

CODIFIED ORDINANCES OF FAIRPORT HARBOR

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalks

Chap. 901. Public Lands Excavation.

Chap. 903. Construction and Repair of Sidewalks.

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CODIFIED ORDINANCES OF FAIRPORT HARBOR

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalks
Chap. 901. Public Lands Excavation.
Chap. 903. Construction and Repair of Sidewalks.

CHAPTER 901
Public Lands Excavation

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CROSS REFERENCES

Liability for damage - see Ohio R.C. 723.49 et seq.
Digging, excavating and piling earth on streets - see Ohio R.C.
5589.10
Barricades and warning lights - see GEN. OFF. 521.03

901.01 DEFINITION.

Wherever the words "Street", "Boulevard", "Avenue" and "alley" are used, such words mean that land lying between private lot lines and land dedicated for public use. (Ord. 80-38. Passed 7-21-80.)

901.02 PERMIT AND FEE.

(a) Before any person, other than a duly authorized Village officer or employee, makes any excavation in any street, boulevard, avenue, alley, highway or other public ground or removes the surface of any sidewalk or any part thereof, or opens any sidewalk in the Village, such person shall file with the Director of Utilities and Public Services a written or printed application setting forth and accurately indicating the location, kind and extent of the proposed excavation or removal of sidewalk, and the number, purpose and size of the excavations which are desired or necessary. If any excavations are for a purpose other than pursuant to a contract with the Village, the applicant shall pay to the Fiscal Officer a fee of twenty-five dollars (\$25.00) and shall deposit with the Fiscal Officer an additional amount sufficient to cover the cost of and supervision of backfilling, repairing, restoring and relaying the pavement or hard surface or the sidewalk, as the case may be, together with the cost of any new material, as the same is estimated by the Director.

(b) This section shall not apply to public utility companies doing excavation work in the Village, provided, however, that the Director may require that any such utility post a street opening (surety) bond annually in a face amount not to exceed five thousand dollars (\$5,000). (Ord. 80-67. Passed 10-20-80.)

901.03 INSURANCE REQUIRED.

Before any permit is issued, the Applicant shall deposit with the Fiscal Officer a Certificate of Insurance evidencing that an Insurance Policy providing Commercial Liability Insurance issued by an Insurance Company authorized to write insurance in the State of Ohio, is currently in force. This Certificate shall show that the Village of Fairport Harbor, Ohio is an Additional Insured on this policy so that the Village is saved harmless from any and all claims for Bodily Injury and Property Damage. The Limits of Liability required are one million dollars (\$1,000,000.00) per occurrence Combined Single Limit for Bodily Injury and Property Damage for each occurrence arising or growing out of the street excavation or removal of the surface of any sidewalk or excavation in any sidewalk, or the prosecution of any work for which the permit is attained, or in any manner arising or growing out of the work necessary or incident to the issuance of the permit or that may be occasioned by reason of any excavation or anything else done pursuant to the permit. (Ord. 2001-06. Passed 1-23-01.)

901.04 SUPERVISION BY DIRECTOR OF UTILITIES AND PUBLIC SERVICES.

All excavations made within the street lines or sidewalk removed shall be subject to the direction of and under the supervision of the Director of Utilities and Public Services. All paving, material, flagging, curbing and ballasting shall be carefully removed and preserved and after the work is done, as contemplated by the application for the permit, the trench or excavation shall be refilled, in accordance with the direction of the Director, and the flagging, concrete, paving or other paving material shall be properly replaced under the supervision of the Director, but at the applicant's expense. (Ord. 80-38. Passed 7-21-80.)

901.05 PROTECTION FROM HAZARDS OF EXCAVATIONS OR OBSTRUCTIONS.

All excavations, obstructions or locations where the sidewalk is removed shall be carefully guarded, protected or barricaded at all times, and during the night season shall be defined by red colored lights and other precautions shall be taken as shall be necessary to guard against accidents. In this respect the Director of Utilities and Public Services may issue any additional orders as he may deem proper which shall be implicitly and promptly complied with. At all times the work shall be done so as to cause the least inconvenience to property owners and the general public. (Ord. 80-67. Passed 10-20-80.)

901.06 RETURN OF DEPOSIT.

The permit holder may give written notice of the completion of work to the Director of Utilities and Public Services after expiration of not less than 120 days from the date of completion. Upon receiving the written notice, the Director shall cause a final inspection to be made, and providing such work meets all of the requirements of the laws of the State and ordinances of the Village, the Director shall notify the Fiscal Officer of the completion and the Fiscal Officer shall issue a warrant of the Village to the permit holder for any amount of refund remaining in the permit fee fund. In the event that the permit holder does not give written notice to the Director within 240 days of his completion, then the permit fee fund shall be deemed to be forfeited to the Village, and any deposit therein remaining is to be used by the Director for any correction or inspection of work. Thereafter, any then remaining balance shall be transferred to the General Fund. (Ord. 80-38. Passed 7-21-80.)

901.07 EXCEPTIONS.

Nothing contained in this chapter shall be deemed applicable to any contracts with the Village with respect to street excavations. (Ord. 80-38. Passed 7-21-80.)

901.08 SPECIAL POLICE OFFICER MAY BE REQUIRED; POLICY.

(a) Whenever any construction work interferes with motor vehicle traffic on a street or highway to an extent that such traffic is required to slow down, be stopped, be detoured or pass in a single lane, it shall be the duty and responsibility of the contractor of such work to employ a special or regular patrolman, to be assigned by the Chief of Police, to direct and warn such traffic during the hours between 7:00 a.m. and 7:00 p.m. Notice of special police requirements shall be given to Chief of Police a minimum of forty-eight hours prior to the contemplated work.

(b) Upon approval of the Chief of Police, a contractor may supply his own employee to direct traffic as herein required providing the employee is properly equipped as required by OSHA and ODOT. (Ord. 90-17. Passed 2-5-90.)

901.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ten days or both. (Ord. 80-38. Passed 7-21-80.)

CHAPTER 903
Construction and Repair of Sidewalks

<p>903.01 Standards.</p> <p>903.02 Owner's duty to repair.</p> <p>903.03 Defective sidewalk.</p> <p>903.04 Material, manner of construction.</p> <p>903.05 Dimensions; manner of construction.</p>	<p>903.06 Notice to construct or repair; compliance.</p> <p>903.99 Penalty.</p>
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CROSS REFERENCES

Sidewalks and gutters - see Ohio R.C. 729.01 et seq.
 Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
 Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
 Sidewalk obstructions; damage or injury - see GEN. OFF. 521.04
 Duty to keep sidewalks clear and in repair - see GEN. OFF. 521.06
 Performance standards - see P. & Z. 1125.07

903.01 STANDARDS.

The inspection of sidewalks shall be performed upon receipt of complaint or notice of hazard, and are considered to be complementary to Section 1125.07 Performance Standards of the Codified Ordinances of the Village of Fairport Harbor. No sidewalk in any district shall be permitted to come into disrepair in any manner creating dangerous, injurious, potentially hazardous, or otherwise objectionable conditions which could adversely affect the safety, health or welfare of the public, the surrounding areas of adjoining premises. Sidewalks which exhibit extensive cracking, spalling, degradation, tilting or canting greater than three-quarters inch, (measured on the average, edge to edge), shall be considered potentially hazardous. (Ord. 2001-29. Passed 3-27-01.)

903.02 OWNER'S DUTY TO REPAIR.

The owner of each lot abutting upon any street or road in the Village shall keep in repair and free from nuisance and obstruction the public sidewalk in front of such lot and shall indemnify the Village for any claim made against the Village which result from any failure to repair or to keep the sidewalk free from nuisances or obstructions. "Public sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (Ord. 2001-29. Passed 3-27-01.)

903.03 DEFECTIVE SIDEWALK.

A sidewalk shall be considered defective if one or more of the following conditions exist:

- (a) One or more missing sidewalk sections.
- (b) Elevated or depressed sidewalk section or sections which exceed three-quarters inch in grade (measured on the average edge to edge).
- (c) Cracked sidewalk sections with one crack three-quarters inch or wider.
- (d) Sidewalk section with three or more cracks transversing the width or length of a section.
- (e) Scaling or crumbling surface, surface overgrown with vegetation.
(Ord. 2001-29. Passed 3-27-01.)

903.04 MATERIAL, MANNER OF CONSTRUCTION.

(a) All sidewalks herein after built in the Municipality shall be constructed of concrete. When constructed, the manner of construction shall conform to the following rules and specifications.

(b) The trench shall be excavated to the required depth, and to a sufficient width to permit the placing and bracing of forms. Upon this shall be placed four inches of compacted granular fill and the required thickness of concrete or ready mix, six sack per cubic yard mixture containing not more than five and one-half gallons of water per sack of cement, and seven percent (7%), plus one percent (1%) entrained air and shall be cured and sealed with a membrane sealer. Expansion joints shall be placed every thirty feet and between the walk and any fixed structure, extending the full depth of the sidewalk. The surface of the walk shall have a transverse slope of one-quarter inch per foot, with the low side adjacent to the roadway, and shall not exceed a grade slope of more than one inch per foot unless approved in writing by the Village Engineer. All outside edges and joints will be edged with a quarter-inch radius edging tool, the surface of the walk shall be divided into equally spaced blocks at approximately five foot intervals. Owners wishing to color sidewalks with pigment or stain shall do so only after review and approval by the Planning Commission.

(c) Across driveways, sidewalks shall have a depth of six inches of ready mix or concrete over four inches of compacted granular fill, according to proportions stated.

(d) In a commercial district sidewalks crossing a driveway shall have a depth of eight inches of ready mix or concrete over four inches of compacted granular fill, according to the proportions stated.

(e) All construction prior to pouring concrete or ready mix shall be inspected by the Village Administrator or his Designee. (Ord. 2001-29. Passed 3-27-01.)

903.05 DIMENSIONS; MANNER OF CONSTRUCTION.

(a) All sidewalks shall be so laid and constructed so that the outer line of the sidewalk shall be at a uniform distance from the adjacent street. The footway of such sidewalk shall be five feet in width. The tree lawn between the sidewalk and the curb of the street shall be graded and landscaped.

(b) The footway of such sidewalk shall be so laid that the surface of the sidewalk shall be level and at an elevation of not less than three inches above the grade level of the center of the street, except when necessary vary the levels by reason of hills or to connect with sidewalks or intersecting streets, which grades, necessary variations and elevations shall be determined by the Village Administrator or the Village Engineer. (Ord. 2001-29. Passed 3-27-01.)

903.06 NOTICE TO CONSTRUCT OR REPAIR; COMPLIANCE.

(a) Whenever Council shall order that any sidewalk or portion thereof be constructed, altered or repaired, such order shall specify the material to be used, the manner in which the work shall be done and the time within which it shall be completed. Unless otherwise ordered by Council, all costs associated with the construction or repair of any sidewalk shall be paid for by the owner of the property abutting the sidewalk.

(b) The Village shall have the right to construct, repair or alter any sidewalk portion thereof and all costs associated therewith shall be paid for by abutting property owner. However, prior to performing the construction or repair, the Village shall notify the abutting property owner of the Village's cost estimate therefor, and the property owner shall have the option to perform the construction or repair work himself. No property owner exercising such election shall construct or repair the sidewalk in any manner or with any other material other than as required by the Village, and any such work shall be performed within a reasonable time after the property owner's receipt of notice from the Village.

(c) Service of any order requiring a sidewalk construction or repair may be made either by ordinary mail or by leaving such notice at the property owner's last known address.

(d) If, after fourteen days from the service of the notice to construct or repair, the Village is not notified by the property owner that the property owner will perform the work, the Village may cause the construction or repair to be made. All expenses and labor costs incurred by the Village in installing or repairing the sidewalk shall be borne by the property owner.

(e) Nothing in this section shall be deemed to prohibit the Village Council, after due deliberation, from electing to have the expense of any sidewalk construction or repair be borne by the Village.

(f) Where the Village submits the bill for sidewalk construction or repair costs incurred by the Village to the abutting property owner, but, within sixty days of the receipt of such bill, the property owner does not pay the Village in full, the Village shall have the right to forward the unpaid bill to the County Auditor and such amount shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the Village. (Ord. 2001-29. Passed 3-27-01.)

903.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and fined not more than one hundred dollars (\$100.00) for each offense. Each and every day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 2001-29. Passed 3-27-01.)

TITLE THREE - Public Utilities

- Chap. 911. Sanitary Sewerage Regulations.
 Chap. 913. Sanitary Sewerage Charges.
 Chap. 915. Storm Water Control.
 Chap. 917. Water.

CHAPTER 911

Sanitary Sewerage Regulations

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| 911.01 | Definitions. | 911.07 | Notice to abate violation. |
| 911.02 | Prohibited substances;
pretreatment facility
regulations. | 911.08 | Damage or destruction to
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| 911.03 | Modification required to
accomplish intended purpose. | 911.09 | Special agreement for
industrial waste. |
| 911.04 | Rules and regulations by Board. | 911.10 | Connections required if
reasonably accessible. |
| 911.05 | Sewer connections; application,
permit and fee. | 911.11 | Tap-in charge on part of
High Street. |
| 911.06 | Access for inspection. | 911.99 | Penalty. |

CROSS REFERENCES

- Power to license sewer tappers and vault cleaners - see Ohio R.C.
715.27
- Power to regulate water closets and privies - see Ohio R.C. 715.40
- Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
- Compulsory sewer connections - see Ohio R.C. 729.06
- 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
- Untreated sewage - see Ohio R.C. 3701.59
- Interference with sewage flow - see Ohio R.C. 4933.24
- Discharging sanitary sewers from watercraft - see TRAF. 381.32
- Charges - see S. U. & P. S. Ch. 913
- Completion or bond in lieu thereof required in new subdivisions -
see P. & Z. 1111.02 et seq.

911.01 DEFINITIONS.

(a) "Sewage system" means the sanitary sewage system of the Village as it now exists or as hereafter extended and improved and shall include sewer, pumping station, sewage treatment works and any and all other appurtenances common to such systems.

(b) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerated drips, drinking fountains and stable floor drains, and any other water-borne waste not constituted as industrial waste.

(c) "Industrial wastes" means the liquid waste resulting from any commercial, manufacturing or industrial operation or process.

(d) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage".

(e) "Superintendent" means the Superintendent of the Water Department, which Department includes the combined Sewage and Water Department.
(Res. 66-24. Passed 5-2-66.)

(f) "Board" or "Board of Public Affairs" means the Trustees of the Board of Public Affairs of Fairport Harbor, or their authorized deputy, agent or representative. (Ord. 60-28. Passed 6-6-60.)

911.02 PROHIBITED SUBSTANCES; PRETREATMENT FACILITY REGULATIONS.

(a) The discharge into the sanitary sewage system of any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted sewage as hereinabove defined, is hereby prohibited.
(Ord. 73-53. Passed 5-7-73.)

(b) The discharge into the sanitary sewage system of industrial waste of such character as to be deleterious to the normal operation of the treatment plant is hereby prohibited, and the Board of Public Affairs shall require such rectification of such industrial waste before the discharge thereof into the sanitary sewage system as to render them properly susceptible to treatment without damage to the treatment plant processes or structure of the sanitary sewage system.

(c) No person shall discharge or cause to be discharged to any public sewer any of the following substances, materials, waters and wastes.

- (1) Any water or wastes which contains grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.
- (2) Any water or wastes which contain emulsified grease or oil or exceeding on analysis or average of 100 parts per million (833 pounds per million gallons) of either soluble matter. The poundage permitted per day from any establishment may be subsequently limited depending upon either soluble content of the sewage delivered to the sewage treatment works.

- (3) Any gasoline, benzene, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid or gas.
- (4) Any water or wastes that contain more than ten parts per million by weight of the following gases: hydrogen, sulfide, sulphur dioxide or nitrous oxide.
- (5) Any garbage that has not been properly comminuted or triturated.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (7) Any water or wastes that contain phenols in excess of 0.50 parts per million (500 parts per billion). These limits may be modified if the aggregate of contributions throughout the area of service create treatment difficulties or produce a plant effluent discharge to the receiving waters which may be prohibitive.
- (8) Any waters or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage of hazard to structure, equipment and personnel of the sewage treatment plant, free acids and alkalies of such wastes must be neutralized at all times within a permissible range of pH between 5.5 and 9.5.
- (9) Any water or wastes containing a toxic or poisonous substance or of high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or storm water overflows or the effluent of the sewage treatment plant. Materials such as copper, zinc, chromium and similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration:

Iron as Fe	15 parts per million
Chromium as Cr	5 parts per million
Copper as Cu	3 parts per million
Zinc as Zn	2 parts per million
Chlorine demand	30 parts per million

- Contributions of the above toxic substances from individual establishments shall be subject to control in volume and concentration by the Superintendent.
- (10) Any cyanides, in excess of two parts per million by weight (measured as CN) in the wastes from any outlet into the public sewers.
 - (11) Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (12) Any waters containing suspended or dissolved solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the sewage treatment plant.
- (13) Any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (14) Any toxic radioactive substance without special permit.
- (15) Any water or wastes which are discharged continuously at a rate exceeding 100 gallons per minute.

(d) Concentrated dye wastes, spent tanning solutions or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids or composition or unusual in B.O.D. shall be subject to special review by the Superintendent and the Board of Public Affairs for:

- (1) Approval or rejection of admission to the public sewers; or
- (2) Modification at the point of origin to permit admission; or
- (3) Pretreatment by owner to permit admission.

(e) Any water or wastes which by interaction with other water or wastes in the public sewer system, releases obnoxious gases as provided in subsection (c)(4) hereof, or develops color of undesirable intensity, or forms suspended solids in objectionable concentration, or creates any other condition deleterious to structures and treatment processes shall be subject to control or shall be debarred from the system as determined by the Superintendent.

(f) Any water or wastes conforming to conditions stipulated in subsection (c)(1) through (15) hereof, but whose concentration of suspended solids, B.O.D. or chlorine demand at the municipal sewage treatment plant causes a persistent monthly increase in the average daily analysis of any of these constituents, in excess of two percent of the annual daily average for the previous year, shall be the cause for special review and study as to prohibition, or pretreatment at its source, or acceptance under a special agreement with the Board of Public Affairs.

(g) Plans, specifications and any other pertinent information relating to pretreatment facilities shall be submitted for the approval of the Superintendent and the Water Pollution Control Commission of the State, and no construction of such facilities shall be commenced until such approvals are obtained in writing.

(h) Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expenses, and shall be subject to periodic inspection by the Superintendent.

The owner shall maintain operating records and shall submit to the Superintendent of the sewage treatment plant, a monthly summary report of the character of the influent and effluent, as may be prescribed by the Superintendent to show satisfactory performance of the treatment facilities.

(i) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Superintendent of the sewage treatment plant, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Superintendent of the sewage treatment plant and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Res. 66-24. Passed 5-2-66.)

911.03 MODIFICATION REQUIRED TO ACCOMPLISH INTENDED PURPOSE.

Any approval by the Superintendent of the sewage treatment plant of a type, kind or capacity of an installation shall not relieve a person of the responsibility of revamping, enlarging or otherwise modifying an installation to accomplish an intended purpose. (Res. 66-24. Passed 5-2-66.)

911.04 RULES AND REGULATIONS BY BOARD.

The Board shall make and enforce such rules and regulations as it may deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the rates and charges herein provided and for the safe, efficient and economical management of the system. Such rules and regulations, when not repugnant to existing ordinances of the Village or laws of the State of Ohio, shall have the same force and effect as ordinances passed by Council. (Ord. 60-28. Passed 6-6-60.)

911.05 SEWER CONNECTIONS; APPLICATION, PERMIT AND FEE.

No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Board.

- (a) There shall be two classes of building sewer permits:
- (1) For residential and commercial service.
 - (2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans or specifications considered pertinent in the judgment of the Board. A permit and inspection fee of fifty dollars (\$50.00) for a residential or commercial building sewer permit and one hundred dollars (\$100.00) for an industrial building sewer permit shall be paid to the Clerk of the Board at the time the application is filed.

- (b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. All sewers and sewer connections shall be constructed in accordance with the rules and regulations governing the discharge of sewage and industrial waste as promulgated and adopted by the Board. (Ord. 77-42. Passed 6-6-77.)

911.06 ACCESS FOR INSPECTION.

The Superintendent of the sewage treatment plant and other duly authorized employees of the Village, acting as his duly authorized agents and bearing proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these rules and regulations.

(Res. 66-24. Passed 5-2-66.)

911.07 NOTICE TO ABATE VIOLATION.

Any person found to be violating any provision of this chapter, except Section 911.08, shall be served notice in writing by the Village stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 60-28. Passed 6-6-60.)

911.08 DAMAGE OR DESTRUCTION TO SYSTEM.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage system.

(Ord. 60-28. Passed 6-6-60.)

911.09 SPECIAL AGREEMENT FOR INDUSTRIAL WASTE.

No statement in these regulations shall be construed as preventing any special agreement or arrangement between the Board of Public Affairs and any person whereby an industrial waste of unusual strength or character may be accepted by the sewage treatment plant for treatment, subject to payment thereof by the person or company. (Res. 66-24. Passed 5-2-66.)

911.10 CONNECTIONS REQUIRED IF REASONABLY ACCESSIBLE.

Every owner, agent or other person having control of or being responsible for any building occupied or rented for living or business purposes which is so situated as to be reasonably accessible to Village sanitary sewers, or within sixty days after such building shall become reasonably accessible to such sewers, shall install or cause to be installed the sanitary plumbing and sewerage connections to the available Village sewers.

(Ord. 256. Passed 4-14-14.)

911.11 TAP-IN CHARGE ON PART OF HIGH STREET.

(a) A tap-in fee in the amount of two dollars (\$2.00) per front foot shall be charged by the Village in lieu of a sewer assessment on all abutting property owners on the east side of High Street from Burton Street to the F.P. & E. Railroad tracks prior to connection by such persons to the sanitary sewer of the Village.

(b) The tap-in charge shall be paid into the Village Treasury prior to connection to the sewer. No person shall connect to such sewer until he receives permission from Council by resolution after the fee provided for herein has been paid. (Ord. 63-62. Passed 11-5-63.)

911.99 PENALTY.

(a) Whoever violates Section 911.11 shall be guilty of a minor misdemeanor. However, this section shall not prohibit the use by the Village of any other remedies permitted by law. Each day of the existence of any violation shall be deemed a separate offense. (Ord. 63-62. Passed 11-5-63.)

(b) Whoever violates Section 911.08 shall be guilty of a misdemeanor of the third degree.

(c) Whoever shall continue any violation of any section of this chapter beyond the time limit provided for in Section 911.07 shall be guilty of a minor misdemeanor for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The penalty provided for herein shall not be exclusive and shall be in addition to any other remedies which may be permitted the Village whether in law or equity.

CHAPTER 913
Sanitary Sewerage Charges

<p>913.01 Declaration of necessity.</p> <p>913.02 Definitions.</p> <p>913.03 Sewer rental charge; computation and rate.</p> <p>913.04 Method of billing and payment.</p> <p>913.05 Delinquent water or sewer rental charge; service discontinuance.</p>	<p>913.06 Charges a lien; collection by assessment.</p> <p>913.07 Use of funds.</p> <p>913.99 Penalty.</p>
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CROSS REFERENCES

Establishment of sewerage rates - see Ohio R.C. 729.49, 729.52
 Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
 Assessments - see Ohio R.C. Ch. 729
 Sanitary sewerage regulations - see S. U. & P. S. Ch. 911

913.01 DECLARATION OF NECESSITY.

It is hereby determined and declared to be necessary and conducive to the preservation of the public health, safety, welfare and convenience of the Village to levy and collect a service charge or rental to be paid to the Village by every person, firm or corporation whose lots, lands and premises, either within or without the Village limits, are served by a connection, either directly or indirectly, to the Village sanitary sewerage system, including sewage pumping stations and disposal plant. The proceeds of such charges or rentals so derived shall be for the use of the sewerage system and sewage pumping stations and disposal plant of the Village as hereinafter provided.
 (Ord. 2285. Passed 6-2-53.)

913.02 DEFINITIONS.

For the purpose of this chapter, certain terms are defined as follows:

- (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, refrigerators, drips, drinking fountains and stable floor drains.
- (b) "Industrial wastes" means the liquid waste resulting from any commercial, manufacturing or industrial operations or processes.
 (Ord. 2285. Passed 6-2-53.)

913.03 SEWER RENTAL CHARGE; COMPUTATION AND RATE.

For the purposes provided in Sections 913.01 and 913.07, there is levied a charge or rental to be paid by every person, firm or corporation whose lots, lands and premises are served by a connection, directly or indirectly, to the sanitary sewerage system, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the Village sanitary sewerage system, a charge or rental payable and collectible as hereinafter provided and in an amount determinable as follows:

- (a) Except as herein provided, sewer charges or rentals shall be based upon the water consumed on the premises served by a connection, directly or indirectly, to the sanitary sewerage system, as measured by the Village water meter or meters used thereon. In the event water used upon any such premises is derived from a source other than or in addition to the Village water supply, measurement or estimation thereof and a determination of the percentage of such water which is self-produced or otherwise obtained and which is discharged into the sanitary sewer system shall be made by the Village Engineer and shall be the basis of computing the sewer rental charge. In case of a disagreement as to the amount, the owner or other interested party may, at his own expense, install and maintain a meter acceptable to the Board of Public Affairs for such purpose.
In the event that a premises is served both by the Village water supply and a properly metered self-producer's supply, the rates or charges shall be computed by combining the consumption of both sources of supply.
- (b) In any case where industrial wastes or other liquids discharged into the sanitary sewer system, either directly or indirectly, are not susceptible to meter measurement, such wastes or other liquids shall be measured or estimated in such manner as the Village Engineer shall determine in order to establish the sewer rental or charges therefor, except that rain water discharge directly or indirectly from roofs into the sanitary sewerage system shall be charged for in accordance with the provisions of subsection (d) hereof.
- (c) Sewer charges or rentals shall be twenty-five percent (25%) of the gross bill charged by the Village for water passing through a Village water meter; or in respect to premises being supplied from sources other than or in addition to the municipal water system, twenty-five percent (25%) of the amount which would have been charged for water consumed and discharged in the sanitary sewerage system, measured as herein provided; if such water had been supplied by the Village. In no event shall sewer charges or rentals be less than twenty-five percent (25%) of the monthly minimum water rental as now or hereafter charged by the Village.
(Ord. 1984-14. Passed 1-16-84.)
- (d) No person shall permit roof water to be discharged into the sanitary sewer system of the Village directly or indirectly from any residence, commercial, industrial, public or semipublic building or any roof whatsoever.
(Ord. 73-52. Passed 5-7-73.)

- (e) In the event that water supplied from the Village water system to large consumers is used for such purposes that it will not be returned to the sanitary sewerage system, that portion not returned shall be exempt from the sewer charges or rentals, provided the user, at his own expense, furnishes, installs and maintains suitable metering devices acceptable to the Village Water Department for the determination of the same. (Ord. 2285. Passed 6-2-53.)

913.04 METHOD OF BILLING AND PAYMENT.

The charge or rental provided in this chapter shall be payable quarterly at the office of the Water Department in the Village Hall and shall be billed jointly and combined with the charges for water, except as provided in Section 913.03(d). The charge shall cover the same period as the water bill in the distribution in which the property is located. In the event a sewer user does not obtain his water from the Village, he shall be billed separately and at the same time and for the same period as water bills are rendered in the district in which the property is located.

For any lot, parcel of land, building or premises now discharging sanitary sewerage, industrial wastes, water or other liquids into the Village's sewerage system, either directly or indirectly, the sewer charge or rental shall begin with the first full quarterly period in the district the property is located. (Ord. 2285. Passed 6-2-53.)

913.05 DELINQUENT WATER OR SEWER RENTAL CHARGE; SERVICE DISCONTINUANCE.

The Board of Public Affairs is authorized to collect the sewer charges or rentals. No user of the Village water service may pay a quarterly sewer charge unless he also pays his water bill for the same period, and no user of Village sewer service may pay a quarterly water charge unless he also pays his sewer service bill for the same period. When the water or sewer service bill for the premises for which the water and sewer charges, or either of them, become delinquent, service may be discontinued until the delinquent bill has been paid. (Ord. 2285. Passed 6-2-53.)

913.06 CHARGES A LIEN; COLLECTION BY ASSESSMENT.

Each sewer charge or rental under or pursuant to the provisions of this chapter is made a lien upon the corresponding lot, parcel of land, building or premises served by a connection, either directly or indirectly, to the sewerage system of the Village. If the charge is not paid when due and payable, it shall be certified to the Auditor of Lake County, who shall place the same on the tax duplicate as a tax lien or assessment against such lot or parcel of land, with interest and penalties allowed by law, and shall be collected in the same manner and at the same time as other taxes are collected. (Ord. 2285. Passed 6-2-53.)

913.07 USE OF FUNDS.

The funds received from the collection of the charges or rentals authorized by this chapter shall be deposited weekly with the Village Treasurer and shall be accounted for and be known as the Sewer Rental Fund. When appropriated by Council, the fund shall be available for the purposes provided in Ohio R.C. 729.52.

913.99 PENALTY.

Whoever violates Section 913.03(d) shall be guilty of a minor misdemeanor for each offense. Each day of the existence of any violation shall be deemed a separate offense. This section shall not prohibit the use by the Village of any other remedy provided by law.
(Ord. 73-51. Passed 5-7-73.)

CHAPTER 915
Storm Water Control

EDITOR'S NOTE: Pursuant to Ordinance 2003-090, passed July 22, 2003, the Village has adopted a Storm Water Management Plan. Copies are on file at the Village Hall.

<p>915.01 Definition; storm water prohibited in sanitary sewers.</p> <p>915.02 Nuisance to be abated.</p> <p>915.03 Storm drainage connections prohibited.</p>	<p>915.04 Disconnection of roof drains from ground pipes.</p> <p>915.05 Point of sale requirements for underground pipes.</p> <p>915.06 Regulation of rain barrels.</p> <p>915.99 Penalty.</p>
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CROSS REFERENCES

Use of Sewer Rental Fund - see Ohio R.C. 729.52; S. U. & P. S. 913.07
Storm drain conductors and leaders - see OAC 4101:2-51-69
Storm water prohibited in sanitary sewer - see S. U. & P. S. 911.02

915.01 DEFINITION; STORM WATER PROHIBITED IN SANITARY SEWERS.

(a) "Storm sewers" as used in this chapter means any underground pipe or system of pipes designed or used for the purpose of conveying storm water from the roofs of buildings, from private lots and lands and from public places to a watercourse or other outlet.

(b) No person owning or occupying any premises shall cause or allow the storm water from either their buildings or premises to enter the sanitary sewer on or along any street abutting their property. Foundation drains on any new construction shall not be permitted to drain into the sanitary sewer system.
(Ord. 90-37. Passed 4-10-90.)

915.02 NUISANCE TO BE ABATED.

All "storm sewers" including all pipes and other conduits now used to convey storm water into sanitary sewers in any street are declared to be a public nuisance and are ordered abated.
(Ord. 90-37. Passed 4-10-90.)

915.03 STORM DRAINAGE CONNECTIONS PROHIBITED.

No person owning or occupying property abutting upon any street, land, alley, avenue or other public way shall hereafter construct or maintain any connection with a sanitary sewer running from his premises and used for storm drainage purposes.
(Ord. 90-37. Passed 4-10-90.)

915.04 DISCONNECTION OF ROOF DRAINS FROM GROUND PIPES.

It is determined and declared that all downspouts from buildings or structures which discharge below the surface of the ground are public nuisances unless and until it is determined that the water discharging from such downspouts does in fact discharge into a storm sewer located in the public way. The Director of Utilities and Public Services and his duly authorized agents are directed to commence a Village-wide survey of all roof and gutter downspouts within the Village that discharge into underground receptacles and, in the event it cannot be determined that the storm water discharging into the ground receptacles and piping, is in fact flowing into the public storm sewer system, such Director is authorized to give notice to the landowner and/or occupant upon which any such downspout is located to sever such downspout from the receptacle and piping located in the ground. Upon severing of such downspout, the receptacle and/or piping shall be securely capped so as to prohibit the flow of any surface water into such area and the downspout shall be caused to discharge into a splash block, such splash block and its placement to be approved by the Director or his duly authorized agent and such splash block shall have a minimum of thirty-six inches in length and twelve inches in width placed immediately below the downspout outlet. The downspout outlets shall be angled to direct flow away from the structure and shall be no closer to a finished lawn than six inches. Upon notice to disconnect a downspout as herein provided, the landowner and/or occupant shall have a period of thirty days after receipt of notice to provide for the severing of the downspout and the flow of the storm water into a splash block. (Ord. 90-37. Passed 4-10-90.)

915.05 POINT OF SALE REQUIREMENTS FOR UNDERGROUND PIPES.

Upon the sale of any land within the Village upon which an existing building is located, no transfer of such real estate shall be effective unless and until a zoning certificate is issued to the prospective new owner of the real estate. No such zoning certificate shall be issued to the new owner unless and until the seller of the property shall have produced evidence, satisfactory to the Director of Utilities and Public Service, that the sewer piping on such property from building to right of way is in good condition, properly connected and reasonably free from infiltration. If the Village is requested to perform and performs tests necessary in order to provide the evidence required by this section, there shall be a fee of thirty dollars (\$30.00) per hour charged for performance of such tests. No person, agent, firm or corporation shall sell any interest in any land containing an existing building or structure without furnishing the buyer, prior to the sale, proof that the sewer piping on the property from building or structure to right of way is in good condition, properly connected and reasonably free from infiltration, and, in the event there is an escrow established to provide for the delivery of instruments, documents and funds in connection with the sale, the seller shall deposit in escrow, prior to delivery of possession or transfer of title, the written statement from the buyer acknowledging receipt of a statement from the Director of Utilities and Public Services confirming that the sewer piping on the property from the building to the right of way is in good condition, properly connected and reasonably free from infiltration. (Ord. 90-37. Passed 4-10-90.)

915.06 REGULATION OF RAIN BARRELS.

(a) All roof drainage shall be collected by downspouts and directed into the storm sewer drainage system or, if a public storm sewer is not available, piped to a natural drainage system away from the building's foundation in a manner so as not to create a nuisance to adjacent property owners or, roadway ditch in a manner approved by the Zoning Inspector or Village Engineer.

(b) Installation of rain barrels. Rain barrels may be installed on property subject to obtaining a permit and showing compliance with the following:

- (1) One or more downspouts may be diverted into an approved rain barrel or other structural container, provided it is equipped with an overflow preventer in a manner approved by the Zoning Inspector or Village Engineer.
- (2) Individual rain barrels shall not have a capacity to store more than 60 gallons in volume.
- (3) Only one rain barrel per downspout and rain barrels shall be located within one foot of the structure and covered at all times.
(Ord. 2014-037. Passed 5-20-14.)

915.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.
(Ord. 90-37. Passed 4-10-90.)

CHAPTER 917
Water

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| <p>917.01 Backflow prevention devices.</p> <p>917.02 Auxiliary connections to system prohibited.</p> <p>917.03 Inspections.</p> <p>917.04 Violations.</p> | <p>917.05 Point of sale requirements for water metering devices and remote reading devices.</p> <p>917.06 Size of water mains for connections to third party water suppliers.</p> <p>917.99 Penalty.</p> |
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CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
- Water pollution - see Ohio R.C. 715.08, 743.24 et seq.
- Water works mortgage revenue bonds - see Ohio R.C. 715.09 et seq.
- Right of eminent domain - see Ohio R.C. 719.01 et seq., 743.39 et seq.
- Compulsory water connections - see Ohio R.C. 729.06, 743.23
- Management and control of water works - see Ohio R.C. 735.28 et seq.
- Weekly deposit of water works money collected - see Ohio R.C. 743.06
- Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
- Delinquent water rental charge - see S. U. & P. S. 913.05

917.01 BACKFLOW PREVENTION DEVICES.

(a) If, in the judgment of the Village Administrator, an approved backflow prevention device is necessary for the safety of the public water supply system, the Village Administrator will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.

(b) No person, association, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distributing system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Administrator and by the Ohio Environmental Protection Agency.

(c) It shall be the duty of the Village Administrator to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Village Administrator shall deem necessary.

(d) The Village Administrator or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village Administrator, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Village Administrator is authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section. (Ord. 1996-95. Passed 11-6-96.)

917.02 AUXILIARY CONNECTIONS TO SYSTEM PROHIBITED.

No person, firm or corporation shall establish or permit to be established, or maintained, or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the Village, may enter the supply or distribution system of the Municipality. (Ord. 77-47. Passed 6-20-77.)

917.03 INSPECTIONS.

The Village Administrator or his duly authorized representative, shall have the right to enter at any reasonable time, any property served by a connection to the public water supply system or distribution system of the Village for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees, or occupants or any property so served shall furnish to the Commissioner of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Administrator, be deemed evidence of the presence of improper connections as provided in this chapter. (Ord. 77-47. Passed 6-20-77.)

917.04 VIOLATIONS.

The Village Administrator is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as it may deem necessary to eliminate any danger of contamination of the public water supply distributing mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter. (Ord. 77-47. Passed 6-20-77.)

917.05 POINT OF SALE REQUIREMENTS FOR WATER METERING DEVICES AND REMOTE READING DEVICES.

Upon sale of any land within the Village upon which an existing building is located, or any property outside the Village serviced by the Village Water Supply System, no transfer of such real estate shall be effective unless and until a zoning certificate, or certificate of water service in the instance of water service provided outside the corporate boundaries, is issued to the new owner. No such zoning certificate, or certificate of water service, shall be issued to the new owner unless and until the seller of the property shall produce evidence, satisfactory to the Village

Administrator, that the water metering devices and remote reading devices on such water service are in good condition, not greater than twelve years in service, properly connected and in conformance with Backflow Prevention and Cross Connection Control requirements. If the Village is requested to perform and performs inspection necessary in order to provide evidence required by this section, there shall be a fee of thirty dollars (\$30.00) per hour charged for performance of such inspections. No person, agent, firm or corporation shall sell any interest in any land containing existing building or structure without furnishing the buyer, prior to sale, proof that the water metering devices and remote reading devices connected to the water service provided by the Village are in good condition, not greater than twelve years in service, properly connected and in conformance with Backflow Prevention and Cross Connection Control requirements, and, in the event there is an escrow established to provide for the delivery of instruments, documents, and funds in connection with the sale, the seller shall deposit in escrow, prior to the delivery of possession or transfer of title, the written statement from the buyer acknowledging receipt of a statement from the Village Administrator confirming that the water metering devices and remote reading devices are in good condition, not greater than twelve years in service, properly connected and in conformance with Backflow Prevention and Cross Connection Control requirements.
(Ord. 2006-103. Passed 8-8-06.)

917.06 SIZE OF WATER MAINS FOR CONNECTIONS TO THIRD PARTY WATER SUPPLIERS.

All water mains that are constructed in the Village of Fairport Harbor in order to connect the Village Water Distribution System to a third party water supply system shall be at least twelve inches (12") in diameter. The Village shall not allow any third party water supply system to be connected to the Fairport Harbor Water Distribution System unless the size of the water main that is located in the Village is at least twelve inches (12") in diameter.
(Ord. 2010-088. Passed 11-16-10.)

917.99 PENALTY.

Whoever violates any provisions of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.
(Ord. 1997-82. Passed 9-2-97.)

TITLE FIVE - Other Public Services

Chap. 931. Trees.

Chap. 933. Fairport Harbor Landfill.

Chap. 935. Park Regulations.

Chap. 955. Refuse Collection.

Chap. 957. Posting of House or Business Numbers.

CHAPTER 931

Trees

931.01	Purpose and intent.	931.09	Street tree plan for new development.
931.02	Definitions.	931.10	Removal of dangerous trees on private property.
931.03	Tree Commission.	931.11	Indemnification.
931.04	Rules and regulations.	931.12	Interference with Village Tree Commission.
931.05	Parking lot requirements.	931.13	Severability.
931.06	Maintenance.	931.14	Violation and penalty.
931.07	Urban Forest Management Plan.		
931.08	Abuse or mutilation of public trees.		

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessments for tree planting or maintenance - see Ohio R.C. 727.011

Injury or destruction - see GEN. OFF. 541.06

931.01 PURPOSE AND INTENT.

This chapter establishes policies, regulations, and standards necessary to ensure that the Village will continue to realize the benefits provided by its urban forest. The provisions of this chapter are enacted to:

- (a) Establish and maintain a sustainable amount of tree cover on public and private lands in the Village;

- (b) Maintain Village trees in a healthy and non-hazardous condition through good arboricultural practices;
- (c) Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.
(Ord. 2005-066. Passed 6-14-05.)

931.02 DEFINITIONS.

(a) Hazardous tree - a public tree or private tree or any portion thereof which is determined by the Tree Commission or its Designee to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed public structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the Tree Commission. (Ord. 31-2006. Passed 3-21-06.)

(b) Private Tree - Any tree on private property and not a public tree.

(c) Pruning - selective removal, trimming and/or thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

(d) Public Tree - a tree located on Village property or any tree owned-by the Village of Fairport Harbor, Ohio. This includes Village rights-of-way.

(e) Rare or Heritage Tree - Any healthy tree that:

- (1) Has a trunk diameter at breast height (DBH) of 36 inches or more, or
- (2) Is listed as a State or National Champion with the American Forestry Association, or
- (3) Provides a unique habitat for any endangered or threatened wildlife species protected by Federal Law, or
- (4) Has been cited by the Village Council as being historically significant, or
- (5) Represents an uncommon endangered species.

(f) Right-of-way - in the absence of a tree lawn, the strip of land that immediately adjoins the street. The width of the right-of-way is normally 20 feet for a 40 foot street.

(g) Shade tree - any tree that lies within the tree lawn or right-of-way.

(h) Shrub - A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

(i) Topping - The severe cutting back of limbs to stubs larger than 4" in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(j) Tree Lawn is the strip of land between the street curb and the sidewalk.

(k) Village - The Village of Fairport Harbor, Ohio.
(Ord. 2005-066. Passed 6-14-05.)

(l) Designee - Village Administrator.
(Ord. 31-2006. Passed 3-21-06.)

931.03 TREE COMMISSION.

(a) Tree Commission Established. There is hereby created and established a Tree Commission for the Village. Such Commission shall be composed of the following five citizens and residents of the Village: three of the members shall be appointed by the Mayor with approval of Council, the fourth member shall be a member of Council, and the fifth member shall be the Mayor or a designee who is appointed solely by the Mayor.

(b) Term of Office. The term of the three persons of the Tree Commission to be appointed by the Mayor shall be for three years, except the term of two of the members appointed to the first Commission shall be one year and two years respectively. In the event that a vacancy occurs during the term of any member, his successor shall be appointed for the unexpired portion of the term. The member from Council and the Mayor shall serve on the Commission during their continuance in their respective elective offices. If the Mayor appoints a designee to fill the position that would otherwise be held by the Mayor, then the term of the Mayor's designee shall be from the date of the designee's appointment through the end of the elected term of the Mayor. (Ord. 2008-037. Passed 4-1-08.)

(c) Organization. The Tree Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings.

The Commission shall, as soon as practical after the time of the annual appointment of a member to the Commission, elect a chairman, vice-chairman, and a secretary thereof. No member shall be eligible to serve as Chairman for more than two (2) years, but such member shall again be eligible to serve as Chairman after one full year has elapsed since that member last held such office.

The Commission shall hold regular meetings throughout the year, and may hold such additional meetings as it deems necessary.

A majority of the members shall be a quorum for the transaction of business.

All plans, findings, advice, reports and recommendations made by the Commission shall be in writing, and designate by name those members of the Commission approving or concurring therein, and members who do not so approve or concur therein shall have the right, as a part of such report, to state their reasons for refusing to approve or concur.

(d) Compensation. The Tree Commission shall serve without compensation.

(e) Powers and Duties. The Tree Commission shall:

- (1) Have the authority to establish fair and appropriate rules and regulations governing the planting, maintenance and removal of trees in public ways, streets, alleys, parks or other property owned by the Village;
 - (2) Coordinate the Village's Arbor Day program, grants, and other similar programs; and
 - (3) Recommend the type and kind of trees to be planted upon Village streets, parks, or public places.
- (Ord. 2005-066. Passed 6-14-05.)

931.04 RULES AND REGULATIONS.

(a) No person shall hereafter plant or remove any tree or shrub upon any public way, street, alley, park, tree lawn, or other property owned by the Village, unless he shall have first obtained a permit in writing from the Tree Commission or its Designee. A permit shall specify number of trees or shrubs, size, type, species, and location to be planted or removed. (Ord. 2006-31. Passed 3-21-06.)

(b) A permit is not required for tree trimming as long as the limbs to be trimmed are less than four inches in diameter.

(c) Removing or trimming a tree within a tree lawn or right-of-way shall be done at the expense of the owner.

(d) Any permit granted shall be in effect for 120 days and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

(e) The Tree Commission shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, street, alley, parks or other property owned by the Village, of a size, type or species found to be undesirable for the location proposed, or to any person who proposes to plant any tree or shrub upon a public way, street, alley, park or other property owned by the Village if at a location found by the Commission to be of a size or type unsuitable for planting of trees or shrubs. (Ord. 2005-066. Passed 6-14-05.)

(f) When reviewing applications, the Tree Commission or its Designee shall consider the following criteria:

- (1) The condition of tree(s) identified in the application and that of the trees in the immediate proximity with respect to health, safety, structural integrity, potential hazard, location to existing and proposed structures, paving, and utilities.
- (2) The absolute necessity of the removal, relocation, or alteration for the reasonable use of the property.
- (3) The impact upon the area tree canopy of the proposed removal, relocation, or alteration.
- (4) The applicant's consent to abide by all specified protection and replacement measures.
- (5) Whether the proposed tree is worthy of preservation.
- (6) The effect of the removal or erosion, soil moisture retention, flow of surface waters, and coordination with the drainage system of the Village. (Ord. 2006-31. Passed 3-21-06.)

(g) All stumps of shade and public trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground where necessary to provide for public safety. All stumps must be removed within one (1) year after the removal of the tree. (Ord. 2005-066. Passed 6-14-05.)

(h) No person, firm or Village department shall, as a normal practice, top any shade tree, public 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 subsection at the determination of the Tree Commission or its Designee. (Ord. 2006-31. Passed 3-21-06.)

(i) Whenever any tree or other planting shall be planted so as to be in conflict with the provisions of this chapter, the Village has the right to remove, or cause to be removed, such trees or other plantings. The cost of removal shall be assessed against the property owner and collected as other taxes are collected.

- (j) Village crews, without permits, will be authorized to trim trees as necessary to eliminate the following:
- (1) Any limb which overhangs a public sidewalk and is considered a hazard to pedestrians.
 - (2) Any limb which overhangs a public street and becomes a hazard to vehicular traffic.
 - (3) Any limb which obstructs the motorist's view of a traffic control sign or device. (Ord. 2005-066. Passed 6-14-05.)

931.05 PARKING LOT REQUIREMENTS.

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Such landscaping shall be provided in such a manner as to break up the expanse of pavement, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every fifteen (15) parking spaces shall be required. (Ord. 2005-066. Passed 6-14-05.)

931.06 MAINTENANCE.

(a) The Tree Commission shall have general oversight over the maintenance of public trees, but shall have no direct supervisory power over Village employees engaged in tree maintenance. Tree maintenance may include pruning, fertilizing, watering, and insect and disease control, or other tree care activities. Maintenance may be accomplished by personnel of the Village or by contract with commercial tree care companies.

(b) It shall be the duty and responsibility of every person owning or occupying any real property within the Village, to keep all trees on that property trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least seven feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the Village to keep all trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

(c) No tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted within than 10 feet of any fire hydrant. (Ord. 2005-066. Passed 6-14-05.)

931.07 URBAN FOREST MANAGEMENT PLAN.

The Tree Commission, within three years of the adoption of this chapter, shall adopt an Urban Forest Management Plan. The plan shall incorporate the following elements:

- (a) A clear, concise, and comprehensive Statement of Policies and Objectives for urban forestry management in the Village, which statement is to be developed by the Tree Commission through a process of at least three public hearings;
- (b) A designation of proposed urban forestry treatments for major traffic routes and districts within the Village consistent with the Village's Master Plan, together with a program, schedule, and suggested budget for implementing such treatments;

- (c) An inventory of every shade tree, public tree, and any other trees as deemed necessary by the Division, which inventory shall include, as appropriate, species, age, condition, maintenance records, street address, record of fees and fines, and any other information necessary or usable in the long-range planning or day-to-day planting and maintenance of the Village's urban forest;
- (d) A Tree Renewal Plan, based on an evaluation of species characteristics and performance as recorded in the inventory, providing for rotational reforestation of diseased or declining trees and break-up of potentially problematic monocultures;
- (e) A process for continual update and improvement of the Urban Forest Management Plan elements.
- (f) A list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 ft.), medium (20 to 40 ft.), and large (more than 40 ft.). The Tree Commission will also create lists of trees not suitable for planting. (Ord. 2005-066. Passed 6-14-05.)

931.08 ABUSE OR MUTILATION OF PUBLIC TREES.

Unless specifically authorized by the Tree Commission, no person shall intentionally damage any tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree. (Ord. 2005-066. Passed 6-14-05.)

931.09 STREET TREE PLAN FOR NEW DEVELOPMENT.

(a) Any new street (dedicated or non-dedicated) developed by a private developer shall have a street tree plan approved by the Tree Commission. As an alternative, the developer may permit the Tree Commission to develop the street tree plan with the cost of all trees to be paid by the developer.

Prior to the commencement of any construction, remodeling, demolition, assembly, erection and /or installation project within the Village, the general contractor(s), subcontractor(s) and/or other pertinent personnel having charge of said project are required to meet with a Tree Commission representative and the Village Engineer to discuss the following:

- (1) Trees to be removed and trees that will be saved.
- (2) Methods to be used to protect trees to be saved during the construction process (i.e. fencing, tree protection zone, etc.)
- (3) Pruning of trees to be saved.
- (4) Procedures for removal of trees that are not going to be saved, but are in close proximity to trees that are going to be saved.
- (5) Haul routes, staging areas, contacts, watering, etc.

(b) Any existing street that is replaced, or repaired to such an extent that existing trees are removed, must have a street tree plan approved by the Tree Commission. The cost of the replacement trees will be part of the construction plan and/or the construction contract.

(c) A bond shall be posted by the developer, the amount to be determined by the Tree Commission with Council's approval for future installation of the street tree plan. This bond would be added to the list of development requirements. (Ord. 2005-066. Passed 6-14-05.)

931.10 REMOVAL OF DANGEROUS TREES ON PRIVATE PROPERTY.

(a) The officers, agents, or employees of the Village and/or the Fairport Harbor Tree Commission have the authority to enter onto private property when it is reasonably suspected that there is a tree that is dead, diseased, or otherwise in a condition that constitutes a threat or hazard to life and property, or harbors insects or disease that constitute a threat to the health of other trees within the Village.

- (b) Upon notification of such trees on private property, the Tree Commission shall:
- (1) Serve written notice of the risk and need for removal, and allow thirty (30) days for removal of the tree at the expense of the property owner. Such thirty (30) days will begin on the date of receipt of the letter of notification or on the day after the public hearing, if requested by the land owner, is held.
 - (2) Schedule a public hearing upon request of the owner of the private land so that he shall have an opportunity to be heard upon the question of the tree removal.
 - (3) Obtain a letter from the Solicitor advising that the procedures followed by the Commission in determining to remove a tree or trees from private property have met the Constitutional requirement of due process of laws prior to the taking of any private property.

(c) Failure to comply with the notice shall cause such trees to be removed by the Village and the costs shall be assessed against the property owner and collected as other taxes are collected. (Ord. 2005-066. Passed 6-14-05.)

931.11 INDEMNIFICATION.

Nothing contained in this chapter shall be deemed to impose any liability upon the Village, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any public property or right of way or public place within the Village. (Ord. 2005-066. Passed 6-14-05.)

931.12 INTERFERENCE WITH VILLAGE TREE COMMISSION.

It shall be unlawful for any person to prevent, delay or interfere with the Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any shade trees, public trees, or trees on private grounds, as authorized in this chapter. (Ord. 2005-066. Passed 6-14-05.)

931.13 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and, to this end, the provisions of this chapter are severable. (Ord. 2005-066. Passed 6-14-05.)

931.14 VIOLATION AND PENALTY.

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued. (Ord. 2005-066. Passed 6-14-05.)

CHAPTER 933
Fairport Harbor Landfill

933.01	Hours regulated.	933.05	Compliance with instructions.
933.02	Caretaker to supervise.	933.06	Origin of material.
933.03	Residents allowed; exception.	933.99	Penalty.
933.04	Permits and fees.		

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43,
717.01

Employment of scavengers - see Ohio R.C. 3707.39

Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

Littering - see GEN. OFF. 521.08

933.01 HOURS REGULATED.

The area known as the Fairport Harbor Landfill shall be open only on Saturday of each week between the hours of 8:00 a.m. and 4:30 p.m. No person, firm or corporation shall dump, throw or place upon the Fairport Harbor Landfill anything upon any days or during any hours other than those days and hours specifically provided for herein. Hours may be regulated at the discretion of the Street Commissioner.

(Ord. 81-48. Passed 10-5-81.)

933.02 CARETAKER TO SUPERVISE.

A caretaker under the supervision of the Street Commissioner shall be employed to take care of the operation of the Fairport Harbor Solid Waste Disposal Site.

(Ord. 81-48. Passed 10-5-81.)

933.03 RESIDENTS ALLOWED; EXCEPTION.

No person, firm or corporation, except the Diamond Shamrock Company, who is not a resident person, firm or corporation of the Village shall place, throw or dump any material of any kind upon the Fairport Harbor Landfill site.

(Ord. 81-48. Passed 10-5-81.)

933.04 PERMITS AND FEES.

The fees for the use of the solid waste dump site are as follows:

- (a) Persons, firms or corporations engaged in the business of and hauling for hire, waste material and refuse shall pay an annual fee of fifty dollars (\$50.00). These permit holders shall be known as commercial haulers. Permit purchase deadline shall be two weeks after the deadline for the placement of automobile license tags. All new permits shall be issued on Council's approval. A limit of five permits shall prevail.

- (b) Permits shall be required for dumping appliances, whole furniture, tree trunks with root bottoms and other such bulky items. Such permits shall be issued at the Fiscal Officer's office from Monday to Friday, 9:00 a.m. to 5:00 p.m. No articles may be dumped at the Fairport Dump site unless they were in use in the Village and owned by residents of the Village. Permits will state the names and addresses of those persons who have made arrangements for the disposal of the articles authorized in the permit. Permits will be turned in at the disposal site gate.
- (c) Dumping permit stickers shall be issued to Village residents upon proper identification. This identification shall consist of an auto registration permit and identification shall be affixed at the bottom left side of motor vehicle windshields. The cost per sticker shall be five dollars (\$5.00) each and the deadline for their placement on windshields shall be May 1, of each year.
- (d) Permits required for nonresident hauling in service of local residents other than commercial haulers may be obtained at the Fiscal Officer's office Monday through Friday, 9:00 a.m. to 5:00 p.m. or by the Street Commissioner. One permit will be issued for each load at a cost of one dollar (\$1.00) per permit. Such permits shall be turned in at the disposal gate.
- (e) Rates for dumping are as follows:
- | | |
|---|--------------------------------------|
| (1) Passenger cars and station wagons | \$1.00 |
| (2) Passenger cars and station wagons (overload) | 2.50 to \$5.00 |
| (3) Pickup trucks (normal load) | 5.00 |
| (4) Pickup trucks (overload) | 10.00 maximum |
| (5) Vans, buses and panel trucks | 10.00 maximum |
| (6) Automotive drawn trailers | 10.00 maximum |
| (7) Commercial truckers with dump permit | 15.00 |
| (8) Non-Commercial trucks larger than pickup trucks | Requires permit
\$25/load minimum |
| (9) Packer trucks with dump permit | 4.00 cubic yard |
| (10) All white goods | 5.00 |
| (11) Large furniture and bed springs | 5.00 |
| (12) Stumps and large tree trunks | Requires permit |
| (13) All special permit fees determined by the Street Commissioner. | |
- (f) Salvage rights shall be offered at the discretion of Council.
- (g) A gateman shall be employed to collect all fees and permits. He shall also be responsible for the closing and opening of the disposal gate.
- (h) All trees and branches shall be cut to five foot lengths or less before deposited at the disposal site.
- (i) No dumping of junk cars and car bodies shall be permitted at the disposal site. (Ord. 81-48. Passed 10-5-81.)

933.05 COMPLIANCE WITH INSTRUCTIONS.

In placing any materials upon the disposal site, all persons, firms and corporations shall abide by and follow the instructions of the gatekeeper or caretaker at all times as to the location and manner of dumping such materials. (Ord. 81-48. Passed 10-5-81.)

933.06 ORIGIN OF MATERIAL.

All material deposited in the disposal site shall come from within the Municipality.
(Ord. 81-48. Passed 10-5-81.)

933.99 PENALTY.

Whoever violates any provision of this chapter shall have his permit or sticker revoked or shall be fined not more than one hundred dollars (\$100.00) or both.
(Ord. 81-48. Passed 10-5-81.)

CHAPTER 935
Park Regulations

- | | | | |
|--------|--|--------|---|
| 935.01 | Definitions. | 935.18 | Fishing hours and prohibited fishing equipment. |
| 935.02 | Preservation of property and natural features. | 935.19 | Dogs, cats and household pets. |
| 935.03 | Injuring vines, bushes, shrubs, saplings or trees. | 935.20 | Swimming area restrictions. |
| 935.04 | Firearms, missile throwing devices, air or gas guns. | 935.21 | Regulations for the use of floating objects. |
| 935.05 | Carrying dangerous weapons. | 935.22 | Use of aquatic sporting equipment prohibited. |
| 935.06 | Loitering near toilets. | 935.23 | Beverage and food containers prohibited |
| 935.07 | Unnecessary noises. | 935.24 | Cats and dogs prohibited in swimming areas. |
| 935.08 | Possession or use of alcoholic beverages or intoxicating liquor. | 935.25 | Picnicing prohibited on beaches. |
| 935.09 | Camps, camping, lodging or sleeping without permission. | 935.26 | Powered model toys prohibited. |
| 935.10 | Fires. | 935.27 | Purposes of way. |
| 935.11 | Portable stoves or grills. | 935.28 | Speed limit. |
| 935.12 | Loitering. | 935.29 | Reduced speed limits. |
| 935.13 | Vendors. | 935.30 | Parking. |
| 935.14 | Begging. | 935.31 | Failure to obey. |
| 935.15 | Signs and bill posting. | 935.32 | Interference or abuse of a Park Ranger or other Police Officer. |
| 935.16 | Parks shall be open for public use and enjoyment as designated and posted. | 935.99 | Penalty. |
| 935.17 | Special curfew during open hours. | | |

CROSS REFERENCES

- Navigation regulations - see TRAF. Ch. 381
Swimming prohibited in certain areas - see TRAF. 381.41
Littering - see GEN. OFF. 521.08

935.01 DEFINITIONS.

“Park” means the lands included in the Fairport Harbor Lakefront Park operated by the Lake Metroparks, the Fairport Harbor Orchard Street Playground, the Fairport Harbor Veterans’ Memorial Park, the Fairport Harbor Skatepark and the Grand River Landing. (Ord. 2007-107. Passed 10-2-07.)

935.02 PRESERVATION OF PROPERTY AND NATURAL FEATURES.

No person shall injure, deface, destroy, disturb or remove any part of the Park or building, sign, equipment, or other property found therein, nor shall any tree, flower, shrub or other vegetation or fruit or seed thereof, or rock, or mineral be removed, injured, destroyed or disturbed without specific written permission from the Director.

(Ord. 1992-46. Passed 5-4-92.)

935.03 INJURING VINES, BUSHES, SHRUBS, SAPLINGS OR TREES.

Within the parks and public lands of the Park District, no person shall without lawful authority or privilege to do so recklessly cut down, destroy, girdle, or injure a vine, bush, shrub, sapling, tree, or crop standing or growing therein, or sever, injure or destroy a product standing or growing therein or other thing attached thereto. In addition to the penalty provided herein, whoever violates this section shall be liable in treble damages for the injury caused.

(Ord. 1992-46. Passed 5-4-92.)

935.04 FIREARMS, MISSILE THROWING DEVICES, AIR OR GAS GUNS.

No person, except Rangers of the Board, or other Law Enforcement Officers, shall carry firearms of any description, an air or gas gun, sling shot, or missile throwing device within the Park, or discharge any firearms, or air or gas gun in or onto Park lands.

935.05 CARRYING DANGEROUS WEAPONS.

No person, except Rangers, Law Enforcement Officers of the Board, or other Law Enforcement Officers shall have or carry any firearm, switchblade, hunting knife, dagger, metal knuckles, slingshot, or other dangerous weapons concealed or about his person while in the Park, provided, however, that this regulation shall not be applicable to persons using Park lands for hunting purposes when such persons have fully and completely complied with all of the requirements established for hunting on Park lands.

(Ord. 1992-46. Passed 5-4-92.)

935.06 LOITERING NEAR TOILETS.

(a) No loitering is permitted in or near toilet buildings within the Park and no person shall enter or be in any toilet room set apart for the opposite sex except park maintenance employees or Rangers or law enforcement officers on duty.

(b) "Loitering" includes the following activities: lingering, hanging around, delaying, sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.

(Ord. 1992-46. Passed 5-4-92.)

935.07 UNNECESSARY NOISES.

No person shall either by word or act indulge in any noisy, boisterous, disorderly or loud conduct or in any manner disturb the peace and good order of others in and upon Park grounds.

The following acts, among others, are hereby declared to be loud, disturbing and detrimental, and in violation of this section but such enumeration shall not be deemed to be exclusive:

- (a) The sound of any bell, horn or other signal or warning device on any automobile, motorcycle, bus, truck, tractor or other motor vehicle, except as a danger or warning signal, but any horn, bell or other single or warning device, as a danger or warning signal shall not be unreasonably loud or harsh or continued for an unnecessary length of time.
- (b) The use of any automobile, motorcycle, bus, truck, tractor or other motor vehicle so out of repair, loaded, or operated as to cause or create disturbing and unnecessary grating, grinding, rattling, thumping, rumbling or other noises.
- (c) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by noise to any performance, show, sale or display of merchandise, or for any other purpose, excepting only the use of devices by police, firemen or rangers in the performance of official duties, without a permit from the Directors of the Park.
(Ord. 1992-46. Passed 5-4-92.)

935.08 POSSESSION OR USE OF ALCOHOLIC BEVERAGES OR INTOXICATING LIQUOR.

No person shall drink, sell, possess or offer for sale any intoxicating liquor or liquor or alcoholic beverage, except where especially permitted by the Board, or become intoxicated or be under the influence of any intoxicating liquor or alcoholic beverage within the Park.
(Ord. 1992-46. Passed 5-4-92.)

935.09 CAMPS, CAMPING, LODGING OR SLEEPING WITHOUT PERMISSION.

No person shall establish or maintain any camp or other temporary lodging or sleeping place within the Park without a specific written permit from the Director.
(Ord. 1992-46. Passed 5-4-92.)

935.10 FIRES.

(a) No person shall start a fire in the Park except small fires for culinary purposes in park grills, or privately owned grills, or fires in the places or designated areas approved by Park Rangers, except that the Director may at his discretion prohibit fires for limited periods at any location or for any purpose when necessary for the protection of Park property.

(b) All fires shall be put out by the person, or persons starting or using the same before leaving the immediate vicinity of the fire. The dumping of hot ashes or fire from picnic grills onto the grass, plants, or wooded area, or into any stream, waterway, brook, river, pond, lake, sewer, or drain is prohibited. Fuel other than wood or charcoal shall not be used in park ovens and grills except where otherwise designated.
(Ord. 1992-46. Passed 5-4-92.)

935.11 PORTABLE STOVES OR GRILLS.

No portable stoves or grills shall be permitted in shelters or on combustible picnic tables.
(Ord. 1992-46. Passed 5-4-92.)

935.12 LOITERING.

No person shall loiter in or near a motor vehicle or vehicles, on or about a motorcycle or cycles or on or about a bicycle or bicycles within the Park.
(Ord. 1992-46. Passed 5-4-92.)

935.13 VENDORS.

No person shall sell or offer for sale any article, thing, privilege or service within any Park grounds or park lands unless he has applied for and been issued written permission from the Director.
(Ord. 1992-46. Passed 5-4-92.)

935.14 BEGGING.

No person shall beg or solicit any person for any purpose in Park grounds or other Park lands.
(Ord. 1992-46. Passed 5-4-92.)

935.15 SIGNS AND BILLPOSTING.

No person shall stick or post any advertisement, poster, sign, handbill or placard of any description upon any building, vehicle, tree, post, fence, billboard or other structure within the Park without written permission of the Director; nor paint, mark, write, print or impress, or in any manner attach any notice of advertisement or the name of any commodity or thing or any trademark, symbol, or figure of any kind upon any property within the Park without first obtaining permission of the owner of such thing or the Director on which he desires to place such notice, advertisement, name, mark or figure.
(Ord. 1992-46. Passed 5-4-92.)

935.16 PARKS SHALL BE OPEN FOR PUBLIC USE AND ENJOYMENT AS DESIGNATED AND POSTED.

No person shall be permitted to remain, stop, or park within the confines of the Park, parkways, or other reservations of this Board between the closing and opening hours except in emergency or with special permit of the Director.
(Ord. 1992-46 Passed 5-4-92.)

935.17 SPECIAL CURFEW DURING OPEN HOURS.

No person shall be permitted to remain, stop, or park within the confines of the Park, parkways, or other public reservation of this Board or any part thereof which has been closed by the Director, a Park Ranger, or other official of the Park, during time of special curfew.
(Ord. 1992-46. Passed 5-4-92.)

935.18 FISHING HOURS AND PROHIBITED FISHING EQUIPMENT.

The Board may cause such Park waters as it deems advisable closed to fishing, and shall so post them. In all Park waters, fishing shall be permitted subject to the statutes of the State of Ohio, except that the use of hooks left unattended, traps, spears, or gigs, or bows and arrows for fishing are prohibited, and fishing shall not be permitted during the hours the Park is closed.
(Ord. 1992-46. Passed 5-4-92.)

935.19 DOGS, CATS AND HOUSEHOLD PETS.

No person shall bring, permit, have or keep in the Park any dog, cat, household pet, or other animal destructive to birds and other wildlife, except that dogs or cats are permitted if they are controlled at all times on a leash not more than eight feet long. No pets or other animals shall be allowed to become obnoxious or disturbing to the other users of Park facilities.

(Ord. 1992-46. Passed 5-4-92.)

935.20 SWIMMING AREA RESTRICTIONS.

Swimming is prohibited except at areas designated for that purpose by the Board.

(Ord. 1992-46. Passed 5-4-92.)

935.21 REGULATIONS FOR THE USE OF FLOATING OBJECTS.

The use of life rafts, innertubes, and other objects intended to support persons is prohibited in any of the designated swimming areas on Lake Erie and other areas where posted.

(Ord. 1992-46. Passed 5-4-92.)

935.22 USE OF AQUATIC SPORTING EQUIPMENT PROHIBITED.

Boats, surfboats, water skis, scuba diving gear and similar aquatic equipment are prohibited within the designated swimming areas.

(Ord. 1992-46. Passed 5-4-92.)

935.23 BEVERAGE AND FOOD CONTAINERS PROHIBITED.

No glass bottles, metal cans or containers are permitted on the beaches adjacent to or in swimming areas.

(Ord. 1992-46. Passed 5-4-92.)

935.24 CATS AND DOGS PROHIBITED IN SWIMMING AREAS.

Cats and dogs are prohibited in all swimming areas and beaches.

(Ord. 1992-46. Passed 5-4-92.)

935.25 PICNICING PROHIBITED ON BEACHES.

No person or persons shall use the beaches for purposes of picnicing.

(Ord. 1992-46. Passed 5-4-92.)

935.26 POWERED MODEL TOYS PROHIBITED.

Engine-powered miniature model and toy airplanes, boats, cars, sirens or other noisemaking devices are not permitted to be operated within the confines of the Park.

(Ord. 1992-46. Passed 5-4-92.)

935.27 PURPOSES OF WAY.

(a) No person shall use any portion of the Park for purposes of way except drives, roadways, paths, walks, and trails established for such purposes.

(b) No person shall make entrance to the Park except by the established ways.
(Ord. 1992-46. Passed 5-4-92.)

935.28 SPEED LIMIT.

No person shall drive or propel or cause to be driven or be propelled along or over any road or drive within the Park, any vehicle at a greater rate of speed than thirty miles per hour or at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

(Ord. 1992-46. Passed 5-4-92.)

935.29 REDUCED SPEED LIMITS.

Whenever the Director shall determine, upon the basis of an engineering and traffic investigation, that the speed of thirty miles per hour is greater than is reasonable or safe under the conditions found to exist at any intersection, playground, picnic area, or other place upon any part of the roads or drives within the Park, the Director shall determine and declare a reasonable and safe prima facie speed limit thereat, which declaration and determination so made shall be effective when appropriate signs giving notice thereof are erected at such intersections, playgrounds, picnic areas, and other places upon the Park roads or drives.

(Ord. 1992-46. Passed 5-4-92.)

935.30 PARKING.

No person shall park or store any motor car, motor vehicle, bicycle, wagon, or other vehicle within any traveled roadway in the Park or at any location where posted signs prohibit parking, except in emergencies or upon any sod, gravel or other surface not specifically designated as "A PARKING AREA".

(Ord. 1992-46. Passed 5-4-92.)

935.31 FAILURE TO OBEY.

No person shall fail or refuse to comply with any reasonable order relating to the regulations, direction or control of traffic, or to any other order lawfully given by any ranger or police officer acting under the authority of the Board, or willfully resist, obstruct or abuse any ranger or police officer, or any other official in the execution of his office.

(Ord. 1992-46. Passed 5-4-92.)

935.32 INTERFERENCE OR ABUSE OF A PARK RANGER OR OTHER POLICE OFFICER.

No person shall abuse a Park Ranger, Sheriff, or other officer in the execution of his office, or resist, obstruct, or abuse such officer in the execution of his office.

(Ord. 1992-46. Passed 5-4-92.)

935.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor. Any and all such violations shall constitute a separate offense for each successive day continued.

(Ord. 1992-46. Passed 5-4-92.)

CHAPTER 955
Refuse Collection

955.01	Refuse collection service.	955.11	Refrigerant items.
955.02	Definitions.	955.12	Vehicles used.
955.03	Collection by contractor.	955.13	Rules and regulations.
955.04	Collection supervised by Village Administrator.	955.14	Fees.
955.05	Refuse containers.	955.15	Billings.
955.06	Accumulation of refuse.	955.16	Delinquent accounts.
955.07	Points of collection.	955.17	Scattering or pilfering refuse.
955.071	Time limitations.	955.18	Yard waste.
955.08	Frequency of collection and limited liense.	955.19	Curbside collection and disposal of recyclable materials.
955.09	Carryout service.	955.99	Penalty.
955.10	Bulk items.		

955.01 REFUSE COLLECTION SERVICE.

This Chapter shall be known and may be cited as the "Municipal Refuse Collection Ordinance of the Village of Fairport Harbor." (Ord. 2004-03. Passed 2-10-04.)

955.02 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. "Shall" is always mandatory and not merely directory.

- (a) "Ashes" means the residue of the combustion of any type of solid fuel such as wood, coke, charcoal, and like substances.
- (b) "Brush" means tree trimmings too large to containerize including branches not over four inches in diameter and sixty inches in length.
- (c) "Building or Construction Waste" means waste materials and rubbish resulting from the construction, alteration or repair of buildings and structures such as walls, driveways, sidewalks and the like. Building or construction waste may consist of wood, plaster, metal, cement, lime, brick, mortar, concrete, lathing, roofing, earth, stone, slag, cinders and structural material.
- (d) "Bulk items" means nonrefrigerant items, unpurged refrigerant appliances, furniture, mattresses and carpets.

- (e) "Contractor" means the current holder of the contract with the Village for the collection and disposal of refuse and/or recyclable materials.
- (f) "Dead animals" means the carcasses of dogs, cats, horses, and all dead animals of like size as distinguished from the carcasses of birds, small animals, rats and mice.
- (g) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (h) "Industrial wastes" means wastes that result from manufacturing, industrial and wholesale businesses.
- (i) "Multiple family residence or apartment" includes the grouping together under a common roof or on a single lot of two or more residential units.
- (j) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (k) "Reasonable accumulation" means the amount of refuse determined by the Village Administrator to be considered within reason during a collection period for the standard charge. For residential units the amount shall be considered to be five (5) thirty-five (35) gallon cans
- (l) "Refrigerant Items" means any appliance, equipment, material or other item containing a chemical refrigerant, including air conditioners, dehumidifiers, refrigerators and freezers.
- (m) "Refuse" includes all solid waste, except body waste, including garbage, rubbish, ashes and street cleanings.
- (n) "Regular Collection" means the weekly scheduled and routinely performed collection of normal accumulation of refuse.
- (o) "Residential unit" means the place of abode of a person or persons living separately or together as an independent family.
- (p) "Recyclable materials" means the following items for recycling: newspaper, office paper (Village Hall), glass, PET and HDPE plastic, aluminum, bi-metal and tin beverage and food containers.
- (q) "Unacceptable refuse" means automotive vehicle parts, tires, land clearing residue (stumps, logs, etc.), animal excrement and dead animals, building and construction waste, earth, large rocks, commercial waste and industrial waste, hazardous waste or any refuse not properly bagged, containerized or bundled.
- (r) "Village" means the Village of Fairport Harbor, Lake County, Ohio.
- (s) "Yard Waste" means grass, leaves, and tree and brush trimmings.
(Ord. 2004-03. Passed 2-10-04.)

955.03 COLLECTION BY CONTRACTOR.

(a) The Village shall enter into an agreement with a contractor and/or other governmental agency for the exclusive license or privilege to remove all acceptable refuse from all single-family residential units and two and three-unit multiple family residences, and no other person, firm or corporation or governmental entity shall, during the period of the license, be permitted to affect such removal. Collection of refuse from four or more unit multiple family residential, commercial, industrial, institutional or nonprofit locations shall be by private haulers, between the hours of 7:00 a.m. and 5:00 p.m. on the date scheduled for collection.

(b) Residents of any detached residential units occupying a lot alone, including two and three-unit multiple-family residences shall advise the contractor prior to their choice of type of service among the following options:

Service Level A:

Minimum generator service	Per Bag
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Customers shall have no limit on the number of bags they may place out for collection. There shall be no monthly charge for refuse service.

Service Level B:

Unlimited Service with 90-Gallon Toter	
Unlimited Service with 65-Gallon Toter	Per Month
(Ord. 2004-03. Passed 2-10-04.)	

(c) The individual(s), person(s), firm(s), corporation(s), partnership(s), limited liability company(ies) and/or other entity(ies) that is/are the owner(s) of record of those residential units being serviced by the contractor referred to in subsection (a) above, shall be responsible for the full and timely payment of all costs, fees, expenses, assessments, interest and/or charges resulting from and/or associated with the removal of the refuse referred to in said subsection (a), above. (Ord. 2006-12. Passed 1-24-06.)

955.04 COLLECTION SUPERVISED BY VILLAGE ADMINISTRATOR.

(a) All refuse accumulated in the Village shall be collected, conveyed and disposed of either by the contractor or under special circumstances by the Village under the supervision of the Village Administrator. The Village Administrator shall have the authority, subject to the approval of Village Council, to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he/she finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the current contract and/or the provisions hereof. Waste of the categories listed under unacceptable refuse shall not be collected, except under special circumstances as determined by the Village Administrator.

(b) Any person aggrieved by a regulation of the Village Administrator shall have the right to appeal to the Village Council who shall have the authority to confirm, amend, modify or repeal any such regulations. (Ord. 2004-03. Passed 2-10-04.)

955.05 REFUSE CONTAINERS.

(a) Service Level A. Refuse containers shall be only approved bags readily distinguishable by color and markings, which shall be purchased either from the contractor, at the Village Clerk's Office or at established outlets.

(b) Service Level B: Unlimited Service.

(1) Refuse containers shall be a refuse cart(s) 90 gallon or 65 gallon, provided by the contractor, and/or metal and plastic cans, equipped with suitable handles and tight-fitting covers and shall be watertight. Such metal or plastic cans shall have the capacity of not more than thirty gallons each. Such containers shall be of a type approved by the Village Administrator and shall be kept in a clean, neat and sanitary condition at all times. Containers are not to weigh more than seventy pounds when filled. Thirty-gallon plastic refuse bags may be used in lieu of or in addition to containers or a refuse cart.

- (2) Refuse containers shall be provided by the lessee or occupant of the premises unless a refuse cart is provided by the contractor. Containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced at the direction of the Village Administrator or the contractor. The contractor or the Village Administrator shall have the authority to remove noncomplying containers in the next collection following the attaching of a written or printed notice. The notice shall be affixed to the container at least one week prior to removal.
- (3) The contractor shall provide for the removal of refuse of any amount that is placed in proper containers at the curb line, alley line or prearranged collection location.
- (4) Except after 7:00 p.m. on the day before the regularly scheduled refuse collection for the premises involved and the day of collection, no person shall deposit, store, cause or allow to be stored on premises under his/her ownership or control, any ashes, garbage, refuse, recyclable materials, rubbish or waste paper, bulk items, refrigerant items or yard waste, unless such deposit or storage takes place behind the rear building line of the premises or within an enclosed structure so as not to be visible from the street or adjacent properties at ground level.
- (5) Refuse containers for collection of refuse from four or more unit multiple family residential, commercial, industrial, institutional or nonprofit locations shall be provided by the owner, lessee or occupant of the premises. Containers shall be metal and/or plastic with tight fitting lids or covers and shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that is insufficient in size to completely accommodate the refuse generated from the premises shall be replaced within seven days of written notification by the Village Administrator. Storage of containers shall be behind the rear building line of the premises or within an enclosed structure so as not to be visible from the street or adjacent properties at ground level. (Ord. 2004-03. Passed 2-10-04.)

955.06 ACCUMULATION OF REFUSE.

(a) No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Village unless it is in proper containers for collection or under express approval granted by the Village Administrator. Nor shall any person throw or deposit any refuse on the banks of or in any stream, river or other body of water.

(b) No person shall cast, place, sweep or deposit anywhere within the Village, any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the Village.

(c) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any unauthorized accumulation of refuse within twenty-four hours after notice from the Village Administrator and/or his/her authorized agent shall be deemed a violation of this chapter. If such notice is not complied with within the time limit specified, the Village Administrator shall cause such violation to be corrected and the actual cost of such correction plus twenty-five percent (25%) for inspection and other additional costs in connection therewith may be billed with the other utility bills. Failure to pay the total cost within thirty days after notice as set forth above, shall entitle the Fiscal Officer to certify same to the Lake County Auditor to be placed upon the tax duplicate and collected as other taxes are collected according to law. (Ord. 2004-03. Passed 2-10-04.)

955.07 POINTS OF COLLECTION.

Refuse and recycling containers, brush, yard waste and bulk items and refrigerant items shall be placed at the street curb or in the tree lawn area. Brush and/or yard waste removal is limited to small quantities, neatly bundled, containerized or bagged, not over four inches in diameter or over sixty inches in length. Containers, brush, yard waste and bulk items may be placed for collection at other locations when approved by the Village Administrator as necessary for special collection problems. (Ord. 2004-03. Passed 2-10-04.)

955.071 TIME LIMITATIONS.

(a) Containers, brush, yard waste, bulk items and refrigerant items for collection shall be set out prior to 7:00 a.m. of the regular collection day; but in no event shall same be set out prior to 7:00 p.m. of the previous evening. Emptied containers shall be removed from the curbside or tree lawn area no later than 7:00 p.m. of the collection day.

(b) Refuse shall not be collected earlier than 7:00 a.m. nor later than 5:00 p.m. on any given day. (Ord. 2004-03. Passed 2-10-04.)

955.08 FREQUENCY OF COLLECTION AND LIMITED LICENSE.

(a) Residential Collection. The Village shall award its contractor the exclusive license or privilege to remove refuse from all single-family residential units and two and three unit multiple family residences, and no other person, firm or corporation shall, during the period of the license, be permitted to affect such removal.

- (1) The contractor shall collect refuse from each defined service level residential customer on the same regularly scheduled day each week.
- (2) The contractor shall collect all appropriate accumulation of refuse in proper containers from each designated unit in the Village.

(b) Curtailement of Service. Residential collection service for customers subscribing to any Service Level may be discontinued for the following reasons:

- (1) Service Level B.
 - A. Moving.
 - B. Vacation. (Whole calendar months only.)
- (2) Service Levels A & B. Upon proper notification to the contractor that the customer is opting for an alternative service level. At least thirty days prior to the next quarterly billing by the contractor, a customer shall directly notify the contractor of his/her choice of a different service level. (Ord. 2004-03. Passed 2-10-04.)

955.09 CARRYOUT SERVICE.

(a) The contractor shall provide carryout service for residential units for subscribers who are handicapped, disabled, impaired or otherwise precluded from or physically incapable of placing refuse containers from that unit at curbside.

(b) The Village shall notify the contractor, in writing, when carryout service is to be initiated or suspended for each specific handicapped, disabled, or impaired residential customer. There shall be no extra cost for such carryout service.
(Ord. 2004-03. Passed 2-10-04.)

955.10 BULK ITEMS;

The contractor shall collect bulk items, that is, appliances (except refrigerant items), furniture, mattresses and carpets for subscribers to all levels of service on the same regularly scheduled collection day or a subsequent day as may be approved by the Village Administrator. There shall be no extra cost for this service.
(Ord. 2004-03. Passed 2-10-04.)

955.11 REFRIGERANT ITEMS.

(a) Refrigerant items as defined in Section 955.02 shall be picked up on the day each week designated by the Village Administrator.

(b) Customers shall notify the contractor in advance, and make arrangements for the pick up of a refrigerant item on the designated day. There shall be no additional cost for this service. (Ord. 2004-03. Passed 2-10-04.)

955.12 VEHICLES USED.

The actual producers of refuse or the owners of premises upon which refuse is accumulated who personally collect and dispose of such refuse, persons who dispose of waste material not included in the rules and regulations, and all other collectors of refuse who desire to haul over the streets of the Village, shall use a watertight vehicle provided with a tight cover, and so operated as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled. (Ord. 2004-03. Passed 2-10-04.)

955.13 RULES AND REGULATIONS.

The Village Administrator shall, subject to approval of Village Council, have the authority to make such other reasonable regulations concerning refuse collection and disposal as he/she finds necessary, subject to right of appeal as set forth in Section 955.04 (b).
(Ord. 2004-03. Passed 2-10-04.)

955.14 FEES.

The fees for collection and disposal of refuse for single family and two and three-unit residential customers shall be as established in Section 955.03. The fees shall be subject to annual review by the Village and amended as deemed appropriate.
(Ord. 2004-03. Passed 2-10-04.)

955.15 BILLINGS.

The Contractor shall directly bill residential units serviced on a quarterly basis, in advance, upon mutual agreement by the Village and the Contractor. An initial list of residential units serviced, with names and mailing addresses, shall be provided by the Village. (Ord. 2004-03. Passed 2-10-04.)

955.16 DELINQUENT ACCOUNTS.

(a) All accounts shall be considered delinquent if not paid on or before the due date printed on the bill. The Contractor shall be responsible for holding delinquent accounts as uncollected accounts receivable until such time as the Village collects the certified amounts.

(b) The Contractor shall furnish to the Village, by July 1 and January 1, of each year, the names and addresses of accounts that are greater than ninety days delinquent. The contractor shall provide continuous, nonstop service to all delinquent and/or past due residential unit accounts. The Fiscal Officer shall collect the delinquent charges, and shall forward the money to the Contractor. The Contractor shall continue to provide service to all residential billing units during the entire collection process, unless the Village Administrator approves refuse service termination.

(c) If a delinquent account that has been so certified by the contractor to the Fiscal Officer is not paid within thirty days, and/or acceptable arrangements have not been made for payment thereof, such account is subject to discontinuation of service as determined by the Fiscal Officer, unless otherwise directed by the Village Administrator. Discontinuation of service may include any or all utility services provided by the Village. Service shall be resumed thereafter only on payment of the accumulated fees for the period past due and unpaid. (Ord. 2004-03. Passed 2-10-04.)

955.17 SCATTERING OR PILFERING REFUSE.

No person shall without the consent of the owner or person in charge thereof, disturb, scatter, remove or pilfer any refuse placed for collection. This provision shall not apply to any employee of the Service Department in the performance of his/her assigned duties, or any of its authorized agents or to a private person or organization authorized to remove such refuse. (Ord. 2004-03. Passed 2-10-04.)

955.18 YARD WASTE.

The Village shall itself or by contract, provide for the collection and disposal of leaves, brush and tree branches less than four inches in diameter and holiday trees on specified days in the manner designated by the Village Administrator. (Ord. 2004-03. Passed 2-10-04.)

955.19 CURBSIDE COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS.

(a) Residential Collection. The Village shall enter into an agreement with a Contractor and/or other governmental agency for the exclusive license to remove recyclable material from all single-family residential units and two and three-unit multiple family residences, and no other person, firm or corporation or governmental entity shall, during the period of the license, be permitted to affect such removal.

(b) Recyclable materials shall be placed at the street curb or in the tree lawn area and collected on a regularly scheduled day of the week in accordance with the terms of the agreement between the Village and the contractor and/or governmental agency.
(Ord. 2004-03. Passed 2-10-04.)

955.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues.
(Ord. 2004-03. Passed 2-10-04.)

CHAPTER 957
Posting of House or Business Numbers

957.01 Requirements.

957.01 REQUIREMENTS.

(a) Each residence or business building within the Village shall be required to prominently display its assigned street number so that it may be reasonably seen from an emergency vehicle traveling on the public right of way.

(b) Every owner or manager of a residence or business building or structure within the Village shall be required to prominently post the street identification number so that it may be reasonably seen from an emergency vehicle traveling on the public right of way.

(c) If a building or structure stands back more than fifty feet from the front lot line, the number shall be displayed near the street, walk, driveway or common entrance to such building or structure at the street line on a gate, post, fence, or tree, or such other appropriate place so as to be visible and legible from the street pavement.

(d) In structures of multiple-addressed occupancies, assigned street numbers shall be displayed for all the different occupancies in a manner so as to clearly designate the correct number for each portion of the structure.

(e) As used in this section, "front" shall mean that side of a building or structure which faces the street which the number of the building or structure has been allotted to.

(f) Any owner or manager of a building, residential or commercial who violates this section shall be guilty of a minor misdemeanor and fined not more than one hundred fifty dollars (\$150.00). In the event an owner or manager of a residence or business structure has been previously convicted of a violation of this section within one year, then the violation of this section shall be deemed a misdemeanor of the fourth degree punishable by a fine not to exceed two hundred fifty dollars (\$250.00) and incarceration not to exceed thirty days, or both. (Ord. 50-2006. Passed 5-15-07.)