grounds for appeal. Council shall render a final decision.

Section 17. Part Nine, Streets and Public Services Code, Chapter 924 – Industrial Pretreatment Program, Section 924.01 – Definitions is hereby amended to read as follows:

924.01 – Definitions.

New source means 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 pretreatment standards under Section 307(c) of the Federal Water Pollution Control Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

- (1) The building, structure, facility or installation is constructed at a site at 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.

Section 18. Part Nine, Streets and Public Services Code, Chapter 929 – Water Distribution, Section 929.38 – Billing Complaints is hereby amended to read as follows:

929.38 – Billing complaints.

- (a) Customers who are not satisfied with the resolution to a billing complaint may appeal in writing to the Citizen's Water and Sewer Advisory Board as appointed by Council. Such appeals must be filed within sixty (60) days of the date of the bill being appealed. Such appeals, to be considered by the Board, shall include at a minimum the name, address and phone number of the complainant (for use during business hours), a discussion of the facts of the case, any related documentation, and in all cases, the basis for the bill adjustment request. The customer shall receive notice of the Board meeting at least ten days prior to the meeting. Notice shall be by ordinary mail to the address shown on the appeal. The Board shall render a decision on the complaint. The Board's decision shall be final unless appealed to Council.
- (b) Any person, feeling aggrieved by a decision of the Board may appeal such decision to Council by notifying the Clerk of Council in writing within ten (10) business days

after receiving notice of the decision of the Board. Notice will be deemed to have been received by a customer on the date of the Board meeting if the customer attends the meeting. Otherwise, notice will be deemed to have been received by a customer on the date that someone at the residence of the customer signs for the notice. Such notice shall contain the grounds for appeal. Council shall render a final decision.

Section 19. Part Nine, Streets and Public Services Code, Chapter 932 – Backflow Prevention Control And Cross Contamination Elimination Rules And Regulations, Section 932.07 – Type Of Protection Required is hereby amended to read as follows:

932.07 – Type of protection required.

- (a) The type of protection required under Section 932.06(b), shall depend upon the degree of hazard which exists as follows:
 - (1) A required air-gap separation and an approved reduced pressure principle backflow prevention device shall be maintained where a public water system may be contaminated with substances that could cause a severe health hazard;
 - (2) A required air-gap separation shall be maintained or an approved reduced pressure principle backflow prevention device shall be maintained where a public water system may be contaminated with any substance that could cause a system or health hazard or a pollution hazard.
- (b) The type of protection required under subsection (c) hereof shall be a required air-gap separation or an approved interchangeable connection.
- (c) Where an auxiliary water system is used as a secondary source of water for a fire protection system, the provisions of subsection (b) hereof for a required air-gap separation or an approved interchangeable connection may be waived by the City Manager or his designee and the OEPA provided:
 - (1) At premises where the auxiliary water system may be contaminated with substances that could cause a system or health hazard, a public water system or a potable consumer's water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device;
 - (2) At all other premises, a public water system or a potable consumer's water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevent device;
 - (3) A public water system or a potable consumer's water system shall be the primary source of water for the fire protection system;
 - (4) The fire protection system shall be normally filled with water from a public water system or a potable consumer's water system;
 - (5) The water in the fire protection system shall be used for fire protection only, with no other use of water from the fire protection system downstream from the approved backflow prevent device.
- (d) *Type Of Backflow Protection Required.* Domestic and Commercial Water Services. An approved backflow prevention device shall be installed on each domestic water service connection to the following types of facilities unless the City Manager or his designee determines that no real or potential health, pollution, or system hazard to public water system exists.

Abbreviations used in this chapter are as follows:

A.G.—Air Gap Separation per Section 932.02.

R.P.—Reduced Pressure Principle Backflow Preventer.

Type Of Facility	Minimum Type of Protection
Breweries, Distilleries, Bottling Plants	R.P.
Car Wash with Recycling System and/or Wax Eductor	R.P.
Chemical Plants	R.P.
Dairies	R.P.
Health Care Facilities	R.P.
Fertilizer Plants	R.P.
Film Laboratory and Processing Plant	R.P.
Food or Beverage Plant	R.P.

Laboratories	R.P.
Laundries and Dry Cleaning Plants	R.P.
Machine Tool Plant(Health or System Hazard)	R.P.
Machine Tool Plant (Pollution Hazard)	R.P.
Metal Processing Plant (Health or System Hazard)	R.P.
Metal Processing Plant (Pollution Hazard)	R.P.
Metal Plating Plant	R.P.
Morgues or Mortuaries	R.P.
Packing Houses or Rendering Plants	R.P.
Paper Products Plant	R.P.
Petroleum Processing Plant	R.P.
Petroleum Storage Yard (Health or System Hazard)	R.P.
Petroleum Storage Yards (Pollution Hazard)	R.P.
Pharmaceutical or Cosmetic Plant	R.P.
Power Plants	R.P.
Radioactive Material Plant	R.P.
Restaurants, with Soap Eductors and/or Industrial type Disposal	R.P.
Sand and Gravel Plants	R.P.
Schools with Laboratories with Acid Wastes	R.P.
Sprinkling or Irrigation System	R.P.
Swimming Pools With Pipe Filled Line	R.P.
Sewage Treatment Plants	R.P.
Sewage Pumping Stations	R.P.
Veterinary Establishments	R.P.

In addition to and including those types of facilities listed above, an approved backflow prevention device of the type designated shall be installed on each domestic water service connection to any premises containing the following real or potential hazards.

Premises having an auxiliary water system not connected to public water system	R.P.
Premises having a water storage tank, reservoir, pond, or similar appurtenance	R.P.
Premises having a steam boiler, cooling system, or hot water heating system where chemical water conditioners are used	R.P.
Premises having submerged inlets to equipment	R.P.
Premises having self-draining yard hydrants, fountains, hose boxes or similar devices presenting a health hazard (chemicals storage plants, tank farms, bulk storage yard)	R.P.
Premises having self-draining yard hydrants, fountains, hose boxes or similar devices presenting a pollution hazard (parks, play fields, cemeteries)	R.P.

- (e) *Type Of Backflow Protection Required.* Fire Protection Service. An approved double check valve assembly device or the use of a reduced pressure principle backflow prevention device shall be installed on each fire protection service to any premises unless the City Manager or his designee determines that no real or potential health, pollution, or system hazard to the public water system exists. The double check assembly device shall meet all of the following requirements before it can be approved by the City of Huber Heights Engineering Division or its authorized purveyor and the Fire Department:
- (1) Water from downstream side of the double check valve assembly device shall be used for fire protection only;
 - (2) There shall be no regular use of water downstream from the double check valve assembly device other for fire system make-up water;

- (3) The fire system shall be filled with water from the public water supply only;
- (4) The public water supply must be the primary source of water for fighting fires;
- (5) The water system must contain no additives; provided, however, where the fire protection system contains any of the following components, a reduced pressure principle backflow prevention device shall be installed between such component and the rest of the water system so as to isolate such component from the rest of the water supply:
 - A. Auxiliary Water System;
 - B. Anti-freeze Legs;
 - C. Covered Gravity or Pressure Storage Tanks; or
 - D. Uncovered Storage Tanks or Reservoirs.
- (f) The Huber Heights Fire Department shall maintain a current record of all double check valve assembly devices which are a part of the fire sprinkler system connected to the Huber Heights' public water system.

Section 20. Part Nine, Streets and Public Services Code, Chapter 935 – Ditch And Stream Work By City Forces, Section 935.02 – Legal Analysis is hereby amended to read as follows:

935.02 – Legal analysis.

The legal analysis shall involve determination of whether or not the easement of right-of-way exists on the land where the waterway cleaning is contemplated.

Section 21. Part Nine, Streets and Public Services Code, Chapter 943 – City Parks, Section 943.02 – Definitions is hereby amended to read as follows:

943.02 – Definitions.

Parks and Recreation Division Manager shall mean the Parks Manager .

Section 22. Part Nine, Streets and Public Services Code, Chapter 943 – City Parks, Section 943.04(a) – Parks Facilities is hereby amended to read as follows:

943.04 – Park facilities.

- (a) The City Parks include but are not limited to the following:
 - (1) Thomas A. Cloud Memorial Park: The City park located on Brandt Pike south of Kitridge Road shall now and hereafter be known as Thomas A. Cloud Memorial Park.
 - (2) Herbert C. Huber Community Park: The City park located on Chambersburg Road east of Old Troy Pike shall now and hereafter be known as Herbert C. Huber Community Park.
 - (3) Cottonwood Park: The City park located on Fishburg Road east of Brandt Pike shall now and hereafter be known as Cottonwood Park.
 - (4) Shullgate Park: The City park located on Shull Road east of Old Troy Pike shall now and hereafter be known as Shullgate Park.
 - (5) Belle Plain Park: The City park located on Belle Plain Drive west of Bellefontaine Road shall now and hereafter be known as Belle Plain Park.
 - (6) Twin Creeks Park: The City park located on Leston Avenue between Lambeth Drive and Harshmanville Road shall now and hereafter be known as Twin Creeks Park.
 - (7) Rip Rap Park: The City park located on Rip Rap Road north of Chambersburg Road shall now and hereafter be known as Rip Rap Park.
 - (8) Gary Sherman Park: The City park located at the end of John Geiger Way shall now and hereafter be known as Gary Sherman Park.
 - (9) Canal Locks Park: The City park located on Endicott Road south of Fishburg Road shall now and hereafter be known as Canal Locks Park.
 - (10) Falls Creek Park: The City park located on Dial Drive north of Longford Road shall now and hereafter be known as Falls Creek Park.
 - (11) Miami Villa Park: The City park located on Rip Rap Road south of Chambersburg Road shall now and hereafter be known as Miami Villa Park.

- (12) Huber Heights Community Center: The City park and community center located on Powell Road west of Old Troy Pike shall now and hereafter be known as the Huber Heights Community Center.
- (13) Monita Field Park: The City park located on Fishburg Road east of Old Troy Pike shall now and hereafter be known as Monita Field Park.
- (14) Kittyhawk Park: The City park located on Seaman Drive south of Fishburg Road shall now and hereafter be known as Kittyhawk Park.
- (15) Flyer Field at Kittyhawk Park: The City dog park located on Seaman Drive south of Fishburg Road shall now and hereafter be known as Flyer Field at Kittyhawk Park.
- (16) Dial Park: The City park located on Dial Drive shall now and hereafter be known as Dial Park.
- (17) The Recreation Complex at The Heights: The City park that includes the Kroger Aquatic Center at The Heights and the Eichelberger Amphitheater at The Heights located on Brandt Pike north of Shull Road shall now and hereafter be known as The Recreation Complex at The Heights.

Section 23. Part Nine, Streets and Public Services Code, Chapter 950 – Grading Permits, Section 950.05(a)(3) – Plans is hereby amended to read as follows:

950.05 – Plans.

- (a) (3) A chronological construction schedule for major land disturbance activities;

Section 24. Part Nine, Streets and Public Services Code, Chapter 951 – Engineering Related Fees, Section 950.05(a)(3) – Plans is hereby amended to read as follows:

951.01 – Fee schedule.

Council shall establish a schedule of fees, charges and expenses, for items related to the Engineering Department. The following fees are established by Council:

MISCELLANEOUS

Reproduction Costs:

8.5" x 11" (per page) - \$0.05

24" x 36" (per page) - \$1.00

Map Printouts:

8.5" x 11" or 8.5" x 14" (per page) - \$3.00

11" x 17" (per page) - \$5.00

24" x 36" (per page) - \$10.00

36" x 48" (per page) - \$15.00

Large Format Copies (Scan and Print):

Black and White 24" x 36" (per page) - \$5.00

Black and White 'E' size 36" x 48" - \$10.00 Color 24" x 36" (per page) - \$10.00

Color 'E' size 36" x 48" - \$15.00

Ortho-Rectified Aerial Photography:

Per section (tile) - \$25.00

Full City of Huber Heights Map - \$25.00

GIS Digital Data Layers (per layer) - \$15.00

Engineering Services:

Inspection Fee for Water, Sanitary and Storm Sewer Lines - \$3.50 per linear foot

Inspection Fee for Water and Sanitary Service Laterals - \$75.00 per lateral

Work Within Right-of-Way Permit - \$30.00

Demolition Permit - \$40.00

Grading/Site Work - \$100 per acre, plus \$25.00 inspection fee

Engineering Review Fees - 0.5% (0.005) of Approved Engineers Estimate for Public Improvements

Site Plan Re-Inspection Fee after second Inspection - \$30.00

Water Tap-in Fees		Sanitary Sewer Tap-in Fees	
Type	Fee	Type	Fee
5/8" and 3/4"	\$750.00	5/8" and 3/4"	\$450.00
1"	\$1,400.00	1"	\$900.00
1.5"	\$2,500.00	1.5"	\$1,700.00
2"	\$3,750.00	2"	\$2,750.00
3"	\$7,500.00	3"	\$5,500.00
4"	\$12,000.00	4"	\$8,500.00
6"	\$23,000.00	6"	\$16,500.00
8"	\$36,000.00	8"	\$25,500.00

Section 25. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 26. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 22nd day of November, 2021;
__ 5 __ Yeas; __ 0 __ Nays.

Effective Date: December 23, 2021

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date