

## CODIFIED ORDINANCES OF BEXLEY

### PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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CHAPTER 1020  
Excavations

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| <p>1020.01 Permit required.</p> <p>1020.02 Duty to report damage.</p> | <p>1020.03 Use of power equipment.</p> <p>1020.99 Penalty.</p> |
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CROSS REFERENCES

- Openings by the Municipality - see Ohio R.C. 723.02
- Liability for damage - see Ohio R.C. 723.49 et seq.
- Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
- Streets, Sewers and Sidewalks Department - see ADM. Ch. 250
- Barricades and warning lights - see GEN. OFF. 660.09
- Trench construction; pipe laying for sewers - see S.U. & P.S. 1044.10

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**1020.01 PERMIT REQUIRED.**

No person shall excavate any well, cistern, pit, trench, ditch or drain or otherwise dig in any street, alley, sidewalk, tree lawn, City park or other City right of way to a depth in excess of twelve inches for any purpose, or cause or assist the same to be done, unless he first obtains a written permit therefor from the City for that purpose.  
(Ord. 28-93. Passed 6-8-93.)

**1020.02 DUTY TO REPORT DAMAGE.**

Any property owner or other person, either by himself or through his agent, employees or by contract with any other person, who excavates or digs in any street, alley, sidewalk, tree lawn, City park or other City right of way for any purpose, or who causes or assists the same to be done and who damages or injures any electric wiring, cable, sewer, drain, waterline or other underground improvement belonging to the City, shall immediately report such damage to the Service Department and shall be responsible to the City for the damages so done. (Ord. 28-93. Passed 6-8-93.)

**1020.03 USE OF POWER EQUIPMENT.**

(a) Except as hereinafter provided, no person shall use or operate, or cause to be used or operated, any power digging equipment for digging or excavating below the established or existing curb grade in any street, or below the established or existing grade of any alley, in the City, other than City employees, without first obtaining an excavation permit and a street opening bond. However, this section shall not apply in the case of the construction and repair of public improvements, requested and approved by the City, in such streets or alleys.

(b) The permit and bond referred to in subsection (a) hereof shall be obtained before any work is started and the issuance of the same does not in any way relieve the owner or operator of such equipment from the payment for any damage to any of the utilities and property named in subsection (c) hereof.

(c) Utilities and property to be protected are sewers, water lines, gas lines, electric lines, cables, trees, lamp standards, signs, sidewalks, curbs, street pavement and any other utility or facility that may be within the area above mentioned. When excavation is in progress, the owner or operator shall protect the same with barricades and warning lights, the latter to be used at night. When necessary, the owner or operator shall provide uniformed special duty officers to control traffic. Trenches that have been filled and then settled are within the scope of this section. (Ord. 28-93. Passed 6-8-93.)

**1020.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 1022  
Sidewalks

<p>1022.01 Public sidewalk defined.</p> <p>1022.02 Construction requirements.</p> <p>1022.03 Lowering of grade prohibited.</p> <p>1022.04 Sidewalk construction abutting new buildings.</p> <p>1022.05 Duty of abutting landowner to repair. (Repealed)</p>	<p>1022.06 Injurious materials placed or dropped on sidewalks.</p> <p>1022.07 Permit required.</p> <p>1022.08 Permit application.</p> <p>1022.09 Owners or occupants of abutting lands to keep sidewalks free from snow and ice.</p> <p>1022.99 Penalty.</p>
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CROSS REFERENCES

Sidewalks, curbs and gutters - see Ohio R. C. 729.01  
 Streets, Sewers and Sidewalks Department - see ADM. Ch. 250  
 Pedestrians on sidewalks - see TRAF. 416.05, 416.09  
 Driving upon sidewalks, sidewalk areas or curbs - see TRAF. 432.22  
 Operation of minibikes, scooters, etc. on sidewalks - see TRAF. 474.12  
 Duty to keep sidewalks in repair and clean - see GEN. OFF. 660.05  
 Sidewalk and street obstructions; damage or injury - see  
 GEN. OFF. 660.10

**1022.01 PUBLIC SIDEWALK DEFINED.**

“Sidewalk” means the paved portion of a street right-of-way lying outside the curb lines or lateral lines of a roadway and within the right-of-way lines intended for public use of pedestrians. It does not mean any surface created in the tree lawn area to convey pedestrians from the street to the public sidewalk nor any surface created in the front lawn area of abutting properties to convey pedestrians from the public sidewalk to the abutting property. (Ord. 6-04. Passed 2-24-04.)

**1022.02 CONSTRUCTION REQUIREMENTS.**

All sidewalks on any streets in the City of Bexley shall be repaired, replaced, and/or constructed in accordance with the plans and specifications set forth by the Service Director of the City of Bexley and are on file with the Building Department of the City of Bexley. (Ord. 47-08. Passed 7-8-08.)

**1022.03 LOWERING OF GRADE PROHIBITED.**

No depression or lowering of the level or grade of sidewalks shall be permitted for the purpose of making or constructing a driveway or entrance to private or public property or premises bounding or abutting on such sidewalk unless such prohibition prohibits access to the private or public property as determined by the Service Director.  
(Ord. 6-04. Passed 2-24-04.)

**1022.04 SIDEWALK CONSTRUCTION ABUTTING NEW BUILDINGS.**

Whenever a dwelling house, business building, or development is to be constructed on a lot or parcel of land which abuts any street which has been or will be improved by the installation of curbs and gutters, the owner shall apply for and obtain, simultaneously with the issuance of the Building Permit for such construction, a permit for the construction of sidewalks abutting such land, and shall construct the sidewalks prior to the final inspection and approval of the building construction.  
(Ord. 6-04. Passed 2-24-04.)

**1022.05 DUTY OF ABUTTING LANDOWNER TO REPAIR. (REPEALED)**

EDITOR'S NOTE: Former Section 1022.05 was repealed by Ordinance 47-08, passed July 8, 2008.

**1022.06 INJURIOUS MATERIALS PLACED OR DROPPED ON SIDEWALKS.**

No person shall place or knowingly drop upon any part of a sidewalk, any material or articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk.

No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing sufficient protection over the pavement to protect against damage or injury.

No person shall allow any opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the condition.

(Ord. 6-04. Passed 2-24-04.)

**1022.07 PERMIT REQUIRED.**

No person shall construct or replace a sidewalk in any street in the City, either by himself or by private contract or agreement, until he has first obtained a permit from the City. Construction shall take place under the supervision and control of, and to the satisfaction and approval of the Service Department.  
(Ord. 6-04. Passed 2-24-04.)

**1022.08 PERMIT APPLICATION.**

Applications for the permits required by Section 1022.04 shall be made to the Service Department on blanks furnished for that purpose and shall be signed by the owner of the property involved or the construction contractor.  
(Ord. 6-04. Passed 2-24-04.)

**1022.09 OWNERS OR OCCUPANTS OF ABUTTING LANDS TO KEEP SIDEWALKS FREE FROM SNOW AND ICE.**

(a) Every owner, occupant or person having charge of any lot or parcel of land in the City shall cause the public sidewalk, or any part thereof, in front of and abutting, or to the side or rear of and abutting upon such lot or parcel of land to be clear of snow and ice each day.

(b) Whoever violates this provision shall be fined a sum of not greater than one hundred dollars (\$100.00).

(c) No owner, occupant or person need comply with this provision if at the time of the alleged offense the person charged suffered from impairments which caused him/her to be incapable of complying with this provision and was unable to arrange with another person to comply.

(d) No person complying with this provision shall be deemed liable for personal injuries allegedly caused by said compliance, unless the alleged conduct was willful or wanton.

(e) Non-compliance under this provision shall not constitute a criminal record.  
(Ord. 40-09. Passed 9-8-09.)

**1022.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a fourth degree misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 6-04. Passed 2-24-04.)

**CHAPTER 1024**  
**Driveways and Curb Cuts**

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|---------|--|---------|-----------------------|
| 1024.01 | Plans and specifications for construction of private driveway entrances. | 1024.03 | Permit required; fee. |
| 1024.02 | Costs; supervision and approval.   | 1024.99 | Penalty.              |

**CROSS REFERENCES**

- Sidewalks, curbs and gutters - see Ohio R.C. 729.01 et seq.  
 Streets, Sewers and Sidewalks Department - see ADM. Ch. 250  
 Right of way at private driveway, alley or building - see TRAF. 432.20  
 Driving upon sidewalks, sidewalk areas or curbs - see TRAF. 432.22  
 Parking in front of or near driveways - see TRAF. 452.03(b)  
 Parking in front of garage entrances - see TRAF. 452.03(q), 452.17

**1024.01 PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PRIVATE DRIVEWAY ENTRANCES.**

All private driveway entrances constructed upon any public street in the City shall be constructed in accordance with the general plans and specifications for driveway entrances prepared by the City Engineer and on file in the Building Department or in another manner as shall be approved in writing by the City prior to construction. Conditions for approval may be imposed by the City including, but not limited to, a consent hold harmless agreement. In the event that curbs have been constructed at the proposed entrance to such driveways, such curbing shall be removed and no driveway shall be constructed over any curbs. (Ord. 90-90. Passed 12-19-90.)

**1024.02 COSTS; SUPERVISION AND APPROVAL.**

The construction of private driveway entrances and the setting or re-setting of curbs so as to comply with the plans and specifications referred to in Section 1024.01 shall be done by and at the expense of the owner of the property to which such driveway is being constructed and shall be under the supervision and to the approval of the Building Department. (Ord. 90-90. Passed 12-19-90.)

**1024.03 PERMIT REQUIRED; FEE.**

No person shall construct a private driveway entrance without first obtaining a permit therefor. Permits for such driveway entrances shall be granted by the Building Department upon written application therefor signed by the owner or construction contractor upon blanks furnished by the Building Department for that purpose. The application shall show the location and dimensions of such driveway entrance and the manner in which it is to be constructed. However, when such driveway entrances are being constructed in connection with building improvements being constructed upon any premises, such application may be made upon the same blanks upon which the building permits are issued. A fee as provided in Section 244.01 shall be charged for each driveway permit. (Ord. 90-90. Passed 12-19-90.)

**1024.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.



CHAPTER 1026  
Trees and Shrubs

<p>1026.01 Definitions. 1026.02 Purpose. 1026.03 Management and maintenance. 1026.04 Removal, replanting and replacement of trees and shrubs in public places. 1026.05 Protection during building operations. 1026.06 Protection of wires during pruning or removal. 1026.07 Open spaces around trees. 1026.08 Prohibited species.</p>	<p>1026.09 Treatment of trees and shrubs in public places. 1026.10 Topping. 1026.11 Interference with City. 1026.12 Dead or diseased trees. 1026.13 Duty of property owner to prune privately owned trees. 1026.14 Public tree care. 1026.15 Protection of public utilities. 1026.16 Penalty; equitable remedies.</p>
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CROSS REFERENCES

Assessments for tree planting or maintenance - see Ohio R. C. 727.011  
Parks and Public Grounds Department - see ADM. Ch. 252  
Injuring vines, bushes, trees or crops - see GEN. OFF. 642.06  
Deposit of clippings and leaves in streets, etc. - see GEN. OFF. 660.12  
Dead, diseased or damaged trees or shrubs on private property - see GEN. OFF. 660.13  
Weeds - see GEN. OFF. Ch. 676

1026.01 DEFINITIONS.

As used in this chapter:

- (a) "Arboriculture" means the selection, planting, maintenance and removal of trees.
- (b) "Commission" means the Tree and Public Gardens Commission of the City.
- (c) "Department" means the Service Department of the City
- (d) "Director" means the Service Director of the City, or any representative the Director so designates.
- (e) "Evergreen" means any tree that retains its green living foliage the entire year.
- (f) "Other plants" means all other vegetation not trees, shrubs or evergreens.
- (g) "Park" means all public parks having individual names and street islands.
- (h) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or any owner, person, persons or entities.

- (i) "Plant materials" means all trees, shrubs, evergreens and other plants.
- (j) "Private property" means all real estate within the City except real estate that is owned, leased, controlled or occupied by the United States government, State of Ohio, Franklin County government, City of Bexley or any department or agency thereof.
- (k) "Property owner" or "owner" means any one or more of the following:
  - (1) The property owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any;
  - (2) The record owner or owners as reflected by the current records of the Office of the Auditor of Franklin County, Ohio, including the executor, administrator or beneficiary of the estate of any deceased owner; and
  - (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.
- (l) "Pruning" means to cut branches, stems, etc. from a plant to improve growth and shape.
- (m) "Public Street" means all the entire width of land lying within the dedicated right-of-way or easement and includes alleys.
- (n) "Public place" means all other ground owned by the City that is not part of a "public street" or park.
- (o) "Occupant" means the person or persons who are from time to time in possession of any house or other structure located on private property, or who are exercising dominion or control over any house or other structure located on private property.
- (p) "Shrub" means a low growing woody plant with one or several perennial main stems producing branches, shoots or multiple stems from or near the base of the plant and incapable of being pruned to provide at least six (6) feet of clear branchless trunk.
- (q) "Tree lawn" means that part of a street lying between the property line and that portion of the street used for vehicular traffic.
- (r) "Trees" when used by itself, means any woody plant that generally includes those having one or more perennial main stems or trunk, which grows to a mature height of over ten (10) feet.
- (s) "Trees, shrubs and evergreens" when used together means all woody vegetation, including but not limited to, all ground covers.
- (t) "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.  
(Ord. 7-13. Passed 3-12-13.)

#### 1026.02 PURPOSE.

The purpose and intent of this chapter is the preservation and promotion of landscaping to improve the appearance of pedestrian and vehicular use areas and property abutting public rights of way within the City; to protect, preserve, manage and promote property values within the City; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare within the City.  
(Ord. 7-13. Passed 3-12-13.)

**1026.03 MANAGEMENT AND MAINTENANCE.**

The City shall have charge, custody and control of trees, shrubs and evergreens planted or to be planted in or on public streets, alleys, parks and other public places. The City shall have authority to plant, prune, spray, remove and otherwise maintain such trees, shrubs and evergreens in the public streets and parks or upon property owned or controlled by the City of Bexley. (Ord. 7-13. Passed 3-12-13.)

**1026.04 REMOVAL, REPLANTING AND REPLACEMENT OF TREES AND SHRUBS IN PUBLIC PLACES.**

(a) Wherever it is necessary to remove a tree or shrub from a tree lawn or other public place in connection with a public project, or due to the condition of the tree or shrub, the City shall remove and replant such tree or shrub or replace them with an equivalent number, size and species of tree or shrub to the satisfaction of the Commission.

(b) Any person desiring to remove any tree or shrub in a public street, park or public place shall first obtain a permit from the Commission by written application. The permit shall be issued when the Commission determines that the removal is necessary and the applicant agrees to pay the cost of the removal and provide for replacing the tree or shrub. All stumps must be removed twelve inches below the surface of the ground. All residual material shall be removed from the site at the time and the site restored. The replacement shall meet the standards of size, species and placement as provided for by the Commission. Failure to plant replacements per City standards shall result in replacement performed by the City, its employees, or agents and the City shall bill the property owner or person responsible for replacement and an administrative charge, or if necessary shall assess the property owner the same through special assessment as provided by law.

(c) Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this chapter, the Commission may cause removal of the same but the City shall not be obligated to replace the tree or shrub planted without compliance with this chapter. (Ord. 7-13. Passed 3-12-13.)

**1026.05 PROTECTION DURING BUILDING OPERATIONS.**

(a) No person shall excavate any ditch, tunnel, trench or lay any drive within a radius of ten (10) feet from any tree, shrub or evergreen standing on any public street, park or public place without first obtaining a permit from the Director. If, in the opinion of the Department, the digging of any trench will result in injury to any tree, the City will require that tunneling be done in lieu of trenching.

(b) All trees, shrubs and evergreens on public streets, parks or public places located where any excavation, construction or repair on public or private property could damage them shall be protected by and at the expense of the owner, contractor or agent responsible for such excavation or construction. The protection shall be a substantial fence or guard as directed by the Director, protecting the trees, shrubs and evergreens from the materials and debris of construction, all of which shall be kept outside the protected area. No person shall by any type of construction, excavation or repair reduce the size of a tree lawn without first procuring permission from the Director. (Ord. 7-13. Passed 3-12-13.)

**1026.06 PROTECTION OF WIRES DURING PRUNING OR REMOVAL.**

Whenever the Director determines it necessary to prune or remove any tree or shrub in a public street, park or public place, and it is necessary to move or cut off the electricity from any wire designed to carry electric current; then the Director shall serve notice on the owner of such wire, to protect such wire, and such owner shall comply with such order within twenty-four (24) hours after the service of such notice.

(Ord. 7-13. Passed 3-12-13.)

**1026.07 OPEN SPACES AROUND TREES.**

No person shall place or maintain upon the ground in a public street, park or public place any stone, brick, sand, concrete, or other material which may injure or impede the passage of water, air and fertilizer to the roots of any trees, shrubs or evergreens unless a permit has been issued by the Director. A permit shall be issued upon written application outlining the work to be performed and approved by the Director. The permit shall require an open space not less than two (2) feet in width from the trunk of any trees as a condition to its issuance.

(Ord. 7-13. Passed 3-12-13.)

**1026.08 PROHIBITED SPECIES.**

(a) The following species shall not be planted along the public streets or public places:

- (1) Acer negundo (box elder);
- (2) Acer saccharinum (silver maple);
- (3) Ailanthus altissima (tree of heaven);
- (4) Catalpa (catalpa - all common species, cultivars and varieties);
- (5) Ginkgo biloba (Ginkgo): female only
- (6) Morus (mulberry - all fruiting species, cultivars and varieties);
- (7) Populus (poplar - all common species, cultivars or varieties);
- (8) Salix (willow - all common species, cultivars or varieties);
- (9) Ulmus pumila (siberian elm).
- (10) Shrubs;
- (11) Horse chestnut (all fruiting species; cultivars and varieties);
- (12) Apple;
- (13) Black locust;
- (14) American elm (all fruiting species; cultivars and varieties);
- (15) European white birch;
- (16) European Mountain ash;
- (17) American sweet gum (unless fruitless variety);
- (18) Bradford pear.

(b) This section shall not apply to the Bexley Parks Department.

(c) Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this chapter, the Director may cause removal of the same and the City shall not be obligated to replace the tree or shrub planted without compliance with this chapter.

(Ord. 7-12. Passed 3-12-13.)

**1026.09 TREATMENT OF TREES AND SHRUBS IN PUBLIC PLACES.**

(a) It shall be unlawful for any person to break, deface, injure, mutilate, kill or destroy any tree, shrub or evergreen in any public street, park or public place.

(b) No person shall permit any fire to burn where such fire or heat therefrom, or heat from any source, will injure any portion of any tree or shrub in any public street, park or public place.

(c) No person shall damage, deface, injure, mutilate or remove any label or sign identify the nature or species of any tree, shrub or evergreen in any public street, park or public place.

(d) Without a written permit by the Director:

(1) No person shall attach any rope, wire, nails, advertising poster or other contrivance to any tree or shrub in any public street, park or public place.

(2) No person shall use, authorize or procure any person to use herbicides or other chemicals on any trees, shrubs or evergreens; spray, cut, break, injure, prune or treat any tree or shrub in any public street, park or public place. If in the judgment of the Director, the desired cutting, pruning, treatment, trimming, or spraying appears necessary and proper and the proposed method and workmanship are approved, the Director may issue a written permit for such work, and any work done under such permit shall be performed in strict accordance and under supervision of the Public Service Department. (Ord. 7-13. Passed 3-12-13.)

**1026.10 TOPPING.**

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section by the Commission. (Ord. 7-13. Passed 3-12-13.)

**1026.11 INTERFERENCE WITH CITY.**

No person shall hinder, prevent or interfere with the agents or employees of the Department while the employees are engaged in planting, maintaining or removing any tree, shrub or evergreen in any public street, park or public place. (Ord. 7-13. Passed 3-12-13.)

**1026.12 DEAD OR DISEASED TREES.**

(a) It shall be unlawful for any property owner to maintain, or permit to stand on his property, any dead, diseased or damaged tree, shrub, evergreen or other plant which is deemed by the Department to be a menace to the public peace, health or safety or when a tree, shrub, or evergreen is removed, to fail to remove all stumps twelve inches below the surface of the ground and to restore the site of the removal.

(b) The Director may remove or cause or order to be removed, any tree or part thereof which by reason of its nature is injurious to public improvements or is deemed a menace by condition to the health, safety and welfare of the public. The Director shall order removal of such tree or shrub identified as dead, diseased or a menace, by letter sent first class mail. When such removal is ordered, all stumps must be removed twelve inches below the surface of the ground, and all residual material shall be removed from the site at the time and the site restored.

(c) The owner shall have fifteen (15) days from the date of mailing to affect such removal. If the property owner fails to comply within the specified time, the City, its employees or agents may enter onto the property to remove such tree or shrub and to bill the property owner for the cost of the work and an administrative fee, or if necessary to assess the property owner as provided by law in the case of special assessments.

(d) The person to whom an order is directed may appeal the order of the Director by notifying the Commission of such an appeal to the Commission within fifteen (15) days after receipt of written notice. The Director will delay enforcement of the order until such time that the appeal may be presented to and decided by the Commission.

(e) However, if the Director determines the tree, shrub, evergreen or other plant is so damaged as to be an immediate danger to persons or property, the Director shall have the right to immediately have the tree, shrub, evergreen or other plant, or any portion of such plant, removed without regard to the 15 day limit.  
(Ord. 7-13. Passed 3-12-13.)

#### 1026.13 DUTY OF PROPERTY OWNER TO PRUNE PRIVATELY OWNED TREES.

It shall be the duty of any person or persons owning or occupying real estate bordering on any street upon which property there may be trees or shrubs, to prune, or cause to be pruned such trees or shrubs in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct view of any street or alley intersection, obstruct vehicular traffic, or otherwise create a danger to vehicular or pedestrian traffic. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than eight feet above the sidewalks. Tree limbs extending over streets and alleys shall be trimmed to a minimum of fifteen (15) feet so as to not interfere with the normal flow of traffic.

If any person or persons owning or occupying real estate property bordering on any street fails to prune trees or shrubs as herein provided above, the Director shall order such person or persons within fifteen (15) days after receipt of written notice, to so prune such trees or shrubs.

The order required wherein shall be served by mailing a copy of the order to the last known address of the property owner by first class mail. The owner shall have fifteen (15) days from the date of mailing to comply.

When a person to whom an order is directed shall fail to comply within the specified time, the City, its employees or agents may enter onto the property to prune such trees or shrubs and to bill the property owner for the cost of the work and an administrative charge, or if necessary to assess the property owner for same as provided by law in the case of special assessments.  
(Ord. 7-13. Passed 3-12-13.)

**1026.14 PUBLIC TREE CARE.**

The City shall have the right to plant, prune, maintain and remove trees and shrubs within the rights of way of all streets, alleys, parks and other public grounds as may be necessary to insure public safety or to preserve or enhance the health of the plant material.  
(Ord. 7-13. Passed 3-12-13.)

**1026.15 PROTECTION OF PUBLIC UTILITIES.**

(a) It shall be the duty of any person or persons owning or occupying real estate bordering on any public utility line to grant the public utility reasonable access to allow for the trimming or removal of any tree or shrub that the utility finds interferes with or threatens damage to a public utility line. This duty extends to person or persons owning or occupying real estate that provides the most direct access to such trees and shrubs, even if such trees or shrubs are located on adjacent property.

(b) If any person or persons owning or occupying real estate property bordering on any public utility line fails to allow for the trimming or removal of any tree or shrub that the utility finds interferes with or threatens damage to a public utility line, the Director upon a finding that good cause exists for the trimming or removal of such trees or shrubs, shall order such person or persons within fifteen (15) days after receipt of written notice, to allow the public utility reasonable access to the property in question. The utility shall indemnify the person or persons owning or occupying real estate for any damage caused to the property during the course of such trimming or removal.

(c) However, if the Director determines the tree(s) or shrub(s) cause an immediate danger to the utility line, the Director shall have the right to immediately have the tree(s) or shrub(s) or any portion of such plant(s), removed without regard to the 15-day limit even if this removal effort requires the City, its agent or a utility to access non-City-owned real estate property. Additionally, if the Director determines that other trees or shrubs inhibit the safe access to utility lines, the Director has the authority to immediately remove such additional trees or shrubs. (Ord. 7-13. Passed 3-12-13.)

**1026.16 PENALTY; EQUITABLE REMEDIES.**

Whoever violates or fails to comply with any provision of this chapter shall be deemed guilty of a misdemeanor of the fourth degree and fined not exceeding two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty days, or both for each offense in addition to any required restitution for damages incurred by the City or any special assessments levied as provided for herein. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The application of a penalty under this section shall not preclude the City from seeking an injunction to enjoin prohibited acts or specific performance to compel actions required under this chapter or making application for and obtaining any other appropriate equitable remedy.  
(Ord. 7-13. Passed 3-12-13.)



CHAPTER 1028  
Right of Way Policy

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1028.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations have the meanings set forth herein. When not inconsistent with the context, words in the present tense include future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) "Administrative fees" means the annual compensation required of a Right-of-Way Certificate Holder that is assessed to cover the reasonable allocation of the total costs to the City, including but not limited to the following: to research and formulate Right-of-Way statutes and policies, administer this Right of Way policy, plan for and coordinate joint development, oversee construction in the Right of Way, enforce compliance with this chapter, and recover other related costs and overheads.

- (b) "Applicant" means any person applying for a Right-of-Way Certificate hereunder.
- (c) "Approved" means approval by the City pursuant to this chapter or any regulations adopted hereunder.
- (d) "Best efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expeditious available technology and human resources and cost.
- (e) "Calendar year" means from January 1, through December 31.
- (f) "Certificate holder" means any person issued a Right-of-Way Certificate pursuant to this chapter to use or occupy all or a portion of the Rights-of-Way in accordance with the provisions of this chapter and said Right-of-Way Certificate.
- (g) "Chapter" means Chapter 1028 of the Codified Ordinances of the City as amended from time to time, and any regulations adopted hereunder.
- (h) "City" means the City of Bexley, Ohio.
- (i) "Council" means the Bexley City Council.
- (j) "Director" means the City Service Director.
- (k) "Force Majeure" means a strike, act of God, act of public enemy, order of any kind of a government of the United States of America or of the State of Ohio or any of their departments, agencies or political subdivisions; riot, epidemic, landslides, lightning, earthquake, fire, tornado, storm, flood, civil disturbance, explosion, partial or entire failure of a utility or any other cause or event not reasonably within the control of the party disabled by such Force Majeure, but only to the extent such disabled parties notifies the other party as soon as practicable regarding such Force Majeure and then for only so long as and to the extent that, the Force Majeure prevents compliance or causes non-compliance with the provisions hereof.
- (l) "Limited-Use Right-of-Way Certificate" shall have the meaning set forth in Section 1028.03(f)(2).
- (m) "Occupancy fee" means the annual compensation required of a Right-of-Way Certificate Holder based on the amount of the Right of Way being utilized by the Certificate Holder. This fee will be based on the linear foot usage of the Certificate Holder.
- (n) "Person" means any natural person or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for-profit or not-for-profit, or legally recognized entity, or governmental entity.
- (o) "Provider agreement" means a valid public-service agreement, operating agreement, franchise agreement, or residential agreement issued by the City pursuant to the Bexley City Charter, the Bexley City Codes or Constitution and laws of Ohio or the United States and accepted by any Person, pursuant to which such Person may operate or provide utility, cable television, telephone, telecommunication or other such service.
- (p) "Public property" means any real property owned by the City or easements held or used by the City, other than a Right-of-Way.
- (q) "Public service" means any church, Sunday school, parochial school, State certified school, college, hospital, library and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

- (r) "Public Service Right-of-Way Certificate" shall have the meaning set forth in Section 1028.03(f)(4).
- (s) "Regulation" means any rule adopted by the City Service Director pursuant to the authority of this chapter and the procedure set forth in Section 1028.10, to carry out its purpose and intent.
- (t) "Residential purposes" mean residential use of Right-of-Way for such uses as curb cuts and driveways, irrigation systems, invisible fence wiring and as may be further defined in any regulations promulgated pursuant to Section 1028.02 and 1028.03.
- (u) "Residential Purpose Right-of-Way Certificate for Residential Purposes" shall have the meaning set forth in Section 1028.03(f)(3).
- (v) "Right-of-Way" means the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public bike path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the City which shall, within its proper use and meaning in the sole opinion of the City Service Director, entitle a Certificate Holder, in accordance with the terms hereof and of any Right-of-Way Certificate, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, manholes, amplifiers, appliances, attachments, facilities as may be customarily pertinent to the provision of utilities, broadcast services, communications or other services as set forth in any Provider Agreement or any Right-of-Way Certificate. Right-of-Way shall not include private easements or public property, except to the extent the use or occupation of public property is specifically granted by City Council.
- (w) "Right-of-Way Certificate" means the nonexclusive grant of authority to use or occupy all or a portion of the City's Rights-of-Way as determined by the specific type of Certificate granted pursuant to this chapter.
- (x) "Utility" means a business enterprise supplying an essential public service, such as gas, electricity.
- (y) "Utility Right of Way Certificate" shall have the meaning set forth in Section 1028.03(f)(1).  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.02 PURPOSE AND SCOPE.

(a) The purpose of this chapter is to provide for the regulation of the use or occupation of all Rights-of-Way in the City of Bexley, the issuance of Right-of-Way Certificates to Persons for such use or occupancy and to set forth the policies of the City related thereto.

(b) A Right-of-Way Certificate issued pursuant to this chapter does not take the place of any Provider Agreement, franchise, and license or permit which law may additionally require. Each Certificate Holder shall obtain any and all such additional State, Federal or City franchises, licenses or permits necessary to the operation and conduct of its business or the occupation or use of any Right-of-Way.

(c) The City Service Director is hereby directed and empowered to enforce the provisions of this Chapter.

(d) The City's objectives regarding Rights-of-Way are:

- (1) To encourage the high-quality and reliable delivery of utility, communication, and other services to the City's residents and taxpayers at competitive prices;
- (2) To promote cooperation among the Certificate Holders and the City in the occupation of Rights-of-Way, to minimize public inconvenience and eliminate wasteful, unnecessary or unsightly duplication of facilities;
- (3) To minimize disruption to public property and ensure safe and efficient use of the City's rights of way;
- (4) To ensure reimbursement of all costs to the City for the private use of public Rights -of-Way and property and the City administering of activity within the public Rights-of-Way;
- (5) To assure that potential Right-of-Way Certificate Holders and existing Right-of-Way participants have the financial, technical and managerial resources to comply with this chapter and the provisions of any Right-of-Way Certificate issued hereunder;
- (6) To promote and require reasonable accommodations of all uses of Rights-of-Way; and when all requests for Right-of-Way use cannot be accomplished, to give priority for use of Rights-of-Way, in the order indicated, from the highest to lowest, to the following users; provided, however, that the Service Director may reasonably require Right-of-Way Certificate Holders to cooperate to accommodate use by other Certificate Holders, and provided further that the Director may alter these priorities when the Service Director reasonably determines a deviation here from to be in the public interest:
  - A. The City;
  - B. Another governmental entity with the City's concurrence or other governmental use required by law;
  - C. Public Service Right-of-Way and Utility Certificate Holders;
  - D. Limited-Use Right-of-Way Certificate Holders;
  - E. Residential Purpose Right-of-Way Certificate Holder.

(e) All Right-of-Way Certificates granted hereunder shall be non-exclusive and no property right of any nature shall be created by the granting of a Certificate under this chapter.

(f) This chapter does not apply, and nothing herein should be construed to apply the provisions of this chapter, to structures or facilities owned and operated by the City or any City operations that occupy or use the Rights-of-Way. It is specifically contemplated, however, that all city Departments or Divisions that utilize the Rights-of-Way shall carry out their operations in a manner consistent with the policies set forth in this chapter, including participation and cooperation in all joint planning hereunder and identification of structures and facilities located in the Rights-of-Way.

(Ord. 77-99. Passed 1-11-2000.)

**1028.03 PROHIBITION AND TYPES OF CERTIFICATES.**

(a) Unless permitted pursuant to this chapter, no Person shall use, occupy, construct, own or operate structures or facilities in, under or over any Right-of-Ways or any Public Property within the City unless such Person first obtains a Right-of-Way Certificate and conforms to the requirements set forth therein and in this chapter.

(b) Each Right-of-Way Certificate shall specify the use or uses for which such Certificate is granted and shall contain such other non-discriminatory terms and conditions as are appropriately specified by the City to provide for the public safety and welfare and as are set forth in the Regulations. Any other or additional Right-of-Way use by such Certificate Holder shall require a separate or amended Certificate as determined by the City Service Director.

(c) Any such Right-of-Way Certificate may also allow the use of specified Public Property for the uses set forth in the Right of Way Certificate and in this chapter.

(d) Right-of-Way Certificates granted hereunder may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Certificate Holder, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed. Unless otherwise provided in a Certificate, the Certificate Holder shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a Certificate. Any transfer or assignment of a Certificate without prior approval of the City or pursuant to a Certificate shall be void and is cause for revocation of the Certificate.

(e) Right-of-Way Certificates or the rights of a Certificate Holder may not be leased without the prior express written approval of the City.

(f) The following types of Right-of Way Certificates are available:

- (1) Utility Right-of-Way Certificate. A Right-of-Way Certificate granted to a person who is either a Utility and/or has a Provider Agreement in which the Service provider is granted authority to have access to Right of Way.
- (2) Limited-Use Right-of-Way Certificate. A Right-of-Way Certificate granted to a Person for a specific, limited use of the Rights-of-Way or a specific portion thereof.
- (3) Residential Purpose Right-of-Way Certificate. A Right-of-Way Certificate granted to a Person for a specific, limited use of the Rights-of-Way or a specific portion thereof for residential purposes.
- (4) Public Service Right-of-Way Certificate. A Right-of-Way Certificate granted to entities as defined by Section 1028.01(n) who desire and are granted authority to utilize Rights-of-Way in a limited manner provided, however, that nothing in this chapter or in any Public Service Right-of-Way Certificate shall be construed to authorize the Certificate Holder to provide any utility, cable television, communications or other services for which the City may lawfully require a provider agreement should the City determine to require the same.

(Ord. 77-99. Passed 1-11-2000.)

**1028.04 APPLICATION PROCEDURE FOR CERTIFICATES.**

(a) Public Service Right-of-Way Certificate. An application for a Public Service Right-of-Way Certificate, or renewal thereof, shall be filed in such form and in such manner, as the Regulations require, along with an application fee. If the City Service Director determines that the application is in order and that the criteria set forth in Section 1028.08 have been met, and that the application should be granted, the City Service Director shall, within fifteen (15) days of receipt of a completed application, conditionally grant or renew such a Right-of-Way Certificate subject to any appropriate terms and conditions or deny the same. The City Service Director's grant, renewal or denial shall be served upon the Applicant by mail. Such denial, grant or renewal shall become final unless modified or rejected by the City Council within thirty (30) days of issuance by the City Service Director, or unless appealed pursuant to Section 1028.05. The term of such Public Service Right-of-Way Certificates shall be three (3) years from acceptance, unless the applicant requests a lesser term.

The City Service Director shall be entitled to the right to waive the Public Service Certificate application fee when in the best interest of the public.

(b) Utility Right-of-Way Certificate. Applications for a Utility Right of Way Certificate by a holder of a Provider Agreement shall be filed in such form and in such manner, as the regulations require, along with an application fee. Any person who holds a valid Provider Agreement may be granted a Right-of-Way Certificate. Such Utility Right of way Certificate shall be valid so long as the underlying Provider agreement is valid and the applicable provisions of the Right-of-Way Certificate and of this chapter are complied with; provided, however, that such Right-of-Way Certificate shall only entitle the Certificate Holder to utilize the Rights-of-Way, in accordance with this chapter, for purposes directly related to the provision of the specific services for which it has a Provider Agreement. Any other Right-of-Way use by such Certificate Holder shall require a separate or amended Right-of-Way Certificate as determined by the City Service Director and issued pursuant to Section 1028.03(f).

(c) Limited-Use Right-of-Way Certificate. An application for a Limited-Use Right-of-Way Certificate, or renewal thereof, shall be filed in such form and in such manner, as the Regulations require, along with an application fee. If the City Service Director determines that the application is in order and that the criteria set forth in Section 1028.08 have been met, and that the application should be granted, the City Service Director shall, within fifteen (15) days of receipt of a completed application, conditionally grant or renew such a Right-of-Way Certificate subject to any appropriate terms and conditions or deny the same. The City Service Director's grant, renewal or denial shall be served upon the Applicant by mail. Such denial, grant or renewal shall become final unless modified or rejected by the City Council within thirty (30) days of issuance by the City Service Director, or unless appealed pursuant to Section 1028.05. The term of such Limited-Use Right-of-Way Certificates shall be three (3) years from acceptance, unless the applicant requests a lesser term.

(d) Residential Purpose Right-of-Way Certificate. An application for a Residential Purpose Right-of-Way Certificate, or renewal thereof, shall be filed in such form and in such manner, as the Regulations require, along with an application fee. If the City Service Director determines that the application is in order and that the criteria set forth in Section 1028.08 have been met, and that the application should be granted, the City Service Director shall, within fifteen (15) days of receipt of a completed application, conditionally grant or renew such a Right-of-Way Certificate subject to any appropriate terms and conditions or deny the same. The City Service Director's grant, renewal or denial shall be served upon the Applicant by mail. Such denial, grant or renewal shall become final unless modified or rejected by the City Council within thirty (30) days of issuance by the City Service Director, or unless appealed pursuant to Section 1028.05. A Residential Purpose Right-of-Way Certificate may be granted for an indeterminate term from acceptance, subject to conditions impose herein.

(e) Notification of Acceptance. Any Right-of-Way Certificate Holder shall, within thirty (30) days of the initial granting of any Right-of-Way Certificate, pay a pro-rata portion of the fees based on date of application required by Section 1028.06.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.05 APPLICATION APPEAL PROCEDURE FOR CERTIFICATES.

Any Applicant may appeal the failure of the City Service Director to grant a Right-of-Way Certificate, or to recommend that it be granted to the City Council. In order to perfect such appeal, the Applicant shall file, within ten (10) days of the City Service Director's determination or within thirty (30) days of filing the application if the City Service Director has taken no action, an appeal to the City Council. The City Council shall then review the matter and render a final determination after affording the applicant an opportunity to be heard either in person or in writing. The City Council's decision shall be final.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.06 ANNUAL CERTIFICATE FEES.

(a) Public Service Right-of-Way Certificate Fees.

- (1) Annual Administration Fee. Public Service Right-of-Way Certificates shall be waived of any administration fee.
- (2) Annual Occupancy Fee. Public Service Right-of-Way Certificates shall be waived of any occupancy fee.

(b) Utility Right-of-Way Certificate Fees.

- (1) Annual Administration Fee. Utility Right of Way Certificate Holders shall pay an administration fee for each calendar year. The fee shall be the total cost of the Right of Way Management program divided by the number of participants.
- (2) Annual Occupancy Fee. In addition to the Annual Administration Fee, Utility Right of Way Certificate Holders shall pay an annual fee based on the linear footage of the Right of Way, which the Certificate Holders occupy in said calendar year.

The final payment each year shall be accompanied by a statement of an independent certified public accountant attesting the reasonableness of the methodology used for the estimation of the linear footage upon which the payment was based. Should the payment required by this Section ever be declared unlawful, void or otherwise unenforceable for any reason whatsoever, Utility Right-of-Way Certificate Holders shall pay the annual fee specified in subsection (b)(1) hereof.

(c) Limited-Use Right-of-Way Certificate Fees.

- (1) Annual Administration Fee. Limited-Use Right of Way Certificate Holders shall pay an administration fee for each calendar year. The fee shall be the total cost of the Right of Way Management program divided by the number of participants.
- (2) Annual Occupancy Fee. In addition to the Annual Administration Fee, Limited-Use Right of Way Certificate Holders shall pay an annual fee based on the linear footage of the Right of Way, which the Certificate Holders occupy in said calendar year.
- (3) Annual Limited-Use Pass-Through Fee. If the Limited Use Certificate Holders that occupy Bexley rights-of-way for the provision of services to those outside of the City and are not providing any services within the City, they shall pay a fee, based upon the linear foot of right-of way occupied. The final payment each year shall be accompanied by a statement of an independent certified public accountant attesting the reasonableness of the methodology used for the estimation of the linear footage upon which the payment was based. Should the payment required by this Section ever be declared unlawful, void or otherwise unenforceable for any reason whatsoever, Utility Right-of-Way Certificate Holders shall pay the annual fee specified in subsection (b)(1) hereof.

(d) Residential Purpose Right-of-Way Certificate Fees.

- (1) Annual Administrative Fee. There shall be no annual administrative fee for Residential Purpose Right of Way Certificate holders.
- (2) Annual Occupancy Fee. There shall be no annual occupancy fee for Residential Purpose Right of Way Certificate holders.

(e) All fees pursuant to this chapter shall be paid to the City of Bexley.

(f) Provider agreements with Certificate Holders may specify facilities or services, or both, to be provided to the City in lieu of all or a portion of Right-of-Way Certificate fees.

(g) Any fees that are currently paid to the City for use of the Right of Way shall be applied to the Certificate Holder Right-of-Way Certificate fees.

(Ord. 77-99. Passed 1-11-2000.)

**1028.07 AUDITING.**

Each Right-of-Way Certificate Holder shall maintain books, records, maps, documents and other evidence directly pertinent to its calculations of payments to the City in accordance with generally accepted accounting principles. The City Service Director, the City Finance Director or either's designated agents shall have reasonable access to any books, records, maps, documents and other evidence for inspection, copying and auditing to the extent necessary to assure that the payments hereunder are accurate and that all Right-of-Way Certificate Holders fully comply with the provisions of this chapter and their respective Right-of-Way Certificates.  
(Ord. 77-99. Passed 1-11-2000.)

**1028.08 CRITERIA FOR GRANTING CERTIFICATES.**

(a) A Public Service Right-of-Way Certificate shall be granted to any Applicant holding a valid Public Service Agreement.

(b) A Utility Right-of-Way Certificate shall be granted to an applicant holding a valid Utility Operating Agreement and who is a traditional monopoly provider of essential services as defined by the City Service Director.

(c) A Limited-Use Right-of-Way Certificate shall be granted to any Applicant holding a valid Limited-Use Service Agreement.

(d) A Public Service or Residential Purpose Certificate shall be granted to an Applicant upon the determination that:

- (1) The granting of the Right-of-Way Certificate will contribute to the public health, safety or welfare in the City;
- (2) The granting of the Right-of-Way Certificate will be consistent with the policy of the City as set forth in Section 1028.02; and
- (3) The Applicant is not delinquent on any taxes or other obligations to the City, Franklin County, or the State of Ohio and has the requisite financial, technical and managerial ability to fulfill all its obligations hereunder.

(e) The City Service Director or City Council may impose such conditions on the granting of a Certificate as deemed reasonably required to be consistent with the criteria set forth in this Section 1028.08 and to promote the policy of the City set forth in Section 1028.02.  
(Ord. 77-99. Passed 1-11-2000.)

**1028.09 OBLIGATIONS OF CERTIFICATE HOLDERS.**

In addition to the other requirements set forth herein and in the Regulation, each Certificate Holder, except Residential Purpose Certificate Holder shall:

- (a) Use its best efforts to cooperate with other Certificate Holders and the City for the best, most efficient, most aesthetic and least obtrusive use of Rights-of-Way, consistent with Public Health, Safety and Welfare and to minimize traffic and other disruptions including street cuts;

- (b) Cooperate with other Certificate Holders in joint planning with, utilization of, construction in and occupancy of any Rights-of-Way.
- (c) Designate a single point of contact for all purposes hereunder, as well as comply with such other contact and notice protocols.
- (d) Use its best efforts to cooperate with the City in any emergencies involving the Right-of-Way including the maintenance of a twenty-four (24) hour emergency contact number;
- (e) No later than one (1) year after grant of the Right of Way Certificate, the Certificate Holder shall perform an initial inventory:
  - (1) To identify and locate all of Certificate Holder's existing structures (including "as built" structures and pole attachments above and in the Rights-of-Way) and facilities in the Rights-of-Way; and
  - (2) Shall identify and describe all uses of such structures and facilities; and
  - (3) Shall provide maps or other information that identifies their location and use in such form (including digital form) as required by the City.The Certificate Holder shall document all of the names, uses, services, structures, and facilities of the Permittee's sub-lessees, if any.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.10 CONSTRUCTION AND TECHNICAL OBLIGATIONS.

(a) Relevant Documents Required in Advance. The Certificate Holder shall comply with the City's normal permitting process prior to commencing any work in the Rights-of-Way except for emergencies and as otherwise provided in this chapter. No work in the Rights-of-Way shall be commenced until such time as the City has issued any and all required documents. The City shall not unreasonably withhold the granting of any permission.

- (b) Right-of-Way Work Permit Required in Advance.
  - (1) All Certificate Holders shall obtain a Right-of-Way Work Permit from the Building Department prior to beginning the erection, installation or maintenance, including tree trimming, of any lines or equipment. Prior City approval shall not be required for emergency repairs or routine maintenance and repairs. Operations which require excavation in the Right-of-Way, blockage of any street or alley, or material disruption to any landscaping or structures and/or irrigation systems require a Right-of-Way Work Certificate.
  - (2) All applicants for Right-of-Way Work Permit shall file a written notice with the Building Department at least seven (7) days before working in or on the Right of Way, except in case of emergency as determined by the Director. In the event of emergency work in the Right-of-Way, the Certificate Holder shall apply for the permit on the next business day. To the extent applicable, Right of Way work permits shall contain:
    - A. The Right of Way affected;
    - B. A description of any facilities to be installed, constructed, or maintained;
    - C. Whether or not any street will be opened or otherwise need to be restricted, blocked, or closed;

- D. An estimate of the amount of time needed to complete such work;
- E. A description of the method of restoring the right-of-way and timetable for completion of restoration;
- F. A statement verifying that other affected or potentially affected Certificate Holders have been notified, and where applicable, the Ohio Utility Protection service;
- G. The location, dimension and types of all trees within or adjacent to the public ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction. (Note- no tree removals are permitted without the approval of the Bexley Tree and Public Gardens Commission.)

(c) The City does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In public Rights-of-Way, where necessary, the location shall be verified by excavation.

(d) Minimal Disturbance. The Certificate Holder's system and associated equipment erected by the Certificate Holder within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. No pole or other fixtures placed in any public ways by the Certificate Holder shall be placed in such a manner as to interfere with normal travel on such public way.

(e) To protect the aesthetics of the City, the Certificate Holder shall locate, disguise, or screen the Certificate Holder's new or updated facilities in accordance with standards developed for the area in which the facility is located.

(f) Compliance of Technical Equipment and Workmanship. Certificate Holder shall construct, install, operate and maintain its system in a manner that is consistent with all laws, ordinances, construction standards, governmental requirements; shall comply with applicable National Electrical Safety Code (National Bureau of Standards); applicable National Electrical Code (National Bureau of Fire Underwriters); applicable FCC or other Federal, State and local regulations; and standards as set forth in their Certificate.

(g) General Workmanship.

- (1) Construction, installation, operation, and maintenance of permitted systems shall be performed in an orderly and workmanlike manner. When consistent with the safety codes and standards set forth in this chapter, all cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple configurations shall be arranged in parallel and bundled with due respect for engineering considerations.
- (2) All systems shall be designed, constructed, and maintained for 24-hours-a-day continuous operation.

(h) Subcontractors.

- (1) Each Certificate Holder shall assure that any subcontractor or other person performing any work or service in the Right-of-Way on behalf of said Certificate Holder will comply with all applicable provisions of this chapter and its Right-of-Way Certificate and will identify the Certificate Holder for whom such subcontractor is working. Said Certificate Holder shall be responsible and liable hereunder for all actions of any such subcontractor or others as if said Certificate Holder had performed or failed to perform any such obligation.
- (2) Any contractor performing construction, installation, operation, maintenance, and repair of system equipment must be properly licensed under laws of the State of Ohio, and all applicable local ordinances.

(i) Restoration of Right-of-Way. The Certificate Holder, and/or its subcontractors shall leave Rights-of-Way where such work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the City. Such Right-of-Way Work Certificate shall be issued in writing and is subject to conditions that may be attached by the Service Director including, but not limited to, requirements concerning traffic control, safety, scheduling, notification of adjoining property owners, and restoration with hard surface, seed, sod or specific plant materials as directed by the City. The Certificate Holder and/or its subcontractors shall endeavor to complete, in a timely manner, repairs to the Right-of-Way. All workmanship and materials used by the Certificate Holder and/or its subcontractors to repair the streets and roadways shall meet City specifications and be subject to the inspection and approval of the Service Director and shall be warranted for a period of one (1) year from the date of completion for any failure due to workmanship or quality of materials.

(j) Updating Documentation of Right of Way Activity and Facility Updates. Certificate Holder Shall furnish City "as built" drawings not later than one hundred twenty (120) days after construction of a system, system addition, system replacement or system alteration has been completed. Drawings shall show accurate location and ownership. Drawings shall be drawn to a scale of one inch (1") equals two hundred feet (200') using the standard format adopted by the City. Certificate Holder shall provide one (1) electronic copy, one (1) set of blue or black line "as built" drawings, and one (1) set of 11 x 17 copies to the Service Director.

(k) Underground Operations.

- (1) In those areas of the City where telephone and electric services are provided by underground facilities, all new facilities of a Certificate Holder shall be placed underground. In all other areas, the Certificate Holder, upon request by the City, shall use its best efforts to place facilities underground. However, the term "facilities" as used in the preceding sentence may not include equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities (e.g. splice and terminal pedestals, equipment cabinets and transformers.)

Where not otherwise required to be placed underground by this chapter, the Certificate Holder's system shall be located underground at the request of the adjacent property owner, provided the placement of such system shall be consistent with the Certificate Holder's construction and operating standards and provided that the excess cost over the aerial location shall be borne by the property owner making the request if so requested by the Certificate Holder. All cable to be installed under the roadway shall be installed in conduit. In no circumstance shall a new pole be located in any area of the City where it is not replacing an existing pole without written approval of the Service Director, which approval shall not be unreasonably withheld.

- (2) Upon reasonable written notice of and at the direction of the City Service Director, and at the Certificate Holder's sole cost, a Certificate Holder shall promptly remove or rearrange facilities as necessary, such as during any construction, repair or modification of any street, sidewalk, City utility or other public improvement, or as part of the City Service Director's determination that the designated portions of its Rights-of-Way should accommodate only underground facilities or that facilities should occupy only one side of a street or other public way, or if an additional or subsequent City or other public use of Rights-of-Way is inconsistent with the then current uses of such Certificate Holder or for any other reasonable cause as determined by the City Service Director pursuant to Section 1028.17(b);
- (3) A Certificate Holder shall register with underground reporting services as set forth in the Regulations.

(1) Street Cut Operations.

- (1) Specialized Right-of-Way Work permits are required for cutting and excavating City streets and alleys.  
(Ord. 77-99. Passed 1-11-2000.)

1028.11 JOINT PLANNING AND CONSTRUCTION.

In order to promote the purposes of this chapter and the policy set forth herein, the City Service Director shall adopt Regulations requiring and governing joint planning and construction for all Right-of-Way Certificate Holders except for Residential Purpose Right-of-Way Certificate Holders.

(Ord. 77-99. Passed 1-11-2000.)

1028.12 CITY USE OF FACILITIES.

(a) The City shall have the right to install and maintain, free of charge, upon any poles and within any underground pipes or conduits or other facilities of any Service, Public Service or Limited-Use Right-of-Way Certificate Holder, any facilities desired by the City unless:

- (1) Such installation and maintenance unreasonably and materially interferes with existing and future operations of the Certificate Holder; and
- (2) Such installation and maintenance would be unduly burdensome to such Certificate Holder.

(b) Neither the facilities utilized by the City nor the capacity or bandwidth thereon shall be leased, licensed or otherwise made available to third parties. The City's use and occupancy of a Certificate Holder's conduit shall be limited to the right to occupy a single inner duct in any given conduit and a single attachment to any given pole.

(c) The City's right to use and occupy a Certificate Holder's poles or conduit shall be subject to any and all reasonable terms and conditions the Certificate Holder requires of other third party users of its poles and conduit. The City shall pay the Certificate Holder the reasonable cost to make the poles or conduit ready for the City's use and occupancy. Nothing herein shall be construed to require a Certificate Holder to construct poles or conduits where none exist or to rearrange, modify or alter its facilities on a pole or conduit in order to provide space for City Facilities where space is not otherwise available.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.13 ADOPTION OF REGULATIONS.

(a) The City Service Director may promulgate Regulations, as the City Service Director deems appropriate from time to time, to carry out the express purposes and intent of this chapter.

(b) Such Regulations shall not materially increase the obligations of any Certificate Holder hereunder; provided, however, that neither the adoption of Regulations increasing fees pursuant to Section 1028.06 nor requiring the placement of facilities in designated portions of the Rights-of-Way underground pursuant to Section 1028.10(k) shall be construed as materially increasing the obligations of a Certificate Holder.

(c) Any such regulation shall be on file in the service department.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.14 INDEMNITY, BONDING AND INSURANCE.

(a) To guarantee Right-of-Way restoration and removal of facilities, the Certificate Holder shall provide either a Performance Bond (or self-bonding by Certificate Holder having capitalization in excess of Fifty Million Dollars), an Irrevocable Letter of Credit, or a Certified Check to pay the cost of restoration of the Right-of-Way should the Certificate Holder fail to perform restoration required by this chapter or pay for the cost of removal or relocation of the system required by this chapter should the Certificate Holder fail to perform said removal or relocation.

(b) Each Certificate Holder shall, as a condition of its Right-of-Way Certificate, indemnify, protect and hold harmless the City from any claim, loss or damage arising in any way from Certificate Holder's occupation or use of the Right-of-Way, including but not limited to the construction, operation or maintenance of Certificate Holder's facilities, and from any such Certificate Holder's negligent or wrongful act or omission.

(c) Except for Residential Purposes Right-of-Way Certificate Holders each Certificate Holder, as a condition of its Certificate, shall keep in force a policy or policies of liability insurance, having such terms and in such amounts as are set forth in the Regulations, covering its facilities and operations pursuant to its Right-of-Way Certificate.

(d) All Certificate Holders shall, at their sole cost and expense, fully indemnify, defend and hold harmless the City, its officers, public officials, boards and commissions, agents, and employees from and against any and all lawsuits, claims (including without limitation Worker's Compensation claims against the City or others, causes of actions, actions, liability, and judgments for injury or damages (including but not limited to expenses for reasonable legal fees and disbursements assumed by the City in connection therewith):

- (1) To persons or property, in any way arising out of or through the acts or omissions of Certificate Holder, its subcontractors, agents or employees attributable to the occupation by the Certificate Holder of the Right-of-Way, to which Certificate Holder's negligence shall in any way contribute, and regardless of whether the City's negligence or the negligence of any other party shall have contributed to such claim, cause of action, judgment, injury or damage.
- (2) Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent or any other right of any person, firm and corporation by the Certificate Holder, but excluding claims arising out of or related to City programming.
- (3) Arising out of Certificate Holder's failure to comply with the provisions of any federal, state, or local statute, ordinances or regulations applicable to Certificate Holder in its business hereunder.

(e) The foregoing indemnification is conditioned upon the City:

- (1) Giving Certificate Holder prompt notice of any claim or the commencement of any action, suit or proceeding for which indemnification is sought;
- (2) Affording the Certificate Holder the opportunity to participate in and fully control any compromise, settlement, or other resolution or disposition of any claim or proceeding subject to indemnification; and
- (3) Fully cooperating in the defense of such claim and making available to the Certificate Holder all pertinent information under the City's control.

(f) The City shall have the right to employ separate counsel in any such action or proceeding and to participate in the investigation and defense thereof, and the Certificate Holder shall pay the reasonable fees and expense of such separate counsel, if employed with the approval and consent of the Certificate Holder, or if representation of both Certificate Holder and the City by the same attorney would be inconsistent with accepted canons of professional ethics.

(g) Each Certificate Holder shall maintain insurance coverages (or self-insurance coverage by Certificate Holders having capitalization in excess of Fifty Million Dollars).

- (1) General liability insurance. The Certificate Holder shall maintain, and by its acceptance of any Certificate granted hereunder specifically agrees that it will maintain throughout the term of the Certificate, general liability insurance insuring the Certificate Holder in the minimum of:

- A. \$1,000,000 per occurrence;
- B. \$2,000,000 annual aggregate;
- C. \$1,000,000 excess general liability per occurrence and annual aggregate.

Such general liability insurance must be written on a comprehensive coverage form, including the following: premises/operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage, and personal injury.

- (2) Automobile liability insurance. The Certificate Holder shall maintain, and by its acceptance of any Certificate granted hereunder specifically agrees that it will maintain throughout the term of the Certificate, automobile liability insurance for owned, non-owned, or rented vehicles in the minimum amount of:
  - A. \$1,000,000 per occurrence; and
  - B. \$1,000,000 excess automobile liability per occurrence.
- (3) Worker's Compensation and employer's liability insurance. The Certificate Holder shall maintain and by its acceptance of any Certificate granted hereunder specifically agrees that it will maintain throughout the term of the Franchise, Worker's Compensation and employer's liability, valid in the State of Ohio, in the minimum amount of:
  - A. Statutory limit for Worker's Compensation;
  - B. \$1,000,000 for employer's liability per occurrence; and
  - C. \$1,000,000 excess employer liability.

(h) The liability insurance policies required by this section shall be maintained by the Certificate Holder throughout the term of the Certificate, and such other period of time during which the Certificate Holder is operating without a Certificate hereunder, or is engaged in the removal of its facilities. Each such insurance policy shall contain the following endorsement:

It is hereby understood and agreed that insurance policies may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the Director of such intent to cancel or not to renew.

Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the Certificate Holder shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section. (Ord. 77-99. Passed 1-11-2000.)

#### 1028.15 REMOVAL OF FACILITIES.

(a) Any Right-of-Way Certificate Holder that intends to discontinue use of any facilities within the Rights-of-Way shall submit a written notice to the City Service Director describing the portion of the facilities to be discontinued and the date of discontinuance, which date shall not be less than thirty (30) days from the date on which the notice is submitted to the City Service Director. The Certificate Holder may not remove, destroy or permanently disable any such facilities after such notice without the written approval of the City Service Director. The Certificate Holder shall remove and secure such facilities as set forth in the notice unless directed by the City Service Director to abandon such facilities in place.

(b) Upon such abandonment and acceptance by the City in writing, full title and ownership of such abandoned facilities shall pass to the City without the need to pay compensation to the Certificate Holder. The Certificate Holder shall, however, continue to be responsible for all taxes on such facilities or other liabilities associated therewith, until the date the same was accepted by the City.

(c) Should any Certificate Holder fail, after notice, to remove or rearrange facilities at the City Service Director's request as specified in Section 1028.10(k)(2), the City may, as its option and in addition to the imposition of any penalties or other remedies hereunder, undertake or cause to be undertaken, such necessary removal or rearrangement. The City shall have no liability for any damage caused by such removal or rearrangement and the Certificate Holder shall be liable to the City for all costs incurred by the City in such removal or rearrangement. (Ord. 77-99. Passed 1-11-2000.)

#### 1028.16 REVOCATION.

(a) In addition to any other rights set out in this chapter, the City reserves the right to revoke, in accordance with the procedures set forth in subsection (b) hereof, any Right-of-Way Certificate in the event such Certificate Holder violates any material provision of this chapter or its Right-of-Way Certificate.

(b) The City Service Director shall give the Certificate Holder thirty(30) days prior written notice of an intent to revoke said Certificate Holder's Right-of-Way Certificate. Such notice shall state the reasons for such action. If the Certificate Holder cures the violation or other cause within the thirty (30) days notice period, or if the Certificate Holder initiates efforts satisfactory to the City Service Director to remedy the stated violation, the City Service Director may rescind said notice of revocation. If the Certificate Holder does not cure the stated violation or other cause or undertake effort satisfactory to the City Service Director to remedy the stated violation, the City Service Director may recommend said Certificate be revoked. After granting the Certificate Holder an opportunity to be heard in person or in writing, the City Council/designee may revoke the Right-of-Way Certificate. Unless otherwise required by law, the decision of the City Council/designee shall be final.

(c) Unless otherwise directed by the City Service Director, if a Right-of-Way Certificate is revoked, all facilities located in the Rights-of-Way or located upon public property pursuant to such Certificate shall be removed at the sole expense of the Certificate Holder. (Ord. 77-99. Passed 1-11-2000.)

#### 1028.17 PRESERVATION OF RIGHTS.

(a) Nothing in this chapter should be construed to grant any right or interest in any Right-of-Way or Public Property other than that explicitly set forth herein or in a Right of Way Certificate.

(b) Nothing in this chapter shall be construed to prevent the City from constructing, maintaining, repairing or relocating any City utility, communications or other facilities; vacating, grading, paving, maintaining, repairing, relocating or altering any street, Public Property or Right-of-Way; or constructing, maintaining, repairing or relocating any sidewalk, bike path or other public work or improvement. To the extent that such work requires temporary or permanent relocation or rearrangement of any facilities or structures of any Certificate Holder, such relocating and rearranging shall be at the sole cost of the Certificate Holder in such time and in such manner as set forth in the Regulations.

(c) The City retains the right and privilege to cut or move any facilities located within the Rights-of-Way as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

(d) Unless directly caused by willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any facility within the Rights-of-Way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the Rights-of-Way.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.18 TEMPORARY MOVEMENT OF FACILITIES.

In the event it is necessary to move or remove temporarily any of the Certificate Holder's wires, cables, poles or other facilities placed pursuant to this chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets of the City, upon two (2) weeks written notice by the City Service Director to the Certificate Holder, the Certificate Holder shall, at the expense of the person requesting the temporary removal of such facilities, comply with the City Service Director's request.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.19 FORECLOSURE AND RECEIVERSHIP.

(a) Upon the foreclosure or other judicial sale of the Certificate Holder's facilities located within the Right-of-Way, the Certificate Holder shall notify the City Service Director of such fact and its Certificate shall be deemed void and of no further force and effect.

(b) The City shall have the right to revoke, pursuant to the provisions of Section 1028.16 any Right-of-Way Certificate granted pursuant to this chapter, subject to any applicable provisions of law, including the Bankruptcy Act, one hundred and twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Certificate Holder, whether in receivership, organization, bankruptcy or other action proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred and twenty (120) days, or unless:

- (1) Within one hundred and twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of the relevant Right-of-Way Certificate and of this chapter and remedied all defaults thereunder; and

- (2) Such receiver or trustee, within said one hundred and twenty (120) days, shall have executed an agreement, duly approved by the Court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of the relevant Right-of-Way Certificate and this chapter.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.20 NONENFORCEMENT AND WAIVERS BY CITY.

The Certificate Holder shall not be relieved of its obligation to comply with any of the provisions of its Right-of-Way Certificate or this chapter by reason of any failure of the City to enforce prompt compliance.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.21 CAPTIONS.

The captions and headings in this chapter are for convenience and reference purposes only and shall not affect in any way the meaning of interpretation of this chapter.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.22 SEVERABILITY.

If this Agreement or any material section thereof is determined by an appropriate government agency or judicial authority to be invalid or preempted by federal, state or local regulations or laws, all of the provisions of the Agreement shall remain in effect and the City shall have the right to modify such invalid or preempted section; provided, however that no such modification shall be materially inconsistent with the original intent of the invalid or preempted section and shall not impose upon Certificate Holder total financial obligations in excess of those imposed upon Certificate Holder under this Agreement.  
(Ord. 77-99. Passed 1-11-2000.)

#### 1028.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter for which no penalty is otherwise provided is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty in subsection (a) hereof shall not be deemed to prevent the enforced correction of prohibited conditions or the application of any other equitable remedy.

(c) Any Certificate Holder may be excused for violations of this chapter and its Right-of-Way Certificate due to Force Majeure.  
(Ord. 77-99. Passed 1-11-2000.)



## TITLE FOUR - Utilities

- Chap. 1040. Utilities Generally.  
 Chap. 1042. Water.  
 Chap. 1044. Sewers.  
 Chap. 1046. Gas.  
 Chap. 1048. Electricity.  
 Chap. 1050. Public Telephones.  
 Chap. 1052. Storm Water Control.

CHAPTER 1040  
Utilities Generally

- |         |                            |         |                        |
|---------|----------------------------|---------|------------------------|
| 1040.01 | Rate increases. (Repealed) | 1040.04 | Minimum charge.        |
| 1040.02 | Quarterly billings.        | 1040.05 | Computation of bills.  |
| 1040.03 | Replacement of meters.     | 1040.06 | Water and sewer rates. |

## CROSS REFERENCES

- Power to regulate electricity, gas and water rates - see Ohio R.C.  
 743.26, 743.28, 4909.34 et seq.  
 Public Utilities Commission; fixation of rates - see Ohio R.C. Ch. 4909  
 Gas, electric and water companies - see Ohio R.C. Ch. 4933  
 Tampering with and theft of utilities - see GEN. OFF. 642.03 et seq.

1040.01 RATE INCREASES. (REPEALED)  
 (EDITOR'S NOTE: Section 1040.01 was repealed by Ordinance 6-81, passed March 10, 1981.)

## 1040.02 QUARTERLY BILLINGS.

The quarterly billing of water and sewer charges for all customers shall commence January 1, 1975, except for those customers who are being billed monthly and who will continue to be billed monthly. Quarterly billings on January 1, April 1, July 1 and October 1 shall be based on actual readings, where practical, and on estimated readings, where necessary. The decision as to whether or not any of the meters will be read or the billings for that quarter estimated shall be at the option of the Auditor and/or the head of the Water Department. However, all meters must be read and the quarterly billings shall be based on actual readings at least twice a year.  
 (Ord. 10-74. Passed 7-23-74; Ord. 30-80. Passed 6-24-80.)

**1040.03 REPLACEMENT OF METERS.**

The City is authorized to require the replacement of any meters determined to be obsolete, damaged, inaccurate or incompatible with the City's metering system. The cost of the replacement shall be charged to the customer or as otherwise provided for by City Council. (Ord. 84-00. Passed 10-24-00.)

**1040.04 MINIMUM CHARGE.**

The minimum charge for water and sewer during a calendar quarter shall be 300 cubic feet. (Ord. 31-14. Passed 6-25-14.)

**1040.05 COMPUTATION OF BILLS.**

Commencing with the bills which will be mailed on July 1, 1976, water and sewer bills shall be computed to the closest 100 feet and billed accordingly. (Ord. 25-76. Passed 5-25-76.)

**1040.06 WATER AND SEWER RATES.**

(a) Generally. Water and sewer rates will hereafter be established by Council upon the advice of the Water Department and dependent upon the needs of the City as determined by the costs to the City for the operation of the Water Department and the charges by the City of Columbus for the water and sewer usage. Council will additionally establish a Water Capital Fee and Sewer Capital Fee which shall be deposited into the Water and Sewer Funds, respectively, and applied towards the replacement and repair of the City's water and sewer infrastructure.

(Ord. 23-13. Passed 6-11-13.)

(b) Water and Sewer Rates.

- (1) The water rate charged by the City of Bexley for water used on or after January 1st, 2015 shall be at a rate of \$54.03 per 1,000 cubic feet.
- (2) The sewer rate charged by the City of Bexley for sewer service on or after January 1st, 2015 shall be at the rate of \$67.47 per 1,000 cubic feet. (Ord. 62-14. Passed 12-9-14.)
- (3) Commencing January 1, 2014, the Water Capital Fee charged by the City of Bexley shall be at a rate of 3.608% of the combined water and sewer bill specified in Sections 1040.06(b)(1) and 1040.06(b)(2).
- (4) Commencing January 1, 2014, the Sewer Capital Fee charged by the City of Bexley shall be at a rate of 2.952% of the combined water and sewer bill specified in Sections 1040.06(b)(1) and 1040.06(b)(2). (Ord. 23-13. Passed 6-11-13.)

CHAPTER 1042  
Water

EDITOR'S NOTE: Resolution 2-76, passed June 8, 1976, adopted the "Watercourse Plan for Columbus and Franklin County" prepared by Labrenz-Riemer, Inc., and the Ohio State University's School of Architecture, Division of Landscape Architects, for the City of Columbus Recreation and Parks Department.

The City contracts with the City of Columbus for water supply. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

1042.01	Meter reading.	1042.05	Well water; drilling; permit required.
1042.02	Nonmetered water.	1042.06	Fire hydrant permit.
1042.03	Late payments; penalty; re-connection charge.	1042.07	Backflow prevention.
1042.04	Liability of property owner for charges.	1042.99	Penalty.

CROSS REFERENCES

Easements for water supply - see Ohio R.C. 715.34  
 Contract for water supply - see Ohio R.C. 743.24, 4933.04  
 City consent for water fixtures on public property - see Ohio R.C. 4933.01, 4933.03  
 Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22  
 Tampering with and theft of utilities - see GEN. OFF. 642.27  
 Water rates, billing and meters - see S.U. & P.S. 1040.01 et seq.  
 Water supply - see S.U. & P.S. 1044.16  
 Water pollution - see GEN. OFF. 660.04; P. & Z. 1260.24  
 Flood damage prevention - see B. & H. Ch. 1444  
 Design of water supply systems - see B. & H. 1444.15(c)(1)  
 Water rates - see S.U. & P.S. 1040.06

1042.01 METER READING.

All meters shall be read semiannually or more often at the discretion of the Water Department and shall be read upon the request of a consumer at the termination of his service. (Ord. 28-70. Passed 7-28-70.)

1042.02 NONMETERED WATER.

When it is impractical to supply water through a meter, a fair and uniform charge for water used shall be made by the Superintendent of Water Lines and Service. (Ord. 28-70. Passed 7-28-70.)

**1042.03 LATE PAYMENTS; PENALTY; RE-CONNECTION CHARGE.**

Water, sewer and sanitation bills which are not paid by the date on which they become due as thereon shown shall be considered delinquent, and the consumer shall be liable to a penalty of ten percent (10%) of the amount due on the delinquent bill. If such bills, together with such penalty, are not paid within ten days after notice of such delinquency, water, sewer and sanitation services shall be discontinued and a charge of eighty dollars (\$80.00) shall be collected before such services are restored.

Any notice required by this section shall be deemed sufficient if mailed by regular mail to the premises to which such notice relates or the address to which the water, sewer and sanitation bill is mailed.

(Ord. 56-97. Passed 11-11-97.)

**1042.04 LIABILITY OF PROPERTY OWNER FOR CHARGES.**

Any owner of real estate premises installing or maintaining water service connections shall be considered as accepting the provisions of all lawful rules and regulations of the Water Department and as agreeing, in particular, to be liable for all water and service charges for such premises, whether the accounts for such premises are carried in the name of such owner or in the name of a tenant or other person. (Ord. 28-70. Passed 7-28-70.)

**1042.05 WELL WATER; DRILLING; PERMIT REQUIRED.**

Where water from any drilled well is used for cooling purposes in the City, such water shall not be run into any sewer, street or gutter, but it shall be returned to the earth by means of an additional drilled well for such purpose. No person shall drill a well or a return well without first obtaining a written permit therefor from the Mayor, and the same shall be drilled, cased, maintained and operated subject to the approval of the Mayor.

(Ord. 39-39. Passed 7-25-39.)

**1042.06 FIRE HYDRANT PERMIT.**

The charge of \$30.00 is established for a Water Department fire hydrant permit.

(Ord. 63-05. Passed 6-14-05.)

**1042.07 BACKFLOW PREVENTION.**

The rules and regulations complying with the current requirements of the Ohio Department of Commerce and the Ohio Environmental Protection Agency pertaining to backflow prevention are hereby adopted.

(Ord. 133-05. Passed 1-24-06.)

**1042.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 1044  
Sewers

EDITOR'S NOTE: The City contracts with the City of Columbus for the discharge of sewage into the Columbus sewerage system. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

1044.01	Definitions.	1044.15	Use of moneys.
1044.02	Connections to sanitary system.	1044.16	Determination of charges; payment; water supply.
1044.03	Sewer builders; license required; fee; bond; revocation.	1044.17	Application of charges.
1044.04	Application for permits.	1044.18	Delinquency; remedy of City.
1044.05	Duties of Assistant Service Director.	1044.19	Collection of charges; bylaws and regulations.
1044.06	(Reserved)	1044.20	Discharge of waste water into storm sewers.
1044.07	House connections; wyes and one-eighth bends.	1044.21	System-capacity charge.
1044.08	Construction of house sewers.	1044.22	Tap-ins for draining ground, surface and roof water and cistern overflow prohibited.
1044.09	Independent connections required; exception.	1044.23	Tap-ins of storm or roof water leaders.
1044.10	Trench construction; pipe laying.	1044.24	Food service establishments generating oils, fats and grease.
1044.11	Connection of storm water drains to sanitary sewers prohibited.	1044.25	Illicit discharge and obstruction of the Municipal separate storm sewer system.
1044.12	Prohibited discharges.	1044.26	Discharge of roof water.
1044.13	Pathogenic material.		
1044.14	Charges; declaration of necessity.		

CROSS REFERENCES

Compulsory sewer connections - see Ohio R.C. 729.06  
 Sewer rates, billings and meters - see Ohio R.C. 729.49, 729.52;  
     S.U. & P.S. 1040.01 et seq.  
 Management and control of sewerage system - see Ohio R.C. 729.50  
 Regulations to control house sewers and connections - see Ohio R.C. 729.51  
 Streets, Sewers and Sidewalks Department - see ADM. Ch. 250  
 Tampering with and theft of utilities - see GEN. OFF. 642.03 et seq,  
 Excavations - see S.U. & P.S. Ch. 1020  
 Sewer rates - see S.U. & P.S. 1040.06

**1044.01 DEFINITIONS.**

As used in this chapter:

- (a) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains and stable floor drains.
- (b) "Industrial waste" means the liquid waste resulting from any commercial, manufacturing or industrial operation or process.
- (c) "Clean waste water" means the liquid waste discharged from industrial plants and from commercial or public buildings which, upon analysis, is found to be of such character as to have no harmful polluting effect upon any stream or other body of water into which it may be discharged either directly or indirectly. (Ord. 23-54. Passed 9-14-54.)

**1044.02 CONNECTIONS TO SANITARY SYSTEM.**

No person, other than a properly authorized agent of the City acting under the rules and regulations and a special permit of Council and under the instruction of the City Engineer or Assistant Service Director, shall make any connection with the sanitary sewerage system of the City.

**1044.03 SEWER BUILDERS; LICENSE REQUIRED; FEE; BOND; REVOCATION.**

(a) Only a licensed sewer builder shall do any work in connection with the sanitary sewerage system of the City. The application for a license shall be accompanied by a fee of five dollars (\$5.00) and shall be made in writing setting forth the name of the applicant, his place of business and the class of work for which he desires a license, together with a statement of his previous business experience as a sewer builder.

(b) He shall execute and deliver to the Clerk of Council a bond signed by himself and a surety company in the sum of five hundred dollars (\$500.00) in favor of the City, conditioned on his compliance with all the rules and regulations and on his indemnification of the City against any loss or damage occasioned by any accident, neglect or unskillfulness on his part or on the part of his employees in the performance of any work or in the selection or use of any improper material. Such bond shall be approved by the Mayor before a license is issued.

(c) All licenses to sewer builders shall be signed by the Mayor and the Clerk of Council. They shall expire on January 1 following such issue, unless sooner revoked by direction of Council. No sewer builder shall allow his name or his license to be used by any other person to obtain a permit or for any other purpose.

(d) Any license may be revoked for failure to comply with any of the provisions of this chapter or for any misconduct on the part of the sewer builder or his employees or for any good and sufficient reason satisfactory to Council. (Ord. 46. Passed 12-23-13.)

**1044.04 APPLICATION FOR PERMITS.**

(a) Application by residents of the City for a permit to make house connections shall be made through a licensed sewer builder who shall pay to the Clerk of Council two dollars (\$2.00) for each house connection to the street sewer. (Ord. 46. Passed 12-23-13.)

(b) Within forty-eight hours after completing any sewer connection, upon the permit issued, the sewer builder shall make a time return in writing, countersigned by the Assistant Service Director, of all work done by him on the premises and file the same with the Clerk of Council. (Adopting Ordinance)

(c) All work prescribed in this chapter shall be done under the direction and inspection of Council or its authorized agents.  
(Ord. 46. Passed 12-23-13.)

(d) The sewer builder shall obtain from the Assistant Service Director information regarding the location of all Y's from the detailed sewer plans on file in the office of the Clerk of Council.

#### 1044.05 DUTIES OF ASSISTANT SERVICE DIRECTOR.

The Assistant Service Director shall be subject to the orders and directions of Council and those of the City Engineer. He shall be responsible for the operation of the sewerage system.

He shall oversee the construction of all plumbing and all house connections to the sewerage system of the City. He shall sign all house connection permits and shall be responsible for the operation of the flushing manholes and the removal of the collection in the dirt pans of the manholes.

#### 1044.06 (RESERVED)

#### 1044.07 HOUSE CONNECTIONS; WYES AND ONE-EIGHTH BENDS.

Throughout the length of the sewerage system, there have been provided Y's and one-eighth bends, duly marked by one by two-inch scantling which extend to within about twelve inches of the surface of the ground. The Assistant Service Director shall ascertain the exact location of these Y's which are definitely recorded in the office of the Clerk of Council. Care shall be exercised in making house connections when removing the stopper in the one-eighth bend to prevent the breakage of the bell of the same.

#### 1044.08 CONSTRUCTION OF HOUSE SEWERS.

All house sewers shall be constructed of vitrified sewer pipe of the bell and spigot pattern. All pipe shall be of deep and wide socket dimensions and may be either in two or three-foot lengths. All pipe shall be six inches in internal diameter and shall be true and straight and of first quality. The Assistant Service Director shall have the right to reject all house sewer pipe which does not conform to these specifications.

Under no circumstances shall connections to the street sewers be made at points other than at the Y-connections provided by the City in the street sewers, except under special permission and under special direction of the City Engineer. Unless under special permission of the City Engineer or the Assistant Service Director, all pipe shall be laid in open trench at a minimum slope of one-quarter inch per foot.

Joints shall be made with special care, using first a hemp gasket soaked in neat Portland cement and carefully caulked into the bell of the pipe. Upon the hemp gasket there shall be placed a mortar consisting of one part Portland cement and two parts clean coarse sand. The mortar shall extend around the pipe and shall be beveled off for at least three inches. Special care shall be exercised to secure a good joint upon the invert of the pipe.

Under special conditions, if required by the City Engineer, house services shall be constructed of extra heavy cast iron soil pipe with lead joints.

The sewer trench between the sewer and the property line shall be carefully and thoroughly tamped in a workmanlike manner, or the material may be puddled as it is deposited in the trench or the entire trench may be flooded with water at the discretion of the Assistant Service Director or the City Engineer.

#### 1044.09 INDEPENDENT CONNECTIONS REQUIRED; EXCEPTION.

Every building shall be separately and independently connected with the street sewer or other sewer tributary to the street sewer accepted by the City except in cases where there is another house upon the rear part of the lot, in which case such house may be connected to the sewer house drain of the main house. (Ord. 46. Passed 12-23-13.)

#### 1044.10 TRENCH CONSTRUCTION; PIPE LAYING.

Pipe shall be laid in a trench that is carefully made with the bottom trimmed to a perfect grade, having depressions for joints of pipes so that each length of pipe shall be evenly supported throughout its entire length. The interior of each length is to be made perfectly clean and free from cement before the next length is laid down. (Ord. 46. Passed 12-23-13.)

#### 1044.11 CONNECTION OF STORM WATER DRAINS TO SANITARY SEWERS PROHIBITED.

Rainwater drains shall not be connected to the house sewer. No storm water or roof water leader shall at any time be led into or connected with the sanitary sewer or led into or connected with any soil pipe or house drain or house sewer tributary to the sanitary sewers. (Ord. 46. Passed 12-23-13.)

#### 1044.12 PROHIBITED DISCHARGES.

No waste liquid from slaughterhouses, rendering works or soap works or, in general, waste from any offensive trade, shall be admitted into the sanitary sewers of the City without proper treatment. No acid, iron pickling liquor or other liquid, which would injure the sewers or interfere with the treatment of sewage, shall be admitted into the City sewers. (Ord. 46. Passed 12-23-13.)

#### 1044.13 PATHOGENIC MATERIAL.

No pathogenic material from any laboratory or hospital shall be discharged into the City sewers. (Ord. 46. Passed 12-23-13.)

**1044.14 CHARGES; DECLARATION OF NECESSITY.**

It is hereby determined and declared to be necessary to the protection of the public health, safety, welfare and convenience of the City to fix and collect charges upon all lots, lands and premises served by or having connections with the sanitary sewers of the City for the discharge therein of sanitary sewage, industrial waste, water or other liquid, to be discharged therefrom into, and transported, pumped and treated by, the sewerage system and sewage treatment works of the City of Columbus, under the provisions of the current contract entered into by the City of Bexley with the City of Columbus, and such other contract that may be hereafter entered into by such cities for the discharge, transportation, pumping and treatment of sanitary sewage. (Ord. 23-54. Passed 9-14-54.)

**1044.15 USE OF MONEYS.**

The moneys received from the collection of charges, as hereinafter authorized, shall be deposited daily with the City Auditor and shall be by him deposited into a fund known as the Sewer Fund. Such moneys, when appropriated by Council, shall be available for the payments due the City of Columbus under the terms of the current or future agreement with the City of Columbus for the distribution, transportation, pumping and treatment of sanitary sewage, and shall be available for the payment of any bills for labor or materials incurred by the City of Bexley in the construction, maintenance or repair of the sewerage system in the City of Bexley. (Ord. 5-55. Passed 3-8-55. )

**1044.16 DETERMINATION OF CHARGES; PAYMENT; WATER SUPPLY.**

(a) For the purposes provided in Sections 1044.14 and 1044.15, there is hereby charged to each lot, parcel of land, building or premises situated within the City, having any active sewer connection with the sanitary sewers of the City, which, through such connections, or otherwise, discharges therein sanitary sewage, industrial waste, water or other liquid, to be discharged therefrom into, transported, pumped and treated by the sewerage system and sewage treatment works of the City of Columbus, a sewer charge, payable as hereinafter provided, which charge shall be based upon the quantity of water used on or in such lot, parcel of land, building or premises as the same is measured by a water meter there in use, as hereinafter described. Such charge shall be as determined from time to time by Council.

(b) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, is a user of water supplied by the Water Department of the City and the quantity of water used is measured by a water meter acceptable to the Mayor, then in each such case the quantity of water used, as measured by such meter, shall be used to determine the sewer charge as provided in this section.

(c) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, is a user of water supplied by the Water Department 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 Mayor, 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 Mayor, and the quantity of water used, as measured by such meter, shall be used to determine the sewer charge as provided in this section.

(d) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, is not a user of water supplied by the Water Department 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 Mayor, 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 Mayor, and the quantity of water used, as measured by such meter, shall be used to determine the sewer charge as provided in this chapter.

(e) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, is a user of water supplied by the Water Department 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 Mayor, then in each such case the owner or other interested party shall, at his or its own expense, install and maintain water meters satisfactory to the Mayor 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.

(f) In the event a lot, parcel of land, building, premises, municipal corporation or other political subdivision discharges sanitary sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, and it can be shown by such party, to the satisfaction of the Mayor, that a portion of the water as measured by the water meter does not and cannot enter the sewerage system, then the Mayor may determine in such manner and by such method as he may find practical 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 the Mayor may require or permit the installation of 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, a charge of one dollar and fifty cents (\$1.50) shall be made to cover the cost of reading and computing the flow of each such meter, and such charge shall be added to each bill rendered for sewer service as otherwise herein described.

(g) The sewer charge provided in this section shall be payable at the office of the Water Department and, at the option of the Mayor, may be made payable at the same time as the water bill is payable for the lot, parcel of land, building, premises, municipal corporation or other political subdivision in question.

(h) The Mayor may require that the City shall be furnished, upon request, with information and data as to all sources of water supply other than the Water Department of the City, 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. (Ord. 23-54. Passed 9-14-54.)

#### 1044.17 APPLICATION OF CHARGES.

(a) For any lot, parcel of land, building or premises, from which connection is made with the City sewerage system or which begins to discharge sewage, industrial waste, water or other liquid into the City sewerage system, either directly or indirectly, after this chapter becomes effective (Ordinance 23-54, passed September 14, 1954), a charge shall be made pursuant to this chapter, the same to be a per diem pro rata amount based upon the minimum charge per month from the time such sewer connection is made, or from the time such discharge into the City sewerage system, either directly or indirectly, is begun, until the next following regular period, except that if the measured service exceeds the minimum charge, the corresponding measured rate or rates shall be charged.

(b) The sewer charge made under this chapter shall be payable as provided in Section 1044.16, provided that the amount of the charge payable for any lot, parcel of land, building, premises, municipal corporation or other political subdivision at the first payment period after this chapter becomes effective (Ordinance 23-54, passed September 14, 1954) shall be determined on the basis of a per diem proration of the minimum charge herein established beginning with the date this chapter becomes effective (Ordinance 23-54, passed September 14, 1954), except that in those cases in which the metered or measured charge exceeds the minimum charge, the metered or measured charge shall be the basis. (Ord. 23-54. Passed 9-14-54.)

#### 1044.18 DELINQUENCY; REMEDY OF CITY.

Each sewer charge made under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the sanitary sewerage system of the City. If the same is not paid within ninety days after it is due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the County, with the interest and penalties allowed by law, to be collected as other taxes are collected. (Ord. 23-54. Passed 9-14-54.)

#### 1044.19 COLLECTION OF CHARGES; BYLAWS AND REGULATIONS.

The sewer charges made pursuant to this chapter shall be collected by the Water Department. The Mayor shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the City sewerage system, for the construction and use of house sewers and connections to the sewerage system and for the regulation, collection, rebating and refunding of such charges. (Ord. 23-54. Passed 9-14-54.)

**1044.20 DISCHARGE OF WASTE WATER INTO STORM SEWERS.**

The Mayor is hereby authorized and directed to permit the discharge of clean waste water from industrial plants and from commercial or public buildings into storm sewers, where such sewers are available, subject to the following provisions:

- (a) The storm sewer into which such clean waste water may be discharged shall be of sufficient capacity to handle the added flow without overloading.
- (b) The tapping of storm sewers for this purpose shall be subject to all the regulations governing the construction of sewer services, provided, however, that there shall be no assessment made or frontage fee exacted for such privilege.
- (c) Wherever a connection is made to a storm sewer for this purpose, the owner shall construct a manhole, conforming to usual City standards, at a convenient or designated point on his sewer service, as required by the Mayor, the purpose of this manhole being to enable the City to make proper inspections and collect samples of the flow for analysis.
- (d) A charge shall be made, where storm sewers are used for this purpose by industries or commercial or public buildings, which shall be determined in accordance with the applicable provisions elsewhere herein set forth, provided, however, that such charge shall be based on rates of charges equal to one-tenth of the rates provided for use of sanitary sewers.  
(Ord. 23-54. Passed 9-14-54.)

**1044.21 SYSTEM-CAPACITY CHARGE.**

Each and every property or premises connected into City sanitary sewers shall be charged a system-capacity charge in accordance with the provisions of the sewer contract with the City of Columbus. (Ord. 38-72. Passed 12-28-72.)

**1044.22 TAP-INS FOR DRAINING GROUND, SURFACE AND ROOF WATER AND CISTERN OVERFLOW PROHIBITED.**

(a) No person shall tap the sanitary sewers of the City for the purpose of draining from the premises of such person ground water, surface water, overflow water from cisterns or water from any source other than toilets, washstands, bathrooms, laundries and kitchens.

(b) No person shall construct or repair any building in the City from which provision is made for the drainage into the sanitary sewers of the City of ground water, surface water, overflow water from cisterns or water from any source other than toilets, washstands, bathrooms, laundries and kitchens. (Ord. 388. Passed 12-14-22.)

(c) No person shall construct or repair any building in the City without first submitting to the Superintendent of Buildings complete plans showing in detail all provisions for the drainage of such building and the grounds upon which the same is located and securing the approval of such plans by the Superintendent.

**1044.23 TAP-INS OF STORM OR ROOF WATER LEADERS.**

(a) When a condition exists in any neighborhood and there is reason to believe that it is caused by the connection of the storm or roof water leaders of any building to a sanitary sewer, the Superintendent of Buildings shall order an inspection of such building by the Building Department for the purpose of determining if such a connection exists.

(b) If such an inspection shows that any storm or roof water leader is connected to a sanitary sewer, in violation of any of the provisions of this chapter or of the Building Code, then the Superintendent of Buildings shall notify the owner thereof, in writing, by delivering such notice to his residence, and give him not less than fifteen days in which to disconnect the same. If such owner is a nonresident of the City, such notice shall be sent to his last known address by registered mail.

(c) Any police officer, the Clerk of Council or his assistants may make service of the notice hereinabove provided and the fees therefor shall be the same as are allowed for the service and return of a summons in civil cases before a magistrate.

(d) If the owner fails to comply with such notice, the Superintendent of Buildings shall cause such storm or roof water leader to be disconnected from the sanitary sewer and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall be paid out of the Sewer Fund.

(e) Upon completion of such work, the Superintendent of Buildings shall advise the owner, in writing, of the amount of all costs incurred in connection therewith, as provided in this section. If such charges are not paid by the owner within ten days, then such charges, together with a proper description of the lot or land upon which the building is located, shall be transmitted to the County Auditor and shall be entered by the Auditor upon the tax duplicate of the County and be a lien upon such lot or land from and after the date of the entry to be collected as other taxes are collected and returned to the City with the General Fund.

(f) No person shall interfere with any duly authorized City employee or laborer while in the process of making the inspection provided for herein or while making any disconnection authorized herein.

**1044.24 FOOD SERVICE ESTABLISHMENTS GENERATING OILS, FATS AND GREASE.**

The Rules and Regulations conforming to those adopted by the City of Columbus regarding "Food Service Establishments (FSE)", generating "Fats, Oils and Grease (FOG)", as attached to original Ordinance 94-05 are hereby adopted.  
(Ord. 94-05. Passed 10-11-05.)

1044.25 ILLICIT DISCHARGE AND OBSTRUCTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

- (a) A person commits an offense if the person introduces, or causes to be introduced, into the MS4 any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for a violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:
- (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
  - (2) A discharge or flow resulting from fire fighting by the Fire Department;
  - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;
  - (4) Agricultural stormwater runoff;
  - (5) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;
  - (6) A discharge or flow from lawn watering or landscape irrigation;
  - (7) A discharge or flow from a diverted stream flow or natural spring;
  - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
  - (9) Uncontaminated groundwater infiltration (as defined at 40 C.F.R. 35.2005(20)) to the MS4;
  - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
  - (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or drainage of a storage tank or other container;
  - (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
  - (13) A discharge or flow from individual residential car washing;
  - (14) A discharge or flow from a riparian habitat or wetland;
  - (15) A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
  - (16) Drainage from a private residential swimming pool or hot tub/spa containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited;
  - (17) A discharge or flow of uncontaminated storm water pumped from an excavation or existing pond.

- (c) No affirmative defense shall be available under subsection (b) if:
- (1) The discharge or flow in question has been determined by the City Engineer to be a source of a pollutant or pollutants to the waters of the United States or to the waters of the State or to the MS4;
  - (2) Written notice of such determination has been provided to the discharger;
  - (3) The discharge has continued after the expiration of the time given in the notice to cease the discharge;
  - (4) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

(d) Definitions. For the purpose of this chapter, certain rules or word usage apply to the text as follows:

- (1) Municipal Separate Storm Sewer System (MS-4): "Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains);
  - A. Owned or operated by the City;
  - B. Designed or used for collecting or conveying storm water;
  - C. Which is not a combined sewer; and
  - D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined by Title 40 Code of Federal Regulations Part 122.2 (40 CFR 122.2).

(e) Notice of Violation. Whenever the City of Bexley finds that a person has violated a prohibition or failed to meet a requirement of this section, the City of Bexley may order compliance by written Notice of Violation and direct the responsible party to:

- (1) Comply immediately;
- (2) Comply in accordance with a schedule set forth in the Notice; or
- (3) Take appropriate remedial or preventative action in the event of continuing or threatening violation.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (4) Payment of a fine to cover administrative and remediation costs; and
- (5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the Notice shall set forth a deadline within which such remediation or restoration actions must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and 150% of the expenses thereof shall be charged to the violator. Whoever violators this section is guilty of minor misdemeanor.

(Ord. 62-09. Passed 12-8-09.)

## 1044.26 DISCHARGE OF ROOF WATER.

- (a) The roof water from a residential, commercial or industrial building shall either:
- (1) Discharged to the street or where available to the curb under drain. The drainage pipe shall be no smaller than three inches (3") in diameter thin-walled polyvinylchloride (PVC) or approved equivalent. All joints shall be connected by approved methods, or
  - (2) Discharged on the same site or lot as the building is located provided that:
    - A. When downspouts, roof drains or their extensions are discharged into the ground or lot surface, the water shall be emptied onto a three-foot long splash block or such other device or material as may be approved by the Inspector.
    - B. The lot is graded or sloped and the roof water is so discharged that the water does not flow onto adjacent lots or tracts of ground except in swales, storm sewers or ditches which drain the lot in accordance with an approved grading plan.
    - C. The sump pump discharge is connected to the curb under drain or other approved storm drainage system.

(b) Green building standards also may be utilized to mitigate all or a portion of the site grading and drainage requirements as set forth in this chapter. A storm water management plan shall be developed and submitted to the Zoning Officer for review and approval prior to implementation. This storm water management plan shall be developed to minimize concentrated flows and to stimulate flows in natural hydrology by the use of dry wells, French drains, rain barrels, rain gardens, vegetated swales and similar feature. Once approved and implemented, the site grading and drainage shall not cause excessive erosion or water damage and shall not create a nuisance on public or private property. Additionally, the approved site grading and drainage shall not thereafter be changed by any owner, occupant or other person in control of the premises in such a way as to diminish or impede the runoff.

(c) Storm water management features shall not be located in the right-of-way unless the owner, occupant or other person in control of the premises fully complies with the requirements of Chapter 1044 regarding the use and occupation of rights-of-way.

(d) Dry wells, French drains, rain gardens and vegetated swales shall be located a minimum of ten feet from foundations and 15 feet from property line. All roof drain conductors leading to these alternative drainage methods shall be a minimum of four-inch three-walled polyvinylchloride (PVC) solid pipe and installed underneath the finished grade. Variance for setback requirements may be allowed subject to approval of the Zoning Officer.

(e) Rain barrels shall not be located nearer to any street than the nearest wall of the building in question, or nearer to any side or rear property line than three feet, and should match the color of the adjacent structure. A complete rain barrel system shall consist of at least one holding tank with a maximum capacity of 100 gallons, a downspout connector/diverter, a sealed lid or mosquito screen, a hose bib and an overflow connected to a storm sewer or an approved location.

- (f) Rain gardens shall be subject to the review and approval of the Zoning Officer.
- (1) The Inspector shall issue no certificates of occupancy and compliance for any residential unit or industrial or commercial building until the Inspector has determined that roof water is adequately discharges directly or indirectly to the storm drainage system and in a manner which does not create a drainage issue for neighboring property.

(g) Notice of Violation. Whenever the City of Bexley finds that a person has violated a prohibition or failed to meet a requirement of this section, the City of Bexley may order compliance by written Notice of Violation and direct the responsible party to:

- (1) Comply immediately;
- (2) Comply in accordance with a schedule set forth in the Notice; or
- (3) Take appropriate remedial or preventative action in the event of continuing or threatening violation.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (4) Payment of a fine to cover administrative and remediation costs; and
- (5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the Notice shall set forth a deadline within which such remediation of restoration actions must be completed. Said notice shall further advise that, should the violator fail to remediate or restore a contractor and 50% of the expenses thereof shall be charged to the violator. Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 51-12. Passed 11-27-12.)



CHAPTER 1046  
Gas

EDITOR'S NOTE: The City contracts with Columbia Gas of Ohio, Inc., for natural gas service. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

There are no sections in Chapter 1046. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Power to regulate electricity, gas and water rates - see Ohio R.C. 743.26, 743.28, 4909.34 et seq.

Gas contract restrictions - see Ohio R.C. 743.33

Compulsory gas connections - see Ohio R.C. 743.37

Contract for gas - see Ohio R.C. 743.38

Gas, electric and water companies - see Ohio R.C. Ch. 4933

Tampering with and theft of utilities - see GEN. OFF. 642.27



CHAPTER 1048  
Electricity

EDITOR'S NOTE: The City contracts with the Columbus Southern Power Company for electric service. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City consent for electrical fixtures and lines on public property -  
see Ohio R.C. 715.27, 4933.03, 4933.13, 4933.16

Power to regulate electricity, gas and water rates - see Ohio  
R.C. 743.26, 743.28, 4909.34 et seq.

Contract for electricity - see Ohio R.C. 743.38, 4933.04

Gas, electric and water companies - see Ohio R.C. Ch. 4933

Tampering with and theft of utilities - see GEN. OFF. 642.03 et seq.

Electric wires and trenches near trees, etc. - see S.U. & P.S.  
1026.09

Radioactivity or electrical disturbance - see P. & Z. 1260.19

Electrical wiring and apparatus - see B. & H. Ch. 1414

Electric fences - see B. & H. 1442.04

Exterior lighting - see B. & H. Ch. 1440



CHAPTER 1050  
Public Telephones

EDITOR'S NOTE: Ordinance 35-68, passed October 8, 1968, authorized an agreement between the City and the Ohio Bell Telephone Company for the installation and maintenance of telephones at various locations on the streets or at other locations owned by the City.

There are no sections in Chapter 1050. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City consent for telephone and telegraph fixtures and lines on public property - see Ohio R.C. 4931.20, 4931.23

Tampering with coin machines - see GEN. OFF. 645.12

Making or using slugs - see GEN. OFF. 645.11



CHAPTER 1052  
Storm Water Control

1052.01 Storm Water Pollution  
Prevention Plan (SWP3).

1052.02 Post-construction Storm Water  
Best Management Practices.

1052.01 STORM WATER POLLUTION PREVENTION PLAN (SWP3).

(a) The SWP3 shall conform to any and all standards defined in the Ohio Environmental Protection Agency Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System, (permit number OHC000003); effective April 21, 2008, and all revisions and amendments thereto.

(b) The Notice of Intent, as well as a copy of the SWP3 shall be provided to the City for review prior to the commencement of construction activities. Such erosion and sediment control devices, techniques and other measures shall not be removed and/or disturbed until earth disturbing activities on each applicable site have been concluded and the disturbed areas permanently stabilized.

(c) Erosion and sediment control techniques will be inspected by the City to ensure compliance with the Ohio EPA's Small Municipal Separate Storm Sewer Systems (MS4) General Permit. Failure to maintain erosion and sedimentation control measures as approved by the City is a violation of this chapter.  
(Ord. 13-11. Passed 6-14-11.)

1052.02 POST-CONSTRUCTION STORM WATER BEST MANAGEMENT  
PRACTICES.

(a) Operation and Maintenance Plan.

- (1) The developer/property owner shall prepare an Operation and Maintenance Plan meeting the minimum requirements of the latest version of the Ohio EPA NPDES Construction Storm Water Permit for redevelopment and new development projects wherein construction activities will result in the disturbance of one or more acres.
- (2) The Operation and Maintenance Plan shall be submitted by the developer/property owner to City of Bexley for review and approval prior to the City issuing the building permit.

- (3) The Operation and Maintenance Plan must be a stand-alone document containing the following:
  - A. Designate the entity associated with providing the Best Management Practices (BMPs) inspection and maintenance.
  - B. Indicate routine and non-routine maintenance tasks to be undertaken.
  - C. Indicate a schedule for inspection and maintenance tasks.
  - D. Provide proof of any necessary legally binding maintenance easements and agreements that are necessary to properly inspect and maintain the BMP(s).
  - E. Provide a map showing the location of the BMP(s) that are indicated on the City of Bexley approved Storm Water Pollution Prevention Plan (SWPPP) and any necessary access and maintenance easements.
  - F. Provide detailed BMP drawings and inspection and maintenance procedures.
  - G. Ensure that the collected pollutants resulting from BMP maintenance activities are disposed of in accordance with local, state and federal guidelines.

(b) Inspection and Maintenance Agreement. An Inspection and Maintenance Agreement shall be made between the Owner and the City of Bexley ensuring that the BMP(s) shall be properly inspected and maintained and shall be included within the Operation and Maintenance Plan.

(c) Inspection.

- (1) Personnel identified within the Operation and Maintenance Plan shall inspect the BMP(s) to ensure proper functionality and determine if maintenance is necessary.
- (2) At a minimum, inspections are to be conducted annually, or more frequently as specified within the Operation and Maintenance Plan.
- (3) Written inspection reports summarizing the BMP(s) inspection observations and maintenance requirements are to be submitted to the City of Bexley within thirty days after each inspection.

(d) Maintenance.

- (1) All BMPs are to be maintained according to the measures outlined within the Operation and Maintenance Plan.
- (2) Ensure that the collected pollutants resulting from BMP maintenance activities are disposed of in accordance with local, state and federal guidelines.
- (3) The Owner shall make necessary repairs within ten days of their discovery as identified within the inspection reports or through a request from the City of Bexley resulting from City conducted inspections.
- (4) Maintenance activities performed are to be documented on a written report and submitted to the City of Bexley.

- (5) The Owner shall grant permission to the City of Bexley to enter the property and inspect the BMP(s) whenever the City deems necessary. In an event of any default or failure by the Owner in properly maintaining the BMP(s) in accordance with the approved Operation and Maintenance Plan, or, in the event of an emergency as determined by the City of Bexley, it is the sole discretion of the City, after providing reasonable notice to the Owner, to enter the property and take whatever steps necessary to correct deficiencies and to charge the cost of such repairs to the Owner. Nothing herein shall obligate the City to maintain the BMP(s). (Ord. 14-11. Passed 6-14-11.)



## TITLE SIX - Other Public Services

- Chap. 1060. Garbage and Rubbish Collection and Disposal.  
 Chap. 1062. Parks.  
 Chap. 1063. School Grounds, Equipment and Buildings.  
 Chap. 1064. Regional Transit Authority.

## CHAPTER 1060

## Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: Ordinance 23-65, passed December 14, 1965, requested and authorized the Board of County Commissioners of Franklin County to include the territory of the City in a garbage and refuse disposal district.

- |         |  |          |  |
|---------|--|----------|--|
| 1060.01 | Definitions.   | 1060.10  | Charges; conditions and limitations on particular collections. |
| 1060.02 | Type of and care for collection containers.                  | 1060.105 | Charges to senior citizens.                                    |
| 1060.03 | Location of containers.                                      | 1060.11  | Charges to schools and commercial establishments.              |
| 1060.04 | Preparation of garbage, glass and excrement.                 | 1060.12  | Delinquency and violations; discontinuance of service.         |
| 1060.05 | Materials not to be placed in containers.                    | 1060.13  | Independent contractors.                                       |
| 1060.06 | Preparation of yard trash waste.                             | 1060.14  | Claims against the City.                                       |
| 1060.07 | Garbage, trash, yard waste and brush on public property.     | 1060.15  | Unlawful accumulations.  |
| 1060.08 | Hauling of building materials.                               | 1060.99  | Penalty.   |
| 1060.09 | Authorization for trash collection and licensing of haulers. |          |  |

## CROSS REFERENCES

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01  
 Employment of scavengers - see Ohio R.C. 3707.39  
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20  
 Loads dropping, leaking or shifting - see TRAF. 440.06, 440.10  
 Littering - see GEN. OFF. 660.03  
 Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF. 660.04  
 Open burning - see GEN. OFF. 660.08

#### 1060.01 DEFINITIONS.

As used in this chapter:

- (a) "Garbage" means all putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (b) "Trash" means rubbish and refuse of every kind and description, other than garbage, which is ordinarily produced and accumulated in and about a residence, exclusive of waste matters or scrap accumulated or produced in carrying on manufacturing or industrial processes and also exclusive of debris resulting from or accumulated from the construction, alteration, major repair or razing of any building or structure and also exclusive of limbs, branches, trunks, etc., resulting from major trimming or cutting down of trees, hedges and shrubs and also exclusive of yard waste.
- (c) "Yard waste" means grass clippings, weeds, leaves, small shrub and tree trimmings, and other garden waste.
- (d) "Brush" means tree and shrub limbs that are too large to be handled by standard garbage collection trucks.
- (e) "Recyclables" means those materials designated by the Mayor for separate collection and processing.  
(Ord. 13-92. Passed 3-10-92.)

#### 1060.02 TYPE OF AND CARE FOR COLLECTION CONTAINERS.

(a) Every tenant, lessee or occupant of every dwelling in the City shall provide or cause to be provided a sufficient number of receptacles for the deposit of all garbage and trash in such dwellings or on the premises in connection therewith. Such receptacles shall be either approved plastic or metal containers of not less than ten or more than thirty-two gallon maximum capacity that are constructed in such a way as to be strong, not easily corrodible, rodentproof and watertight. Metal and plastic containers shall be fitted with tight covers and with handles so that they can be conveniently emptied. When filled, the container shall not exceed seventy-five pounds in weight.

(b) Every tenant, lessee or occupant of every dwelling in the City that participates in recycling shall provide a sufficient number of containers for the deposit of recyclables. Such containers shall be only those approved by the City. When filled, the container shall not exceed seventy-five pounds in weight.

(c) All garbage, trash and recycling containers shall be maintained in good condition and repair and shall be kept clean by washing with soap or a disinfectant solution, so that no waste matter adheres to them. If a container is rusted, leaky, unsanitary or otherwise unusable, it shall be taken as trash. (Ord. 49-12. Passed 11-13-12.)

#### 1060.03 LOCATION OF CONTAINERS.

(a) On day of collection all garbage and trash containers shall be placed in one area that is easily accessible to the collectors, except that such area shall not be in front of commercial buildings. All residential recycling containers shall be placed on the street curb.

(b) All trash containers, recycle bins and yard waste shall not be taken to the curb before noon the day before collection. After collection, containers shall be returned, by 8:00 p.m. on the day following pick-up, to the interior of the garage of the residence, or interior of the commercial building, or to a location at the side or rear of the residence or commercial building that is shielded from view of the adjoining property's occupants by natural landscape barriers or by the residence or commercial building or by a constructed enclosure. Residences that abut alleys may store containers in the alley without screening.  
(Ord. 50-12. Passed 11-27-12.)

**1060.04 PREPARATION OF GARBAGE, GLASS AND EXCREMENT.**

All garbage shall be drained of liquid and wrapped. Broken glass and animal excrement shall be wrapped securely in paper or other combustible material before being deposited in the container. (Ord. 32-69. Passed 7-22-69.)

**1060.05 MATERIALS NOT TO BE PLACED IN CONTAINERS.**

No brush, yard waste or building materials, including earth, gravel, brick, mortar, stone, wood, lime, plaster and cement, shall be placed in any container otherwise set aside for the disposal of garbage, trash and or recyclables. (Ord. 13-92. Passed 3-10-92.)

**1060.06 PREPARATION OF YARD TRASH WASTE.**

In accordance with Ohio House Bill 592, the City requires separation of yard waste from other garbage and trash. Property owners are encouraged to mulch grass clippings on their lawn and to home compost weeds, leaves and other garden waste. When this is not possible, grass clippings, weeds, leaves and other garden waste shall be placed in paper yard bags, not exceeding thirty-two gallon capacity, and designed specifically for yard waste disposal; or in metal or plastic containers not exceeding thirty-two gallon capacity that are fitted with tight covers and handles. Containers shall be placed at the curb or in a place otherwise designated by the Mayor or his representative. When filled, such containers shall not exceed fifty pounds in weight. In no case shall yard waste be commingled with garbage or trash or placed in plastic bags. If a container is found to have commingled yard waste, garbage and/or trash, the container shall not be collected and the owner notified to separate the items properly. Between September 1 and March 1, leaves need not be placed in containers as noted above, but they may be left loose on the grassy area between the sidewalk and the curb at the front of the dwelling or in a place otherwise designated by the Mayor or his representative. (Ord. 13-92. Passed 3-10-92.)

**1060.07 GARBAGE, TRASH, YARD WASTE AND BRUSH ON PUBLIC PROPERTY.**

(a) No person shall throw or deposit any garbage, trash, yard waste or brush or maintain any receptacle for the same in or upon the improved portion of any street or alley or upon any public place in the City. However, the Mayor or his representative may authorize the placing of receptacles for the collection of the same in front of premises between the curb line and the property line.

(b) No person shall deposit brush or yard waste in or on any curb in the City. (Ord. 13-92. Passed 3-10-92.)

**1060.08 HAULING OF BUILDING MATERIALS.**

The City will not collect or haul earth, gravel, brick, mortar, stone, wood, lime, plaster, cement or other building materials unless special arrangements are made with the Department of Public Service. (Ord. 32-69. Passed 7-22-69.)

**1060.09 AUTHORIZATION FOR TRASH COLLECTION AND LICENSING OF HAULERS.**

(a) The Mayor shall, through the Department of Public Service, collect and dispose of all garbage, trash, recyclables, yard waste and brush from residential condominium units, single-family, two-family and multi-family dwellings consisting of eight or fewer units in the City, provided, however, that he shall not be required to remove the same if the foregoing provisions as to receptacles and deposit of refuse have not been complied with. (Ord. 22-94. Passed 5-11-94.)

(b) The Department is hereby authorized to grant a license to any person of good character upon the payment by such person of one hundred dollars (\$100.00), which license shall be effective for the remainder of the calendar year during which the same is issued, expiring on January 1, next following the date of issuance. The Department shall have the right to revoke any such license for just cause.

(c) No person who is not employed by the owner, tenant, lessee or occupant (owner) of any premises within the City and acting without authority, except the City and its employees and agents, shall remove or carry away any garbage, trash, recyclables, yard waste or brush from such premises or from trash receptacles maintained by the owner for collection by authorized persons or the City. Whoever fails to comply with the provisions of this section shall be subject to the penalties as specified in Section 1060.99.  
(Ord. 13-92. Passed 3-10-92.)

#### 1060.10 CHARGES; CONDITIONS AND LIMITATIONS ON PARTICULAR COLLECTIONS.

To provide necessary funds for equipment, personnel and other expenses in connection with the collection and disposal of solid waste, recyclable materials and yard waste in the City, a charge of three hundred two dollars and 40 cents (\$302.40) per year, payable quarterly in advance, commencing January 1, 2015, is hereby levied and assessed for the collection and disposal of solid waste, recyclable materials and yard waste from each residential unit. Whenever service begins between payment periods, a payment at the rate of one twelfth of the current annual charge per month, for the balance of the current period, shall be made before service commences. For periods of ten days or less in any one month, no charge shall be made, but eleven days or more shall be charged for a full month. No refund shall be made for any part of a payment if service is discontinued during such period.  
(Ord. 64-14. Passed 12-9-14.)

#### 1060.105 CHARGES TO SENIOR CITIZENS.

(a) The refuse collection charges set forth in Section 1060.10(a) shall not apply to those senior citizens who are residents of the City of Bexley and occupy a Bexley residence, who maintain Bexley utility and refuse accounts in their own names for such residences, who are sixty (60) years of age or older, and who make application to the City Water Department for exemption from the refuse collection charges set forth in Section 1060.10(a).

(b) Senior citizens who meet all of the requirements set forth in subsection (a) hereof shall be billed for refuse charges at the rate of two hundred seventy-two dollars and 16 cents (\$272.16) per year, payable quarterly in advance.  
(Ord. 64-14. Passed 12-9-14.)

#### 1060.11 CHARGES TO SCHOOLS AND COMMERCIAL ESTABLISHMENTS.

(EDITOR'S NOTE: Former Section 1060.11 was repealed by Ordinance 22-94, passed May 11, 1994.)

#### 1060.12 DELINQUENCY AND VIOLATIONS; DISCONTINUANCE OF SERVICE.

Service shall be discontinued if the charges provided for in this chapter are not paid when due or within thirty days thereafter. The Mayor may also discontinue service for a violation by the person served of any provision of this chapter, provided that notice of such violation is first given to the party served and that after a reasonable opportunity the party fails to correct the violation.

(Ord. 2-75. Passed 1-14-75; Ord. 14-81. Passed 3-10-81.)

#### 1060.13 INDEPENDENT CONTRACTORS.

If for any reason Council should deem it inexpedient for the City to collect garbage, trash, recyclables, yard trash and brush from all or any part of the City with its own equipment and personnel, it may provide for such service by contract with one or more independent contractors, which contract may provide for the collection of the contractor's charge for such service directly from the householders and/or commercial establishments served. The charges for such services shall be in the amounts and computed in the manner hereinabove set forth, subject to such variations or adjustments for partial months of service as may be authorized by the Mayor. (Ord. 74-90. Passed 10-23-90.)

#### 1060.14 CLAIMS AGAINST THE CITY.

The Mayor is hereby authorized and directed to investigate all claims made against the City for property removed or damaged incident to the collection of garbage, trash, yard trash and brush, and to allow any such claim as he deems valid, not in excess of one hundred dollars (\$100.00). He shall report to Council his findings and recommendations as to claims in excess of that amount. (Ord. 2-75. Passed 1-14-75; Ord. 14-81. Passed 3-10-81.)

#### 1060.15 UNLAWFUL ACCUMULATIONS.

No person shall allow garbage and trash to accumulate upon his premises for a longer period of time than that expiring between two consecutive collection dates.

(Ord. 2-75. Passed 1-14-75.)

#### 1060.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.



CHAPTER 1062  
Parks

1062.01	Definitions.	1062.15	Selling and soliciting prohibited.
1062.02	Park hours.	1062.16	Parking.
1062.03	Injury or destruction of growing products.	1062.17	Motorcycles and minibikes.
1062.04	Climbing trees, buildings, fountains, etc.	1062.18	Dogs.
1062.05	Garbage and trash.	1062.19	Hunting.
1062.06	Disorderly conduct.	1062.20	Firearms and fireworks.
1062.07	Alcoholic beverages and drugs.	1062.21	Camps and campfires.
1062.08	Defacing park property.	1062.22	Ball games.
1062.09	Destroying or defacing official notices.	1062.23	Game areas.
1062.10	Residency requirement.	1062.24	Golf.
1062.11	Traffic control.	1062.25	Model airplanes.
1062.12	Parking and storing vehicles.	1062.26	Equipment loan or rental.
1062.13	Motor vehicle repair and cleaning.	1062.27	Barbeques; park stoves.
1062.14	Distribution of literature.	1062.28	Water pollution.
		1062.29	Permits.
		1062.30	Entering prohibited areas.
		1062.31	Waiver of regulations.
		1062.99	Penalty.

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01  
 Board of Park Commissioners - see Ohio R.C. 755.01 et seq.  
 Recreation Board - see Ohio R.C. 755.14 et seq.; ADM. Ch. 282  
 Board of Park Trustees - see Ohio R.C. 755.19 et seq.  
 Parks and Public Grounds Department - see ADM. Ch. 252  
 Recreation Department - see ADM. Ch. 256  
 Operation of minibikes, scooters, etc. on park and school grounds - see  
 TRAF. 474.12

1062.01 DEFINITIONS.

As used in this chapter:

- (a) "Park" means any public land controlled or operated by the Parks and Public Grounds Department or the Recreation Department of the City.
- (b) "Board" denotes the Recreation Board of the City.

**1062.02 PARK HOURS.**

All parks are open from 6:00 a.m. to 10:00 p.m. daily. Notwithstanding the foregoing, the hours of operation of any park may be altered by the Board or the Recreation Director for approved events. (Ord. 75-98. Passed 10-13-98.)

**1062.03 INJURY OR DESTRUCTION OF GROWING PRODUCTS.**

No person shall injure, deface, remove or destroy any tree, flower, shrub or other natural feature in a park. (Ord. 22-71. Passed 7-27-71.)

**1062.04 CLIMBING TREES, BUILDINGS, FOUNTAINS, ETC.**

No person shall climb any tree or walk, stand or sit upon any building, fountain, wall, fence or coping. (Ord. 22-71. Passed 7-27-71.)

**1062.05 GARBAGE AND TRASH.**

Garbage or other waste material shall be deposited in proper receptacles provided for such purpose. No person shall dispose rubbish, ashes, leaves, cans, bottles, wire, paper, cartons, boxes, oil, glass or anything else of an unsightly or unsanitary nature upon park grounds. (Ord. 22-71. Passed 7-27-71.)

**1062.06 DISORDERLY CONDUCT.**

No person shall, either by word or act, indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the people within a park, or use threatening, abusive, insulting or indecent language. No person shall enter a rest room set apart for the opposite sex. No person shall remain within a park who does not abide by the rules and regulations adopted by the Recreation Board or the City. Any person violating the rules and regulations who is directed to leave a park shall do so promptly and peaceably. (Ord. 22-71. Passed 7-27-71.)

**1062.07 ALCOHOLIC BEVERAGES AND DRUGS.**

No person shall take into or upon any park any alcoholic beverage, narcotic drug or opiate. No person under the influence of alcohol, narcotic drugs or opiates shall be allowed to enter or remain within any park. Notwithstanding the foregoing, the Board may permit the use of alcoholic beverages in the Jeffrey Mansion building only for Board approved events, no more than twice in a calendar year. (Ord. 58-00. Passed 9-12-00.)

**1062.08 DEFACING PARK PROPERTY.**

No person shall write, paint or deface walls in rest rooms or buildings, fences or other park property. (Ord. 22-71. Passed 7-27-71.)

**1062.09 DESTROYING OR DEFACING OFFICIAL NOTICES.**

No person shall deface or destroy any notice of the rules and regulations for the government of parks, which have been posted or permanently fixed by order or permission of the Recreation Board and/or the Recreation Director. (Ord. 22-71. Passed 7-27-71.)

**1062.10 RESIDENCY REQUIREMENT.**

City parks are restricted to City residents and their guests.  
(Ord. 22-71. Passed 7-27-71.)

**1062.11 TRAFFIC CONTROL.**

No person shall drive upon any park road at a rate of speed exceeding ten miles per hour or the posted speed. The Mayor is hereby authorized to make and enforce traffic regulations within the parks and to erect traffic control devices to regulate traffic and promote public safety therein, and no person shall fail to obey any such traffic regulations or devices, including, without limitation, traffic control signals, signs or markers, cross walks or marks or lines upon the surface of a roadway.  
(Ord. 34-94. Passed 6-14-94.)

**1062.12 PARKING AND STORING VEHICLES.**

No person shall park or store any motor vehicle, bicycle or wagon on park property unless authorized by the Recreation Director or the Recreation Board.  
(Ord. 22-71. Passed 7-27-71.)

**1062.13 MOTOR VEHICLE REPAIR AND CLEANING.**

No person shall clean, wash or repair any motor vehicle in or upon any park.  
(Ord. 22-71. Passed 7-27-71.)

**1062.14 DISTRIBUTION OF LITERATURE.**

No person shall distribute or place any sign, advertisement or circular, or display any banner, emblem or design, within a park, without a written permit issued therefor by the Recreation Director or the Recreation Board.  
(Ord. 22-71. Passed 7-27-71.)

**1062.15 SELLING AND SOLICITING PROHIBITED.**

No person shall sell or offer for sale within a park any article, thing, privilege or service or solicit or charge admission or sell tickets for any event taking place in a park, unless authorized by the Board of Recreation.  
(Ord. 22-71. Passed 7-27-71.)

**1062.16 PARKING.**

All vehicles shall be parked in designated areas.  
(Ord. 22-71. Passed 7-27-71.)

**1062.17 MOTORCYCLES AND MINIBIKES.**

Motorcycles and minibikes are only permitted on park roadways. See also Section 474.12. (Ord. 22-71. Passed 7-27-71.)

**1062.18 DOGS.**

(EDITOR'S NOTE: Former Section 1062.18 was repealed by Ordinance 35-98, passed June 23, 1998. See Section 618.15 for restrictions on dogs in park areas.)

**1062.19 HUNTING.**

Hunting, pursuing, trapping or molesting any wild bird or animal within a park is prohibited. (Ord. 22-71. Passed 7-27-71.)

**1062.20 FIREARMS AND FIREWORKS.**

No person shall carry or discharge firearms, fireworks or explosive substances within a park. (Ord. 22-71. Passed 7-27-71.)

**1062.21 CAMPS AND CAMPFIRES.**

Camps and campfires are prohibited in parks unless a permit is issued therefor by the Recreation Board or the Recreation Director. (Ord. 22-71. Passed 7-27-71.)

**1062.22 BALL GAMES.**

Organized ball games, including baseball, softball, football and soccer are permitted in designated areas only. (Ord. 22-71. Passed 7-27-71.)

**1062.23 GAME AREAS.**

Game areas, including tennis, handball and basketball courts, shall be reserved on a one-hour basis to City residents and their guests. No person is permitted to wear hard sole shoes on any game area. (Ord. 22-71. Passed 7-27-71.)

**1062.24 GOLF.**

No person shall play golf or use golf balls and clubs within a park, except in the southeast area of Jeffrey Park and in Commonwealth Park. (Ord. 22-71. Passed 7-27-71.)

**1062.25 MODEL AIRPLANES.**

No person shall operate, or permit to be operated, any engine-driven model airplane within a park unless granted permission to do so by the Recreation Director or the Recreation Board. (Ord. 22-71. Passed 7-27-71.)

**1062.26 EQUIPMENT LOAN OR RENTAL.**

Each person loaning or renting equipment from the Parks and Public Grounds Department or the Recreation Department is personally liable for damage to or destruction of the same and shall pay the cost of repair or replacement. (Ord. 22-71. Passed 7-27-71.)

**1062.27 BARBEQUES; PARK STOVES.**

Cooking of food is permitted only in designated areas provided with park stoves. Only charcoal is permitted in park stoves. Home barbeques may be used near park stoves only.

Gasoline and other portable burner stoves are not permitted in parks unless approved for special activities by the Recreation Board or the Recreation Director. A person shall be responsible for properly extinguishing charcoal coals following their use.  
(Ord. 22-71. Passed 7-27-71. )

#### 1062.28 WATER POLLUTION.

No person shall throw, deposit or empty into Alum Creek, or cause or permit the same to be done, any kind of foul, offensive, poisonous or unhealthy matter, substance or thing, or any dead animal, carcass or any other offensive or deleterious matter or substance.  
(Ord. 22-71. Passed 7-27-71.)

#### 1062.29 PERMITS.

Permits for the use of any park and/or recreation facility, building or picnic grounds must be approved by the Recreation Director or the Recreation Board. Permits are issued to adults only. Adult supervision of children's groups is required at all times. The person signing the permit shall assume personal responsibility for the breakage, destruction or removal of park and recreation property by any member of the group. Permits must be signed by a responsible individual not later than one week and not earlier than ninety days prior to the scheduled event.  
(Ord. 22-71. Passed 7-27-71. )

#### 1062.30 ENTERING PROHIBITED AREAS.

No person shall enter any park and/or recreation facility, or any building, enclosure or place within any park, where or upon which the words "No Admittance" are displayed or posted by sign, placard or otherwise, without the consent of the Recreation Director or other officer of the parks. (Ord. 37-83. Passed 5-10-83.)

#### 1062.31 WAIVER OF REGULATIONS.

The Recreation Board may waive any of the provisions of this chapter for special events or occasions. (Ord. 22-71. Passed 7-27-71.)

#### 1062.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.



CHAPTER 1063  
School Grounds, Equipment and Buildings

- |   |                  |
|---|------------------|
| 1063.01 Definitions.  | 1063.99 Penalty. |
| 1063.02 Rules of conduct for school buildings, equipment and grounds. |                  |

CROSS REFERENCES

Disorderly conduct in the vicinity of a school - see GEN. OFF. 648.04

1063.01 DEFINITIONS.

As used in this chapter:

- (a) "Board" means the Board of Education for the public schools of the City of Bexley.
- (b) "Buildings, equipment and grounds", individually or collectively, means any property owned, controlled, governed or managed by the Board. (Ord. 71-88.)

1063.02 RULES OF CONDUCT FOR SCHOOL BUILDINGS, EQUIPMENT AND GROUNDS.

The Board may adopt rules for the preservation of good order and safety on and within its buildings, equipment and grounds. Such rules shall be posted by the Board on or around the Board's buildings, grounds and equipment and shall be published as provided in Section 222.01 of the Codified Ordinances and, upon approval by the Mayor of the City, shall be enforced by the City Police Department during those periods when school is not in session or at such other times as may be designated by the Board. No person shall violate a rule adopted under this chapter. (Ord. 71-88.)

1063.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter or any rule adopted under this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). (Ord. 71-88.)



CHAPTER 1064  
Regional Transit Authority

EDITOR'S NOTE: Ordinance 35-70, passed December 8, 1970, created the Central Ohio Transit Authority with the County of Franklin and the Cities of Columbus, Upper Arlington, Grandview Heights, Worthington, Gahanna, Westerville, Whitehall, Grove City, Reynoldsburg and Hilliard, pursuant to Ohio R.C. 306.30 to 306.53.

There are no sections in Chapter 1064. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Regional Transit Authority - see Ohio R.C. 306.30 et seq.