CITY OF DELAWARE
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
7:00 P.M. MEETING

AGENDA

7:00 PM **NOVEMBER 10, 2025**

MEETINGS WILL BE STREAMED LIVE AT CITY HALL UNDER "EVENTS" AT www.delawareohio.net

1. **ROLL CALL**

2. **INVOCATION by TBD**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MOTION SUMMARY**

   Approval of the Motion Summary from the City Council Meeting held on October 27, 2025, as recorded and transcribed.

5. **CONSENT AGENDA**

   a. Acceptance of the Motion Summary from the Historic Preservation Commission meeting held on July 23, 2025, as recorded and transcribed.

   b. Acceptance of the Motion Summary of the Finance Committee meeting held on August 28, 2025, as recorded and transcribed.

   c. Acceptance of the Motion Summary from the Civil Service Commission meeting held on October 1, 2025, as recorded and transcribed.

   d. Acceptance of the Motion Summary of the Planning Commission meeting held on October 1, 2025, as recorded and transcribed.

   e. Establish **November 24, 2025, at 7:10 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-69, an ordinance approving a request by the City of Delaware for approval of a Zoning Map amendment as outlined in "Exhibit A".

   f. Establish **November 24, 2025, at 7:15 PM** as the date and time for the public hearing and second reading of Ordinance No. 25-68, an ordinance amending Part Thirteen: Building Code of the City of Delaware Codified Ordinances by amending Chapters 1301, 1307, and 1321; Repealing Chapters 1315, 1317, and 1361, and enacting a new Chapter 1304, entitled registration of abandoned foreclosures, long-term rentals, and vacant properties.

6. **LETTERS**, **PETITIONS, AND PUBLIC COMMENTS**

   ATTEND AN OPEN MEETING: Open meetings are held in City Hall Council Chambers. Sign in forms to speak are available at the door. Name and address are required for public comment.

Comments are limited to 3 minutes.
EMAIL, LETTER, PETITION: Emails, letters, and petitions received to the Council Clerk by 10 a.m. the date of the meeting will be presented to members and submitted into the record. These items will not be read aloud during the meeting but will be available on the website following the meeting at the end of the next business day. Name and address are required. Send to councilclerk@delawareohio.net. PLEASE NOTE SUBMISSION TIME.

7. **COMMITTEE REPORTS**

8. **PRESENTATION**

Raftelis: Financial Planning & Rate Study

9. **7:10 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-63**

Ordinance No. 25-63, an ordinance approving a request by the City of Delaware for approval to repeal and replace Title Three – Utilities of the Streets, Utilities and Public Services Code within the City of Delaware Codified Ordinances.

10. **7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-67**

Ordinance No. 25-67, an ordinance amending Sections 105.02, 105.03, and 105.04 of Chapter 105 of the codified ordinances of the City of Delaware, modifying competitive bidding advertisement and bid opening procedures **(AS AMENDED)**.

11. **7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-64**

Ordinance No. 25-64, an ordinance amending the schedule of fees and service charges and declaring an emergency.

12. **7:25 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-65**

Ordinance No. 25-65, an ordinance making appropriations for the year 2026 and declaring an emergency.

13. **THIRD READING OF ORDINANCE NO. 25-62**

Ordinance No. 25-62, an ordinance amending Chapter 909 of the codified ordinances regarding sidewalk maintenance and repair.

14. **THIRD READING OF ORDINANCE NO. 25-57 (AS AMENDED)**

Ordinance No. 25-57 **(as amended),** an ordinance providing for the issuance and sale of notes in the maximum principal amount of $1,000,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by constructing Byxbe ~~Road~~ Parkway between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

15. **THIRD READING OF ORDINANCE NO. 25-58**

Ordinance No. 25-58, an ordinance providing for the issuance and sale of notes in the maximum principal amount of $8,500,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

16. **SECOND READING OF ORDINANCE NO. 25-66**

Ordinance No. 25-66, an ordinance authorizing the city manager to execute a release and indemnity general release with the Shelly Company and Insurers, Liberty Mutual Fire Insurance Company and Liberty Mutual Group, Inc. and declaring an emergency

17. **CONSIDERATION OF ORDINANCE NO. 25-68**

Ordinance No. 25-68, an ordinance amending Part Thirteen: Building Code of the City of Delaware Codified Ordinances by amending Chapters 1301, 1307, and 1321; Repealing Chapters 1315, 1317, and 1361, and enacting a new Chapter 1304, entitled registration of abandoned foreclosures, long-term rentals, and vacant properties.

18. **CONSIDERATION OF ORDINANCE NO. 25-69**

Ordinance No. 25-69, an ordinance approving a request by the City of Delaware for approval of a Zoning Map amendment as outlined in "Exhibit A".

19. **CONSIDERATION OF ORDINANCE NO. 25-70**

Ordinance No. 25-70, an ordinance amending the Management, Professional, Technical, Confidential, and Supervisory Employees Pay Plan and declaring an emergency.

20. **CONSIDERATION OF ORDINANCE NO. 25-71**

Ordinance No. 25-71, an ordinance establishing the pay and benefits for Part-Time/Intermittent, and Seasonal Employees of the City of Delaware and declaring an emergency.

21. **CONSIDERATION OF RESOLUTION NO. 25-84**

Resolution No. 25-84, a resolution adopting the NIST Cybersecurity Framework as the foundation for the Municipal Cybersecurity Program.

22. **CONSIDERATION OF RESOLUTION NO. 25-85**

Resolution No. 25-85, a resolution amending the various Financial Management Policies for the City of Delaware.

23. **CONSIDERATION OF RESOLUTION NO. 25-86**

Resolution No. 25-86, a resolution adopting the City of Delaware uniform guidance policies over federal funds.

24. **CITY MANAGER'S REPORT**

    October 2025 Contract Approvals

25. **COUNCIL COMMENTS**

26. **ADJOURNMENT**

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**APPROVAL OF MOTION SUMMARY**
SUBJECT:	Approval of the Motion Summary from the City Council Meeting held on October 27, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

City Council Motion Summary 10 27 2025 Meeting.docx

ITEM 1. ROLL CALL

The meeting was called to order at 7:00 PM with the following City Council members present Linsey Griffith, First Ward; Adam Haynes, Second Ward; Cory Hoffman, Third Ward; Kevin Rider, Fourth Ward; Catlin Frazier, At-Large; Vice-Mayor Kent Shafer; and Mayor Carolyn Kay Riggle.

Staff Present: Sandra Pereira, Planning and Community Development Director; Jonathan Owen, City Engineer; Juston Herning, Assistant Police Chief; Rob Alger, Finance Director; Alycia Ballone, Budget, Management & Procurement Director; Yaz Ashrawi, Frost Brown Todd Law; Jessica Feller, HR Director; and Nic Langford, Economic Development Director

The Mayor announced that Rob Alger, Finance Director, would be the acting City Manager for the meeting.

ITEM 2. INVOCATION

Invocation was provided by Rev. Wendy Richter, St. Mark's Lutheran Church

ITEM 3. PLEDGE OF ALLEGIANCE

ITEM 4. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of the City Council meeting held on October 13, 2025, as recorded and transcribed.

Motion: Councilwoman Frazier motioned to approve the Motion Summary of the City Council meeting held on October 13, 2025, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion was approved with a 7-0-0 vote.

ITEM 5. CONSIDERATION OF A NEW LIQUOR PERMIT

Consideration of a liquor permit request for Penn Strikes, LLC located at 451 Pennsylvania Avenue, Delaware, Ohio 43015.

Juston Herning, Assistant Police Chief, stated Penn Strikes is also known as Penn Lanes. This is a new permit request to be added to their other permits. There were no findings for an objection.

Motion: Vice-Mayor Shafer motioned to approve the license request without objection, seconded by Councilwoman Griffith. Motion was approved with a 7-0-0 vote.

ITEM 6. CONSIDERATION OF A NEW LIQUOR PERMIT

Consideration of a new liquor permit for Meeker Rentals, LLC located at 385 E. William Street, Delaware, Ohio 43015.

Juston Herning, Assistant Police Chief, stated Meeker Rentals is seeking a permit at their location at The Point. This is a new permit request to be replace their other permits. There were no findings for an objection.

Councilman Rider asked about the proximity to the school and if there was an issue with it. Assistant Chief stated the school is outside the distance for consideration.

Motion: Councilwoman Frazier motioned to approve the license request without objection, seconded by Vice-Mayor Shafer. Motion was approved with a 7-0-0 vote.

ITEM 7. CONSENT AGENDA

a. Accepting the Motion Summary from the Airport Commission meeting held on July 17, 2025, as recorded and transcribed.

b. Resolution No. 25-82, a resolution authorizing the Delaware Municipal Airport to make application to the Ohio Department of Transportation, Office of Aviation, for an Ohio Airport Improvement Program Grant for SFY 2026.

c. Establish **November 10, 2025, at 7:10 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-63, an ordinance approving a request by the City of Delaware for approval to repeal and replace Title Three – Utilities of the Streets, Utilities and Public Services Code within the City of Delaware Codified Ordinances.

d. Establish **November 10, 2025, at 7:15 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-67, an ordinance amending Sections 105.02, 105.03, and 105.04 of Chapter 105 of the codified ordinances of the City of Delaware, modifying competitive bidding advertisement and bid opening procedures.

e. Establish **November 10, 2025, at 7:20 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-64, an ordinance amending the schedule of fees and service charges and declaring an emergency.

f. Establish **November 10, 2025, at 7:25 p.m.** as the date and time for the public hearing and second reading of Ordinance No.

25-65, an ordinance making appropriations for year 2026 and declaring an emergency.

g. Establish **November 24, 2025, at 7:10 p.m.** as the date and time for the public hearing and third reading of Ordinance No. 25-65, an ordinance making appropriations for year 2026 and declaring an emergency.

Motion: Vice-Mayor Shafer motioned to approve the consent agenda, seconded by Councilwoman Frazier. Motion was approved with a 7-0-0.

ITEM 8. LETTERS, PETITIONS, AND PUBLIC COMMENTS

Tim Bachelor
3081 Columbus Pike
Delaware, Ohio

Mr. Bachelor stated he was the Land Steward for the Methodist Theological School in Ohio (MTSO) and was requesting a change to Codified Ordinance 505.11, prohibiting hunting within city limits. Mr. Bachelor would like to allow bow hunting on MTSO's grounds due to overpopulation of deer that is eating crops grown on their farm which have been donated to local pantries, despite non-lethal mitigation practices.

ITEM 10. 7:10 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-59

Ordinance No. 25-59, an ordinance approving a request by Maronda Homes for approval of a zoning map amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development) on 44.05 acres of property as described in "Exhibit A".

The clerk read the ordinance for a second time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation that included background, overview, concept plan, staff analysis and conditions.

The public hearing opened at 7:19 PM

There was no public participation.

The public hearing was closed at 7:19 PM

Applicant:
Steven Hicks, Maronda Homes

4700 Lakehurst Drive
Dublin, Ohio

Councilman Hoffman asked if Maronda had tried to build in Berlin Township before tonight's request. Mr. Hicks stated there was another landowner that had requested annexation earlier.

Mr. Hicks stated Maronda was excited to build in Delaware and had no further items to add to the presentation.

Motion: Councilman Hoffman motioned to suspend the rule of three readings for Ordinance No. 25-59, seconded by Vice-Mayor Shafer. The motion was approved with a 5-2-0 vote.

Motion: Councilman Hoffman motioned to approve Ordinance No. 25-59, seconded by Vice-Mayor Shafer. The motion was approved with a 7-0-0 vote.

ITEM 11. 7:15 PM PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 25-76

Resolution No. 25-76, a request by Delaware Development Plan, LTD for approval of a development plan for Longhorn Steakhouse on a 2.355-acre parcel located along Coughlin Lane, Delaware, Ohio 43015.

The clerk read the resolution for the first time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation that included the location map, zoning map, site elevations and site plan.

The public hearing opened at 7:24 PM

There was no public participation.

The public hearing was closed at 7:24 PM

Applicant:
Scott McClintock, Cass Corporation
6210 Taylor Road SW
Pataskala, Ohio

Mr. McClintock stated he was excited about bringing this restaurant to Delaware.

Councilman Haynes expressed his gratitude to the Planning Department and to Longhorn for brining this to Delaware.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 25-76, seconded by Councilman Hoffman. The motion was approved with a 7-0-0 vote.

ITEM 12. 7:20 PM PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 25-77

Resolution No. 25-77, a request by PVLI Delaware Realty LLC of a Development Plan for Briar Hill Villas on 8.23 acres located on the southwest corner of S. Houk Road and Lansdale Drive.

The clerk read the resolution for the first time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation that included the site location, case background, development plan, and site elevations.

The public hearing opened at 7:28 PM

There was no public participation.

The public hearing was closed at 7:28 PM

Applicant:
Ryan Tebeau
8505 East Alameda Ave.
Denver, CO

Mr. Tebeau stated that this is supporting the comprehensive plan for senior and transitional housing.

Councilman Hoffman commented this is a zoning code reform example that makes the process of rezoning smoother.

Councilman Haynes commented this will fit nicely within that area.

Councilwoman Griffith asked if the homes would be for sale or rent. Mr. Tebeau stated they would be rental.

Councilman Rider asked about the maintenance of Landsdale Drive and who would be responsible since it will be maintained as a private road. Ms. Pereira stated it would be a shared agreement with this developer and the other landowner to maintain the road.

Councilwoman Frazier asked for clarification of the location of the property and asked Mr. Tebeau if there had been an agreement reached yet about road maintenance.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 25-77, seconded by Councilman Hoffman. The motion was approved with a 7-0-0 vote.

ITEM 13. 7:25 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-62

Ordinance No. 25-62, an ordinance amending Chapter 909 of the codified ordinances regarding sidewalk maintenance and repair.

The clerk read the ordinance for a second time.

Jonathan Owen, City Engineer, went over the proposed changes to the code which included the addition of the newest Public Right-of-Way Accessibility Guidelines (PROWAG) standards, assessment conditions, and process for a property owner to make repairs. Mr. Owen went over the process by which the property owner would be assessed and the appeal process for the assessment.

The public hearing opened at 7:41 PM

There was no public participation.

The public hearing was closed at 7:42 PM

Councilwoman Frazier stated she had several residents about sidewalk maintenance and how the residents were notified of repairs. Mr. Owen stated several repairs are made with Customer Service Requests and Public Works employees make those repairs. Mr. Owen stated there is a door hanger left on the residence with an explanation after the paint had been put on the sidewalk.

Councilman Rider asked how the assessment to the homeowner would come to council, if an assessment were to be implemented. Mr. Owen stated there are very few assessments put onto residents so the number would be very low that would have it before council. Councilman Rider asked if the Public Works Department could make the decision instead of City Council. Mr. Owen stated that any assessments made by the city would have to be a governmental body decision per Ohio Revised Code. Mr. Owen clarified that the resident would have the opportunity to make an appeal and/or make the repair before being assessed.

Mayor Riggle asked if the selection of the trees now being planted took into consideration those whose roots do not make sidewalks in disrepair. Mr. Owen stated that the City Arborist is suggesting those types of trees.

Councilman Hoffman stated that the process for nearly everyone has been much better since investing in a grinder to help with sidewalk maintenance.

This ordinance will go to another reading.

ITEM 14. 7:30 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-57

Ordinance No. 25-57, an ordinance providing for the issuance and sale of notes in the maximum principal amount of $1,000,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by constructing Byxbe Road between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

The clerk read the ordinance for a second time.

Rob Alger, Finance Director, stated there was a correction to the heading which would change Byxbe Road to Byxbe Parkway.

Jonathan Owen, City Engineer, stated the cost included in the bond would be for right-of-way costs.

Alycia Ballone, Budget, Management & Procurement Director, stated that a part of the adopted taxation policy, debt would be repaid by a number of sources. In the future, a New Community Authority will be created to help reimburse the city for this bond.

The public hearing opened at 7:53 PM.

Deborah Guebert
265 W. Fountain Avenue
Delaware, Ohio

Ms. Guebert expressed her concern and opinion about issuing debt since there are already outstanding debt and the inability to pay for infrastructure. Ms. Guebert shared her opinion of her findings of the financial report that is online.

The public hearing was closed at 7:59 PM.

A discussion about how the city incurs debt, how much money gets invested, the need to have debt in order to get projects started

because the full amount of cash in not on hand, and other clarifying statements occurred.

This ordinance will go to another reading.

ITEM 15. 7:35 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-58

Ordinance No. 25-58, an ordinance providing for the issuance and sale of notes in the maximum principal amount of $8,500,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

The clerk read the ordinance for a second time.

Rob Alger, Finance Director, stated this bond is for the construction costs.

Jonathan Owen, City Engineer, the project will be advertised for bid in November, awarding of the contract at the beginning of the year, construction to start at the end of winter, and completion by the end of the summer of 2026.

Alycia Ballone, Budget, Management & Procurement Director, stated this is the reason the TIF (Tax Increment Financing) was put in place. The proceeds from the TIF will be paying for the Merrick extension but as mentioned, the project needs to be fulling funded to start, which is the need for the bond.

The public hearing opened at 8:14 PM.

Deborah Guebert
265 W. Fountain Avenue
Delaware, Ohio

Ms. Guebert shared she didn't understand the why there was a request for more funding for road repairs if the city was financially sound.

The public hearing was closed at 8:15 PM.

Vice-Mayor Shafer stated the NCA in place was to collect funds for road maintenance for those developments.

Councilman Hoffman stated the older roads in the city do not have the funding mechanisms that have been put into place with new developments for maintenance.

Councilman Haynes stated the end result of this project is to have another way to US23 from the west side without going through the downtown.

Clarification about how far the extension would go and the location of the extension occurred.

ITEM 16. SECOND READING OF ORDINANCE NO. 25-61

Ordinance No. 25-61, an ordinance authorizing the City Manager to dispose of real property not needed for any municipal purpose by auction or if necessary, private sale. (AS AMENDED)

The clerk read the ordinance for a second time.

Jonathan Owen, City Engineer, reviewed the background of the parcel.

A discussion of whether or not someone could build on the lot occurred.

Motion: Vice-Mayor Shafer motioned to suspend the rule of three readings for Ordinance No. 25-61 as amended, seconded by Councilwoman Frazier. Motion was approved with a 6-1-0 vote.

Motion: Vice-Mayor Shafer motioned to approve Ordinance No. 25-61 as amended, seconded by Councilwoman Frazier. Motion was approved with a 7-0-0 vote.

ITEM 17. CONSIDERATION OF ORDINANCE NO. 25-63

Ordinance No. 25-63, an ordinance approving a request by the City of Delaware for approval to repeal and replace Title Three – Utilities of the Streets, Utilities and Public Services Code within the City of Delaware Codified Ordinances.

The clerk read the ordinance for the first time.

Alycia Ballone, Budget, Management & Procurement Director, stated this review started a year ago with a rate study with Raftelis. At that time, there were fees located throughout the code with

different hearing on each. This will put the fees into one section as well as make updates to the language in Title Three.

This ordinance will have a public hearing at the next meeting.

ITEM 18. CONSIDERATION OF ORDINANCE NO. 25-64

Ordinance No. 25-64, an ordinance amending the schedule of fees and service charges and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the city, and for the further reason that the fee changes, which are tied to other budgetary items, must be effective by January 1, 2026, and as such will be in full force and effect immediately upon its passage.

The clerk read the ordinance for the first time.

This ordinance will have a public hearing at the next meeting.

ITEM 19. CONSIDERATION OF ORDINANCE NO. 25-65

Ordinance No. 25-65, an ordinance making appropriations for the year 2026 and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and further to provide lawful appropriations available for expenditure by January 1, 2026, and as such will be in full force and effect immediately upon its passage.

The clerk read the ordinance for the first time.

This ordinance will have a public hearing at the next meeting.

ITEM 20. CONSIDERATION OF RESOLUTION NO. 25-81

Resolution No. 25-81, a resolution authorizing the Finance Committee of Council to consider and make recommendations on the 2026 annual budget for the City of Delaware.

The clerk read the ordinance for the first time.

Alycia Ballone, Budget, Management & Procurement Director, shared Chapter 111.01 (g) states authorized as a committee to consider or make recommendations on the annual budget, only by a specific resolution of Council. This is the reason for this resolution.

A question was asked about presentations being made to council. Ms. Ballone stated that at this time, that was not planned but if council had any questions, they were welcome to attend or ask.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 25-81, seconded by Councilwoman Griffith. Motion was approved with a 7-0-0 vote.

ITEM 21. CONSIDERATION OF ORDINANCE NO. 25-66

Ordinance No. 25-66, an ordinance authorizing the city manager to execute a release and indemnity general release with the Shelly Company and Insurers, Liberty Mutual Fire Insurance Company and Liberty Mutual Group, Inc. and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the usual daily operation of a department or an office of the City and to facilitate the City's obligations within the agreement, and as such will be in full force and effect immediately upon its passage.

The clerk read the ordinance for the first time.

Alycia Ballone, Budget, Management & Procurement Director, asked that this ordinance go to another reading to allow for a response from Liberty Mutual.

This ordinance will go to another reading.

ITEM 22. CONSIDERATION OF ORDINANCE NO. 25-67

Ordinance No. 25-67, an ordinance amending Sections 105.02, 105.03, and 105.04 of Chapter 105 of the codified ordinances of the City of Delaware, modifying competitive bidding advertisement and bid opening procedures.

The clerk read the ordinance for the first time.

Jonathan Owen, City Engineer, stated this is to update the code to allow for current practices for bidding.

A clarification was asked how this update follows the Ohio Revised Code.

This ordinance will have a public hearing at the next meeting.

ITEM 23. CONSIDERATION OF RESOLUTION NO. 25-83

Resolution No. 25-83, a resolution authorizing the City Manager to sign and enter into an intergovernmental membership agreement

with the Jefferson Health Plan for the purpose of participating in a self-insurance program providing stop-loss coverage.

The clerk read the ordinance for the first time.

Jessica Feller, HR Director, stated the Jefferson Health Plan is a consortium for stop-loss coverage that will allow the city to build a bank to pay for insurance claims.

Motion: Councilwoman Frazier motioned to approve Resolution No. 25-83, seconded by Vice-Mayor Shafer. Motion was approved with a 7-0-0 vote.

ITEM 9. COMMITTEE REPORTS

Councilwoman Griffith had no reports.

Councilman Haynes had no reports.

Councilwoman Frazier had no reports.

Vice-Mayor Shafer reported there will be Finance Committee meetings coming up.

Councilman Hoffman reported there will be Finance Committee meetings coming up and the Planning Commission will meet next week.

Councilman Rider reported Historic Preservation Commission will meet on Wednesday.

Mayor Riggle reported there will be a call to our Sister City in Germany on Wednesday.

ITEM 24. FINANCE DIRECTOR'S REPORT

Rob Alger, Finance Director, gave the highlights of the September 2025 monthly report.

ITEM 25. CITY MANAGER'S REPORT

No reports.

ITEM 26. COUNCIL COMMENTS

Councilwoman Griffith shared she and Councilman Rider handed out candy at City Hall at the last Farmer's Market of the season.

Councilman Haynes thanked the public safety teams that helped at

the truck or treat events and wished everyone a safe trick-or-treat.

Councilwoman Frazier wished everyone a safe Halloween and thanked everyone who is helping at the Veteran's Parade and the veterans for their service.

Vice-Mayor Shafer wanted to clarify that executive session is for specific reasons that follow Ohio Revised Code, and no decisions are made during that time.

Councilman Hoffman shared how some of the contentious developments turn out to be a good place to live in Delaware.

Councilman Rider had no further comments.

Mayor Riggle shared there was an entrepreneur presentations at OWU and following the presentations, Steve Wozniak held a fireside chat; and spoke an Eagles Central Ohio Convention; the Veteran's Parade will be this Sunday.

ITEM 27. ADJOURNMENT

Vice-Mayor Shafer motioned to adjourn the meeting at 8:50 p.m.

The meeting was adjourned at 8:50 p.m.

_____

Mayor Carolyn Kay Riggle

_____

Sarah Dinovo, Council Clerk

AGENDA ITEM NO. a

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary from the Historic Preservation Commission meeting held on July 23, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20250723 Motion Summary.pdf

HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
JULY 23, 2025

ITEM 1. Roll Call

Chair Riviera called the meeting to order at 6:30 p.m.

Members Present: Keith Fagan, Lisa Ho, Denny Bolton, Councilman Kevin Rider, and Chair Sherry Riviera

Members Absent: Stephanie VanGundy and Vice-Chair Mark Smiles

Staff Present: Sandra Pereria, Planning and Community Development Director and Dianne Guenther, Development Planner

Motion: Councilman Rider motioned to excuse Commissioners VanGundy and Smiles, seconded by Commissioner Ho. Motion was approved with a 5-0-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY

A. Approval of the Motion Summary of the Historic Preservation Commission meeting held on June 25, 2025, as recorded and transcribed.

Motion: Commissioner Ho motioned to approve the Motion Summary of the Historic Preservation Commission meeting held on June 25, 2025, as recorded and transcribed, seconded by Commissioner Fagan. Motion was approved by a 4-0-1 vote.

ITEM 3. REGULAR BUSINESS

A. 2025-2592: A request by Stephen P. Hartman LLC for an Informal Review of proposed renovations at 4 North Sandusky Street, which is zoned B-2 (Central Business District) and located in the Downtown Core of the Downtown Historic District Overlay

Anticipated Process

a. Staff Presentation

Dianne Guenther, Development Planner, gave a brief presentation including the location of the property, the history of the property, photos of the property throughout the years, and the Applicant's slides. The Applicant is revisiting the concept of rehabilitation of the second and third floors of 4 North Sandusky Street and presented a similar concept to HPC in an Informal Review via HPC 2019-2363. Of the two connected buildings, 4 North Sandusky Street will be directly impacted by the proposed project. To move forward with the renovation of the second and third floors of 4 North Sandusky St, the Applicant

wishes to return to the topics of:
(1) Adding additional windows to the second and third floor of the south elevation of 4 North Sandusky Street.
(2) Construct a rear deck on the second floor and the third floors of 4 North Sandusky Street. Initial plans appear to indicate the patios should not extend past the rear building line of 2 North Sandusky Street and should not impact the roof area of 5 East William Street.

Ms. Guenther reminded the Commission that this is an Informal Review so no formal decisions would be made. The Applicant is seeking comments. In addition, the Delaware Together comprehensive plan outlines the benefits of both preservation and adaptive re-use (pages 40-41), which are key underlying tenets of this application. This proposal appears to be an appropriate approach to modernizing a historic structure without compromising the historic and architectural character or negatively impacting the historic elevation of 4 North Sandusky Street or the connected 5 East William Street.

b. Applicant Presentation

Stephen Hartman
9000 Cheshire Road
Sunbury, Ohio

Mr. Hartman stated he felt apartment(s) were a better use of space (than commercial units) due to the lack of parking in this area; reviewed the slides provided for the presentation; and explained where interior stairs would be added to the interiors of the storefront and the building to access the second and third floors.

A discussion between the Commission and the Applicant included the proposed windows (window types, size, number, and symmetry), impact on remaining ghost signs and restoration, and fire escapes.

c. Public Comment (Not a Public Hearing)
N/A

d. Commission Action

Due to the Informal Review, there was no action needed.

ITEM 4. STAFF COMMENTS

Ms. Guenther stated the Planning Department had not received any COA applications for August so the HPC meeting would be canceled.

ITEM 5. COMMISSIONER MEMBER COMMENTS AND DISCUSSION

Commissioner Bolton asked about the outcome of the murals and the Zoning Code changes meeting with City Council.

Mr. Hartman asked about adding back the ghost signs/additional murals.

Councilman Rider wished Commissioner Ho well as she moves to another commission.

ITEM 6. NEXT REGULAR MEETING: ~~August 27, 2025~~ (No applications were received.)

ITEM 7. ADJOURNMENT

Motion: Commissioner VanGundy motioned to adjourn the meeting at 7:21 PM.

The meeting was adjourned at 7:21 PM.

Chair

Clerk

AGENDA ITEM NO. b

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Finance Committee meeting held on August 28, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20250828 Motion Summary.pdf

FINANCE COMMITTEE
MOTION SUMMARY
AUGUST 28, 2025

ITEM 1. ROLL CALL

Chairman Shafer called the Finance Committee meeting to order at 3:03 p.m.

Members Present: Mayor Riggle, Councilman Hoffman (arriving at 3:04 p.m.), and Chairman Kent Shafer

Staff Present: Rob Alger, Finance Director; Alycia Ballone, Management, Budget & Procurement Director; Sarah Young, Development Financing Coordinator; Mike Day, Budget & Management Analyst; Kaci Goebbel, Purchasing Analyst; Rachel Wolff, Project Engineer; Tyler Bicknell, Project Engineer; Bill Ferrigno, Public Works Director, Jonathan Owen, City Engineer; Andrew Beare, Assistant City Manager; and Paul Brake, City Manager

ITEM 2. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary from the Finance Committee meeting held on August 19, 2025, as recorded and transcribed.

Motion: Vice-Chair Shafer called for an approval of the Motion Summary. A voice vote was called. All voted Aye.

ITEM 3. PUBLIC COMMENTS

There was no public participation.

ITEM 4. 2026-2030 CAPITAL IMPROVEMENT PLAN PRESENTATIONS

a. Director Bill Ferrigno: Public Works

- Airport improvements and what grants are possibly available. Most of the projects at the airport will be largely done by State and FAA grants after this year. Those projects include a Jet A Fuel Farm for which staff will be filing a grant application that could equal a fully funded project. The other piece of equipment is a runway broom which has proved effective not only with clear debris from the runway but can also clear light snow. A quick discussion of the agreement of the county for a joint effort occurred. Mr. Ferrigno stated in 2027 the runway lights would be updated.
- Solid Waste equipment: Pac-Mac Grapple Truck for bulk collection was purchased and delivered recently. Automated sideload refuse truck has proved very useful in reducing injuries and increasing efficiency; the

entire fleet will be automated after 2026. The rear load trucks will still be used for yard waste and commercial properties.
- Street & Traffic: mini excavator (replaces the backhoe), emergency response vehicle, wheel loader (2028) to help with snow operations.
- Fleet Maintenance: forklift replacement (replacing one from 1988) which is used by multiple divisions; A garage expansion to add three additional bays.
- Sidewalk, ADA Ramps, Shared Use Paths & Parking Lots: Maintenance of sidewalks and ramps has been a priority, but it is also underfunded; there are 21 miles of share use paths, but this is also an underfunded program; there are 36 public parking lots in the city, that project is also underfunded.

b. City Engineer, Jonathan Owen: Engineering

- Central Avenue & Lake Street intersection improvements. This is a top priority. External funding is being pursued due to city funding not matching the approximate cost. The total project cost is $6,010,000 currently (projected completion is 2030).
- Annual resurfacing program: There are a couple of grants the city depends on that require a local match (OPWC, CDBG and the Delaware County Grant)
- ODOT Urban Resurfacing: this program has changed to a guaranteed funding source to a competitive application program. The city funds 30% of the surface asphalt and 100% of other items.
- Pedestrian Connectivity Project: this will complete segments of shared use path and upgrade existing sidewalks. This is funded by ODOT's safety program and will be 90% funded. This project will be started in 2027.
- Columbus Avenue Area Neighborhood Revitalization (CDBG application): Multiple Project Components which includes water main replacements, path connectivity, roadway paving, storm drainage improvements and Blue Limestone Park restroom building replacement. The project is projected to be started in 2028.
- Glenn Parkway Railroad Overpass: The city has been collecting TIF revenues to fund this project. There are enough funds collected to start design now to stay ahead of the building that is happening in the area.
- West Central CSX Bridge Clearance (AKA "the can opener"): would like to pursue funding to lower the clearance under the bridge. There have been over 60 bridge strikes since 2014 but there is no good funding sources identified to date. A discussion of funding and past resolutions/ordinances occurred.
- Northwest Area Infrastructure: Merrick Boulevard Extension will occur in two phases. Phase 1 will begin in 2026 which extends to Merrick to a new roundabout at Troy Road. Phase 2 will begin in 2029 which

extends Merrick over the railroad tracks to US23. The debt issuance will be supported by TIF and NCA dollars.
- East Central Avenue Reconstruction: this project will widen the road to allow central turn lanes in between intersections (much like the William Street widening) and realign the Channing Street intersection.
- A list of various additional projects was shown.

ITEM 5. MEMBER COMMENTS

There were no further comments.

ITEM 6. ADJOURNMENT

Motion: The Finance Committee meeting adjourned with a motion from Mayor Riggle.

The meeting was adjourned at 4:08 p.m.

Chairman

Clerk

AGENDA ITEM NO. c

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary from the Civil Service Commission meeting held on October 1, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20251001 Motion Summary.pdf

CIVIL SERVICE COMMISSION
MOTION SUMMARY
OCTOBER 1, 2025

ITEM 1. ROLL CALL

Chairman Rybka called the meeting to order at 3:30 p.m.

Members Present: Chair Mary Jane Santos, Vice-Chair Mark Hurley and Kitty Hollingshead Mancil

Staff Present: Fire Chief Tim Pyle, Delaware City Fire Department; Jessica Feller, Human Resources Director; Chief Adam Moore, Delaware City Police Department and Mayor Riggle

ITEM 2. PLEDGE OF ALLEGIANCE

ITEM 3. APPROVAL OF MOTION SUMMARY

a. Approval of the Motion Summary from the Civil Service Commission meeting held on June 4, 2025, as recorded and transcribed.

Motion: Commissioner Hollingshead Mancil motioned to approve the Motion Summary from June 4, 2025, seconded by Vice-Chair Hurley. Motion was approved with a 3-0-0 vote.

b. Approval of the Motion Summary from the Civil Service Commission meeting held on July 2, 2025, as recorded and transcribed.

Motion: Commissioner Hollingshead Mancil motioned to approve the Motion Summary from July 2, 2025, seconded by Vice-Chair Hurley. Motion was approved with a 3-0-0 vote.

ITEM 4. PUBLIC COMMENT

There was no public participation.

ITEM 5. DISCUSSION AND RECOMMENDATION

a. October 2025 Police Certified List

Chief Adam Moore stated the updated list was included in the packet and represents a couple of individuals that have not completed all the required testing or have been interviewed and will not be hired. Chief Moore gave an update on staffing within the police department.

Motion: Vice-Chair Hurley motioned to approve the October 2025 Police Certified List, seconded by Commissioner Hollingshead Mancil. Motion was approved with a 3-0-0 vote.

b. October 2025 Firefighter List

Chief Pyle stated the list represented several that were hired and others that have rolled off the list.

Motion: Commissioner Hollingshead Mancil motioned to approve the July 2025 Police Certified List, seconded by Vice-Chair Hurley. Motion was approved with a 3-0-0 vote.

ITEM 6. STAFF COMMENTS

Chief Moore wanted to inform the commission that former Police Captain James Rhodes passed away from a medical emergency late last month.

ITEM 7. COMMISSIONER COMMENTS

There were no further comments.

ITEM 8. ADJOURNMENT

Motion: Chair Santos motioned to adjourn the Civil Service Commission meeting at 3:37 P.M.

The meeting was adjourned at 3:37 P.M.

Mary Jane Santos
Chair

Sarah DiNovo
Sarah Dinovo, Clerk

AGENDA ITEM NO. d

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CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Planning Commission meeting held on October 1, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20251001 Motion Summary.pdf

PLANNING COMMISSION
MOTION SUMMARY
OCTOBER 1, 2025

ITEM 1. Roll Call

Vice-Chair called the meeting to order at 6:30 p.m.

Members Present: Cory Hoffman, Brandon Feller, Dustin Nanna, Dean Prall and Stacy Simpson

Members Absent: Josh Cross and George Stroud

Staff Present: Carrie Fortman, Project Engineer; Anna Kelsey, Planning and Zoning Administrator; David Gentile, Development Planner; Jon White, Development Planner; Sandra Pereira, Planning & Community Development Director; and Andy Beare, Assistant City Manager

Motion to Excuse: Commissioner Nanna motioned to excuse Commissioners Cross and Stroud, seconded by Vice-Chair Hoffman. Motion was approved with a 5-0-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of the Planning Commission meeting held on September 3, 2025, as recorded and transcribed.

Motion: Vice-Chair Hoffman motioned to approve the Motion Summary of the Planning Commission meeting held on September 3, 2025, seconded by Commissioner Nanna. Motion was approved with a 4-0-1 vote.

ITEM 3. REGULAR BUSINESS

A. ZONING AMENDMENTS

1. R PUD 25-13: A request by Maronda Homes for approval of a Zoning Map Amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development) on 44.05 acres of property located on parcel 418-330-01-010-000 just east of the Winterbrooke subdivision as shown in "Exhibit A".

a. Staff Presentation

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation that included the background, overview, location of the proposed development, how the proposed development fits into the Delaware Together

Comprehensive Plan, and the concept plan. Ms. Kelsey stated there was an updated resolution on the commission members' desks that added a condition and verbiage change. The intent of this development would be townhomes for sale.

b. Applicant Presentation

Tom Hart, on behalf of Maronda Homes
5029 Cemetery Road
Hilliard, Ohio

Mr. Hart stated he had nothing to add to the presentation and was excited to present this plan. Mr. Hart also stated he had no issues with the condition listed in the resolution.

c. Public Hearing

The public hearing opened at 6:39 p.m.

There was no public participation.

The public hearing was closed at 6:39 p.m.

d. Commission Discussion

Mr. Prall asked if this development would be a part of the Evan Farms NCA. Ms. Kelsey stated Maronda Homes would be paying a lump sum in lieu of NCA payments because this development would be included in the existing Evan Farms NCA, in which the city does not receive any payments.

Vice-Chair Hoffman asked for clarity whether or not this property was annexed into the city. Ms. Kelsey stated that city council did approve the annexation which would take effect on October 9th. Vice-Chair Hoffman stated that because he did, at one time, work for Evans Farm and its principals, that he would recuse himself from this vote.

Chair Simpson asked for clarification about the added condition of the applicant being responsible for paying the City's full cost of third-party engineering plan reviews. Carrie Fortman, Planning Engineer, stated this request was codified in December of 2024 and it has been listed in other resolutions as a reminder to applicants. In the past several months, staffing has not allowed the engineering department to do all plan reviews and traffic impact studies.

e. Commission Action (recommendation to City Council)

Motion: Commissioner Feller motioned to approve R-PUD 25-13, as recommended by staff along with replacement pages 14-16 in the packet, seconded by Commissioner Prall. Motion was approved with a 4-0-0 vote. (Vice-Chair Hoffman recused himself.)

Mr. Hart wanted to thank the commission and the planning staff. The Planning staff have been very good and enjoyable to work with.

B. DEVELOPMENT PLANS

1. PC 25-14: A request by Delaware Development Plan LTD for approval of a Development Plan for Longhorn Steakhouse on 2.355 acres within the Coughlin's Crossing Planned Mixed Use Overlay and located north of Bojangles.

a. Staff Presentation

Jon White, Development Planner, gave a brief presentation that included the location, the zoning map, site plan, and elevations.

b. Applicant Presentation

Scott McClintock, Cass Corporation
6210 Taylor Road SW
Pataskala, Ohio

c. Public Hearing

The public hearing opened at 6:48 p.m.

There was no public participation.

The public hearing was closed at 6:49 p.m.

d. Commission Discussion

Vice-Chair Hoffman asked if the census played any role in the decision to invest in this area. Mr. McClintock stated he could not answer that question appropriately but does know the location along US23 did play a role in the decision.

Commissioner Prall stated he was excited to see a sit-down style restaurant.

Commissioner Feller asked about the bicycle parking outside the restaurant. Mr. McClintock stated there are a couple of bike paths along

Coughlin Crossing. Jon White stated that as a part of the zoning update, there is now a requirement for bike parking.

Vice-Chair asked if the applicant had any comment on the Route 23 corridor and Hawthorne Blvd. proposed plan. Mr. McClintock stated the owners are looking at it from the standpoint of the entirety of Coughlin Crossing and there may be improvements made.

e. Commission Action (recommendation to City Council)

Motion: Commissioner Nanna motioned to approve PC25-14 with all staff conditions, seconded by Commissioner Prall. Motion was approved with a 5-0-0 vote.

2. PUD 25-6 DVP #1: A request by PVLI Delaware Realty LLC for approval of a Development Plan for Briar Hill Villas on 8.23 acres located on the southwest corner of S. Houk Road and Lansdale Drive.

a. Staff Presentation

David Gentile, Development Planner, gave a brief presentation of the location, case background, development plan, and elevations. One of the conditions is for the ground signage not to exceed five feet. The applicant is requesting a seven-foot monument sign.

b. Applicant Presentation

Ryan Tebeau, Briar Hill Development
8505 East Alameda Avenue
Denver, CO

Mr. Tebeau stated this development would support two action items from the Comprehensive Plan with diversifying the type of housing and targeting the empty nesters while including an active lifestyle that includes on-site activities. Mr. Tebeau stated the request for the seven-foot monument sign was due to the signs being a prototype sign by this developer.

c. Public Hearing

The public hearing opened at 7:01 p.m.

There was no public participation.

The public hearing was closed at 7:01 p.m.

d. Commission Discussion

Commissioner Nanna asked for clarification if the sign height was a part of the city's code. Ms. Kelsey stated that the sign height was a part of the zoning code. Commissioner expressed his thoughts on the sign. Mr. Gentile shared staff felt that the speed limit along Houk Road did not warrant a larger sign. Ms. Pereira stated that the other signs along Houk Road were not larger than five feet.

Vice-Chair Hoffman asked the applicant if the sign would be difficult to redesign to the smaller size. Mr. Tebeau stated it would not be a hardship to have the smaller sign.

Mr. Prall expressed his concern that the plans did not seem to include a sidewalk along the development. Ms. Kelsey and Ms. Fortman stated the developer was aware that they would need to install a sidewalk. Mr. Prall asked if there would be a streetlight at Landsdale and Houk Road.

Chair Simpson stated he would rather error on the side of following the code to keep the sign as stated in the code.

e. Commission Action (recommendation to City Council)

Motion: Commissioner Prall motioned to approve PUD 25-6, with all staff recommendations, seconded by Commissioner Nanna. Motion was approved with a 5-0-0 vote.

C. PLATS

1. S 25-12: A request by Waffle House Inc for approval of a Final Subdivision Plat to split parcel 419-123-06-005-000.

a. Staff Presentation

Anna Kelsey, Planning and Zoning Administrator, gave a brief presentation of the background and site overview.

b. Commission Discussion

Commissioner Nanna asked for clarification of the location of the Waffle House.

A quick discussion of large parking lots and the ability to now have out lots be buildable occurred.

Commissioner Nanna asked about the lighting in that parking lot and how that issue is addressed to have the property owner replace missing or burnt-out bulbs.

Vice-Chair Hoffman stated this is a great example of the improvements the new zoning code will have on the city and development.

c. Commission Action (final decision)

Motion: Commissioner Prall motioned to approve S 25-12 with all staff recommendations, seconded by Commissioner Nanna. Motion was approved with a 5-0-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

Sandra Periera, Planning and Community Development Director stated there will be a Planning Commission meeting in November.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Commissioner Nanna thanked staff for their hard work.

Commission Feller thanked everyone for their education of how planning works and felt the website was a good tool for developers and residents to go to see where things are happening within the city.

Commissioner Prall appreciated the developers' efforts to diversify the housing in the city.

Vice-Chair Hoffman stated he had shared with the Ohio Municipal League that staff that reformed the planning code in house and how impressed people are when they hear that. Vice-Chair stated there are single-stair apartment reforms in other places as something to keep in mind.

Chair Simpson stated his frustration with those who don't understand why certain stores and restaurants aren't built in Delaware. Chair Simpson stated the thought Longhorn Steakhouse could be the one to get more sit-down place in Delaware.

A discussion of what criteria need to be met for a business to build.

Chairman Simpson stated the praise that staff received from one of the applicants speaks volumes to the great work that is done by the planning department.

ITEM 6. NEXT MEETING: November 5, 2025

ITEM 7. ADJOURNMENT

Chair Simpson motioned for the Planning Commission meeting to adjourn at 7:28 p.m.

The meeting was adjourned at 7:28 p.m.

Chairperson

Council Clerk

AGENDA ITEM NO. e

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Establish **November 24, 2025, at 7:10 p.m.** as the date and time for the public hearing and second reading of Ordinance No. 25-69, an ordinance approving a request by the City of Delaware for approval of a Zoning Map amendment as outlined in "Exhibit A".
SUGGESTED ACTION:	
ATTACHMENTS:	

AGENDA ITEM NO. f

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Establish **November 24, 2025, at 7:15 PM** as the date and time for the public hearing and second reading of Ordinance No. 25-68, an ordinance amending Part Thirteen: Building Code of the City of Delaware Codified Ordinances by amending Chapters 1301, 1307, and 1321; Repealing Chapters 1315, 1317, and 1361, and enacting a new Chapter 1304, entitled registration of abandoned foreclosures, long-term rentals, and vacant properties.
SUGGESTED ACTION:	
ATTACHMENTS:	

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Presentation
AGENDA SECTION:	**PRESENTATION**
SUBJECT:	Raftelis: Financial Planning & Rate Study

SUGGESTED ACTION:

ATTACHMENTS:

DelawareCombined.FinancialReport.Draft.11-5-2025 v2.pdf

City of Delaware

Financial Plan Summary Report

November 5, 2025

DRAFT

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Financial Evaluation

Raftelis has developed a comprehensive financial planning model for the City of Delaware (the City) to assess the short- and long-term impacts on the financial objectives of the water, wastewater, and stormwater utilities. This financial planning model is based on Delaware's current financial data, including customer account information, annual operating budgets and actual expenses, and existing debt service requirements. The forecasted annual needs incorporate both immediate and long-term capital improvements to account for the consistent growth of the City. The overall operating and capital requirements have been projected over a long-term planning horizon to determine any future revenue shortfalls and the rates and charges that would be needed to meet Delaware's financial policies and goals. This report documents the assumptions, projections, and recommendations for meeting the City's financial needs.

1 Customer Accounts & Revenue Projections

Delaware generates revenue through three major sources: monthly user charges, capacity fees paid by new connections, and other miscellaneous revenues. For water and wastewater customers, the monthly user charges consist of a monthly minimum charge and a tiered volumetric charge based on the quantity of water consumed. The monthly minimum charge is based on the size of the water meter for each account and includes 2 CCF of usage. For the water volumetric rates, a declining block rate is applied with four tiers at various thresholds. Additionally, water customers residing outside City limits are billed 50% more for the minimum charge and the volume charge. For wastewater customers, a uniform rate is applied for any usage above 2 CCF.

The rate structure for customers with 5/8" meters is shown below in Table 1. With this structure, 2 CCF of water usage are included in the water and wastewater minimum charges. Most residential customers' usage occurs in the first two tiers while mid-sized commercial and larger industrial/manufacturing customers will use the third and fourth tiers. Stormwater customers pay a monthly utility service charge, which is a flat fee. The utility service charge is based on the number of equivalent residential units for each property.

Table 1. Water, Wastewater, and Stormwater Rate Structure

Tier	Monthly Usage Tier Cutoffs (CCF)	Water Rates	Wastewater Rates	Stormwater Rates
Minimum Charge		$13.15	$13.44	$5.00 (per ERU)
Tier 1	First 2 (or any part thereof)	$0.00	$0.00	
Tier 2	Next 28	$5.16	$5.52	
Tier 3	Next 440	$3.62	$5.52	
Tier 4	Over 470	$2.50	$5.52	

In fiscal year 2021, there were approximately 13,703 customer accounts. Since then, Delaware has experienced modest growth with the number of customer accounts growing by about 3% in 2022 before dipping down slightly in 2023. This overall growth has primarily been in smaller, residential connections. The financial forecast assumes annual growth in water customer accounts of approximately 1% each year. This equates to about 125 to 150 new customers added per year.

Water consumption has also experienced modest but steady growth over recent years. Based on customer data received in August of 2025, consumption is projected to dip slightly from 2024 to 2025. However, it is expected to increase at a rate of 1% annually from 2026 onward. The historical and projected flows are illustrated in Figure 1.

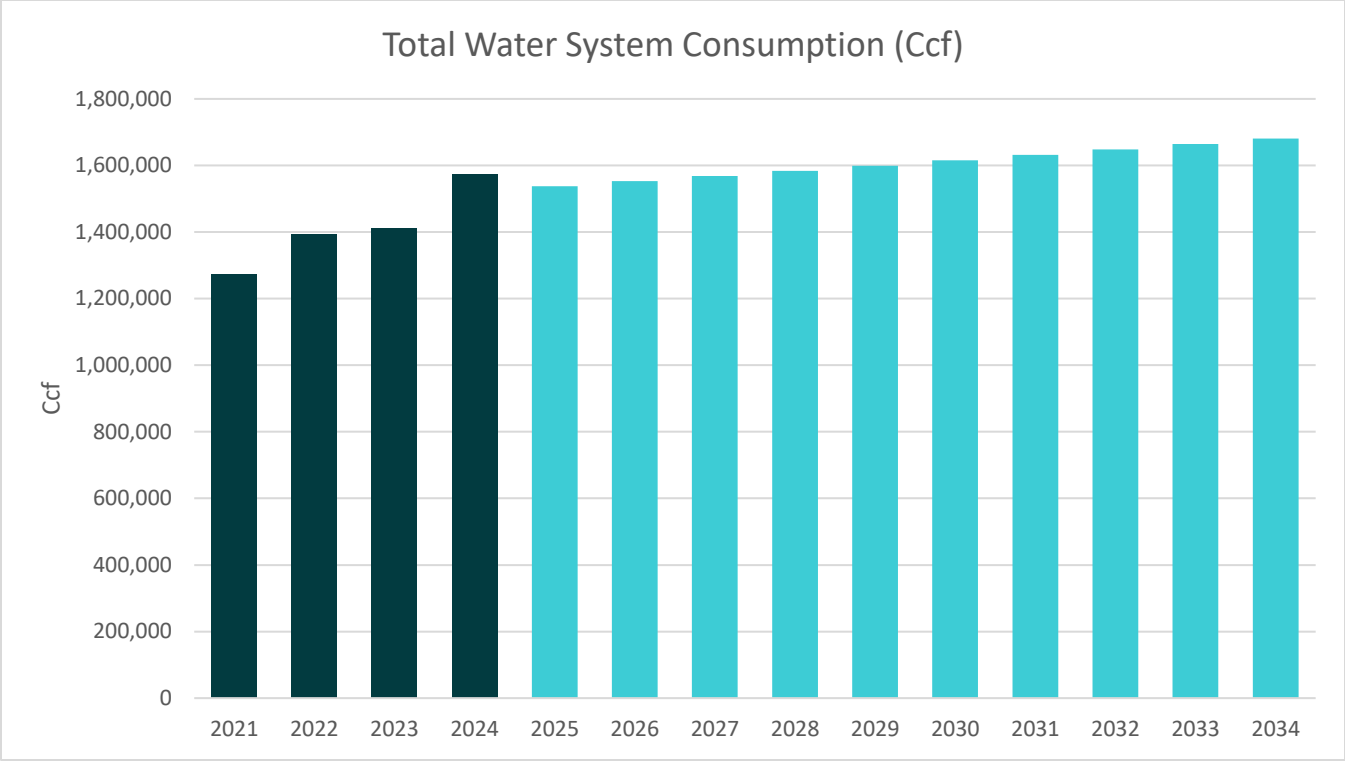


Figure 1. Historical and Projected Total System Water Consumption (Ccf)

The capacity fee revenues recover capital costs associated with providing service to new system customers. The current water capacity fee is $4,912 for a typical residential connection (5/8" or 3/4") with increased fees for larger water meters. The budgeted capacity fee revenue for 2025 is approximately $5.0 million. From the monthly water user charges, Delaware is expected to generate approximately $8.1 million in revenue in 2025. Delaware also receives close to $800,000 in annual revenue from miscellaneous sources, such as service fees and interest earnings.

On the wastewater side, the capacity fee is $3,145 for a typical residential connection. In 2025, Delaware is expected to generate approximately $3.7 million in revenue from capacity fees. The anticipated user charge revenue is approximately $8.2 million, in addition to $911,000 million in miscellaneous revenue.

Delaware is also expected to generate approximately $1.9 million in revenue from the stormwater user charges this year.

Actual system revenues received in 2021-2024 and the estimated 2025 totals are presented in Table 2. In 2023, an across-the-board water rate increase of 14% caused the user charge revenue to grow by nearly $1 million. The significant revenue increases in revenue in 2024 mainly resulted from the rise in capacity fee revenue. From 2023 to 2024, water capacity fee revenue increased from $3.0 million to $5.3 million, and sewer capacity fee revenue increased from $1.9 million to $3.3 million.

Table 2. Actual System Revenues

Tier	2021	2022	2023	2024	2025
Water					
User Charges	$5,986,285	$6,370,547	$7,324,111	$7,852,038	$8,090,818
Capacity Fees	$2,708,917	$2,358,082	$3,034,844	$5,251,581	$5,000,000
Miscellaneous Revenues	$166,026	$347,476	$803,448	$852,285	$770,000
Total	**$8,861,228**	**$9,076,105**	**$11,162,402**	**$13,955,904**	**$13,860,818**
% Change		*2.4%*	*23.0%*	*25.0%*	*-0.7%*
Wastewater					
User Charges	$7,224,407	$7,668,555	$8,256,176	$8,070,110	$8,245,332
Capacity Fees	$2,084,575	$1,469,759	$1,861,848	$3,319,196	$3,677,023
Miscellaneous Revenues	$424,987	$573,689	$967,739	$1,893,927	$911,000
Total	**$9,733,969**	**$9,712,003**	**$11,085,762**	**$13,283,234**	**$13,177,855**
% Change		*-0.2%*	*14.1%*	*19.8%*	*-0.8%*
Stormwater					
User Charges	$745,444	$1,341,799	$1,524,139	$1,633,166	$1,919,410
Miscellaneous Revenues	$12,684	$20,460	$50,240	$34,010	$28,000
Total	**$758,128**	**$1,362,259**	**$1,574,379**	**$1,667,176**	**$1,947,410**
% Change		*79.7%*	*15.6%*	*5.9%*	*16.8%*

2 Revenue Requirements

The financial plan is developed with a projection of system revenue requirements, or expenditures, that need to be recovered annually throughout the forecast period. The financial plan is based on the cash needs of the system and thus includes expenditures for operating and maintenance, annual debt service requirements, capital outlays, and funding requirements to meet the financial policies and goals of the system.

2.1 Operating and Maintenance Costs

Operating and maintenance expenses were categorized by Raftelis into four primary categories for the purposes of escalating costs by category: **personnel services**, such as workers' compensation, life insurance, and Medicare; **materials and supplies**, such as staff vehicles and treatment chemicals; **services and charges**, such as sludge removal and corrosion prevention; and **other expenses**, such as bank fees, collection charges, and incidentals. Delaware has three departments that these expenses fall into: administration expenses, treatment expenses, and distribution/collection expenses. The historical and 2025 budgeted water operating expenses are shown in Table 3.

Table 3. Historical and Budgeted Operating Expenses

	2021 Actual	2022 Actual	2023 Actual	2024 Actual	2025 Budget
Water					
Administration	$1,394,742	$1,592,002	$1,684,027	$1,819,178	$2,213,069
Treatment	$2,202,885	$2,562,331	$2,769,948	$2,981,797	$3,422,412
Distribution	$890,378	$969,431	$1,175,793	$1,235,375	$1,504,418
Total	**$4,488,005**	**$5,123,764**	**$5,629,768**	**$6,036,350**	**$7,139,898**
% Change		*14.2%*	*9.9%*	*7.2%*	*18.3%*
Wastewater					
Administration	$1,396,745	$1,493,188	$1,541,908	$1,735,407	$2,204,295
Treatment	$2,346,150	$2,312,430	$2,577,130	$2,600,260	$3,304,250
Collection	$597,498	$581,386	$694,034	$633,898	$923,703
Total	**$4,340,393**	**$4,387,004**	**$4,813,072**	**$4,969,565**	**$6,432,248**
% Change		*1.1%*	*9.7%*	*3.3%*	*29.4%*
Stormwater					
Operating	$397,402	$531,885	$615,397	$827,179	$1,073,150
% Change		*33.8%*	*15.7%*	*34.4%*	*29.7%*

Since 2021, water operating expenses have increased from $4.5 million to $7.1 million, wastewater operating expenses have increased from $4.3 million to $6.4 million, and stormwater operating expenses have increased from $0.4 million to $1.1 million. Increasing costs for electricity and chemical supplies are two of the primary drivers for the rise in operating expenses. The costs for electricity were $0.7 million in 2021 and are expected to be $1.3 million in 2025 (across all funds). Chemical supply costs were $0.5 million in 2021 and are expected to be $1.2 million in 2025 (across all funds).

The financial plan uses the 2025 O&M budget as a basis for projecting operating costs. Operating costs are projected to increase based on annual cost escalation rates which can vary by expense type. Currently in the financial plan, personnel services are projected to increase by 4% per year, while materials and supplies, services and charges, and other expenses are all projected to increase by 3% per year throughout the forecast. The overall projected increase in operating costs is 3.3% per year. The forecasted combined expenses are presented in Figure 2.

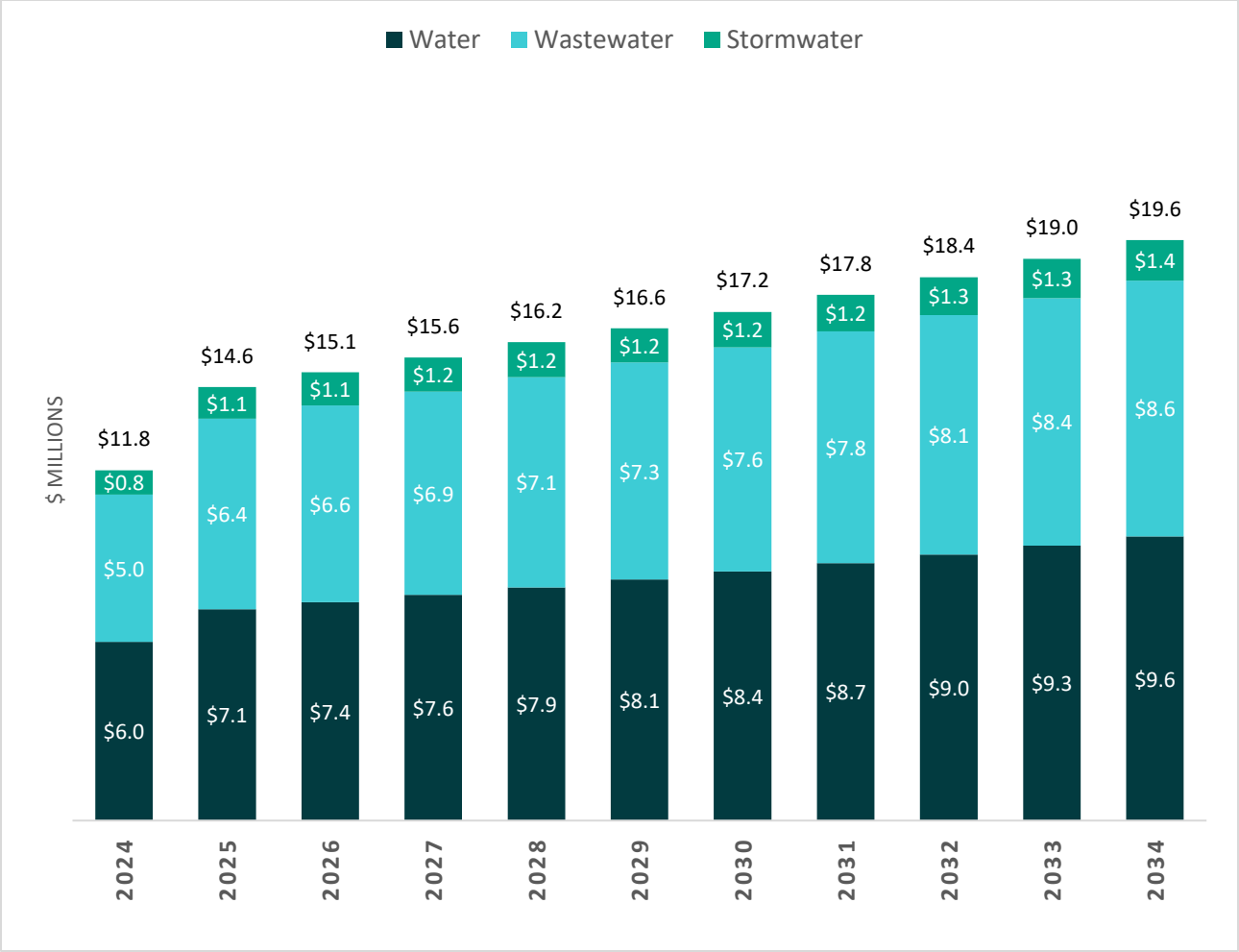


Figure 2. Projected Operating Expenses

2.2 Capital Projects and Funding Requirements

The City also has significant water and wastewater capital needs over the forecast period. The capital costs have been estimated in current dollars and are escalated by 2.5% each year to account for the anticipated impact of inflation in the future. The total projected capital project spending between 2026 and 2030 (in escalated dollars) is $70 million for the water enterprise, $44 million for the wastewater enterprise, and $6 million for the stormwater enterprise. Key water projects include the $39 million Upground Reservoir and the $8 million Elevated Water Tower. Key wastewater projects include the $25 million Northeast Olentangy Interceptor and the $6 million South Industrial Loop.

Additionally, there are smaller, recurring projects related to system renewals and replacements and other minor improvements. The smaller recurring capital projects include replacing distribution and collection lines, paving the streets in which these replacements occur, and minor plant maintenance capital projects.

The capital project needs over the next 5 years are presented in Figure 3.

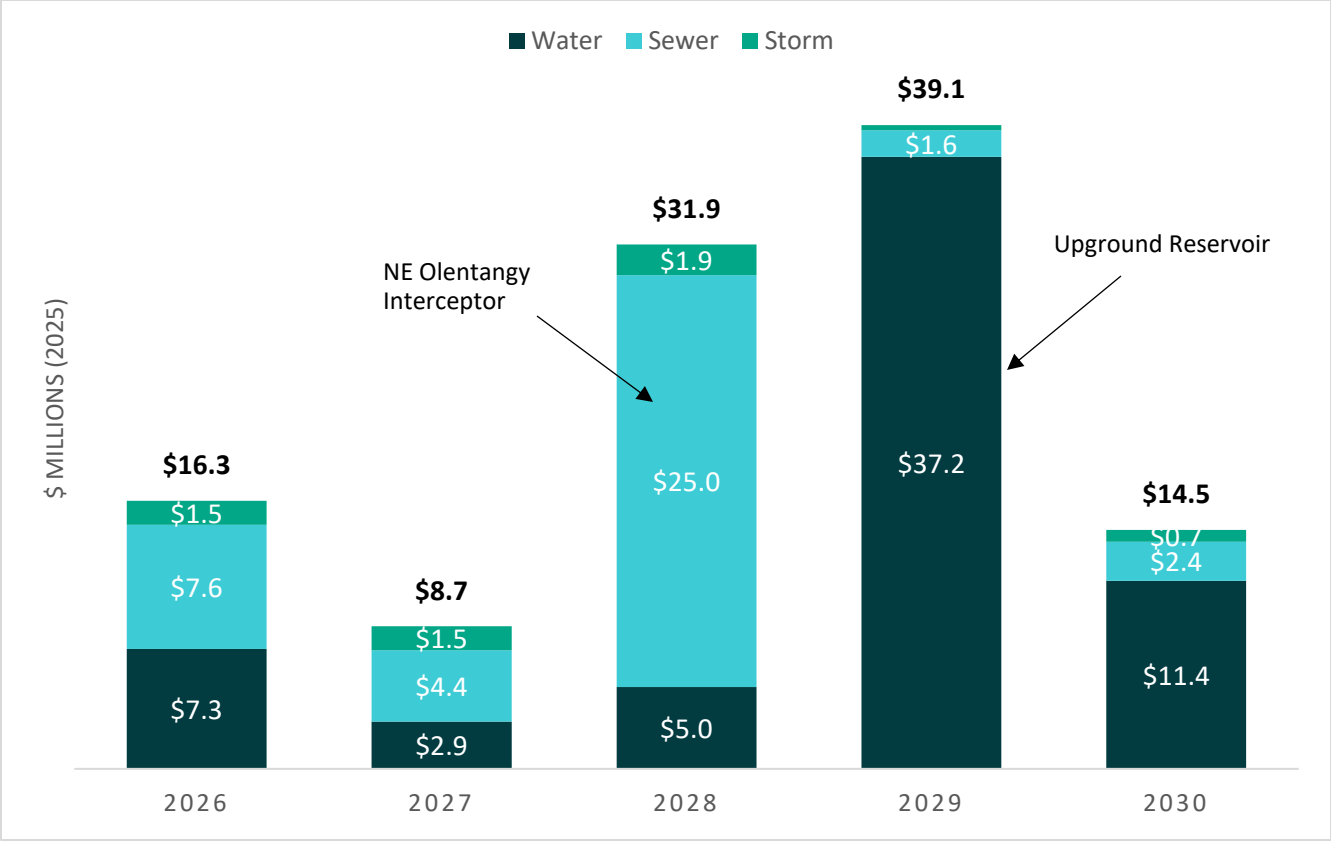


Figure 3. Total Capital Improvement Plan Project Spending

Identifying appropriate financing mechanisms for these capital projects is important when considering the real impacts to system revenues and cash flows. Projects are assumed to be funded by a combination of cash reserves, state revolving fund (SRF) loans, and revenue bonds. Approximately $10 million in water SRF loans and $27 million in wastewater SRF loans are projected to be issued between 2026 and 2030 to fund several projects. The SRF loans are assumed to have with 25-year terms, 4% interest rates, and 1% costs of issuance. The Upground Reservoir is assumed to be funded by a revenue bond with a 30-year term, 5% interest rate, and 1% cost of issuance. The remainder of the projects are projected to be financed through cash reserves and cash generated through rates and capacity fees.

A summary of the planned capital improvement projects through 2030 with their escalated costs is presented below. All projects, including their funding method and timing, are subject to change based on market condition and to optimize the financing.

Table 4. Capital Improvement Projects – Water Enterprise

Project Name	Cost $M (Escalated)	Funding	1st Payment
Upground Reservoir	$42.9	Revenue Bond	2030
New Elevated Water Tower	$8.5	SRF	2031
Plant Maintenance projects	$4.6	Cash	Ongoing
Water Distribution projects	$3.2	Cash	Ongoing
South Industrial Loop Watermain	$3.1	Cash	2026
Merrick Waterline Extension	$1.8	Cash	2026
Glenn Parkway Watermain	$1.7	Cash	2030
Byxbe Waterline Installation	$1.6	SRF	2027
New Line Oversizing/Extension	$1.1	Cash	Ongoing
Equipment Replacement projects	$0.7	Cash	Ongoing
Armstrong Road Extension	$0.6	Cash	2028
SR521 Extension - Rural	$0.4	Cash	2027
Total	**$70.2**		

Table 5. Capital Improvement Projects – Wastewater Enterprise

Project Name	Cost $M (Escalated)	Funding	1st Payment
Northeast Olentangy Interceptor	$26.9	SRF	2028
South Industrial Loop	$6.2	Cash	2026
Wastewater Treatment projects	$6.1	Cash	Ongoing
Wastewater Collection projects	$2.8	Cash	Ongoing
Sewer Oversizing/Extension	$1.1	Cash	Ongoing
Equipment Replacement projects	$0.6	Cash	Ongoing
Belle Ave Sewer Capacity Improvements	$0.3	Cash	2030
London Rd Sewer Capacity Improvements	$0.3	Cash	2029
Total	**$43.7**		

Table 6. Capital Improvement Projects – Stormwater Enterprise

Project Name	Cost $M (Escalated)	Funding	1st Payment
Neighborhood Revitalization - CDBG	$1.2	Cash	2026
W Central Ave/N Washing St/Griswold St	$1.1	Cash	2027
ODOT US23 Drainage Rehab (Cash)	$1.0	Cash	2025
Storm Water Repair	$0.7	Cash	2025
Oakhill Ave Storm Replacement/CIPP	$0.6	Cash	2030
East Central Ave Street Widening	$0.5	Cash	2028
Chamberlain St/Channing St	$0.4	Cash	2028
Belle Ave Stream Restoration	$0.3	Cash	2026
Pittsburgh Dr Ditch Cleaning	$0.2	Cash	2029
42" Culvert Lining	$0.2	Cash	2026
Delaware Run Flood Mitigation Analysis	$0.1	Cash	2030
Total	**$6.2**		

2.3 Debt Service Requirements

Delaware's water enterprise has three outstanding OWDA loan issues with a combined annual payment of approximately $2 million. The utility also has a GO Bond outstanding with an annual payment of approximately $210,000. This bond will be fully repaid in 2031.

Delaware's wastewater enterprise has one outstanding OWDA loan with an annual payment of approximately $1.8 million. This loan will be fully repaid in 2026. The utility also has a GO Bond outstanding with an annual payment of approximately $60,000, which will be repaid by 2031.

The future borrowing needed to fund the capital project needs will result in additional debt service requirements. Under the latest capital plan, proposed annual debt service will reach approximately $3.7 million in the water enterprise and $2.3 million in the wastewater enterprise by 2034. This increase is primarily driven by the revenue bond that will be issued for the Upground Reservoir, as well as the SRF loan that will be issued for the Olentangy Interceptor. The stormwater enterprise does not have any existing or proposed debt service. The existing and proposed debt service requirements for water and wastewater are presented in Figure 4 and Figure 5.

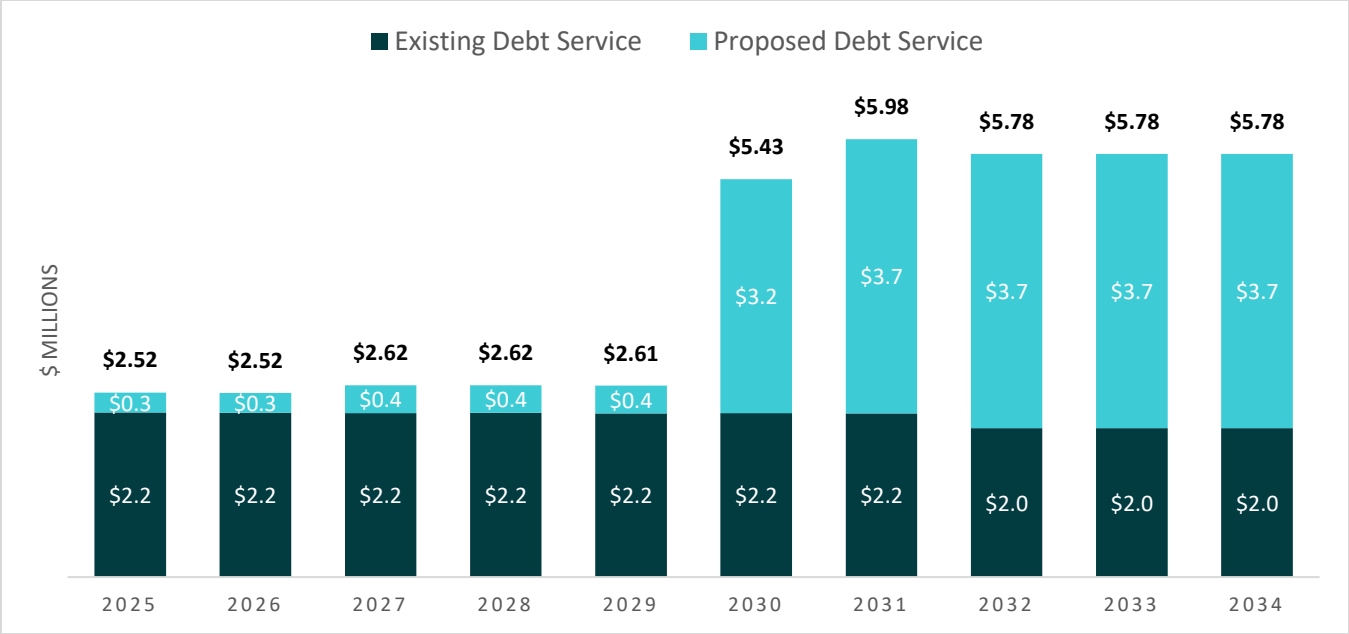


Figure 4. Existing and Proposed Debt Service – Water Enterprise

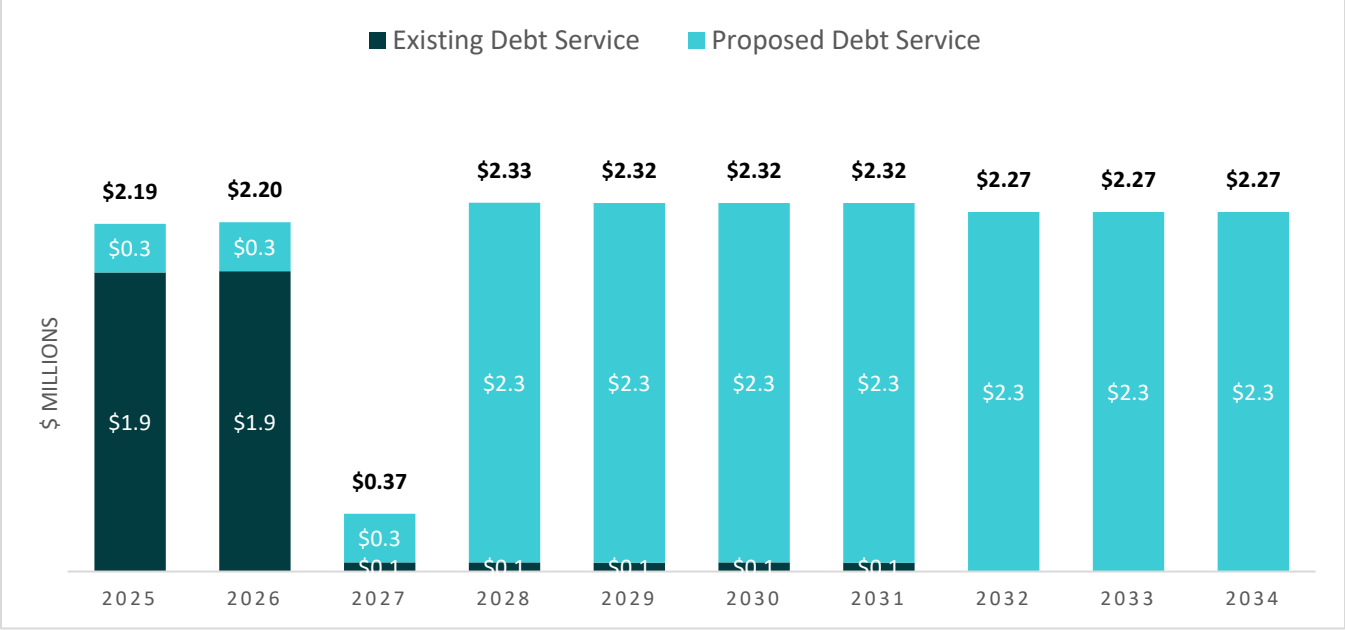


Figure 5. Existing and Proposed Debt Service – Wastewater Enterprise

3 Financial Policy Considerations

Delaware has built a strong financial position through effective management, budgeting, and capital planning. The City's goal is to maintain this position and implement financial policy targets that can be used to guide long-term decision making. Financial objectives which were used as a guide in developing the forecast include:

a. Generating annual revenues at least equal to annual expenses
b. Maintaining unrestricted cash balances equal to 300 days of total expenses
c. Meeting or exceeding all debt coverage requirements

4 Financial Plan & Rate Recommendations

Developing a financial planning forecast is, at its most basic structure, the process of aligning the projection of system revenues with the projection of system expenditures. The financial planning process included a broad review of the various factors and requirements that drive the operations and policies of the utility, as described in earlier sections of the report, and is completed with the recommendation of user charges and capacity fees that support the operational, capital, and policy needs of the utility.

The financial plan has been developed by forecasting the system's projected revenues and expenses for the next ten years. As discussed previously, the total revenue is comprised of user charges (minimum charge and volumetric charge), capacity fees, and miscellaneous revenues. The total expense is comprised of O&M costs, cash-funded capital projects, revenue bonds, and SRF loans. Raftelis proposed water and wastewater rate increases to consider in the near future.

4.1 Water Financial Plan

The water system financial plan projects a need for 6% annual user charge increases from 2026 to 2030 and 5% increases in the following years. These increases apply to the minimum charges for all meter sizes, as well as the volumetric charges. Capacity charge revenue is budgeted at $5.0 million in 2025. The forecast assumes $3.0 million of annual capacity charge revenue. The water system financial plan is presented in Figure 6.

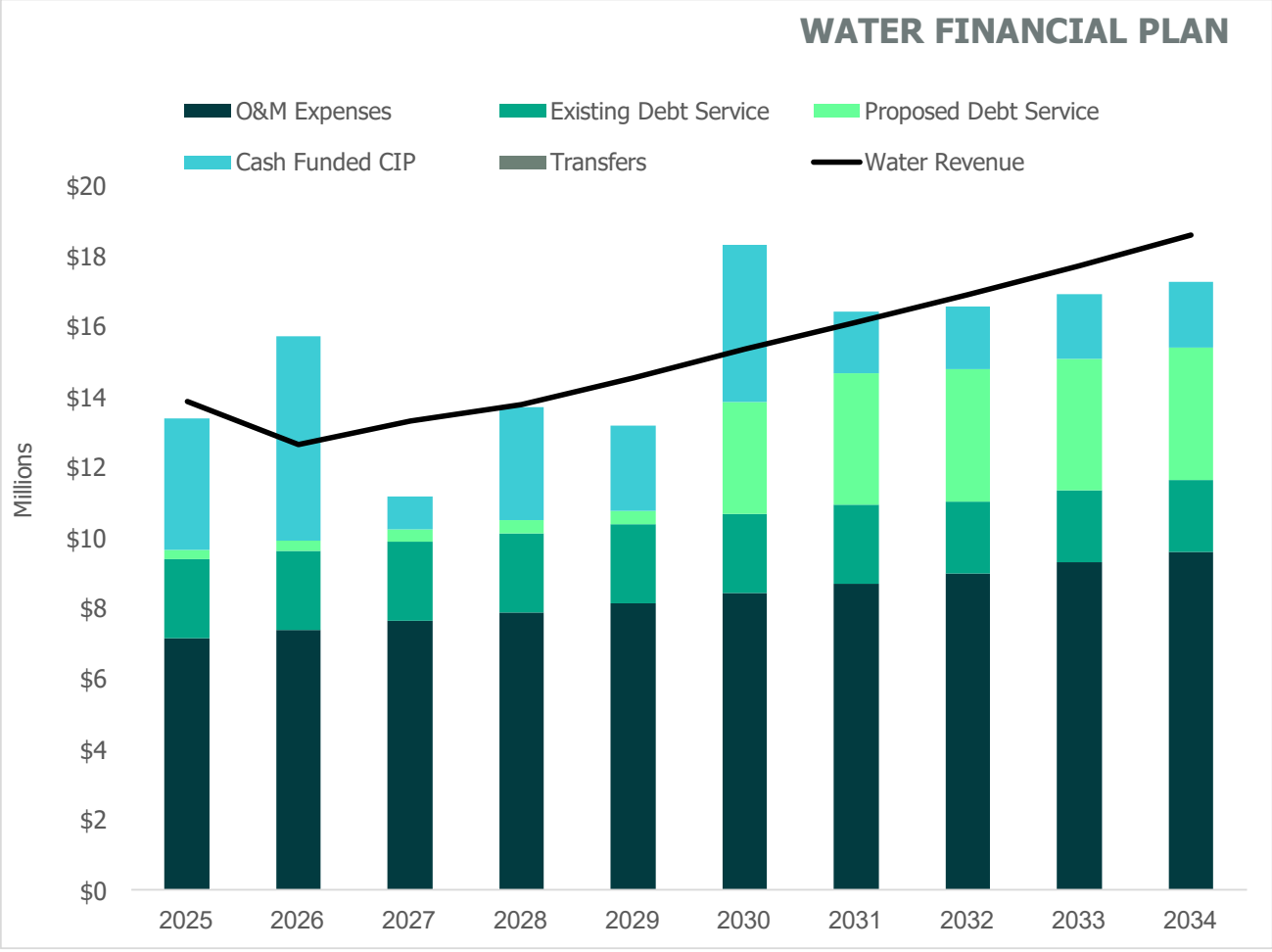


Figure 6. Water Financial Plan

Under this rate scenario, revenues are projected to increase from $13.9 million in 2025 to $18.6 million in 2034. These increased revenues are needed to support the projected future operating expenses, to finance the capital project needs, and to maintain cash reserves and debt service coverage levels. Figure 7 projects the water total debt service coverage over the next ten years.

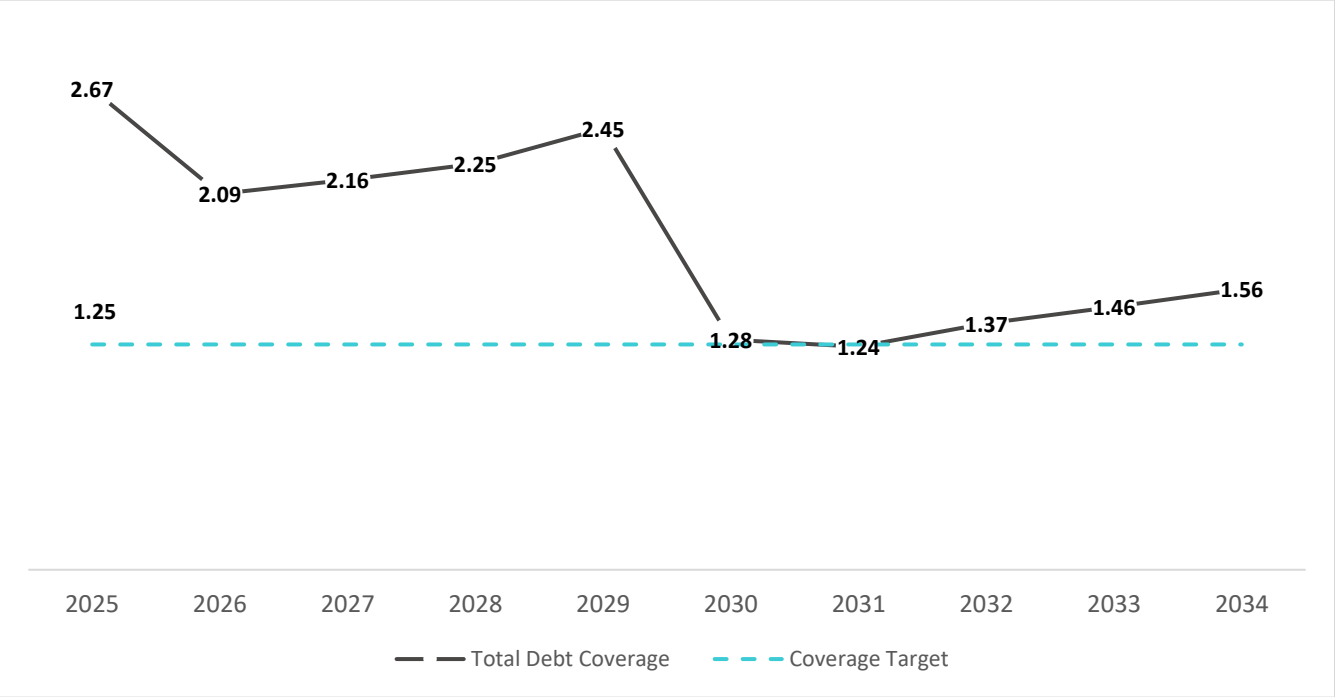


Figure 7. Debt Service Coverage - Water

The financial plan targets 180 days of cash on hand in the operating fund, and 300 days of total unrestricted cash. Cash reserves can be used in the event of unforeseen capital or operating expenses, to help smooth projected rate increases, and to finance capital projects. Figure 8 shows the projected days of cash on hand throughout the forecast period.

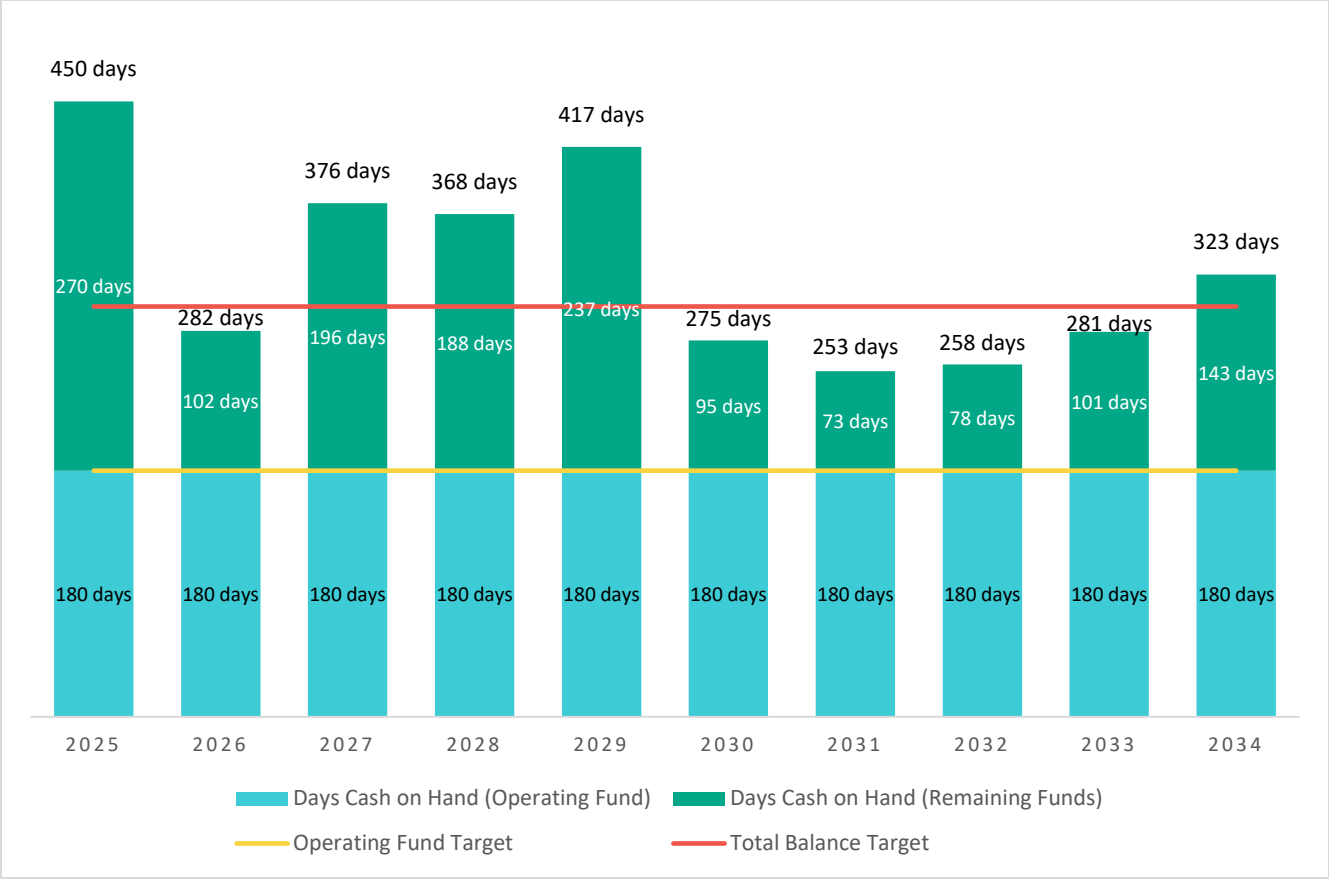


Figure 8. Projected Cash Reserves – Water

Under this rate scenario, the projected cash on hand in the operating fund stays at the target level. The total cash reserves are projected to dip below the total target level in 2030, and then reach back over 300 days of cash in 2034. Delaware should continue to monitor how the capital projects are being funded and whether they can afford the projects with cash reserves. The capital plan projects capital spending over the next ten years based on all information known currently and variations in development and growth could vary significantly from this projection. However, if growth does not materialize as projected, Delaware will have the flexibility to defer projects to meet the new timing without impacting the financing significantly.

4.2 Wastewater Financial Plan

The wastewater system financial plan does not project a need for rate increases through 2030. From 2031 onward, annual increases of 1% were incorporated into the forecast. Capacity charge revenue is budgeted at $3.7 million in 2025. The forecast assumes $2.0 million of annual capacity charge revenue. The wastewater system financial plan is presented in Figure 9.

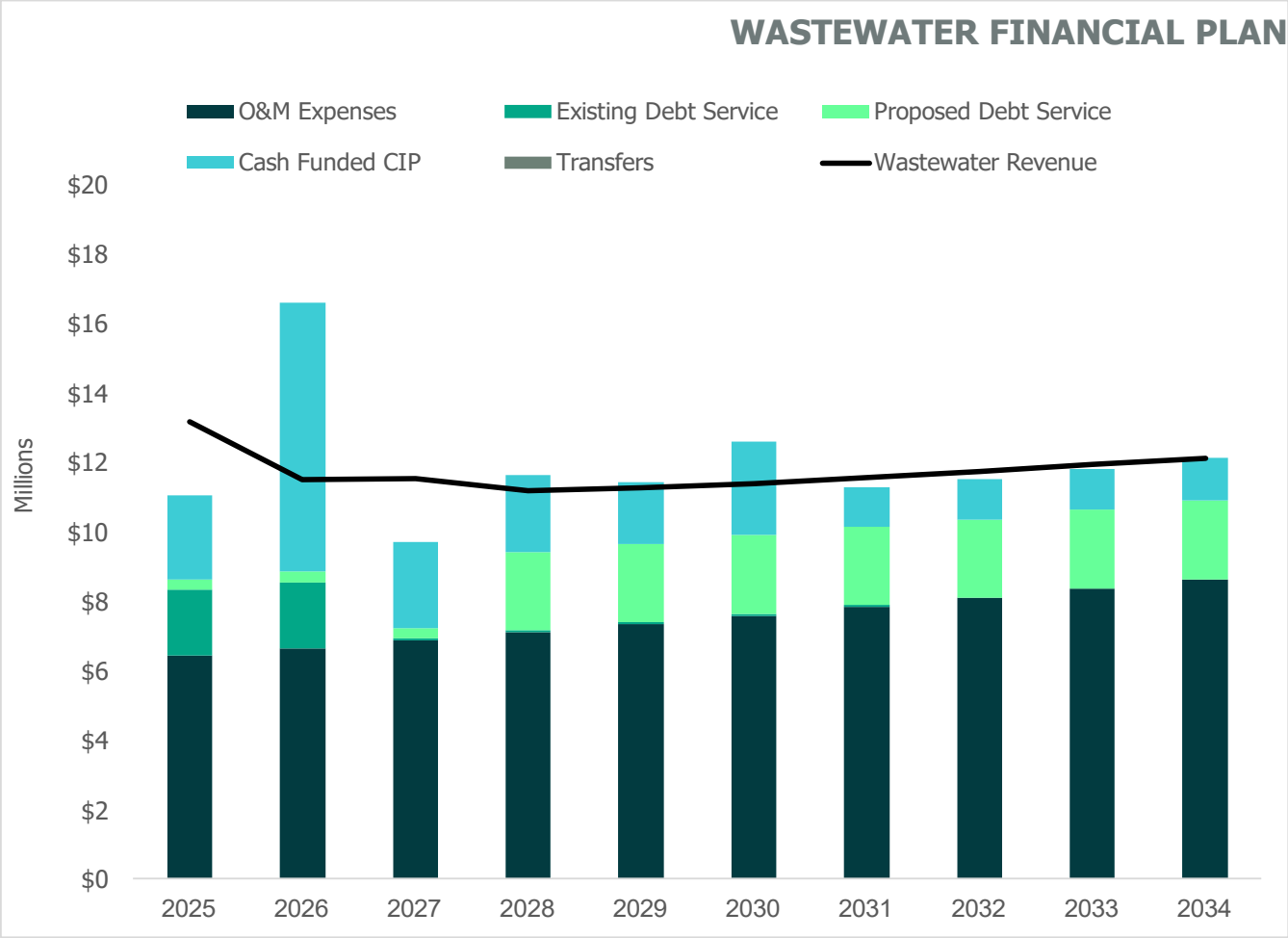


Figure 9. Wastewater Financial Plan

Because the projected rate increases and customer growth are minimal, revenues are projected to remain fairly steady throughout the 10-year forecast. Figure 10 projects the wastewater total debt service coverage over the next ten years. As shown, the 1.25x debt coverage target is exceeded through 2034. Coverage improves significantly in 2027 due to the full repayment of existing debt in 2026, prior to the start of proposed debt service payments.

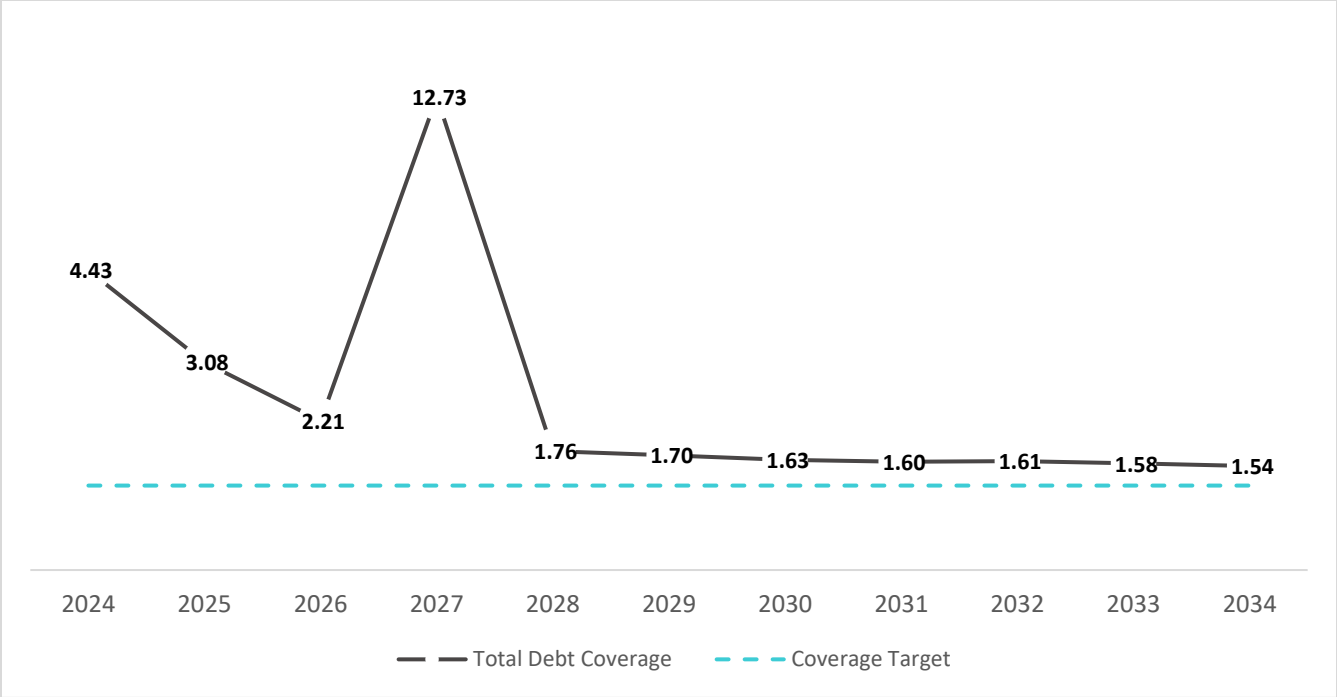


Figure 10. Debt Service Coverage – Wastewater

Similar to the water system, the financial plan targets 180 days of cash on hand in the operating fund, and 300 days of cash on hand in the entire system.

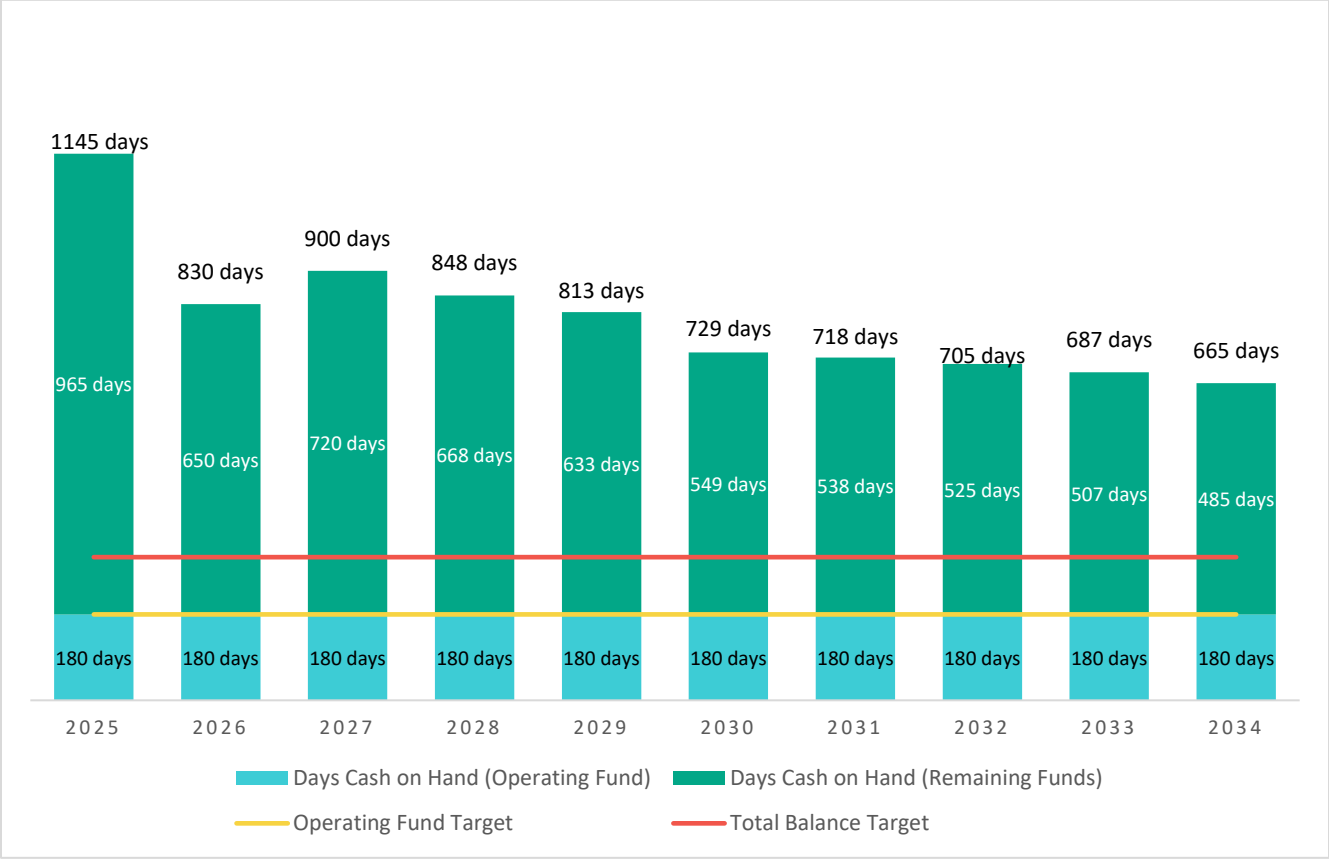


Figure 11. Projected Cash Reserves – Wastewater

Under this rate scenario, the projected days of cash on hand for both the operating fund and the entire system stays above target levels through 2034. Like the water system, Delaware should continue to monitor how the capital projects are being funded and whether they can afford the projects with cash reserves.

4.3 Stormwater Rate Increases

Stormwater customers pay a monthly utility service charge, which is based on the number of equivalent residential units (ERUs) for each property. The service charge is currently set at $5.00 per ERU. The financial plan projects a $0.50 increase to the charge in 2026, followed by $0.25 annual increases thereafter. The wastewater system financial plan is presented in Figure 12. As shown, revenues in 2026 through 2028 are insufficient to fund planned utility expenses, while revenues in future years well exceed expenses. Thus, the City should consider spreading its capital expenditures more evenly throughout the forecast period to prevent revenue and fund balance shortfalls.

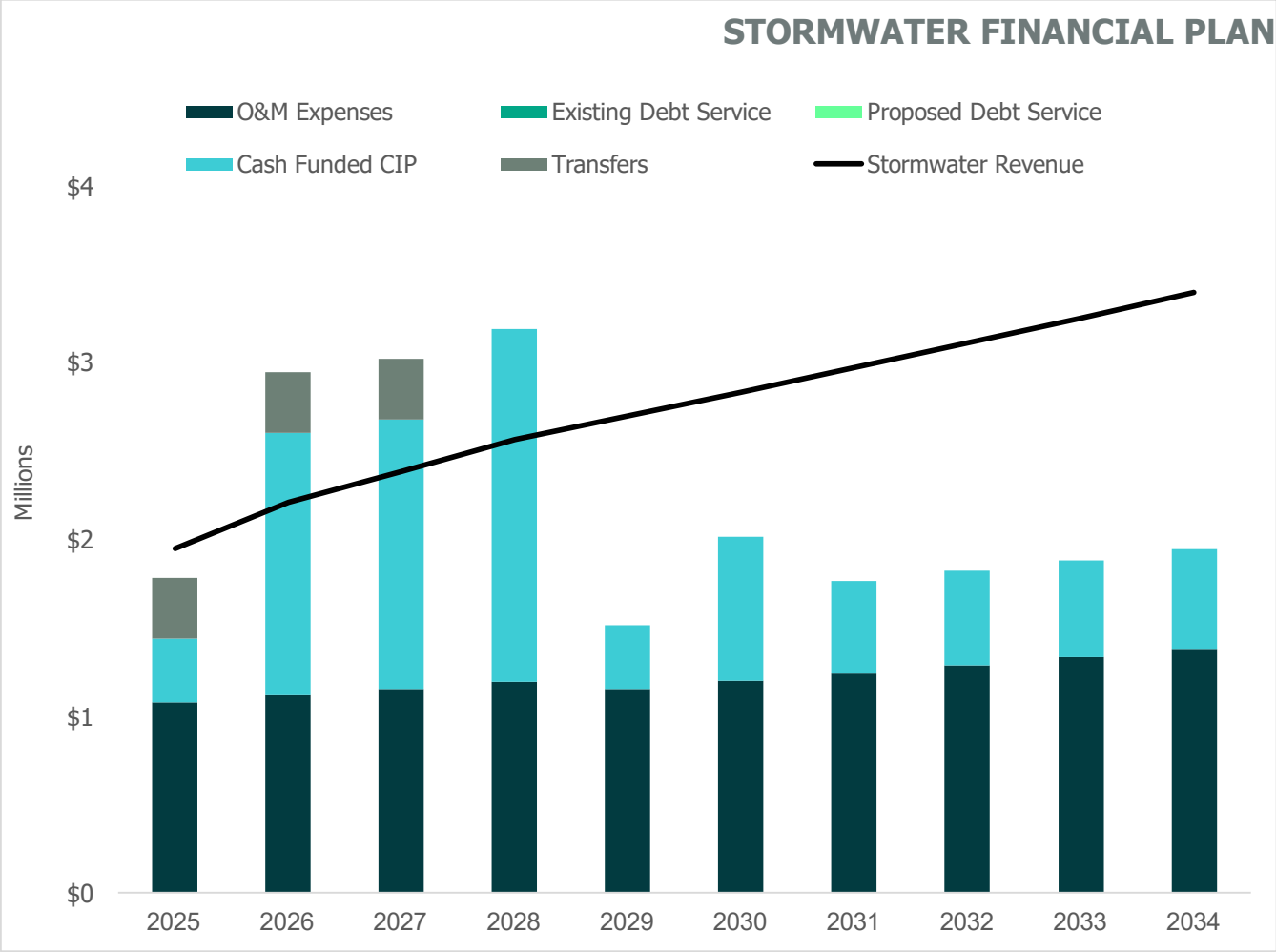


Figure 12. Stormwater Financial Plan

5 Rate Plans & Water Rate Design Alternative

5.1 Water, Wastewater, and Stormwater Proposed Rates

The proposed rates meet the operational and capital requirements of the water, wastewater, and stormwater systems while balancing the long-term impact on customer bills.

Table 7. Proposed Water Rates

User Charge	2025	2026	2027	2028	2029	2030
Minimum Charge						
5/8”	$ 13.15	$ 13.94	$ 14.78	$ 15.67	$ 16.61	$ 17.61
3/4“	$ 19.73	$ 20.91	$ 22.16	$ 23.49	$ 24.90	$ 26.39
1”	$ 32.88	$ 34.85	$ 36.94	$ 39.16	$ 41.51	$ 44.00
1 1/2”	$ 65.75	$ 69.70	$ 73.88	$ 78.31	$ 83.01	$ 87.99
2”	$ 105.20	$ 111.51	$ 118.20	$ 125.29	$ 132.81	$ 140.78
3”	$ 197.25	$ 209.09	$ 221.64	$ 234.94	$ 249.04	$ 263.98
4”	$ 328.75	$ 348.48	$ 369.39	$ 391.55	$ 415.04	$ 439.94
6”	$ 657.50	$ 696.95	$ 738.77	$ 783.10	$ 830.09	$ 879.90
8”	$ 1,052.00	$ 1,115.12	$ 1,182.03	$ 1,252.95	$ 1,328.13	$ 1,407.82
Volume Rates ($/CCF)						
Tier 1 (0-2 CCF)	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Tier 2 (2-30 CCF)	$ 5.16	$ 5.47	$ 5.80	$ 6.15	$ 6.52	$ 6.91
Tier 3 (30-470 CCF)	$ 3.62	$ 3.84	$ 4.07	$ 4.31	$ 4.57	$ 4.84
Tier 4 (>470 CCF)	$ 2.50	$ 2.65	$ 2.81	$ 2.98	$ 3.16	$ 3.35

* There is a 50% additional charge for all water service outside the City limits. *

Table 8. Proposed Wastewater and Stormwater Rates

User Charge	2025	2026	2027	2028	2029	2030
Wastewater Minimum Charge	$ 13.44	$ 13.44	$ 13.44	$ 13.44	$ 13.44	$ 13.44
Volume Rates ($/CCF)						
Tier 1 (0-2 CCF)	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Tier 2 (>2 CCF)	$ 5.52	$ 5.52	$ 5.52	$ 5.52	$ 5.52	$ 5.52
Stormwater Charge (per ERU)	$ 5.00	$ 5.50	$ 5.75	$ 6.00	$ 6.25	$ 6.50

The next table shows the bill impacts for a typical, residential customer that uses 4 CCF per month. The combined bill is projected to increase by about $10 over the 5-year forecast.

Table 9. Sample Bills for a Residential Customer

User Charge	2025	2026	2027	2028	2029	2030
Water Bill (4 CCF)	$ 23.47	$ 24.88	$ 26.38	$ 27.97	$ 29.65	$ 31.43
Wastewater Bill (4 CCF)	$ 24.48	$ 24.48	$ 24.48	$ 24.48	$ 24.48	$ 24.48
Stormwater Bill (1 ERU)	$ 5.00	$ 5.50	$ 5.75	$ 6.00	$ 6.25	$ 6.50
Total Bill	**$ 52.95**	**$ 54.86**	**$ 56.61**	**$ 58.45**	**$ 60.38**	**$ 62.41**
% Change		*3.61%*	*3.19%*	*3.25%*	*3.30%*	*3.36%*

5.2 Water Rate Design Alternative

Raftelis engaged in several discussions with City staff in order to ascertain its highest pricing objectives, which were to incentivize water conservation, encourage economic development, and keep bill impacts manageable to low-volume residential and to non-residential customers. Based on these objectives, Raftelis explored an alternative rate structure in which the volumetric component of the water rates is segregated by customer class, so that each class of customer has a distinct structure. For residential customers, the proposed alternative rate structure features an inclining block structure with the tier thresholds at 2 CCF, 6 CCF, and 10 CCF. A uniform rate is proposed for master-metered multi-family and non-residential customers. This uniform rate is equal to the lowest residential volumetric rate. The rate alternative is revenue neutral, meaning it is designed to generate the same amount of user charge revenue as the original financial plan. A comparison between the 2026 forecasted rates with the current structure and the alternative rate option is shown below.

Table 10. Water Rate Design Alternative

	2026 Forecasted Rates		Alternative Rate Option	
	Cutoff (CCF)	Rate	Cutoff (CCF)	Rate
Residential (Tier 1)	2	$0.00	2	$0.00
Residential (Tier 2)	30	$5.47	6	$4.08
Residential (Tier 3)	470	$3.84	10	$6.12
Residential (Tier 4)	X	$2.65	X	$8.16
Master-metered (Tier 1)	2	$0.00	2	$0.00
Master-metered (Tier 2)	30	$5.47	30	$4.08
Master-metered (Tier 3)	470	$3.84	470	$4.08
Master-metered (Tier 4)	X	$2.65	X	$4.08
Non-Residential (Tier 1)	2	$0.00	2	$0.00
Non-Residential (Tier 2)	30	$5.47	30	$4.08
Non-Residential (Tier 3)	470	$3.84	470	$4.08
Non-Residential (Tier 4)	X	$2.65	X	$4.08

Raftelis developed a rate design model to assess customer bill impacts under the alternative rate option. Under this option, residential customers using 11 CCF or less per month would see lower bills due to the significant reduction in the volumetric rate for usage up to 6 CCF. Likewise, mastered and non-residential customers using 192 CCF or less per month would benefit from reduced volumetric rates for usage up to 30 CCF.

Using historical billing data, Raftelis evaluated the effect of the alternative rate structure on individual customer bills. The analysis indicates that approximately 70% of bills would decrease, while about 24% would remain unchanged. The remaining 6% of bills correspond to residential customers using more than 11 CCF per month and mastered and non-residential customers using more than 192 CCF per month.

The table below shows the bill impacts for a typical, residential customer after applying the rate design modification. In 2026, the combined bill would decrease by about $1. This is because the customer gets a discount on the second usage tier and pays $4.08 per CCF instead of $5.47 per CCF. Using the alternative rate option, the combined bill is projected to increase by about $6 over the 5-year forecast.

Table 11. Sample Bills for a Residential Customer (Alternative Rate Option)

User Charge	2025	2026	2027	2028	2029	2030
Water Bill (4 CCF)	$ 23.47	$ 22.10	$ 23.42	$ 24.83	$ 26.31	$ 27.89
Wastewater Bill (4 CCF)	$ 24.48	$ 24.48	$ 24.48	$ 24.48	$ 24.48	$ 24.48
Stormwater Bill (1 ERU)	$ 5.00	$ 5.50	$ 5.75	$ 6.00	$ 6.25	$ 6.50
Total Bill	**$ 52.95**	**$ 52.08**	**$ 53.65**	**$ 55.31**	**$ 57.04**	**$ 58.87**
% Change		*-1.64%*	*3.01%*	*3.09%*	*3.13%*	*3.21%*

6 Conclusions & Recommendations

The City is committed to delivering excellent and reliable service to its customers, both now and into the future. Continued investment in the system is essential to uphold these service standards and to accommodate projected growth. The financial plan outlined in this report provides the revenues necessary to support this commitment, with rate adjustments designed to maintain the system's strong financial position while minimizing impacts on customers and preserving a healthy environment for continued development.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**7:10 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-63**
SUBJECT:	Ordinance No. 25-63, an ordinance approving a request by the City of Delaware for approval to repeal and replace Title Three – Utilities of the Streets, Utilities and Public Services Code within the City of Delaware Codified Ordinances.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Ord 25-63 Title Three - Utilities.docx
Ord 25-63 Title 3 - Utilities Code Update.doc
Exhibit A.pdf
Exhibit A_Clean.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 9 | DATE: 11/10/2025

ORDINANCE NO: 25-63 | RESOLUTION NO:

READING: SECOND | PUBLIC HEARING: YES **(November 10, 2025 at 7:10 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget & Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A REQUEST BY THE CITY OF DELAWARE FOR APPROVAL TO REPEAL AND REPLACE TITLE THREE – UTILITIES OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE WITHIN THE CITY OF DELAWARE CODIFIED ORDINANCES.

BACKGROUND:
To streamline the end of year fee review, the Finance and Budget departments recommended revising several sections of Title Three – Utilities to move user fees and service charges to the Fee Schedule in Section 197.02 of the Delaware Codified Ordinances.

During this review, staff realized that changes were needed to the Code to update it and also to meet EPA guidelines. The Finance, Budget, and Public Utilities Departments worked together to draft the attached Code changes to meet all of these needs.

REASON WHY LEGISLATION IS NEEDED:
Title Three – Utilities of the Streets, Utilities, and Public Services Code must be repealed and replaced by Council.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Alycia Ballone, Director of Management, Budget, and Procurement
Perry Mickley, Acting Public Utilities Director
Rob Alger, Finance Director

RECOMMENDATION:
Approval at third reading

ATTACHMENT(S)
Ordinance 25-63
Exhibit A

ORDINANCE NO. 25-63

AN ORDINANCE APPROVING A REQUEST BY THE CITY OF DELAWARE FOR APPROVAL TO REPEAL AND REPLACE TITLE THREE – UTILITIES OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE WITHIN THE CITY OF DELAWARE CODIFIED ORDINANCES.

WHEREAS, the Public Works – Public Utilities Committee, at its meeting of September 23, 2025 reviewed changes by the City of Delaware to repeal and replace Title Three – Utilities of the Streets, Utilities, and Public Services Code within the City of Delaware Codified Ordinances, and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. Title Three – Utilities of the Streets, Utilities, and Public Services Code set forth in attached "Exhibit A" is hereby approved and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN____

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

TITLE THREE UTILITIES

CHAPTER 911. UTILITIES GENERALLY[1]

911.01. Utility deposit required.

(a) Upon written application and a one-hundred dollar ($100.00) utility deposit filed with the ~~Director of Public Utilities~~Utility Billing Department, the ~~Department of Public Works~~ Public Utilities Water Department shall proceed to do those things necessary for the furnishing of water, sanitary sewerage or refuse service to the premises for residential rental properties only.

(b) In cases where more than one commercial or domestic rental premises is served by a single utility service, the City reserves the right to assess a utility deposit proportionate to the number of multiple services provided.

(c) In cases where an account does not receive all of the above services, the Director of ~~Public Utilities~~ Finance may proportionately reduce the aforementioned utility deposit.

(d) The City may waive the utility deposit for a property owner having a "good payment record" as defined in Section 911.02, who desires temporary City utility services for the cleaning and/or maintenance of such owner's rental property.

~~The property owner will pay a twelve dollar and fifty cent ($12.50) turn-on charge in advance, before the utility services will be granted. A bill for the specific amount of City utilities used will be assessed to the property owner at the next regular billing.~~

(e) A utility deposit will not be required of those property owners who move to another property in the City after having established a "good payment record", as defined in Section 911.02, for a two-year period.

(Ord. 81-34. Passed 8-10-81; Ord. 21-58. Passed 9-13-21)

911.02. Utility deposit returned.

Any person who has paid a utility deposit to the City may request the return of such deposit after a two-year period with a good payment record. "Good payment record" means the account has not been declared delinquent, as provided in Section 911.04.

(Ord. 81-34. Passed 8-10-81)

911.03. Billing for City utilities service.

Water, sewerage and refuse rates shall be billed on the first day of each billing cycle, as established by the Director of ~~Public Utilities~~Finance, and shall be due and payable upon receipt.

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[1]State law reference(s)—Nonpayment of sewer charges - see Ohio R.C. 729.49; Assessment and collection of water rents - see Ohio R.C. 743.04

(Ord. 76-47. Passed 11-22-76)

911.04. Penalty for nonpayment.

(a) If a City utility (water, ~~s~~Storm water, sewerage or refuse) bill is not paid on or before the due date, such utility bill shall be declared delinquent and the Director of ~~Public Utilities~~ Finance shall add a ten percent (10%) penalty charge to such bill.

(b) If a payment on a utility bill is returned by the paying bank, for any reason, a $25.00 fee shall be assessed to the customer's account.

(c) If a customer has more than three returned payments in a rolling calendar year, the City reserves the right to only accept payments of cash.

(Ord. 81-34. Passed 8-10-81; Ord. 83-31. Passed 5-23-83; Ord. 21-58. Passed 9-13-21; Ord. 24-96. Passed 12-16-24)

911.05. City's remedies for nonpayment.

(a) In the event of nonpayment, the City shall have the right to discontinue water service by the 15th day of the following month from the original due date on a delinquent account to such premises supplied by the City's Waterworks System, until such unpaid water, sewage or refuse charges have been paid in full. In cases where the premises are not serviced by the City's Waterworks System, the City shall have the right to remove or close sewer connections until full payment is made.

(b) In the event utility service is discontinued to any residential or commercial account due to nonpayment of any utility bill, the City shall assess a fifty dollar ($50.00) charge on the customer's account.

(c) If services have been discontinued and the payment made to restore services is returned, the City has the right to discontinue services again and require a cash only payment.

(d) Each utility (water, sewerage or refuse) charge levied by the City is made a lien upon only owner occupied premises charged therewith and if the same is not paid within sixty days after it is due and payable, or the premises is for sale, in foreclosure or vacated, whichever occurs first, it shall be certified to the County Auditor so as to cause such charge to be collected at the next succeeding tax collection. The County Auditor shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and it shall be collected as other taxes are collected.

(Ord. 10-72. Passed 10-25-10; Ord. 21-58. Passed 9-13-21; Ord. 24-96. Passed 12-16-24)

CHAPTER 913. WATER REGULATIONS[2]

[2]State law reference(s)—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., Ch. 6111; Compulsory water connections - see Ohio R.C. 729.06, 743.23; Management and control of water works - see Ohio R.C. 743.02 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; Water supply - see OAC 4101:2-51-37; Backflow - see OAC 4101:2-51-38; Private water systems - see Ohio R.C. 3701.344 et seq.

913.01. Water main extensions.

(a) It is hereby determined that the entire cost, less any cost hereinafter excepted, of any resident petitioned water main extension, valves, fire hydrants and necessary appurtenances granted by Council shall be levied and assessed upon the lots and lands bounding and abutting upon the water main extension in proportion to the front footage or benefits received, as may be determined by Council, or by both such proportions or benefits.

~~(b) The cost of any water main extension included within an intersection of streets, as determined by street right-of-way lines or extensions thereof, shall be paid from Water Division funds or as may be otherwise determined by Council. The additional cost of any water mains, valves, fire hydrants and necessary appurtenances larger than six inches in diameter shall be paid from Water Division funds or as may otherwise be determined by Council.~~

(c) A private party may construct a main extension to the municipal water system upon submitting plans and specifications to the ~~Director of Public Works~~City Engineer of the proposed construction, and receiving an approval from the Director of Public ~~Works~~ Utilities for such construction. The main extension shall be under the direct supervision and inspection of the ~~Director of Public Works~~City Engineer or his designated representative, and such supervisor shall be paid by the party constructing the new main extension.

(d) The City ~~, one year after the written~~shall accept the extension as part of the distribution system in accordance with the Acceptance of Public Improvements Procedures in Section 1111.17. ~~acceptance by the Director of Public Works of the main so constructed, shall by ordinance of Council accept such main extension as part of the distribution system of water of the City. It shall be free of all indebtedness of construction before the acceptance by ordinance.~~

~~(e) Upon the acceptance by ordinance, the City shall have full jurisdiction of ownership, usage, relocation, repair and maintenance of the main extension and it shall be used the same as any and all parts of the distribution system heretofore constructed.~~

(1967 Code Sec. 913.01)

913.02. Conditions of furnishing water service.

(a) Water service shall be furnished by the Water Division ~~only~~ upon ~~written application~~ request ~~filed with~~ to the Utility Billing Department ~~Director of Public Utilities~~, and only in such manner and upon such terms and conditions as set forth elsewhere in this chapter. ~~In~~ With the ~~application~~request, each ~~applicant~~ requestor shall assume full responsibility for the payment of all water charges and other charges incidental thereto, and such responsibility shall not be terminated until the ~~Water Division~~Utility Billing Department has received a formal notice ~~in writing~~ that the service no longer is desired, ~~and~~ a final bill has been rendered by the City, and paid in full by the ~~applicant~~requestor.

(b) Water service shall not be furnished to any applicant who is indebted to the City for ~~water~~ services supplied, work done, materials furnished or penalties imposed, whether at the premises for which the application is made or at any other premises supplied by the ~~Water Division~~City of Delaware, until such indebtedness is paid in full.

(1967 Code Sec. 913.02)

913.03. Furnishing service where facilities do not exist.

(a) At the time of application for new service, the applicant shall pay a tap fee as follows:

Size of Tap (inches)	City Makes Tap	Owner/Contractor Makes Tap
¾ or ⅝	$~~700.00~~800.00 + meter cost	Meter + inspection fee
1	$~~800.00~~1,000.00 + meter cost	Meter + inspection fee
Over 1	Total Cost	Meter + inspection fee

~~On all services larger than one inch installed by the City, the applicant shall pay two hundred dollars ($200.00) at the time of application of the tap and the balance of the tap fee within thirty (30) days of billing.~~

(b) The City reserves the right to assess any additional costs incurred in providing an applicant water service due to unusual circumstances.

(c) The City Manager shall periodically post current prices of water meters, service fees and inspection and testing charges according to a determination of City costs.

(d) At such time as the owner, builder or occupant requests that the new service be activated via installation of the water meter the appropriate utility deposit, as required by Section 911.01, shall be made at the City Utility Billing Office.

(Ord. 81-34. Passed 8-10-81; Ord. 17-11. Passed 3-27-17)

913.04. Temporary water service; deposit.

Temporary water service may be acquired by contractors, builders, or others by written application filed with the ~~Director of Public Utilities~~Utility Billing Department, at which time a deposit shall be made as follows:

Outlet Size (inches)	Cost
1 or less	$75.00
More than 1	$150.00

Such deposit shall be returned to the applicant at the termination of his usage less a fee for establishing water service, provided that all bills have been paid for the use of the water. If any damage occurs, the cost of repairing the same will be charged on a time and material basis and will be deducted from the original deposit.

If temporary service is taken from a fire hydrant, the Water Division shall install a valve to be used by the applicant for controlling the usage of water. At no time shall the applicant open, close or tamper with the fire hydrant. The applicant shall be responsible for any damage to the hydrant caused by any infraction of the provisions of this section.

(Ord. 81-34. Passed 8-10-81)

913.05. Temporary discontinuance of water service.

A water utility customer may request that service be temporarily discontinued by turning the water off at the street. In processing such requests, the ~~City Utility Office~~Utility Billing Department shall collect a twenty-five dollar ($25.00) fee ~~in advance~~. This fee shall cover City costs involved in the temporary discontinuance and re-establishment of water service.

(Ord. 81-34. Passed 8-10-81)

913.06. Private fire protection service.

Private fire protection service taps through a sprinkler system or other type system shall be installed by the property owner at ~~his~~ their expense. Such tap of the water main and installation to the property line shall first be approved by the Director of Public Utilities in writing after plans have been submitted to ~~him~~ them for the purposed installation.

(1967 Code Sec. 913.06)

913.07. Charge for water tap outside City.

~~On all water taps outside the corporate limits of the City, an additional charge of fifty percent (50%) shall be made.~~

~~This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.~~

(Ord. 01-130. Passed 10-8-01)

913.08. Tap serving more than one consumer.

The City reserves the right to furnish service to more than one consumer from the same tap, such tap to be sufficiently large to furnish water in volume as required by each and all consumers. Each consumer shall pay the regular tapping charge according to the size pipe line that shall be installed to his individual meter.

(1967 Code Sec. 913.08)

913.09. Depth of water main.

All water services shall be not less than three and one-half feet deep at all points from the finish grade.

(1967 Code Sec. 913.09)

913.10. Installation of water mains in sanitary sewer ditches.

Sanitary sewer ditches may be used for installation of water service lines, provided that at least a distance of one and one-half feet above and to either side of such sanitary sewer line is maintained at all points of the installation. If these conditions cannot be met, the water service line shall be installed in a separate ditch not less than two feet from any other ditch which has been used for any other purposes.

(1967 Code Sec. 913.10)

913.11. Maintenance of water mains.

(a) The City shall maintain all water mains, and services from the mains to the curb box, provided that the distance from the main to the curb box does not exceed sixty feet. The consumer shall maintain the remainder of the water line to the point of consumption. Upon notification by the Water Division of any leak, the consumer shall repair the leak within a reasonable time. Failure to do so shall be justification for the Water Division to discontinue water service.

(b) The Water Division shall have the right to maintain and repair existing water lines belonging to the City which are on private property.

(Ord. 81-34. Passed 8-10-81)

913.12. Maintenance and repair of fire hydrants.

The City shall maintain and repair all hydrants belonging to the City. All fire hydrants owned by private parties shall be maintained and repaired by the owners.

(1967 Code Sec. 913.13)

913.13. Meter rules and regulations.

(a) Required. Each and every water service shall be provided with the proper size meter furnished by the Water Division.

(b) More Than One Customer on One Service. If more than one customer is supplied water from one main service, there shall be a separate shut-off valve installed on each individual service.

(c) Accessibility. All meters shall be installed in a suitable and accessible place. In case no suitable place for the meter can be found within the building served, an approved meter pit shall be furnished by the applicant for such meter installation.

(d) Meter Shutoff. All meters shall have a shut-off valve installed on each side of the meter and, on all meters larger than one inch, an approved bypass shall be installed. The bypass shall be sealed by the Water Division. The seal shall not be removed except by Water Division employees except by written approval of the Director of Public Utilities.

(e) Inspections. The City reserves the right of the Water Division to make inspections or checks of installations at all reasonable hours. Refusal of inspection rights shall automatically be authority for discontinuance of service.

(f) Tampering Prohibited. No person shall cut, break, tamper or remove any seal placed on a water meter, connection or bypass. Where any evidence of tampering with the seal, meter or its connections is found, service may be discontinued immediately at the discretion of the Director. Water service shall not be restored until an estimate of the water used has been paid in full.

(g) Installation. No meter shall be set and service turned on unless there is at least one adult at the place of service, such party to check all faucets and outlets for water and see that they are properly closed. The Water Division will not be responsible for any damage incurred due to failure of the consumer to make such check.

(h) Protection. Meters shall be properly protected against hot water warping of the measuring chamber by check valves installed on hot water lines at the proper points by the property owner. Meters shall be properly protected against freezing by the property owner. If the water meter is damaged due to freezing or hot water blow back, a service charge shall be made and the repair or replacement costs of the meter will be charged to the property owner.

(i) Removal of Meter. When service is discontinued and the meter removed, the Water Division shall not be responsible for the draining of water lines, plumbing or fixtures.

(j) Testing of Meters. Upon written request of a customer, and his agreement to pay all costs involved in testing, the Water Division shall test the meter in question either at the place of consumption or at the Department of Public Utilities.~~Works.~~ At least one adult customer shall be present when the test of such

meter is made. Upon test, the meter shall register within plus or minus two percent for five-eighths inch to two-inch meters. Over two-inch meters shall register plus or minus five percent (5%). However, if the meter is inaccurate under the above conditions, the water service charge shall be adjusted for the amount of overcharge and no charge for the testing of the meter shall be made. If the meter is found to be accurate according to the above standards, the customer shall pay a fee for the testing of such meter.

(1967 Code Sec. 913.14; Ord. 81-34. Passed 8-10-81)

913.14. Rates for water service inside City.

The ~~following~~ rates ~~shall be~~ charged for water furnished by the City to users inside the corporate limits of the City~~. The minimum charge for the first 200 cubic feet per month shall be:~~ are listed in the f~~r~~ee schedule found in Section 197.02.

~~Meter Size (inches)~~	~~As of May 1, 2012~~	~~As of May 1, 2017~~	~~As of Jan 1, 2023~~	~~As of March 1, 2025~~
~~5/8~~	~~$10.36~~	~~$10.98~~	~~$12.52~~	~~$13.15~~
~~¾~~	~~$15.56~~	~~$16.49~~	~~$18.80~~	~~$19.73~~
~~1~~	~~$23.01~~	~~$24.39~~	~~$27.80~~	~~$32.88~~
~~1 ½~~	~~$46.66~~	~~$49.46~~	~~$56.38~~	~~$65.75~~
~~2~~	~~$65.23~~	~~$69.14~~	~~$78.82~~	~~$105.20~~
~~3~~	~~$134.41~~	~~$142.47~~	~~$162.42~~	~~$197.25~~
~~4~~	~~$216.78~~	~~$229.79~~	~~$261.96~~	~~$328.75~~
~~6~~	~~$373.17~~	~~$395.56~~	~~$450.94~~	~~$657.50~~
~~8~~	~~$656.84~~	~~$696.25~~	~~$793.73~~	~~$1,052.00~~

Credit shall be provided for those with meter sizes higher than domestic or operating use necessitates.

For consumption in excess of the minimum, regardless of meter size charges ~~shall be:~~ are applied as listed in the fee schedule found in Section 197.02.

	~~Rate per 100 Cubic Feet~~	~~Rate per 100 Cubic Feet~~	~~Rate per 100 Cubic Feet~~	~~Rate per 100 Cubic Feet~~
~~Consumption (Cubic Feet)*~~	~~As of May 1, 2011~~	~~As of May 1, 2012~~	~~As of May 1, 2017~~	~~As of Jan 1, 2023~~
~~Minimum to 3,000~~	~~$3.61~~	~~$4.08~~	~~$4.32~~	~~$4.92~~
~~3,001 to 47,000~~	~~$2.53~~	~~$2.86~~	~~$3.03~~	~~$3.45~~
~~47,000 and over~~	~~$1.75~~	~~$1.98~~	~~$2.10~~	~~$2.39~~

~~* Consumption is rounded off to nearest 100 cubic feet.~~

(Ord. 10-13. Passed 4-12-10; Ord. 17-11. Passed 3-27-17; Ord. 22-108. Passed 12-8-22; Ord. 24-99. Passed 1-13-25)

913.15. Rates for water service outside City.

There shall be added to the schedule of rates ~~set forth~~authorized in Section 913.14 a fifty percent (50%) additional charge for all water service outside the City limits.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(Ord. 01-131. Passed 10-8-01)

913.16. Billing and payment for water service.

The water service charge levied by Sections 913.14 and 913.15 shall be billed as provided in Section 911.03.

(Ord. 72-43. Passed 7-24-72)

913.17. Cross connections and bypasses.

(a) No person shall make or install any type of cross connection between any source of private water supply and the supply furnished by the City through the Municipal Waterworks System. Upon written notice, the Municipal supply may be discontinued until such cross connection is removed, and service will not be restored until the Director of Public Utilities approves the connections so changed.

(b) No person shall install a bypass where water may be used without passing through the meter, except as provided in Section 913.04.

(c) No person shall install a section of pipe between meter connections in place of the meter, except by written permission of the Director of Public Utilities. If such section of pipe is found installed without permission, water service shall be discontinued immediately.

(Ord. 81-34. Passed 8-10-81)

913.18. Injuring, defacing waterworks.

No person shall tamper with, mar, deface, injure, break or obstruct the use of any machinery, pipe, hydrant, valve, plug, storage facility or other fixture or part of the Waterworks System.

(Ord. 81-34. Passed 8-10-81)

913.19. Unlawfully turning water on or taking water.

(a) No person, not duly authorized, shall turn on or cause to flow the water from any hydrant, valve, plug or other fixture of any waterworks, when such hydrant, valve, plug or other fixture is lawfully placed in any street or alley or elsewhere in the City. This provision shall not apply when water is turned on for the purpose of preventing damage by fire.

(b) No person shall take water from any stream, body of water, well or cistern, except by permission of the person owning or having charge of the same.

(1967 Code Sec. 913.20)

913.20. Capacity fee.

(a) No person shall make a service connection to the City's water system or any part thereof, unless a permit to do so has been issued by the City.

(Ord. 04-34. Passed 4-26-04)

(b) The following capacity fee shall be charged for permits issued to connect into the City water system and shall be paid upon issuance of said permit.

(1) All properties connecting to the City of Delaware water system shall be assigned an equivalent dwelling unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of 360 gallons.

A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.

B. All master metered multi-family residential properties connecting to the water system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the Single Family Equivalent (SFE) value that follows:

Single-Family
Equivalent Values

1 bedroom	.63
2 bedrooms	.75
3 bedrooms	.88
4 + bedrooms	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

C. All properties connecting to the water system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by 360 gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).

(2) The water capacity fee is $4,912 per EDU which shall be effective from June 1, 2021.

(3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12-month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than $1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

(4) The water utility system capacity fee charge for all properties connecting to the water system which are not residential properties and whose estimated daily water consumption is greater than 50,000 gallons per day shall be determined based on an evaluation made of the specific impact on the water utility system for said connection.

(Ord. 06-33. Passed 4-10-06; Ord. 21-19. Passed 4-12-21)

(c) Existing customers or new water connection permits issued for properties located outside of the City limits will be charged the above mentioned fee on condition that the owner of the property to be served shall, within sixty days of the time said property becomes contiguous to the City of Delaware, prepare and file or join in the preparation and filing of an annexation petition pursuant to Ohio R.C. 709.02 for such property to be annexed to the City of Delaware. The failure of any such non-resident water customer to comply with this condition shall be grounds for immediate termination of water service to the property.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(d) In the event a meter is enlarged, the difference between the charges for the two meter sizes shall be paid.

(e) Subsection (b) hereof shall not apply to the holder of a building permit issued prior to the effective date of this section for which capacity fees have been paid and actual connection to the water system occurs within six months after the issuance of such permit.

(Ord. 04-34. Passed 4-26-04)

(f) Water system capacity fees shall be deposited into the City's Water Capacity Fee Fund.

(Ord. 06-33. Passed 4-10-06)

(g) The capacity fees will be evaluated and updated annually.

(Ord. 04-34. Passed 4-26-04)

913.21. Contracts; trunk water line capacity.

The City Manager may, ~~following proper authorization~~with sufficient budget appropriation authorized by ~~from~~ Council, enter into a contract with a developer of property whereby the City agrees to pay the cost of trunk water line capacity beyond that capacity needed to properly serve the area of development.

(Ord. 72-91. Passed 12-11-72)

913.22. Sewage auxiliary meters.

The Water Division may permit the installation of acceptable additional water meters at the expense of users of the sanitary sewer service. Such meters shall be installed, in all possible instances, in a manner which will determine the quantity of water not entering the sewer system. Where feasible, metering systems shall be installed to measure that water used for sanitary purposes only. The following conditions shall apply:

(a) Requests for installations of auxiliary metering systems shall be in writing from the consumer. Requests shall include the number of meters wanted, meter sizes and the type of application where meters will be installed.

(b) All measuring systems shall measure in cubic feet and shall be of a manufacturer or make approved by the Director of Public ~~Works~~Utilities. ~~A list of recommended manufacturers is to be supplied by the Director.~~Meters will be purchased from the Department of Public Utilities, at direct cost from the manufacturer, and are~~is~~ subject to stock availability from supplier.~~.~~

(c) All meters shall be equipped with ~~an outside remote readout except in those cases where such installation is not feasible.~~ a~~A~~utomated meter reading capabilities.

(d) Locations of outside remote readouts shall comply with Water Division policy unless a Water Division remote is already in use, in which case the sewer auxiliary remote shall be located adjacent to the Water Division remote.

(e) A preliminary inspection and review of plans, if required, shall be accomplished prior to the installation of any auxiliary metering system to determine which application is most feasible.

(f) All auxiliary metering system installations shall be inspected and approved by the Water Division before acceptance and incorporation into the existing water and sewer billing procedures.

(g) If a used metering system is to be installed, that system shall measure in cubic feet. Used metering systems shall be tested and approved by the Water Division for accuracy.

(h) Auxiliary meter connections to a piping system shall comply with Water Division policy to facilitate future removal for periodic accuracy testing.

(i) All piping supplying the water to be deducted shall be exposed between the meter and point of use, unless otherwise approved by the City.

(j) The piping and meter shall be accessible for Water Division employees' inspection at all reasonable times.

(k) All existing and future auxiliary meters shall be the property of the user. The City reserves the right to test the meter periodically.

(l) Final determination for the method and manner of flow measurement is the responsibility of the Director. Following approval and installation, such metering devices shall not be altered or removed without consent of the Water Division.

(m) The City retains the right to request that plans be submitted by a professional engineer certifying that no water within the proposed system shall enter the sewer system.

(Ord. 87-56. Passed 4-27-87)

913.23. Charges established for sewage auxiliary meters.

There shall be a one-time inspection fee of twenty-five dollars ($25.00) to be paid prior to installation of the system.

(Ord. 87-56. Passed 4-27-87; Ord. 20-40. Passed 7-27-20)

913.24. Declaration of water emergency; penalty.

(a) The City Manager shall have the authority to declare a water emergency whenever he determines that the City water supply is at a dangerously low level.

(b) The provisions of this section shall apply to all persons using water both inside and outside the City, and regardless of whether any person using water has a contract for water service with the City. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind, for the purposes of this section.

(c) The City Manager is authorized to establish the uses that shall be limited or prohibited, including, but not limited to the following:

(1) The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation;

(2) The washing of automobiles, trucks, trailers or any other kind of motor vehicle or mobile equipment;

(3) The washing of sidewalks, driveways or other outside surfaces;

(4) The washing and cleaning of any business or industrial equipment and machinery;

(5) Swimming and wading pools not employing a filter or recirculating system or other pools as required;

(6) Business and industrial uses.

(d) No person shall fail to comply with the orders of the City Manager issued pursuant to this section.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 88-63. Passed 6-20-88)

913.25. Rates for water purchased for ~~resale~~bulk consumption.

The rate for the sale of all water intended for ~~resale~~bulk consumption, ~~in excess of the minimum rates provided in Section 913.14, shall be at the rate of two dollars and twenty cents ($2.20) per 100 cubic feet, for bills rendered as of January 1, 1989.~~ Shall be at the nonresidential rate table established in the fee schedule in Section 197.02.

(Ord. 88-117. Passed 11-14-88)

913.26. Backflow prevention and cross-connection control.

There is hereby adopted by the City, for the purpose of preventing backflow and providing cross-connection control in the public water system, Rules 3745-95-01 through 3745-95-08 of the Ohio Environmental Protection Agency Rules and Regulations for Public Water Systems, as were effective November 26, 1980, except that "Director" as defined in Rule 3745-95-01 (K) and "supplier of water" as defined in Rules 3745-95-01 (W) shall mean the Director of Public Utilities and, further provide that "public water system" as defined in Rule 3745-95-01 (T) shall mean the City public water system.

(Ord. 05-49. Passed 6-13-05)

913.99. Penalty.

(a) Whoever violates any provision of this chapter for which no other penalty is provided is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(b) Whoever violates Section 913.13(f) is guilty of a misdemeanor of the first degree.

CHAPTER 917. SANITARY SEWER REGULATIONS[3]

[3]State law reference(s)—Power to construct sewerage system - see Ohio R.C. 715.40, 717.01; Compulsory sewer connections - see Ohio R.C. 729.06; Sewerage rates - see Ohio R.C. 729.49; 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; Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52; Untreated sewage - see Ohio R.C. 3701.59; Interference with sewage flow - see Ohio R.C. 4933.24; Sewerage districts - see Ohio R.C. 727.44 et seq.; Assessments - see Ohio R.C. Ch. 729; Household sewage disposal systems - see OAC Ch. 3701-29

917.01. Definitions.

As used in this chapter:

(1) "Authority" means the City of Delaware, Ohio enacting and enforcing this chapter.

(2) "The Act" refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. sections 1251 to 1387.

(3) "Best management practices" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in Chapter 917.04 of the City's Ordinance. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(~~2~~4) "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures, in five days at twenty degrees Centigrade and expressed in milligrams per liter (mg/l) by weight.

(~~3~~5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

(~~4~~6) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

(~~5~~7) "Bypass" means the intentional diversion of wastestreams away from any portion of an industrial user's facility.

(8) "Categorical industrial user" means an industrial user subject to categorical pretreatment standards.

(9) "Categorical pretreatment standard" means any national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrail users in specific subcategories, promulgated by the administrator in accordance with section 307 of the act and established under 40 C.F.R. chapter I, subchapter N.

(~~6~~10) "CFR" means the Code of Federal Regulations.

(~~7~~11) "City" means the City of Delaware, Ohio acting through its duly authorized officials and employees.

(~~8~~12) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

(~~9~~13) "Commercial user" means retail or wholesale business establishments that discharge wastewater, as defined in subsection (47) hereof, into the public wastewater treatment system, works and facility.

(~~10~~14) "Connection" means that junction between the sewage collection system in an individual unit as classified herein, and a pipe which is, or is a branch from, the City street sewer.

(~~11~~15) "Discharge" means the discharge of wastewater from premises at its point of entry into the sewage system.

(~~12~~16) "Discharger" means any user who discharges sewage and/or industrial waste into the publicly owned treatment works (POTW) by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.

(~~13~~17) "Domestic sewage" means sewage derived principally from dwellings, business buildings, institutions and the like which originates within the building, including the waste from kitchens, water closets, lavatories, bathrooms, showers and laundries.

(~~14~~18) "Foundation drains" means subsurface drains laid around the foundation of a building either within or outside of the building foundation for the purpose of carrying ground or subsurface water to some point of disposal.

(~~15~~19) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the commercial handling, storage and sale of produce.

(20) "Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source, including but not limited to those regulated under section 307 (b), (c) or (d) of the act.

(~~16~~21) "Industrial user" means an organization which is a source of industrial waste discharged into the POTW.

(~~17~~22) "Industrial waste" means the liquid and water-carried wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments as distinct from domestic wastes.

(~~18~~23) "Institutional/Governmental" means hospitals, nursing homes, schools, City, County, State or Federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works and facility.

(~~19~~24) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; ~~and~~OR,

B. ~~Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal.~~ Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with all of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations)

1. Section 405 of the Act.

2. The Solid Waste Disposal Act (SWDA) 42 U.S.C. sections 6901 to 6992 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA).

3. The Standards for the use and disposal of sewage sludge (40 C.F.R. 503, and Chapter 3745-40 of the Administrative Code).

4. The Clean Air Act (CAA) 42 U.S.C. sections 7401 to 7671.

5. The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 to 2692.

(25) "Local limits" means limits on industrial users, developed by a POTW, that are technically based on site-specific factors to protect the POTW's operations from interference and pass through and to ensure that the POTW's discharges comply with state and federal requirements. Local limits may be expressed as numerical values, narrative statements, best management practices, or a combination of these. Local limits are considered pretreatment standards upon approval by the Ohio EPA.

(26~~0~~) "May" is permissive.

(271) "National Categorical Pretreatment Standard" -Seeor "Categorical Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (C) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(228) "Natural outlet" means outlet, including storm sewers and combines sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(239) "New source" means any of the following:

A. Aany building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that one of the following applies:

A. Construction by an industrial user shall be classified as a new source if:

1. The construction is carried out at a site at which no other source is located,

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

3. The production of wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs A.2 or A.3 of this rule, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction is deemed to commence if the owner or operator has done any of the following: when the following are

1. Bbegun, or caused to begin as part of a continuous on-site construction program in either of the following ways:

1. Installation Any placement or installation or assembly of facilities or equipment, or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for such placement, installation or assembly. Construction is also deemed to commence when the owner or operator of the facility has

eEntered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase, or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(3024) "Nonsanitary flow" means storm water originating from downspouts, storm and groundwater drains and foundation drains.

(3125) "Normal domestic sewage" means sewage which conforms to the definition of "normal sewage" as stated in Section 917.14, and all subsequent amendments thereto.

(3226) "NPDES Permit" (National Pollutant Discharge Elimination System Permit) means a permit issued and monitored by the Ohio Environmental Protection Agency (Ohio EPA) which states the conditions under which the City may discharge treated wastewater to the receiving stream.

(3327) "Pass through" means discharge that exits the POTW into waters of the state in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit.

(3428) "Person" means any individual, firm, company, association, society, corporation or group.

(35) "Pollution prevention" means the use of source reduction techniques in order to reduce risk to public health, safety, and welfare, and the environment, and as a second preference, the use of environmentally sound recycling to achieve these same goals. Pollution prevention avoids cross-media transfers of waste or pollutants and is multi-media in scope. Pollution prevention addresses all types of waste and environmental releases to the air, water, and land.

(3629) "POTW" (publicly owned treatment works) means a treatment works that is owned or operated by a public authority. This definition includes any devices or systems owned by a public entity and used for collection, conveyance, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature owned by a public entity. The term also means the public authority that owns or operates the POTW and that has jurisdiction over the indirect discharges to and from such a treatment works.

(370) "Premises" means any lot, parcel of land or building within or without the corporation limits of the City.

(318) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging, or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except for dilution (as prohibited in Chapter 917.05 of the City's Ordinance). any physical, chemical or biological process which reduces, alters or eliminates the pollutant properties of a wastewater before it is discharged from the site.

(39) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

(3240) "Pretreatment standard" means a discharge limited to pretreatment that is imposed on an industrial user through regulations promulgated by U.S. EPA in accordance with section 307 (b) and (c) of the act, by state or federal regulations, this ordinance, or the industrial user's discharge permit. This term includes all of the following:

A. Categorical pretreatment standards.

B. Prohibited discharges established pursuant to rule 3745-3-04 of the Administrative Code.

C. Local limits developed by the POTW and approved by Ohio EPA.

D. Any enforceable schedule designed to achieve compliance with limits in subparagraphs A-C of this paragraph. means any regulation containing pollutant discharge limits.

(3341) "Public sewer" means any sewer owned by the City, including storm, sanitary or combined sewers.

(3442) "Residential user" means any user discharging domestic wastes from buildings or premises that are used as permanent places for human occupancy such as single-family dwellings, rowhouses, townhouses, mobile homes, garden and standard apartments and high rise apartments. Transient lodging, considered commercial in nature, is not included.

(~~35~~43) "Sanitary sewer" means a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

(~~36~~44) "Severe property damage" means substantial physical damage to property, or substantial damage to the treatment facilities, which would cause them to become inoperable, or substantial and permanent loss of natural resources which cannot reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(~~37~~45) "Sewage" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water.

(~~38~~46) "Sewage system" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "wastewater treatment system".

(~~39~~47) "Shall" is mandatory.

(4~~0~~8) "Significant industrial user" means:

A. Except as provided in subsection (40)B. hereof, "significant industrial user" includes:

1. All industrial users subject to categorical pretreatment standards; and,

2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

B. The Authority may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

(4~~1~~9) "Slug load" means any discharge of a non-routine, episodic nature, including but not limited to an ~~accidential~~accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. ~~pollutant, including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a single extraordinary discharge episode of sufficient volume or strength to cause interference to the POTW.~~

(~~42~~50) "Storm sewer" means a pipe or conduit designed for the purpose of carrying storm, surface, cooling and drainage water from the point of origin to some point of disposal, but which is not intended to carry domestic or industrial sewage.

(~~43~~51) "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering and expressed in milligrams per liter (mg/l) by weight.

~~(44) "The Act" refers to the Federal Water Pollution Control Act, also known as the Clean Water Act.~~

(~~45~~52) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or this chapter because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(~~46~~53) "User" means any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

(~~47~~54) "Wastewater" means the liquid and water-carried waste from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water or storm water that may be present, whether treated or untreated, which is discharged or permitted to enter the wastewater treatment system.

(~~48~~55) "Wastewater treatment system" means the structures, equipment and process required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "sewage system".

(Ord. 92-24. Passed 4-27-92)

917.02. Management and control of sewage treatment plant.

The City Manager is hereby authorized and directed to manage and control the sewage treatment plant in a safe, economical and efficient manner.

(Ord. 84-42. Passed 9-24-84)

917.03. Director's rules and regulations

(a) Council shall make and the City Manager or his designee shall enforce rules and regulations as may be found necessary for the safe, economical and efficient management and protection of the sewerage system and the sewage treatment plant; for the construction and use of house sewers and connections to the sewerage system; for establishing the types and characteristics of sewage, industrial wastes and other matter which shall not be discharged into the sanitary sewerage system; for establishing the types and characteristics of sewer and industrial wastes admissible to the system only after pretreatment; and for otherwise governing the discharge of sewage, industrial wastes and other matter into the system. Such rules and regulations shall have the same force and effect as ordinances when not repugnant thereto or to the Constitution or laws of the State.

(b) The Authority may, at any time deemed necessary, issue a discharge permit or an administrative order to require compliance with any requirement of this chapter, including applicable pretreatment standards, other discharge limits and reporting requirements specifying the terms and conditions under which the users may use the POTW. Such orders may include limitations on wastewater strength, effluent limitations, discharge reporting requirements, self-monitoring requirements, methods of collecting samples, sampling techniques, the terms under which samples are to be analyzed, pretreatment standards, orders on sampling access points, standard conditions and any other term, condition or limitation deemed appropriate by the Authority.

(Ord. 92-24. Passed 4-27-92)

917.04. General discharge prohibitions.

Pollutants introduced into POTWs by an industrial user shall not pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions and the specific prohibitions in this chapter of this ordinance apply to all sources of indirect discharge whether or not the source is subject to other national, state, or local pretreatment standards or requirements.

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the authority:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. For the purpose of this section, prohibited substances shall include, but not be limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.

(b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having a pH less than 5.0 or higher than ten or having any other corrosive property capable of causing damage or hazard to structure, equipment or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems or, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in Section 917.05.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance for hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any wastewater which causes a hazard to human life or creates a public nuisance.

(g) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with their reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State standards applicable to the sludge management method being used.

(h) Any substance which will cause the POTW to violate its NPDES permits.

(i) Any substance with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

(j) Any wastewater having a temperature exceeding 150 degrees Fahrenheit or 65.6 degrees Celsius at the point of sewer connection or which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius or 104 degrees Fahrenheit.

(k) Any slug load, as defined in Chapter 917.01. This includes any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference with the POTW.~~which shall mean any pollutant, including oxygen demanding pollutants (biochemical oxygen demand, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.~~

(l) Any unpolluted water including, but not limited to, storm water, groundwater, roof runoff, subsurface drainage, pooling water or unpolluted industrial process water.

(m) Any wastewater containing any radioactive wastes or isotopes of such ~~half-life~~h~~¥~~alf-life or concentration as exceed limits established by the Authority in compliance with applicable state or federal regulations.

(n) Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin if discharged in amounts that can pass through or cause interference.

(o) Any trucked or hauled pollutants, including industrial and septic wastes, discharged into any location of the sewer system at any time, unless given written permission by the City.

(p) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference with the POTW.

No person, firm or corporation shall be permitted to connect to or discharge wastewater to the City sewage system unless it has been determined by the City that there is sufficient capacity in the system to collect, convey and treat the proposed wastewater discharge of such person, firm or corporation. ~~THe~~The City shall provide permission to discharge prior to commencement of discharge.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Installation of grease, oil and sand interceptors shall be installed by the owner, at the owner's expense. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuous efficient operation at all times.

If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated above and which, in the judgment of the City, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the City may, in its sole discretion reject the wastes; require pretreatment to an acceptable condition for discharge to the public sewers; require control over the quantities and rates of discharge; and/or require payment in addition to published rates to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Section 917.14.

(Ord. 92-24. Passed 4-27-92)

917.05. Limitations on wastewater strength.

(a) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Act, shall be met by all discharges of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the ~~Authority~~City , when the ~~Authority's~~City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

(b) Right of Revision. The Authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary.

(c) Dilution. No discharger shall increase the use of potable or process water in any way nor mix separate wastestreams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards or limitations set forth in this chapter.

(d) Supplementary Limitations. No discharger shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values:

	Concentration

Materials	(UG/L)
Arsenic	200
Cadmium	100
Chromium, Total	4700
Chromium, Hexavalent	300
Copper	1400
Cyanide, Total	600
Lead	1200
Mercury	.9
Nickel	1000
Selenium	200
Silver	200
Sulfides	Removed
Zinc	5800
Toxic Substances	Prohibited

The Authority may impose mass limitations on dischargers where the imposition of such limitations is deemed appropriate by the Authority.

(e) The Authority may convert mass per unit of production limits in pretreatment standards to equivalent mass per day or concentration limits. These equivalent limits shall be deemed pretreatment standards which industrial users will be required to comply with in lieu of promulgated standards.

(Ord. 05-97. Passed 9-26-05; Ord. 18-81. Passed 9-24-18; Ord. 24-04. Passed 2-12-24)

917.06. Licensed person to perform work.

No house sewer shall be constructed nor shall connection be made to a public sewer by any person who has not been authorized or licensed to perform such work.

(Ord. 84-42. Passed 9-24-84)

917.07. Construction regulations; inspection.

The house sewer and connection to a public sewer shall be constructed in ~~the following manner: The house sewer shall be of the best quality salt glazed hub and spigot vitrified pipe or equal, not less than four inches in internal diameter, and shall be laid in an open trench.~~accordance with the engineering standards authorized in Section 903.01. The joints shall be made watertight by a method approved by the City Manager. In order to permit ventilation of the public sewer and house sewer, no trap shall be placed in the house sewer. After the sewer is laid and before it is covered or used, it shall be inspected and approved by the City Manager or his authorized agent.

(Ord. 84-42. Passed 9-24-84)

917.08. Sewer connection required; maintenance of sewer.

(a) No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage, and if a public water main or other water supply

satisfactory to permit use of plumbing is available. When such public sewer and water main or other water supply are accessible or are hereafter made accessible a connection to a public sewer shall be established and used by the owner, agent, lessee, tenant or occupant.

The owner of any premises having a house sewer connected with the public sewer shall maintain this house or lateral sewer the whole distance from the house to the place of connection with the public sewer.

(b) "Accessible", for the purposes of this section, means that a connection to the public sewer can be made by the construction of a sewer lateral not more than 500 feet from the building line.

(Ord. 84-42. Passed 9-24-84)

917.09. Connection order; installation contract authorized.

After the Board of Health has declared the lack of sanitary sewer facilities to be a public health hazard and has ordered a residence connected to a sanitary sewer, the City Manager is authorized to investigate such matter and to enter into a contract with such property owner for the installation of a lateral sewer.

(Ord. 84-42. Passed 9-24-84)

917.10. Installation contract provisions.

The contract referred to in Section 917.09 shall provide as follows:

(a) The balance of such sewer installation cost and any and all unpaid amounts due the City under such agreement and contract shall be paid in not more than thirty equal installations, and shall be paid in addition to the regular sewer rate per year, as provided for in Section 917.14. Such payments shall commence with the next regular monthly sewerage billing after such agreement, and shall be due and payable with each monthly sewerage billing thereafter.

(b) Each property owner entering into an agreement with the City under this section shall specifically consent and agree in writing that any and all unpaid amounts due the City under such contract and agreement shall constitute a lien upon the property served by such lateral sewer. If the payments hereinbefore provided for in subsection (a) hereof shall not be paid within ninety days, they shall be certified to the County Auditor and shall be collected in the same manner as other City taxes and assessments.

(Ord. 84-42. Passed 9-24-84)

917.11. Director's connection regulations: records.

The City Manager is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of sewer connections and inspections thereof. The City Manager shall maintain accurate and complete records of all permits issued for and inspections made of the construction of house sewers and connections to the public sewers and shall note the location of the taps with specificity on the drawing for the sewer lines to which the connection is made.

(Ord. 84-42. Passed 9-24-84)

917.12. Abandonment or removal of connections.

The City Manager shall require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter.

(Ord. 84-42. Passed 9-24-84)

917.13. Connections outside City.

The provisions of Sections 917.01 to 917.12, inclusive, except for the first paragraph of Section 917.08; the provisions of Chapter 901, shall be applicable to all connections to the City sewerage system, although the plumbing facilities connected thereby, the place of connection, or both, are located outside of the City limits.

(Ord. 84-42. Passed 9-24-84)

917.14. Sewerage service charges levied.

(a) Definitions.

(1) "User charge" means the charge assessed users of the sewage system to recover the cost of operation, maintenance and replacement of the sewage collection and sewage treatment system, and the cost of rendering bills and collecting sewer service charges.

(2) "Operation and maintenance costs" means the costs incurred in the act of keeping all facilities for collection, pumping, treating and disposing of sewage, in a good state of repair and functioning properly including the replacement of such facilities when necessary.

(3) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(4) "Debt service" means the funds used for the retirement of and interest on bonds and/or notes authorized and issued by the City to construct sewage system facilities.

(5) "Sewer service charge" means the total charge levied against users of the sewage system for sewer service. The charge shall include user charges plus the cost of debt service.

(b) Sewer Service Charge. There is levied, charged and assessed upon all premises having any sewer connection with the sanitary sewerage system of the City, or otherwise discharging sanitary sewage, industrial wastes or water, either directly or indirectly, into the City sanitary sewerage system, a sewerage service charge payable as provided in this chapter. Except as otherwise hereinafter provided, sewerage service charges shall be based on the quantity of water used or consumed thereon or therein as the same is measured by the City water meter there in use, and such charges shall be determined ~~as follows:~~ in the fee schedule in Section 197.02.

~~(1) User charges.~~

	~~May 1, 2010~~	~~May 1, 2011~~
~~*First 200 Cubic Feet Per Month - Minimum*~~		
~~General Administrative Cost~~	~~$1.17~~	~~$1.20~~
~~Operation, Maintenance and Replacement~~	~~$2.91~~	~~$3.00~~
~~Debt Service~~	~~$2.45~~	~~$2.52~~
~~Total User Charge per 100 Cubic Feet~~	~~$6.53~~	~~$6.72~~

Over 200 Cubic Feet Per Month		
Operation, Maintenance and Replacement	$2.91	$3.00
Debt Service	$2.45	$2.52
Total User Charge per 100 Cubic Feet	$5.36	$5.52

(2) Debt service charges per 100 cubic feet: $2.52.

(3) Minimum charges. The minimum monthly charge shall be: $13.44.

(4)(1) Annual review of charges. The sewer service charge and user charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs and annual cost of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the City will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to operation, maintenance and replacement costs of wastewater treatment services.

(5) In the event a premises discharging sanitary sewage, industrial waste, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Division of Water of the City and the water used thereon or therein is not measured by a City water meter or by a meter acceptable to the Director of Public Utilities, then in each such case the amount of water so used shall be measured and determined by a meter, installed and maintained at the expense of the owner or other interested party, and acceptable to the Director for such purpose, or the owner or other interested party at his option may request the Director to determine the amount of water used or consumed in or on such premises in accordance with accepted engineering practices. The rates set forth herein shall apply and shall be determined by the amount measured by such meter or determined by the Director.

(6) In case a premises discharges industrial waste, either directly or indirectly, into the City sanitary sewerage system, and the Director of Public Utilities finds that it is not practical to attempt to measure such waste by meter, then such waste shall be measured or determined in accordance with accepted engineering practice and in such manner and by such method as he may direct in the light of the conditions and attendant circumstances of the case, in order to determine the sewerage service charge under rates set forth herein.

(7) Any premises making a connection with the sanitary sewerage system and using the same after the first day of any month shall be charged a per diem pro rata amount based on the monthly minimum charge, from the time the connection is made or such discharge into the system is begun, until the commencement of the next following month, except that if the measured service should exceed the prorated minimum charge, the measured rate shall be charged.

(8) All users of the sanitary sewage system shall be billed for sewer service charges. There shall be no free service.

(9) There shall be added to the schedule of user charge rates set forth in section Section 917.14(b)(1)197.02 a fifty percent (50%) additional charge for all sewer service outside the City limits.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(c) Surcharges.

(1) The following terms used in this subsection shall have the meanings ascribed to them as shows:

A. "Normal domestic sewage" means sewage which when analyzed shows by weight a daily average of not more than 250 parts per million of suspended solids and not more than 260 parts per million of biochemical oxygen demand (BOD) or 510 parts per million of chemical oxygen demand (COD). The COD value may be revised if a consistent correlation can be established between BOD and COD of a particular waste.

B. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

C. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees centigrade, expressed in parts per million by weight.

D. "COD" (denoting chemical oxygen demand) means a measure of the oxygen consuming capacity of that portion of the organic matter present that is susceptible to oxidation by a strong chemical oxidant.

(2) Sewage or industrial wastes above normal sewage strength, but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:

A. Total suspended solids; and/or

B. Five-day BOD at twenty degrees centigrade or the COD value.

(3) When either or both the suspended solids and the BOD or COD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

A. Pounds of excess suspended solids per day × 0.38/lb = Suspended Solids Surcharge.

B. Pounds of excess BOD per day × 0.36/lb = BOD Surcharge.

C. Pounds of excess COD per day × 0.19/lb = COD Surcharge.

(4) In addition to the surcharge, the user shall pay the user charges as defined in subsection (b) hereof. The pounds of BOD per day or COD per day and/or pounds of suspended solids per day, above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the City or its authorized representative. In addition to a surcharge on BOD, COD and suspended solids, the City shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system or for any other reason that it deems necessary and appropriate, such as excessively high rates of discharge.

(Ord. 11-23. Passed 3-28-11; Ord. 18-89. Passed 11-12-18)

917.15. Final bill adjustment.

When water service to any premises served by the sanitary sewerage system of the City is discontinued, or any premises so served is disconnected from such system, the City Manager shall cause the water meter for such premises to be read. The sewerage service charge, calculated on the unbilled cubic feet of water consumed as shown by such reading, together with the unpaid balance on any prior bills, shall be billed promptly.

(Ord. 84-42. Passed 9-24-84)

917.16. Authorization for refund.

The Director of Finance shall refund any credit balance or deposit remaining after deducting therefrom any amounts due under Section 917.15 owed by the owner or other interested party in payment for sewer services supplied to such owner or other interested party.

(Ord. 84-42. Passed 9-24-84)

917.17. ~~Sanitary sewerage~~Wastewater fund.

~~The funds received from the collection of sewer service charges stated in Section 917.14 shall be deposited with the Director of Finance, and money so deposited shall be kept in a separate and distinct fund known as the Sanitary Sewerage Fund. When appropriated by Council, it shall be subject to the order of the City Manager, and the City Manager shall sign all orders drawn on the Director of Finance against such fund. Furthermore, for the purpose of maintaining proper records in accordance with U.S. EPA regulations, the Sanitary Sewerage Fund shall be subdivided into the operation and maintenance fund, the replacement fund and the debt service fund. The portion of the sewer service charges which are collected to pay for operation, maintenance and replacement as stated in Section 917.14 shall be recorded in the operation and maintenance and replacement subfunds. The balance of the charges shall be recorded in the debt service subfund. Revenues recorded in the operation and maintenance fund and the replacement fund shall only be used for operation, maintenance and replacement. Likewise, revenues recorded in the debt service fund shall only be used for debt service.~~

All funds received from the collection of sewer service charges, as stated in Section 917.14, shall be deposited with the Director of Finance and maintained in a separate and distinct fund known as the **Wastewater** Fund.

The **Wastewater Fund** shall be used to support the operation, maintenance, and replacement of the wastewater system, and to meet other system-related financial obligations in accordance with applicable U.S. EPA regulations. As needed and as appropriated by Council, funds may be transferred from the Wastewater Fund to the Wastewater Construction Fund to cover the costs of capital improvements, major maintenance, and debt service associated with the wastewater system.

All expenditures from either fund shall be subject to appropriation by Council and disbursed on the order of the City Manager. The City Manager or his designee shall sign all orders drawn on the Director of Finance against these funds.

Both funds shall be managed and accounted for in accordance with applicable federal and state regulations and municipal financial practices.

(Ord. 84-42. Passed 9-24-84)

917.18. Reduction of surcharges when notes and bonds retired.

~~When all notes and bonds issued to finance improvements or extensions of the sanitary sewerage system shall be completely paid and retired, the rates and charges for the use of the system then in effect shall be reduced by a further action of Council so as to reflect the decrease in the City's annual requirements.~~

In the event a surcharge is added to pay for the construction of a major capital project, the surcharge shall be removed once adequate funds are collected to pay off or defease the corresponding debt service.

(Ord. 84-42. Passed 9-24-84)

917.19. Additional charges for trunk sewer benefit.

It is hereby determined and declared to be necessary to expand the sanitary sewage collection system of the City for the protection of the health of the inhabitants of the City, and that a method of financing is necessary in order for the City to accomplish such expansion. In order to establish a financing method that is most equitable to the present and future users of such system and which would prevent the present users of the system, who have borne and are presently bearing the cost of establishing, operating, and maintaining the present system from assuming a disproportionate share of the additional burden of the cost of constructing new trunk sanitary sewers, it is hereby determined and declared necessary to establish, exact, and regulate a charge for trunk sanitary sewer benefit, as hereinafter determined and that such charge shall be in addition to other fees or charges heretofore or hereafter established with respect to such sewers.

(Ord. 84-42. Passed 9-24-84)

917.20. Deposit of funds; use.

~~The funds received from the collection of the charges authorized by Section 917.19 shall be deposited with the Director of Finance and money so deposited shall be kept in the Sanitary Sewerage Fund, debt service subfund, as established by Section 917.17. When appropriated by Council, it shall be subject to the order of the City Manager and the City Manager shall sign all orders drawn on the Director of Finance against such fund. Funds received from such charges authorized under this chapter shall be available for the payment of principal or interest on bonds, or notes in anticipation thereof, issued or to be issued to provide funds with which to pay the cost of improving or extending such sanitary sewerage system, or part thereof, and for the enlargement or extension of the sanitary sewerage system.~~

All funds received from the collection of charges authorized by Section 917.19 shall be deposited with the Director of Finance and maintained in the Wastewater Fund, as established by Section 917.17.

When appropriated by Council, these funds shall be subject to the order of the City Manager, and the City Manager or his designee shall sign all orders drawn on the Director of Finance against the fund.

Revenues collected under this chapter may be used to pay the principal and interest on bonds, or notes issued in anticipation of bonds, for the purpose of improving, enlarging, or extending the wastewater system. As necessary, and subject to appropriation by Council, funds may be transferred from the Wastewater Fund to the Wastewater Construction Fund to support these capital and debt service expenditures.

(Ord. 84-42. Passed 9-24-84)

917.21. Capacity fee.

(a) No person shall make a service connection to the City's sanitary sewer system or any part thereof, unless a permit to do so has been issued by the City.

(Ord. 04-35. Passed 4-26-04)

(b) The following capacity fee shall be charged for permits issued to connect into the City sanitary sewer system and shall be paid upon issuance of said permit.

(1) All properties connecting to the City of Delaware sanitary sewer system shall be assigned an equivalent dwelling unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of 360 gallons.

A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.

B. All master metered multi-family residential properties connecting to the sanitary sewer system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the single family equivalent (SFE) value that follows:

Single-Family
Equivalent Values

1 bedroom	.63
2 bedrooms	.75
3 bedrooms	.88
4 + bedrooms	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

C. All properties connecting to the sanitary sewer system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by 360 gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).

(2) The sanitary sewer capacity fee is $3,145 per EDU which shall be effective from and after June 1, 2021.

(3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12-month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than $1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

(Ord. 06-33. Passed 4-10-06; Ord. 21-18. Passed 4-12-21)

(c) Existing customers or new sanitary sewer connection permits issued for properties located outside of the City limits will be charged the above mentioned fee on condition that the owner of the property to be served shall, within sixty days of the time said property becomes contiguous to the City of Delaware, prepare and file or join in the preparation and filing of an annexation petition pursuant to Ohio R.C. 709.02 for such

property to be annexed to the City of Delaware. The failure of any such nonresident wastewater customer to comply with this condition shall be grounds for immediate termination of sanitary sewer service to the property.

(d) In the event a meter is enlarged, the difference between the charges for the two meter sizes shall be paid.

(e) Subsection (b) hereof shall not apply to the holder of a building permit issued prior to the effective date of this section for which capacity fees have been paid and actual connection to the sanitary sewer system occurs within six months after the issuance of such permit.

(Ord. 04-35. Passed 4-26-04)

(f) Sanitary sewer system capacity fees shall be deposited into the City's Sanitary Sewer Capacity Fee Fund.

(Ord. 06-32. Passed 4-10-06)

(g) The capacity fees will be evaluated and updated annually.

(Ord. 04-35. Passed 4-26-04)

917.22. Inspection ~~and ,~~sampling and permitting.

No person shall discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the Authority and/or to the POTW without having first complied with the terms of this chapter.

The City reserves the right to reject new or modified wastewater discharges from entering the POTW. No industrial users may discharge to the POTW without first obtaining written approval from the City.

(a) Wastewater Discharge Data Disclosure.

(1) General permits disclosure. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter within ninety days after the effective date of this chapter or within ninety days prior to commencing discharge for a new source.

Existing sources, which, due to changes in federal regulations, become classified as categorical after the effective date of this chapter shall file a disclosure form to the Authority within 180 days of promulgation of such federal regulation. This report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule as specified in Section 917.232.

This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof. Disclosure forms are available from the office of the Superintendent of Wastewater Treatment. The Authority shall evaluate the complete disclosure form and data and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Authority shall notify the discharger of the Authority's acceptance thereof.

(2) Disclosure forms. Significant Industrial dischargers shall complete and file with the Authority a disclosure declaration in the form prescribed by the Authority. Such forms shall include, but not be limited to:

A. Identifying information. The name and address of the facility including the name of the operator and owner;

B. Permits. A list of any and all environmental control permits held by or for the facility;

C. Description of operations. A brief description of the nature, average rate of production~~,~~and the ~~standard~~Standard ~~i~~industrial C~~c~~lassification (SIC) code (if applicable) of the operation(s) carried out. This description shall include a schematic diagram of the process, indicating points of discharge to the sanitary sewer from the regulated process;

D. Flow measurement. The measured average and maximum daily flow from each of the following:

1. Regulated process streams.

2. Other wastestreams which are to be used in calculations based on the combined wastestream formula described in 40 CFR 403.6 (e)~~;~~.

The Authority may allow use of estimated flows where deemed appropriate by the Authority.

E. Measurement of pollutants.

1. The user shall identify the pretreatment standards applicable to each regulated process.

2. The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the City) of regulated pollutants in each regulated process. The sample shall be representative of daily operations, and the daily average, and daily maximum levels shall be reported. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the City or the applicable pretreatment standards to determine compliance with the standard.

3. Sampling, whether flow proportioned, time proportioned, grab or multiple grab, shall be done in accordance with the method specified by the Authority.

4. At least one representative sample is required in order to compile the data necessary to comply with the requirements of this paragraph.

5. Samples shall be taken immediately downstream of the pretreatment facility if such facility exists, or immediately downstream of the regulated process if no pretreatment facility exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City.

6. ~~Where deemed appropriate by the Authority, mass values may be substituted for concentration values and/or the combined wastestream formula may be applied to determine compliance with pretreatment standards.~~ The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into

compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule.

The following conditions shall apply to the schedule required by paragraph (b)(E)6 of this paragraph:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Authority.

~~Existing sources which, due to changes in federal regulations, become classified as categorical after the effective date of this chapter shall file a disclosure form to the Authority within 180 days of promulgation of such federal regulation. This report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule as specified in Section 917.232. This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof. Disclosure forms are available from the office of the Superintendent of Wastewater Treatment. The Authority shall evaluate the complete disclosure form and data and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Authority shall notify the discharger of the Authority's acceptance thereof.~~

(3) Standards modification. The Authority reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the Authority with applicable laws and regulations. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the Authority as part of this chapter. All existing sources subject to a National Categorical Pretreatment Standard shall submit a disclosure form, as required by subsection (a)(2) hereof within 180 days after the promulgation of the Standard by the U.S. EPA. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

(b) Reporting Requirement for Discharger.

(1) Compliance date report. Any industrial user subject to categorical pretreatment standards and other industrial users at the discretion of the City Manager shall, within ninety days following the date for final compliance by the discharger with applicable pretreatment standards set forth in

this chapter or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger, submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule. This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof.

(2) Periodic compliance reports. At the discretion of the City Manager, any discharger subject to a pretreatment standard set forth in this chapter or any discharger required to submit periodic compliance reports by ~~the Ohio EPA or~~ the Authority, shall submit to the Authority a report indicating the nature and concentration of prohibited or regulated substances in the discharge. The reports are to be submitted to the Authority during the months of June and December unless required more frequently or different months are specified. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period ~~reported in subsection (b)(1) hereof~~. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Authority, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors may authorize the submission of such reports on months other than those specified above. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration or production data and mass where required by the Authority. Analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. If an industrial user's sampling data indicates a violation, the industrial user shall notify the ~~Control~~ Authority within twenty-four hours of becoming aware of the violation. The industrial user shall then repeat the sampling and analysis as soon as possible and submit the results to the Authority within thirty days unless the POTW samples the industrial user's discharge. The results of additional monitoring beyond the minimum required shall also be included on the next periodic compliance report submitted by the industrial user. This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof.

(3) All industrial users shall promptly notify the Authority in advance of substantial changes in volume or character of discharges, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(P).

In addition, all users shall *immediately* notify the Authority in advance of discharges that could cause problems to the POTW, including any slug loadings by the industrial user.

(4) The reports and compliance schedules required by subsections (a) and (b) hereof shall include the certification statement as set forth in 40 CFR 403.12(l)~~6(A)(2)(ll)~~ and shall be signed by as follows: ~~a responsible corporate officer of the discharger or an authorized representative of that individual. A responsible corporate officer may be:~~

A. By a responsible corporate officer.
For the purpose of this paragraph, a responsible corporate officer means:

(i) ~~P~~president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation ~~, if the industrial user is a corporation;~~

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

B. A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

C. By ~~A~~a duly authorized representative of the responsible corporate officer. A duly authorized representative of the individual in subparagraphs A or B of this paragraph if:

(i) -The authorization is made in writing by the individual described in paragraph (4)A or (4)B;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the City.

D. If an authorization under paragraph C of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph C of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative. ~~shall be an individual in the position of having overall responsibility for environmental matters for the company.~~

5. Sampling Requirements for Reports and Disclosure Forms

The reports required in paragraphs (a) and (b) of this rule shall be conducted in accordance with all of the following:

A. For the Disclosure Form (paragraph (a)) and Compliance Date Report (paragraph (b)(1)) of this rule, a minimum of four grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organics for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a requirement of fewer grab samples. For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless flow-proportional sampling is waived by the Authority. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

B. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the wastewaters regulated by categorical standards mix with other wastestreams prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula

under OAC 3745-3-09(I)(1) and 40 CFR 403.6(e) in order to evaluate compliance with the categorical pretreatment standards.

C. Except as otherwise provided in this rule, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. 136. Where 40 C.F.R. 136 does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the 40 C.F.R. 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling and analytical procedures approved by the director of Ohio EPA.

(i) The reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.

(ii) The Authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(iii) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.

(iv) For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority.

(v) Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented in the industrial user file for that facility or facilities.

(vi) Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows:

a. For hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.

b. For volatile organics and oil and grease the samples may be composited in the laboratory.

c. Composite samples for other parameters unaffected by the compositing procedures as documented in approved U.S. EPA methodologies may be authorized by the Authority, as appropriate.

(D) For the Periodic Compliance Reports required by paragraph (b)(2) of this rule, the Authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(E) If an industrial user subject to the reporting requirement in the Periodic Compliance Reports (paragraph (b)(2)) of this rule monitors any regulated pollutant at the permitted sampling location more frequently than required by the Authority, using the procedures described in paragraph (b)5.C of this rule, the results of this monitoring shall be included in the report.

(c) Monitoring Facilities. At the discretion of the City Manager, any person discharging to the sewage system shall provide and operate at his own expense, a facility acceptable to the Authority to allow inspection, sampling and flow measurement of each sewer discharge to the Authority. Each monitoring

facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, in which case, the Authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility and all sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction shall be completed within 120 days of receipt of the permit by the discharger, unless the Authority provides a different timeline.

(d) Inspection and Sampling. The Authority may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Authority or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination and/or duplication. The Authority shall have the right to place on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(e) Confidential Information. Information and data furnished to the Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information. ~~Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten-day notification is given to the discharger.~~

(f) Industrial wastewater discharge permits shall be issued to all Significant Industrial Users prior to discharging to the City of Delaware's sewer system. Such permits are enforceable and shall contain, at a minimum, the following conditions:

(i) Statement of duration (in no case more than five years);

(ii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing industrial discharge permit to the new owner or operator;

(iii) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;

(iv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

(v) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

(vi) Requirements to control Slug Discharges (see Chapter 917.23).

(Ord. 92-24. Passed 4-27-92)

917.23. Slug Loads and Accidental discharges.

(a) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. A Spill & Slug Discharge Control Plan shall be ~~Detailed plans showing facilities and operating procedures to provide this protection shall be~~ submitted to the Authority for review and shall be approved by the Authority before construction of the facility. The plan shall contain, at a minimum, the following elements:

(i) Description of discharge practices, including non-routine batch Discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under Chapter 917.04 with procedures for follow-up written notification within five days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

Each existing discharger shall complete its plan and submit ~~same~~ the above to the Authority within 180 days after adoption of this chapter. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection plans and operating procedures have been established. Approval by the Authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(b) Categorical and noncategorical dischargers shall notify the Authority immediately upon the occurrence of a "slug load", or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.

(c) Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees of the proper person or agency to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(Ord. 92-24. Passed 4-27-92)

917.231. Bypasses.

(a) Allowable Bypasses. A discharger may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (b) and (c) hereof.

(b) Notification of Bypass.

(1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Authority, if possible, at least ten days before the date of the bypass.

(2) A discharger shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Authority as soon as possible, but in no case more than twenty-four hours after the time the discharger becomes aware of the bypass. A written submission shall also be provided within five days of the time the discharger becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(c) Prohibited Bypasses. The Authority may take enforcement action against a discharger for a bypass, unless;

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

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

(3) The discharger submitted notices as required under subsection (b) hereof.

(Ord. 92-24. Passed 4-27-92)

917.232. Compliance schedules.

When in the opinion of the Director it becomes necessary for industrial users to install technology or provide additional operation and maintenance to meet any condition of this chapter or applicable administrative order, the Director shall require the development of the shortest schedule by which the industrial user will provide this additional technology, operation or maintenance.

(Ord. 92-24. Passed 4-27-92)

917.24. Enforcement.

(a) Emergency Suspension of Service and Discharge Permits. The Authority may for good cause shown suspend the wastewater treatment service to a discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of people, a substantial danger to the environment, an interference with the operation of the POTW, or a violation of any pretreatment requirements established by this chapter. Any discharger notified of the suspension of the Authority's wastewater treatment service shall ~~within a reasonable period of time, as determined by the Authority,~~immediately cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the Authority shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order.

In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority may allow the User to recommence its discharge when the industrial user has

demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in paragraph (b) of this ordinance are initiated against the User.

(b) Revocation of Treatment Services. The Authority may seek to terminate the wastewater treatment services to any discharger which: fails to factually report the wastewater constituents and characteristics of its discharge; fails to report significant changes in wastewater constituents or characteristics; refuses reasonable access to the discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or violates the conditions of this chapter or any final judicial order entered with respect thereto.

(c) Notification of Violation; Administrative Adjustment. Whenever the Authority finds that any discharger has engaged in conduct which justifies termination of a wastewater treatment service, pursuant to subsection (b) hereof, the Authority shall serve or cause to be served upon discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing to the Authority, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary establish a plan for the satisfactory correction thereof.

(d) Show Cause Hearing. Where the violation of subsection (b) hereof is not corrected by timely compliance by means of Administration Adjustment, the Authority may order any discharger which causes or allows conduct prohibited by subsection (b) hereof to show cause before the Authority or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the Authority or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the Authority which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or State law.

(e) Judicial Proceedings. Following the entry of any order by the Authority with respect to the conducts of a discharger contrary to the provisions of subsection (b) hereof, the Attorney for the Authority may, following authorization of such action by the Authority, commence an action for appropriate legal and/or equitable relief.

(f) Enforcement Actions: Annual Publication. A list of all dischargers who were found to be in significant noncompliance during the previous twelve months shall be published annually in the Delaware Gazette. For the purpose of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the instantaneous limit, daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the instantaneous limit, daily maximum limit or the average limit multiplied

by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

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

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

(6) Failure to provide, within thirty days after the due date, required reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

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

(g) Right of Appeal. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Authority on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is made by a discharger and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.

(h) Operating Upsets. Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Authority thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Authority within five days. The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.

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

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(i) A documented and verified bona fide operating upset may be taken into consideration but shall not be an affirmative defense to any enforcement action brought by the Authority against a discharger for any noncompliance with this chapter which arises out of violation alleged to have occurred during the period of the upset.

(j) The remedies provided for in this ordinance are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Authority may take other action against any User when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant User.

(Ord. 92-24. Passed 4-27-92)

917.241. Milestone dates; progress reports.

(a) Where additional pretreatment and/or operation and maintenance activities are required to comply with this chapter or federal categorical pretreatment standards, the discharger shall provide a declaration of the shortest compliance schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(b) The compliance schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter or categorical pretreatment standards including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and all other acts necessary to achieve compliance.

(c) Under no circumstances shall the Authority permit a time increment for any single step directed toward compliance which exceeds nine months.

(d) No later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Authority.

(e) New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. A violation of a compliance schedule shall be regarded as violation of this chapter.

(Ord. 92-24. Passed 4-27-92)

917.25. Records retention.

~~All dischargers subject to this chapter shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.~~

~~(Ord. 84-42. Passed 9-24-84)~~

(a) All industrial users subject to this rule shall retain records of all information resulting from any monitoring activities, regardless of whether such monitoring activities were required by the industrial discharge permit, including documentation associated with BMPs. Such records shall be retained for a minimum of three years and shall include the following for all samples:

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

(2) The dates that the analyses were performed.

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

(4) The analytical techniques or methods used.

(5) The results of such analyses.

(b) In addition to the requirement of paragraph (a) of this rule, any industrial user subject to this rule shall retain all of the following for a minimum of three years:

(1) Any reports submitted to the POTW pursuant to this chapter.

(2) Any documentation of industrial user inspections.

(3) Any record of communications pertaining to compliance with the pretreatment program.

(c) Industrial users subject to this rule shall retain all permits and pollution prevention alternatives (e.g. slug control plan, toxic organic management plan) for as long as these documents are effective and for at least three years after the date on which these documents become ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.

(d) Industrial users shall make the records described in paragraphs (a) to (c) of this rule available for inspection and copying by the POTW and the Ohio EPA. The period of retention described in paragraphs (a) to (c) of this rule shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or the operation of the POTW pretreatment program or when requested by the director.

917.26. Falsifying information.

No person shall make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained in accordance with this chapter, or falsify, tamper with or render inaccurate any monitoring device or method required.

(Ord. 84-42. Passed 9-24-84)

917.27. Recovery of costs incurred by the authority.

Any discharger who, as a result of a violation of any of the provisions of this chapter or who for any reason discharges or causes a discharge producing a deposit or obstruction, causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expense, loss or damage caused by such violation or discharge. The Authority shall bill the discharger for the costs incurred by the Authority for any cleaning, repair or replacement costs caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this chapter enforceable under the provisions of Section 917.24.

(Ord. 84-42. Passed 9-24-84)

917.28. Contracts; trunk sanitary sewer line capacity.

The City Manager may~~, following proper authorization from Council,~~ with sufficient budget appropriation from Council, enter into a contract with a developer of property whereby the City agrees to pay the cost of trunk sanitary sewer line capacity beyond that capacity needed to properly serve the area of development.

(Ord. 87-50. Passed 4-13-87)

917.99. Penalty.

(a) Recovery of Costs by City. Any person or industrial user violating any of the provisions of this chapter or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the POTW or its treatment processes shall be liable to the City for any expense, loss or damage caused by the violation or discharge.

(b) Administrative Penalties.

(1) No person or industrial user shall violate any provision of this chapter or any order of the Authority pursuant to this chapter. The City Manager shall have the authority to assess a penalty for each violation of such order for up to one thousand dollars ($1,000.00) per violation per day. Each day or portion thereof during which any violation occurs shall constitute a separate offense irrespective of whether or not a separate notice of violation is served upon the violator. This provision shall not be construed to prohibit the City Manager from assessing fines in an amount less than one thousand dollars ($1,000.00) if the circumstances, in the estimation of the City Manager, warrant the lesser fine.

(2) Prior to the assessment, the City Manager shall notify the discharger of the violation in writing and shall schedule a time and place to allow the discharger to appear and respond to the allegations. Should the City Manager find that a violation has occurred, the City Manager shall notify the discharger of the assessment and its amount. The discharger shall remit payment to the City Manager within thirty days from the notice of assessment.

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

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

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

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

(c) Civil Penalties. Any person or industrial user who has violated or continues to violate this chapter, industrial wastewater discharge permit, pretreatment standard, pretreatment requirement or any order or permit issued hereunder, shall be liable to the City Manager for a civil penalty of not more than one thousand dollars ($1,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day or portion thereof during which any violation occurs shall constitute a separate offense irrespective or whether or not a separate notice of violation is served upon the violator. In addition to the above described penalty and damages, the City Manager may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses. In the case of monthly or long-term average discharge limits, penalties shall accrue for each day during the period violation.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a industrial user.

(d) Criminal Penalties.

(1) Any person or industrial user who violates any provision of this chapter or any order of the authority pursuant to this chapter shall be deemed guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code. Each day or portion thereof during which any

violation occurs shall constitute a separate offense irrespective of whether or not a separate notice of violation is served upon the violator.

(2) Any person or industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code.

(3) Any person or industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall be guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code.

(e) Injunctive Relief

When the Authority finds that an industrial user has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may petition the ~~[insert name of appropriate Court]~~Delaware County Court of Common Pleas or any other court with competent jurisdiction through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the industrial user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a industrial user.

(Ord. 92-24. Passed 4-27-92)

CHAPTER 925. STORM SEWERS

925.01. City Manager authorized to contract for construction of private storm sewers.

The City Manager, with the advice of the Board of Health, shall determine what watercourses within the City are in such condition as to endanger the health of its citizens and, upon determination that in order to correct such condition repairs or replacements of a portion of such watercourse located upon private property are necessary, the City Manager shall make negotiations with the owner of such property for the correction of such condition. Where it is deemed advisable by the City Manager he may execute a contract with such owner for the completion of the necessary work by the City to be paid for by such owner.

(Ord. 2476. Passed 4-18-55)

925.02. Method of payment.

~~When it is determined by the City Manager that any such owner is unable to pay the cost of such improvement in a single cash payment, he may include provision for installment payments in the contract. In~~

~~contracts in which the total estimated cost of the improvement is less than fifty dollars ($50.00), the final payment shall be due not later than fifty days after the completion of the improvement.~~

~~In contracts in which the total estimated cost of the improvement is fifty dollars ($50.00) or more, the contract may provide for quarterly payments not to exceed ten in number. Such payment shall be billed with the regular quarterly service bill and paid to the Public Utilities Office.~~

(Ord. 2476. Passed 4-18-55)

925.03. Rate of interest; mechanic's lien.

~~All contracts providing quarterly installments shall be further evidenced by a promissory note bearing interest at the rate of eight percent per annum with warrant for confession of judgment. When the City Manager and City Attorney shall deem it advisable, and in all cases in which the estimated cost of the improvement is one hundred fifty dollars ($150.00) or more, the City Attorney shall also take the necessary steps to secure the payment thereof by obtaining a mechanic's lien on the improved premises.~~

(Ord. 2476. Passed 4-18-55)

925.04. Storm sewer connections required.

When storm sewers are accessible, downspouts, catch basins and such other storm drainage facilities as are necessary to remove storm water from the roof and parking areas of newly constructed single-family, multi-family, commercial and industrial buildings, shall be directly connected to such storm sewers by means of underground piping.

When storm sewers are not accessible, storm water drainage from newly constructed single-family, multi-family, commercial and industrial buildings shall be carried away in such a way as not to damage or constitute a nuisance to adjoining property.

(Ord. 97-101. Passed 10-27-97)

925.05. Director may order storm water drainage.

When storm sewers or ditches are accessible to existing single-family, multi-family, commercial and industrial properties, and storm water drainage from such properties is damaging or causing a nuisance to adjoining property, the Director of Public Utilities~~Works~~ may by written notice order the owner of the single-family, multi-family, commercial or industrial property to connect the downspouts, catch basins and such other storm water drainage facilities directly to the storm sewer or ditch by means of underground piping.

When storm sewers or ditches are not accessible to existing single-family, multi-family, commercial and industrial properties, and storm water drainage from such properties is damaging or causing a nuisance to adjoining property, the Director or the Director's designee may, by written notice, order the owner of the single-family, multi-family, commercial or industrial property to provide facilities to carry away storm water drainage in such a way as not to damage or constitute a nuisance to adjoining property.

No person so notified shall fail, neglect or refuse to comply within thirty days of receipt of such notice from the Director or the Director's designee.

(Ord. 97-101. Passed 10-27-97)

925.06. Storm water drainage utility.

(a) Council determines and declares that it is necessary, appropriate and in the public interest to create, and this Council hereby creates, a storm water drainage utility to own, operate, maintain, repair, improve and extend the existing storm water drainage facilities servicing the City and its inhabitants, and improvements to and extension of those facilities, pursuant to the powers and authority provided under the Constitution and laws of the State of Ohio and the Charter and ordinances of the City. The City shall operate its storm water drainage facilities (the Utility) as a public utility and in such a manner as to provide and maintain open drainageways, underground storm sewers and drains and other storm water drainage facilities, equipment and appurtenances necessary, useful or convenient to provide a complete and adequate system of storm water drainage for the City and its inhabitants. Council further determines and declares that:

(1) The improvement of both public and private storm water drainage facilities through or immediately adjacent to new developments shall remain the responsibility of the developers.

(2) The City shall maintain all public storm water drainage facilities located on City-owned land and in public rights-of-way and easements. Public facilities include but are not limited to:

A. Open drainage ways owned by the City or located in public rights-of-way or drainage easements in the City;

B. A piped drainage system and its related appurtenances which have been designed and constructed expressly for use by the general public;

C. Bridges on public streets;

D. Roadside drainage ditches within the public right-of-way along streets; and

E. Flood control facilities (levees, dikes, overflow channels, detention basins, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public.

(3) Facilities not qualifying as public facilities include but are not limited to:

A. Private parking lot storm drains;

B. Storm water retention or detention facilities located on private property;

C. Roof, footing, and area drains;

D. Drains not designed and constructed for use by the general public;

E. Open drainage swales or ditches on private property for which no public easement of record has been granted; and

F. Access drives culverts.

(b) In order to pay the cost of operating, maintaining, repairing, improving and extending the Utility, Council shall establish and impose just and equitable charges on all users of the Utility for the services provided by the Utility. Those charges shall be established by this Council upon completion of a storm water engineering review to determine appropriate charges for the services of the Utility and shall be established at the level necessary to enable the City to pay that portion to be determined by Council of the costs of operating, maintaining, repairing, improving and extending the utility from revenues of the Utility.

(c) Pursuant to and in accordance with Ohio R.C. 5705.09, Council hereby establishes a special fund, to be known as the "Storm Water Utility Fund", for the revenues and expenses of the Utility.

(d) Until other provisions is made by Council, the Director of Public ~~Works~~Utilities shall be the administrator of the Utility, and shall be authorized to develop for approval by Council policies, regulations, standards and financial incentives to promote, regulate and administer the Utility.

(e) If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the provision or any other provision of this ordinance which can be given effect without the invalid provision or application and to this end the provisions are severable.

(Ord. 98-61. Passed 8-10-98)

925.07. Stormwater charges; administrative process structure for funding of operations, maintenance and improvements of stormwater utility.

(a) Monies collected from the Utility Service Charges are to be utilized solely for the operations, maintenance, repair, improvement and extension of the Utility; to provide for the safe and efficient capture and conveyance of storm water; to mitigate the damaging effects of storm water runoff and the correction of stormwater problems; to fund activities of stormwater management, including, but not limited to, design, planning, regulation, education, coordination, inspection and enforcement activities, all for the protection of the public health, welfare, and safety.

(b) Whenever used in this section, the meaning of the following words and terms shall be as follows:

(1) "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting the Stormwater System.

(2) "City" means the City of Delaware, Ohio.

(3) "Credit" means an on-going (as long as the various circumstances which produced the credit have not changed) reduction in a Utility Service Charge given for certain qualifying activities which reduce either the impact of increased Stormwater runoff or reduces the City's costs of providing Stormwater Facilities.

(4) "Detention Facility" means a facility which, by means of a single control point, provides temporary storage of Stormwater runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

(5) "Director" means the Director of Public Utilities of the City, or in the event of a vacancy in the office of Director of Public Utilities, the City Manager of the City.

(6) "Equivalent Residential Unit (ERU)" is a value, equal to 2,773 square feet of measured Impervious Area and is equal to the average amount of Impervious Area of typical single family Residential Properties within the City.

(7) "Impervious Area" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and other materials or artificially com posted so as to produce in the judgment of the Director a non-pervious surface.

(8) "Public Stormwater Open Channel" means all open channels which convey, in part or in whole, Stormwater, and are owned, operated, or maintained by the City; or a Stormwater open channel which has a permanent drainage/stormwater easement owned by the City and drains an area which includes City owned property or right-of-way. A public Stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

(9) "Residential Property" means all single family and two-family properties within the City. Such properties may incorporate a home-business or day-care service consistent with all other City ordinances and regulations and other applicable laws.

(10) "Retention Facility" means a facility which provides storage of Storm water runoff and is designed to eliminate subsequent surface discharges.

(11) "Square Footage of Impervious Area" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all of the Impervious Area using the outside boundary dimensions of the Impervious Area to include the total enclosed square footage, without regard to topographic features of the enclosed area.

(12) "Storm Sewer" means a sewer which carries Stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

(13) "Stormwater" means stormwater runoff, snow melt runoff and surface runoff and drainage.

(14) "Stormwater Facilities" means various Stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

(15) "Stormwater System" means all manmade facilities, structures, and natural watercourses owned by the City, or over which the City has jurisdiction by law to operate or maintain, used for collection and conducting Stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, Public Stormwater Open Channels and pumping stations.

(c) It is hereby determined necessary for the protection of public health, safety, and welfare that a system of charges for Utility service be established which justly and equitably allocates the cost of providing the services of the Utility to each user and property.

(d) Utility Service Charges levied pursuant to this section shall be collected by the Utility Billing Department~~Director~~ and shall be credited to the Storm Water Utility Fund established pursuant to Section 925.06. Notwithstanding other provisions of the City Code, the Director of Public Utilities shall make and enforce such rules and regulations consistent with this section as may be deemed necessary for the safe, economical, and efficient management and protection of the Utility, for the construction and use of the Stormwater System consistent with policies established by Council., ~~and~~ The Director of Finance is responsible for the regulation, collection, rebating and refunding of the Utility Service Charges.

(e) (1) The Utility Service Charges provided for in this section are imposed on each and every lot and parcel of land within the City, and the owner thereof, and are deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Stormwater System. The Utility Service Charges shall be established so as to maintain adequate fund reserves to provide for reasonable expected variations in the collection of Utility Service Charges, in the cost of providing services, and in the demand for services.

Funds will be reviewed annually as part of the regular Fee Schedule (Section 197.02) review.

~~(2) Subsequent to the initial establishment of Utility Service Charges pursuant to this section, the Director in each even numbered year shall prepare a Utility report with recommended Utility Service Charges. This report shall contain data utilized in the determination of the recommended Utility Service Charges and shall be presented to the Council on or before October 1 of each even numbered year for referral to the appropriate committee. The committee shall make a~~

~~recommendation to Council on or before November 15 of each even numbered year concerning the Utility Service Charges to become effective for a two year period beginning January 1 of each odd numbered year.~~

~~(3) The Director shall biennially notify, in conjunction with the billing process, all persons subject to these charges of the Utility Service Charge being charged.~~

(f) (1) For the purpose stated in this section there is hereby charged to each Utility user and property, lot, parcel of land, building or premises (collectively, "Properties") situated within the corporate limits of the City, that is tributary directly or indirectly to the stormwater system, Utility Service Charges determined as provided in this section.

(2) All properties having Impervious Area within the City shall be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, which may be less than one ERU.

(3) All improved single-family Residential Properties are assigned one ERU. A flat rate will apply to all single-family Residential Properties. All improved single-family Residential Properties are determined to include Impervious Area typical of a single-family residence.

(4) All improved two-family Residential Properties are assigned one (1) ERU. A flat rate will apply to all improved two-family Residential Properties. All improved two-family Residential Properties are determined to include Impervious Area typical of a two-family residence.

(5) All properties having an Impervious Area which are not improved single-family Residential Properties or improved two-family Residential Properties are to be assigned by the Director an ERU multiple based upon the properties' estimated ~~v~~Impervious Area (in square feet) divided by 2,773 square feet (one ERU). This division will be calculated to the second decimal place and rounded according to mathematical convention.

(6) The Utility Service Charge is ~~$5.00 per month per ERU which shall be effective from and after March 1, 2025.~~ listed in the fee schedule found in Section 197.02.

(g) The bill for Utility Service Charges shall be rendered on a monthly or annual basis and shall be billed with the monthly bill for other municipal services or billed alone to those persons not billed for other municipal services by the City. Penalties for failing to pay these charges are governed by Section 911.04. ~~. The Utility Service Charges prescribed in this section are due and payable when rendered. If Utility Service Charges are not paid before the second to the last working day of the month in which it was billed, such utility bill shall be declared delinquent and the Director shall add a five percent (5%) penalty charge to such bill. For a final, bill, the penalty for second and subsequent bills shall be two percent (2%).~~

(h) An owner may contest the ERU multiple assigned to the property by filing an appeal with the Director of Public Utilities. The appeal shall be in writing and shall state the grounds for the appeal.

The appeal shall be filed with the Director within 180 days after receipt of notice of the ERU multiple assigned to the property. The Director shall have 90 days to investigate the matter unless the Director determines more time is necessary for the review. The Director shall cause appropriate investigation to be made, determine whether an adjustment of the ERU multiple for the property is necessary, and adjust the assigned ERU multiple if appropriate. The appellant shall be notified in writing of the Director's determination with respect to the appeal and of any resulting adjustment in the amount of the Utility Service Charge.

(i) Each Utility Service Charge and applicable penalty rendered under or pursuant to this section is hereby made a lien upon the property to which it is applicable, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the County Auditor, who shall place the same on the tax duplicate of Delaware County with the interest and penalties allowed by law and be collected as other taxes are collected. As an alternative to collection of a delinquent Utility Service Charge and applicable penalty

pursuant to certification to a the County Auditor, delinquent Utility Service Charges and applicable penalty may be recovered in an action at law by the City.

(j) The Director shall promulgate rules and regulations which allow for a Credit in the Utility Service Charge for properties other than single-family Residential Properties. These rules and regulations may allow, where appropriate, application of the credits retroactive to the effective date of this section. The Director shall have the authority to charge a Utility Service Charge credit application fee, which shall be based upon estimated costs of reviewing, processing and administering the credit application.

(k) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the provision or any other provision of this section which can be given effect without the invalid provision or application and to this end the provisions are severable.

(Ord. 01-06. Passed 3-26-01; Ord. 21-69. Passed 12-13-21; Ord. 24-98. Passed 1-13-25)

925.99. Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

CHAPTER 926. ILLICIT NON-STORMWATER DISCHARGE AND ILLEGAL CONNECTION TO STORM SEWER SYSTEM[4]

926.01. Purpose and scope

(a) The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Delaware through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA).

(b) This regulation applies to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Delaware, except for those discharges generated by the activities detailed in Section 926.05 (a)(1) to (a)(3) of this regulation.

(c) The objectives of this regulation are as follows:

(1) To prohibit illicit discharges and illegal connections to the MS4.

(2) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(d) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law.

(Ord. 12-36. Passed 6-25-12)

[4]Cross reference(s)—Storm sewers - see S.U. & P.S. Ch. 925

926.02. Definitions.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) Best Management Practices (BMPS): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and ~~Educational~~educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPS also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) Community: means the City of Delaware, its designated representatives, boards, or commissions.

(c) Environmental protection agency: means the United States Environmental Protection Agency (USEPA), the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agencies.

(d) Floatable material: means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(e) Hazardous material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) Illicit discharge: means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 926.05 of this regulation.

(g) Illegal connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) Municipal Separate Storm Sewer System (MS4): means conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by the City, that discharges to waters of the united states;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which not part of a Publicly Owned Treatment Works (POTW) is as defined at 40 C.F.R. 122.2.

(i) National Pollutant Discharge Elimination System (NPDES) storm water discharge permit: means a permit issued by the EPA that authorizes the discharge of pollutants to waters of the united states, whether the permit is applicable on an individual, group, or general area-wide basis.

(j) Off-lot discharging home sewage treatment system: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) Owner/operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable

materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) Storm water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) Wastewater: the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 12-36. Passed 6-25-12)

926.03. Conflicts, severability, nuisances and responsibility.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Delaware, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Delaware to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Delaware, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 12-36. Passed 6-25-12)

926.04. City may contract with other agencies.

The City of Delaware may contract with other agencies to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 12-36. Passed 6-25-12)

926.05. Discharge and connection prohibitions.

(a) Prohibition of Illicit Discharge. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising groundwater's; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; small charity washes; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Delaware to be significant contributors of pollutants to the MS4.

Additional, other water sources not containing pollutants may be considered at the discretion of the City Engineer, Director of Public Utilities and/ or the Chief Building Official.

(2) Discharges specified in writing by the City of Delaware as being necessary to protect public health and safety.

(3) Discharges from off-lot household sewage treatment systems permitted by the Delaware General Health District for the purpose of discharging treated sewage effluent in unless such discharges are deemed to be creating a public health nuisance by the Delaware General Health District. In compliance with the City of Delaware Storm Water Management Program, discharges from all off-lot household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(2) This prohibition expressly includes, without limitation connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Ord. 12-36. Passed 6-25-12)

926.06. Industrial or construction activity discharge.

(a) Industrial or Construction Activity Discharge. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Delaware prior to allowing discharges to the municipal separate storm sewer system.

(b) Portable Toilets.

(1) Property owners, occupants, managers or other persons in charge of any premises, office, business establishment, institution, industry, or similar facility, including construction or demolition sites, shall be responsible for the placement and sanitary maintenance of portable toilets.

(2) Portable toilets shall not be located upon any street or public right-of-way without prior approval from the City. Portable toilets shall not be located on, or within twenty (20) feet of a storm drain, or within one hundred (100) feet from any body of water including but not limited to project ponds with over flow devices. Portable toilets shall not be located within eleven (11) feet of a curb and/or gutter. If portable toilet placement is for a period of time lasting longer than one week, and is determined by the City to be vulnerable to tipping from wind, or vandalism, the portable toilet shall be secured by staking or cabling.

(3) Portable toilets shall be installed in a level position and be easily accessible to users.

(4) Where possible, portable toilets shall be located upon natural ground and not on an impervious surface such as concrete or asphalt.

(5) Portable toilets shall not be located whereby a spill or runoff will enter into storm drains or any water system.

(6) Portable toilets are not to be washed down whereby allowing contamination runoff to pollute soil and water resources and create potential human health issues and/or aquatic degradation.

(7) Portable toilets must be cleaned and serviced by a licensed service company at least once per week or when needed to maintain sanitary conditions.

(Ord. 12-36. Passed 6-25-12)

926.07. Monitoring of illicit discharges and illegal connections.

(a) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Delaware shall be permitted to enter and Inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Delaware shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Delaware.

(3) The City of Delaware shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality may be calibrated by the City of Delaware to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or verbal request of the City of Delaware and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Delaware access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Delaware is refused access to any part of the facility from which storm water is discharged, and the City of Delaware demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Delaware may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator. Upon failure to make payment, the charges may be assessed against the property subject to the inspection.

(Ord. 12-36. Passed 6-25-12)

926.08. Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, state waters, or waters of the united states, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the City, by phone, or other method no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications shall be confirmed by written notice addressed and mailed to the City of Delaware within three (3) business days. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and actions taken to prevent its

recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this chapter.

(Ord. 12-36. Passed 6-25-12)

926.09. Enforcement.

(a) Notice of Violation. When the City of Delaware finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Delaware may order compliance by written notice of violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges or illegal connections;

(3) That violating discharges, practices, or operations cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or

(5) The implementation of source control or treatment BMPS.

(b) If abatement of a violation and/or restoration of affected property are required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a notice of violation must meet compliance standards within the time established in the notice of violation.

(d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, the City of Delaware shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision to fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Delaware may petition for a preliminary or permanent injunction restraining the owner/operator to perform abatement or remediation of the violation. Such injunction shall be heard by the City of Delaware Public Utilities/Public Works Committee.

(Ord. 12-36. Passed 6-25-12)

926.10. Remedies not exclusive.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is the discretion of the City of Delaware to seek cumulative remedies.

(Ord. 12-36. Passed 6-25-12)

TITLE THREE UTILITIES

CHAPTER 911. UTILITIES GENERALLY[1]

911.01. Utility deposit required.

(a) Upon written application and a one-hundred dollar ($100.00) utility deposit filed with the Utility Billing Department, the Public Utilities Water Department shall proceed to do those things necessary for the furnishing of water, sanitary sewerage or refuse service to the premises for residential rental properties only.

(b) In cases where more than one commercial or domestic rental premises is served by a single utility service, the City reserves the right to assess a utility deposit proportionate to the number of multiple services provided.

(c) In cases where an account does not receive all of the above services, the Director of Finance may proportionately reduce the aforementioned utility deposit.

(d) The City may waive the utility deposit for a property owner having a "good payment record" as defined in Section 911.02, who desires temporary City utility services for the cleaning and/or maintenance of such owner's rental property.

(e) A utility deposit will not be required of those property owners who move to another property in the City after having established a "good payment record", as defined in Section 911.02, for a two-year period.

(Ord. 81-34. Passed 8-10-81; Ord. 21-58. Passed 9-13-21)

911.02. Utility deposit returned.

Any person who has paid a utility deposit to the City may request the return of such deposit after a two-year period with a good payment record. "Good payment record" means the account has not been declared delinquent, as provided in Section 911.04.

(Ord. 81-34. Passed 8-10-81)

911.03. Billing for City utilities service.

Water, sewerage and refuse rates shall be billed on the first day of each billing cycle, as established by the Director of Finance, and shall be due and payable upon receipt.

(Ord. 76-47. Passed 11-22-76)

[1]State law reference(s)—Nonpayment of sewer charges - see Ohio R.C. 729.49; Assessment and collection of water rents - see Ohio R.C. 743.04

911.04. Penalty for nonpayment.

(a) If a City utility (water, storm water, sewerage or refuse) bill is not paid on or before the due date, such utility bill shall be declared delinquent and the Director of Finance shall add a ten percent (10%) penalty charge to such bill.

(b) If a payment on a utility bill is returned by the paying bank, for any reason, a $25.00 fee shall be assessed to the customer's account.

(c) If a customer has more than three returned payments in a rolling calendar year, the City reserves the right to only accept payments of cash.

(Ord. 81-34. Passed 8-10-81; Ord. 83-31. Passed 5-23-83; Ord. 21-58. Passed 9-13-21; Ord. 24-96. Passed 12-16-24)

911.05. City's remedies for nonpayment.

(a) In the event of nonpayment, the City shall have the right to discontinue water service by the 15th day of the following month from the original due date on a delinquent account to such premises supplied by the City's Waterworks System, until such unpaid water, sewage or refuse charges have been paid in full. In cases where the premises are not serviced by the City's Waterworks System, the City shall have the right to remove or close sewer connections until full payment is made.

(b) In the event utility service is discontinued to any residential or commercial account due to nonpayment of any utility bill, the City shall assess a fifty-dollar ($50.00) charge on the customer's account.

(c) If services have been discontinued and the payment made to restore services is returned, the City has the right to discontinue services again and require a cash only payment.

(d) Each utility (water, sewerage or refuse) charge levied by the City is made a lien upon only owner occupied premises charged therewith and if the same is not paid within sixty days after it is due and payable, or the premises is for sale, in foreclosure or vacated, whichever occurs first, it shall be certified to the County Auditor so as to cause such charge to be collected at the next succeeding tax collection. The County Auditor shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and it shall be collected as other taxes are collected.

(Ord. 10-72. Passed 10-25-10; Ord. 21-58. Passed 9-13-21; Ord. 24-96. Passed 12-16-24)

CHAPTER 913. WATER REGULATIONS[2]

913.01. Water main extensions.

(a) It is hereby determined that the entire cost, less any cost hereinafter excepted, of any resident petitioned water main extension, valves, fire hydrants and necessary appurtenances granted by Council shall be levied

[2]State law reference(s)—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., Ch. 6111; Compulsory water connections - see Ohio R.C. 729.06, 743.23; Management and control of water works - see Ohio R.C. 743.02 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; Water supply - see OAC 4101:2-51-37; Backflow - see OAC 4101:2-51-38; Private water systems - see Ohio R.C. 3701.344 et seq.

and assessed upon the lots and lands bounding and abutting upon the water main extension in proportion to the front footage or benefits received, as may be determined by Council, or by both such proportions or benefits.

(c) A private party may construct a main extension to the municipal water system upon submitting plans and specifications to the City Engineer of the proposed construction, and receiving an approval from the Director of Public Utilities for such construction. The main extension shall be under the direct supervision and inspection of the City Engineer or his designated representative, and such supervisor shall be paid by the party constructing the new main extension.

(d) The City shall accept the extension as part of the distribution system in accordance with the Acceptance of Public Improvements Procedures in Section 1111.17.

(1967 Code Sec. 913.01)

913.02. Conditions of furnishing water service.

(a) Water service shall be furnished by the Water Division upon request to the Utility Billing Department, and only in such manner and upon such terms and conditions as set forth elsewhere in this chapter. With the request, each requestor shall assume full responsibility for the payment of all water charges and other charges incidental thereto, and such responsibility shall not be terminated until the Utility Billing Department has received a formal notice that the service no longer is desired, a final bill has been rendered by the City, and paid in full by the requestor.

(b) Water service shall not be furnished to any applicant who is indebted to the City for services supplied, work done, materials furnished or penalties imposed, whether at the premises for which the application is made or at any other premises supplied by the City of Delaware, until such indebtedness is paid in full.

(1967 Code Sec. 913.02)

913.03. Furnishing service where facilities do not exist.

(a) At the time of application for new service, the applicant shall pay a tap fee as follows:

Size of Tap (inches)	City Makes Tap	Owner/Contractor Makes Tap
¾ or ⅝	$800.00 + meter cost	Meter + inspection fee
1	$1,000.00 + meter cost	Meter + inspection fee
Over 1	Total Cost	Meter + inspection fee

(b) The City reserves the right to assess any additional costs incurred in providing an applicant water service due to unusual circumstances.

(c) The City Manager shall periodically post current prices of water meters, service fees and inspection and testing charges according to a determination of City costs.

(d) At such time as the owner, builder or occupant requests that the new service be activated via installation of the water meter the appropriate utility deposit, as required by Section 911.01, shall be made at the City Utility Billing Office.

(Ord. 81-34. Passed 8-10-81; Ord. 17-11. Passed 3-27-17)

913.04. Temporary water service; deposit.

Temporary water service may be acquired by contractors, builders, or others by written application filed with the Utility Billing Department, at which time a deposit shall be made as follows:

Outlet Size (inches)	Cost
1 or less	$75.00
More than 1	$150.00

Such deposit shall be returned to the applicant at the termination of his usage less a fee for establishing water service, provided that all bills have been paid for the use of the water. If any damage occurs, the cost of repairing the same will be charged on a time and material basis and will be deducted from the original deposit.

If temporary service is taken from a fire hydrant, the Water Division shall install a valve to be used by the applicant for controlling the usage of water. At no time shall the applicant open, close or tamper with the fire hydrant. The applicant shall be responsible for any damage to the hydrant caused by any infraction of the provisions of this section.

(Ord. 81-34. Passed 8-10-81)

913.05. Temporary discontinuance of water service.

A water utility customer may request that service be temporarily discontinued by turning the water off at the street. In processing such requests, the Utility Billing Department shall collect a twenty-five-dollar ($25.00) fee. This fee shall cover City costs involved in the temporary discontinuance and re-establishment of water service.

(Ord. 81-34. Passed 8-10-81)

913.06. Private fire protection service.

Private fire protection service taps through a sprinkler system or other type system shall be installed by the property owner at their expense. Such tap of the water main and installation to the property line shall first be approved by the Director of Public Utilities in writing after plans have been submitted to them for the purposed installation.

(1967 Code Sec. 913.06)

913.07. Charge for water tap outside City.

(Ord. 01-130. Passed 10-8-01)

913.08. Tap serving more than one consumer.

The City reserves the right to furnish service to more than one consumer from the same tap, such tap to be sufficiently large to furnish water in volume as required by each and all consumers. Each consumer shall pay the regular tapping charge according to the size pipe line that shall be installed to his individual meter.

(1967 Code Sec. 913.08)

913.09. Depth of water main.

All water services shall be not less than three and one-half feet deep at all points from the finish grade.

(1967 Code Sec. 913.09)

913.10. Installation of water mains in sanitary sewer ditches.

Sanitary sewer ditches may be used for installation of water service lines, provided that at least a distance of one and one-half feet above and to either side of such sanitary sewer line is maintained at all points of the installation. If these conditions cannot be met, the water service line shall be installed in a separate ditch not less than two feet from any other ditch which has been used for any other purposes.

(1967 Code Sec. 913.10)

913.11. Maintenance of water mains.

(a) The City shall maintain all water mains, and services from the mains to the curb box, provided that the distance from the main to the curb box does not exceed sixty feet. The consumer shall maintain the remainder of the water line to the point of consumption. Upon notification by the Water Division of any leak, the consumer shall repair the leak within a reasonable time. Failure to do so shall be justification for the Water Division to discontinue water service.

(b) The Water Division shall have the right to maintain and repair existing water lines belonging to the City which are on private property.

(Ord. 81-34. Passed 8-10-81)

913.12. Maintenance and repair of fire hydrants.

The City shall maintain and repair all hydrants belonging to the City. All fire hydrants owned by private parties shall be maintained and repaired by the owners.

(1967 Code Sec. 913.13)

913.13. Meter rules and regulations.

(a) Required. Each and every water service shall be provided with the proper size meter furnished by the Water Division.

(b) More Than One Customer on One Service. If more than one customer is supplied water from one main service, there shall be a separate shut-off valve installed on each individual service.

(c) Accessibility. All meters shall be installed in a suitable and accessible place. In case no suitable place for the meter can be found within the building served, an approved meter pit shall be furnished by the applicant for such meter installation.

(d) Meter Shutoff. All meters shall have a shut-off valve installed on each side of the meter and, on all meters larger than one inch, an approved bypass shall be installed. The bypass shall be sealed by the Water Division. The seal shall not be removed except by Water Division employees except by written approval of the Director of Public Utilities.

(e) Inspections. The City reserves the right of the Water Division to make inspections or checks of installations at all reasonable hours. Refusal of inspection rights shall automatically be authority for discontinuance of service.

(f) Tampering Prohibited. No person shall cut, break, tamper or remove any seal placed on a water meter, connection or bypass. Where any evidence of tampering with the seal, meter or its connections is found, service may be discontinued immediately at the discretion of the Director. Water service shall not be restored until an estimate of the water used has been paid in full.

(g) Installation. No meter shall be set and service turned on unless there is at least one adult at the place of service, such party to check all faucets and outlets for water and see that they are properly closed. The Water Division will not be responsible for any damage incurred due to failure of the consumer to make such check.

(h) Protection. Meters shall be properly protected against hot water warping of the measuring chamber by check valves installed on hot water lines at the proper points by the property owner. Meters shall be properly protected against freezing by the property owner. If the water meter is damaged due to freezing or hot water blow back, a service charge shall be made and the repair or replacement costs of the meter will be charged to the property owner.

(i) Removal of Meter. When service is discontinued and the meter removed, the Water Division shall not be responsible for the draining of water lines, plumbing or fixtures.

(j) Testing of Meters. Upon written request of a customer, and his agreement to pay all costs involved in testing, the Water Division shall test the meter in question either at the place of consumption or at the Department of Public Utilities. At least one adult customer shall be present when the test of such meter is made. Upon test, the meter shall register within plus or minus two percent for five-eighths inch to two-inch meters. Over two-inch meters shall register plus or minus five percent (5%). However, if the meter is inaccurate under the above conditions, the water service charge shall be adjusted for the amount of overcharge and no charge for the testing of the meter shall be made. If the meter is found to be accurate according to the above standards, the customer shall pay a fee for the testing of such meter.

(1967 Code Sec. 913.14; Ord. 81-34. Passed 8-10-81)

913.14. Rates for water service inside City.

The rates charged for water furnished by the City to users inside the corporate limits of the City are listed in the fee schedule found in Section 197.02.

Credit shall be provided for those with meter sizes higher than domestic or operating use necessitates.

For consumption in excess of the minimum, regardless of meter size charges are applied as listed in the fee schedule found in Section 197.02.

(Ord. 10-13. Passed 4-12-10; Ord. 17-11. Passed 3-27-17; Ord. 22-108. Passed 12-8-22; Ord. 24-99. Passed 1-13-25)

913.15. Rates for water service outside City.

There shall be added to the schedule of rates authorized in Section 913.14 a fifty percent (50%) additional charge for all water service outside the City limits.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(Ord. 01-131. Passed 10-8-01)

913.16. Billing and payment for water service.

The water service charge levied by Sections 913.14 and 913.15 shall be billed as provided in Section 911.03.

(Ord. 72-43. Passed 7-24-72)

913.17. Cross connections and bypasses.

(a) No person shall make or install any type of cross connection between any source of private water supply and the supply furnished by the City through the Municipal Waterworks System. Upon written notice, the Municipal supply may be discontinued until such cross connection is removed, and service will not be restored until the Director of Public Utilities approves the connections so changed.

(b) No person shall install a bypass where water may be used without passing through the meter, except as provided in Section 913.04.

(c) No person shall install a section of pipe between meter connections in place of the meter, except by written permission of the Director of Public Utilities. If such section of pipe is found installed without permission, water service shall be discontinued immediately.

(Ord. 81-34. Passed 8-10-81)

913.18. Injuring, defacing waterworks.

No person shall tamper with, mar, deface, injure, break or obstruct the use of any machinery, pipe, hydrant, valve, plug, storage facility or other fixture or part of the Waterworks System.

(Ord. 81-34. Passed 8-10-81)

913.19. Unlawfully turning water on or taking water.

(a) No person, not duly authorized, shall turn on or cause to flow the water from any hydrant, valve, plug or other fixture of any waterworks, when such hydrant, valve, plug or other fixture is lawfully placed in any street or alley or elsewhere in the City. This provision shall not apply when water is turned on for the purpose of preventing damage by fire.

(b) No person shall take water from any stream, body of water, well or cistern, except by permission of the person owning or having charge of the same.

(1967 Code Sec. 913.20)

913.20. Capacity fee.

(a) No person shall make a service connection to the City's water system or any part thereof, unless a permit to do so has been issued by the City.

(Ord. 04-34. Passed 4-26-04)

(b) The following capacity fee shall be charged for permits issued to connect into the City water system and shall be paid upon issuance of said permit.

(1) All properties connecting to the City of Delaware water system shall be assigned an equivalent dwelling unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of 360 gallons.

A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.

B. All master metered multi-family residential properties connecting to the water system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the Single-Family Equivalent (SFE) value that follows:

Single-Family
Equivalent Values

1 bedroom	.63
2 bedrooms	.75
3 bedrooms	.88
4 + bedrooms	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

C. All properties connecting to the water system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by 360 gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).

(2) The water capacity fee is $4,912 per EDU which shall be effective from June 1, 2021.

(3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12-month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than $1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU

determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

(4) The water utility system capacity fee charge for all properties connecting to the water system which are not residential properties and whose estimated daily water consumption is greater than 50,000 gallons per day shall be determined based on an evaluation made of the specific impact on the water utility system for said connection.

(Ord. 06-33. Passed 4-10-06; Ord. 21-19. Passed 4-12-21)

(c) Existing customers or new water connection permits issued for properties located outside of the City limits will be charged the above mentioned fee on condition that the owner of the property to be served shall, within sixty days of the time said property becomes contiguous to the City of Delaware, prepare and file or join in the preparation and filing of an annexation petition pursuant to Ohio R.C. 709.02 for such property to be annexed to the City of Delaware. The failure of any such non-resident water customer to comply with this condition shall be grounds for immediate termination of water service to the property.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(d) In the event a meter is enlarged, the difference between the charges for the two-meter sizes shall be paid.

(e) Subsection (b) hereof shall not apply to the holder of a building permit issued prior to the effective date of this section for which capacity fees have been paid and actual connection to the water system occurs within six months after the issuance of such permit.

(Ord. 04-34. Passed 4-26-04)

(f) Water system capacity fees shall be deposited into the City's Water Capacity Fee Fund.

(Ord. 06-33. Passed 4-10-06)

(g) The capacity fees will be evaluated and updated annually.

(Ord. 04-34. Passed 4-26-04)

913.21. Contracts; trunk water line capacity.

The City Manager may, with sufficient budget appropriation authorized by Council, enter into a contract with a developer of property whereby the City agrees to pay the cost of trunk water line capacity beyond that capacity needed to properly serve the area of development.

(Ord. 72-91. Passed 12-11-72)

913.22. Sewage auxiliary meters.

The Water Division may permit the installation of acceptable additional water meters at the expense of users of the sanitary sewer service. Such meters shall be installed, in all possible instances, in a manner which will

determine the quantity of water not entering the sewer system. Where feasible, metering systems shall be installed to measure that water used for sanitary purposes only. The following conditions shall apply:

(a) Requests for installations of auxiliary metering systems shall be in writing from the consumer. Requests shall include the number of meters wanted, meter sizes and the type of application where meters will be installed.

(b) All measuring systems shall measure in cubic feet and shall be of a manufacturer or make approved by the Director of Public Utilities. .Meters will be purchased from the Department of Public Utilities, at direct cost from the manufacturer, and are subject to stock availability from supplier.

(c) All meters shall be equipped with automated meter reading capabilities.

(d) Locations of outside remote readouts shall comply with Water Division policy unless a Water Division remote is already in use, in which case the sewer auxiliary remote shall be located adjacent to the Water Division remote.

(e) A preliminary inspection and review of plans, if required, shall be accomplished prior to the installation of any auxiliary metering system to determine which application is most feasible.

(f) All auxiliary metering system installations shall be inspected and approved by the Water Division before acceptance and incorporation into the existing water and sewer billing procedures.

(g) If a used metering system is to be installed, that system shall measure in cubic feet. Used metering systems shall be tested and approved by the Water Division for accuracy.

(h) Auxiliary meter connections to a piping system shall comply with Water Division policy to facilitate future removal for periodic accuracy testing.

(i) All piping supplying the water to be deducted shall be exposed between the meter and point of use, unless otherwise approved by the City.

(j) The piping and meter shall be accessible for Water Division employees' inspection at all reasonable times.

(k) All existing and future auxiliary meters shall be the property of the user. The City reserves the right to test the meter periodically.

(l) Final determination for the method and manner of flow measurement is the responsibility of the Director. Following approval and installation, such metering devices shall not be altered or removed without consent of the Water Division.

(m) The City retains the right to request that plans be submitted by a professional engineer certifying that no water within the proposed system shall enter the sewer system.

(Ord. 87-56. Passed 4-27-87)

913.23. Charges established for sewage auxiliary meters.

There shall be a one-time inspection fee of twenty-five dollars ($25.00) to be paid prior to installation of the system.

(Ord. 87-56. Passed 4-27-87; Ord. 20-40. Passed 7-27-20)

913.24. Declaration of water emergency; penalty.

(a) The City Manager shall have the authority to declare a water emergency whenever he determines that the City water supply is at a dangerously low level.

(b) The provisions of this section shall apply to all persons using water both inside and outside the City, and regardless of whether any person using water has a contract for water service with the City. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind, for the purposes of this section.

(c) The City Manager is authorized to establish the uses that shall be limited or prohibited, including, but not limited to the following:

(1) The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation;

(2) The washing of automobiles, trucks, trailers or any other kind of motor vehicle or mobile equipment;

(3) The washing of sidewalks, driveways or other outside surfaces;

(4) The washing and cleaning of any business or industrial equipment and machinery;

(5) Swimming and wading pools not employing a filter or recirculating system or other pools as required;

(6) Business and industrial uses.

(d) No person shall fail to comply with the orders of the City Manager issued pursuant to this section.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 88-63. Passed 6-20-88)

913.25. Rates for water purchased forbulk consumption.

The rate for the sale of all water intended for bulk consumption, Shall be at the nonresidential rate table established in the fee schedule in Section 197.02.

(Ord. 88-117. Passed 11-14-88)

913.26. Backflow prevention and cross-connection control.

There is hereby adopted by the City, for the purpose of preventing backflow and providing cross-connection control in the public water system, Rules 3745-95-01 through 3745-95-08 of the Ohio Environmental Protection Agency Rules and Regulations for Public Water Systems, as were effective November 26, 1980, except that "Director" as defined in Rule 3745-95-01 (K) and "supplier of water" as defined in Rules 3745-95-01 (W) shall mean the Director of Public Utilities and, further provide that "public water system" as defined in Rule 3745-95-01 (T) shall mean the City public water system.

(Ord. 05-49. Passed 6-13-05)

913.99. Penalty.

(a) Whoever violates any provision of this chapter for which no other penalty is provided is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(b) Whoever violates Section 913.13(f) is guilty of a misdemeanor of the first degree.

CHAPTER 917. SANITARY SEWER REGULATIONS[3]

917.01. Definitions.

As used in this chapter:

(1) "Authority" means the City of Delaware, Ohio enacting and enforcing this chapter.

(2) "The Act" refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. sections 1251 to 1387.

(3) "Best management practices" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in Chapter 917.04 of the City's Ordinance. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(4) "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures, in five days at twenty degrees Centigrade and expressed in milligrams per liter (mg/l) by weight.

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

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

(7) "Bypass" means the intentional diversion of wastestreams away from any portion of an industrial user's facility.

(8) "Categorical industrial user" means an industrial user subject to categorical pretreatment standards.

(9) "Categorical pretreatment standard" means any national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrail users in specific subcategories, promulgated by the administrator in accordance with section 307 of the act and established under 40 C.F.R. chapter I, subchapter N.

(10) "CFR" means the Code of Federal Regulations.

(11) "City" means the City of Delaware, Ohio acting through its duly authorized officials and employees.

(12) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

[3]State law reference(s)—Power to construct sewerage system - see Ohio R.C. 715.40, 717.01; Compulsory sewer connections - see Ohio R.C. 729.06; Sewerage rates - see Ohio R.C. 729.49; 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; Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52; Untreated sewage - see Ohio R.C. 3701.59; Interference with sewage flow - see Ohio R.C. 4933.24; Sewerage districts - see Ohio R.C. 727.44 et seq.; Assessments - see Ohio R.C. Ch. 729; Household sewage disposal systems - see OAC Ch. 3701-29

(13) "Commercial user" means retail or wholesale business establishments that discharge wastewater, as defined in subsection (47) hereof, into the public wastewater treatment system, works and facility.

(14) "Connection" means that junction between the sewage collection system in an individual unit as classified herein, and a pipe which is, or is a branch from, the City street sewer.

(15) "Discharge" means the discharge of wastewater from premises at its point of entry into the sewage system.

(16) "Discharger" means any user who discharges sewage and/or industrial waste into the publicly owned treatment works (POTW) by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.

(17) "Domestic sewage" means sewage derived principally from dwellings, business buildings, institutions and the like which originates within the building, including the waste from kitchens, water closets, lavatories, bathrooms, showers and laundries.

(18) "Foundation drains" means subsurface drains laid around the foundation of a building either within or outside of the building foundation for the purpose of carrying ground or subsurface water to some point of disposal.

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

(20) “Indirect discharge” means the introduction of pollutants into a POTW from any nondomestic source, including but not limited to those regulated under section 307 (b), (c) or (d) of the act.

(21) "Industrial user" means an organization which is a source of industrial waste discharged into the POTW.

(22) "Industrial waste" means the liquid and water-carried wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments as distinct from domestic wastes.

(23) "Institutional/Governmental" means hospitals, nursing homes, schools, City, County, State or Federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works and facility.

(24) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;OR,

B. Causes a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with all of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations)

1. Section 405 of the Act.

2. The Solid Waste Disposal Act (SWDA) 42 U.S.C. sections 6901 to 6992 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA).

3. The Standards for the use and disposal of sewage sludge (40 C.F.R. 503, and Chapter 3745-40 of the Administrative Code).

4. The Clean Air Act (CAA) 42 U.S.C. sections 7401 to 7671.

5. The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 to 2692.

(25) “Local limits” means limits on industrial users, developed by a POTW, that are technically based on site-specific factors to protect the POTW’s operations from interference and pass through and to ensure that the POTW’s discharges comply with state and federal requirements. Local limits may be expressed as numerical values, narrative statements, best management practices, or a combination of these. Local limits are considered pretreatment standards upon approval by the Ohio EPA.

(26) "May" is permissive.

(27) "National Categorical Pretreatment Standard" -See "Categorical Pretreatment Standard"

(28) "Natural outlet" means outlet, including storm sewers and combines sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(29) "New source" means any of the following:

A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that one of the following applies:

A. 1. The construction is carried out at a site at which no other source is located,

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

3. The production of wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs A.2 or A.3 of this rule, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction is deemed to commence if the owner or operator has done any of the following: when the following are

1. Begun, or caused to begin as part of a continuous on-site construction program in either of the following ways:

1. Any placement or installation or assembly of facilities or equipment, or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for such placement, installation or assembly. Construction is also deemed to commence when the owner or operator of the facility has

Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase, or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(30) "Nonsanitary flow" means storm water originating from downspouts, storm and groundwater drains and foundation drains.

(31) "Normal domestic sewage" means sewage which conforms to the definition of "normal sewage" as stated in Section 917.14, and all subsequent amendments thereto.

(32) "NPDES Permit" (National Pollutant Discharge Elimination System Permit) means a permit issued and monitored by the Ohio Environmental Protection Agency (Ohio EPA) which states the conditions under which the City may discharge treated wastewater to the receiving stream.

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

(34) "Person" means any individual, firm, company, association, society, corporation or group.

(35) “Pollution prevention” means the use of source reduction techniques in order to reduce risk to public health, safety, and welfare, and the environment, and as a second preference, the use of environmentally sound recycling to achieve these same goals. Pollution prevention avoids cross-media transfers of waste or pollutants and is multi-media in scope. Pollution prevention addresses all types of waste and environmental releases to the air, water, and land.

(36) "POTW" (publicly owned treatment works) means a treatment works that is owned or operated by a public authority. This definition includes any devices or systems owned by a public entity and used for collection, conveyance, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature . The term also means the public authority that owns or operates the POTW and that has jurisdiction over the indirect discharges to and from such a treatment works.

(37) "Premises" means any lot, parcel of land or building within or without the corporation limits of the City.

(38) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except for dilution (as prohibited in Chapter 917.05 of the City's Ordinance).

(39) “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

(40) "Pretreatment standard" means a discharge limited to pretreatment that is imposed on an industrial user through regulations promulgated by U.S. EPA in accordance with section 307 (b) and (c) of the act, by state or federal regulations, this ordinance, or the industrial user’s discharge permit. This term includes all of the following:

A.Categorical pretreatment standards.

B. Prohibited discharges established pursuant to rule 3745-3-04 of the Administrative Code.

C. Local limits developed by the POTW and approved by Ohio EPA.

D. Any enforceable schedule designed to achieve compliance with limits in subparagraphs A-C of this paragraph.

(41) "Public sewer" means any sewer owned by the City, including storm, sanitary or combined sewers.

(42) "Residential user" means any user discharging domestic wastes from buildings or premises that are used as permanent places for human occupancy such as single-family dwellings, rowhouses, townhouses, mobile homes, garden and standard apartments and high-rise apartments. Transient lodging, considered commercial in nature, is not included.

(43) "Sanitary sewer" means a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

(44) "Severe property damage" means substantial physical damage to property, or substantial damage to the treatment facilities, which would cause them to become inoperable, or substantial and permanent loss of natural resources which cannot reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(45) "Sewage" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water.

(46) "Sewage system" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "wastewater treatment system".

(47) "Shall" is mandatory.

(48) "Significant industrial user" means:

A. Except as provided in subsection (40)B. hereof, "significant industrial user" includes:

1. All industrial users subject to categorical pretreatment standards; and,

2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

B. The Authority may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

(49) "Slug load" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW’s regulations, local limits or permit conditions. (50) "Storm sewer" means a pipe or conduit designed for the purpose of carrying storm, surface, cooling and drainage water from the point of origin to some point of disposal, but which is not intended to carry domestic or industrial sewage.

(51) "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering and expressed in milligrams per liter (mg/l) by weight.

(52) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or this chapter because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(53) "User" means any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

(54) "Wastewater" means the liquid and water-carried waste from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water or storm water that

may be present, whether treated or untreated, which is discharged or permitted to enter the wastewater treatment system.

(55) "Wastewater treatment system" means the structures, equipment and process required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids and shall be synonymous with "sewage system".

(Ord. 92-24. Passed 4-27-92)

917.02. Management and control of sewage treatment plant.

The City Manager is hereby authorized and directed to manage and control the sewage treatment plant in a safe, economical and efficient manner.

(Ord. 84-42. Passed 9-24-84)

917.03. Director's rules and regulations

(a) Council shall make and the City Manager or his designee shall enforce rules and regulations as may be found necessary for the safe, economical and efficient management and protection of the sewerage system and the sewage treatment plant; for the construction and use of house sewers and connections to the sewerage system; for establishing the types and characteristics of sewage, industrial wastes and other matter which shall not be discharged into the sanitary sewerage system; for establishing the types and characteristics of sewer and industrial wastes admissible to the system only after pretreatment; and for otherwise governing the discharge of sewage, industrial wastes and other matter into the system. Such rules and regulations shall have the same force and effect as ordinances when not repugnant thereto or to the Constitution or laws of the State.

(b) The Authority may, at any time deemed necessary, issue a discharge permit or an administrative order to require compliance with any requirement of this chapter, including applicable pretreatment standards, other discharge limits and reporting requirements specifying the terms and conditions under which the users may use the POTW. Such orders may include limitations on wastewater strength, effluent limitations, discharge reporting requirements, self-monitoring requirements, methods of collecting samples, sampling techniques, the terms under which samples are to be analyzed, pretreatment standards, orders on sampling access points, standard conditions and any other term, condition or limitation deemed appropriate by the Authority.

(Ord. 92-24. Passed 4-27-92)

917.04. General discharge prohibitions.

Pollutants introduced into POTWs by an industrial user shall not pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions and the specific prohibitions in this chapter of this ordinance apply to all sources of indirect discharge whether or not the source is subject to other national, state, or local pretreatment standards or requirements.

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the authority:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. For the purpose of this section, prohibited substances shall include, but not be limited to,

wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.

(b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having a pH less than 5.0 or higher than ten or having any other corrosive property capable of causing damage or hazard to structure, equipment or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems or, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in Section 917.05.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance for hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any wastewater which causes a hazard to human life or creates a public nuisance.

(g) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with their reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State standards applicable to the sludge management method being used.

(h) Any substance which will cause the POTW to violate its NPDES permits.

(i) Any substance with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

(j) Any wastewater having a temperature exceeding 150 degrees Fahrenheit or 65.6 degrees Celsius at the point of sewer connection or which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius or 104 degrees Fahrenheit.

(k) Any slug load, as defined in Chapter 917.01. This includes any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference with the POTW.(l) Any unpolluted water including, but not limited to, storm water, groundwater, roof runoff, subsurface drainage, pooling water or unpolluted industrial process water.

(m) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the Authority in compliance with applicable state or federal regulations.

(n) Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin if discharged in amounts that can pass through or cause interference.

(o) Any trucked or hauled pollutants, including industrial and septic wastes, discharged into any location of the sewer system at any time, unless given written permission by the City.

(p) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference with the POTW.

No person, firm or corporation shall be permitted to connect to or discharge wastewater to the City sewage system unless it has been determined by the City that there is sufficient capacity in the system to collect, convey

and treat the proposed wastewater discharge of such person, firm or corporation. The City shall provide permission to discharge prior to commencement of discharge.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Installation of grease, oil and sand interceptors shall be installed by the owner, at the owner's expense. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuous efficient operation at all times.

If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated above and which, in the judgment of the City, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the City may, in its sole discretion reject the wastes; require pretreatment to an acceptable condition for discharge to the public sewers; require control over the quantities and rates of discharge; and/or require payment in addition to published rates to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Section 917.14.

(Ord. 92-24. Passed 4-27-92)

917.05. Limitations on wastewater strength.

(a) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Act, shall be met by all discharges of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by theCity , when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

(b) Right of Revision. The Authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary.

(c) Dilution. No discharger shall increase the use of potable or process water in any way nor mix separate wastestreams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards or limitations set forth in this chapter.

(d) Supplementary Limitations. No discharger shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values:

	Concentration
Materials	(UG/L)
Arsenic	200
Cadmium	100
Chromium, Total	4700
Chromium, Hexavalent	300
Copper	1400
Cyanide, Total	600
Lead	1200
Mercury	.9

Nickel	1000
Selenium	200
Silver	200
Sulfides	Removed
Zinc	5800
Toxic Substances	Prohibited

The Authority may impose mass limitations on dischargers where the imposition of such limitations is deemed appropriate by the Authority.

(e) The Authority may convert mass per unit of production limits in pretreatment standards to equivalent mass per day or concentration limits. These equivalent limits shall be deemed pretreatment standards which industrial users will be required to comply with in lieu of promulgated standards.

(Ord. 05-97. Passed 9-26-05; Ord. 18-81. Passed 9-24-18; Ord. 24-04. Passed 2-12-24)

917.06. Licensed person to perform work.

No house sewer shall be constructed nor shall connection be made to a public sewer by any person who has not been authorized or licensed to perform such work.

(Ord. 84-42. Passed 9-24-84)

917.07. Construction regulations; inspection.

The house sewer and connection to a public sewer shall be constructed in accordance with the engineering standards authorized in Section 903.01. The joints shall be made watertight by a method approved by the City Manager. In order to permit ventilation of the public sewer and house sewer, no trap shall be placed in the house sewer. After the sewer is laid and before it is covered or used, it shall be inspected and approved by the City Manager or his authorized agent.

(Ord. 84-42. Passed 9-24-84)

917.08. Sewer connection required; maintenance of sewer.

(a) No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage, and if a public water main or other water supply satisfactory to permit use of plumbing is available. When such public sewer and water main or other water supply are accessible or are hereafter made accessible, a connection to a public sewer shall be established and used by the owner, agent, lessee, tenant or occupant.

The owner of any premises having a house sewer connected with the public sewer shall maintain this house or lateral sewer the whole distance from the house to the place of connection with the public sewer.

(b) "Accessible", for the purposes of this section, means that a connection to the public sewer can be made by the construction of a sewer lateral not more than 500 feet from the building line.

(Ord. 84-42. Passed 9-24-84)

917.09. Connection order; installation contract authorized.

After the Board of Health has declared the lack of sanitary sewer facilities to be a public health hazard and has ordered a residence connected to a sanitary sewer, the City Manager is authorized to investigate such matter and to enter into a contract with such property owner for the installation of a lateral sewer.

(Ord. 84-42. Passed 9-24-84)

917.10. Installation contract provisions.

The contract referred to in Section 917.09 shall provide as follows:

(a) The balance of such sewer installation cost and any and all unpaid amounts due the City under such agreement and contract shall be paid in not more than thirty equal installations and shall be paid in addition to the regular sewer rate per year, as provided for in Section 917.14. Such payments shall commence with the next regular monthly sewerage billing after such agreement and shall be due and payable with each monthly sewerage billing thereafter.

(b) Each property owner entering into an agreement with the City under this section shall specifically consent and agree in writing that any and all unpaid amounts due the City under such contract and agreement shall constitute a lien upon the property served by such lateral sewer. If the payments hereinbefore provided for in subsection (a) hereof shall not be paid within ninety days, they shall be certified to the County Auditor and shall be collected in the same manner as other City taxes and assessments.

(Ord. 84-42. Passed 9-24-84)

917.11. Director's connection regulations: records.

The City Manager is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of sewer connections and inspections thereof. The City Manager shall maintain accurate and complete records of all permits issued for and inspections made of the construction of house sewers and connections to the public sewers and shall note the location of the taps with specificity on the drawing for the sewer lines to which the connection is made.

(Ord. 84-42. Passed 9-24-84)

917.12. Abandonment or removal of connections.

The City Manager shall require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter.

(Ord. 84-42. Passed 9-24-84)

917.13. Connections outside City.

The provisions of Sections 917.01 to 917.12, inclusive, except for the first paragraph of Section 917.08; the provisions of Chapter 901, shall be applicable to all connections to the City sewerage system, although the plumbing facilities connected thereby, the place of connection, or both, are located outside of the City limits.

(Ord. 84-42. Passed 9-24-84)

917.14. Sewerage service charges levied.

(a) Definitions.

(1) "User charge" means the charge assessed users of the sewage system to recover the cost of operation, maintenance and replacement of the sewage collection and sewage treatment system, and the cost of rendering bills and collecting sewer service charges.

(2) "Operation and maintenance costs" means the costs incurred in the act of keeping all facilities for collection, pumping, treating and disposing of sewage, in a good state of repair and functioning properly including the replacement of such facilities when necessary.

(3) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(4) "Debt service" means the funds used for the retirement of and interest on bonds and/or notes authorized and issued by the City to construct sewage system facilities.

(5) "Sewer service charge" means the total charge levied against users of the sewage system for sewer service. The charge shall include user charges plus the cost of debt service.

(b) Sewer Service Charge. There is levied, charged and assessed upon all premises having any sewer connection with the sanitary sewerage system of the City, or otherwise discharging sanitary sewage, industrial wastes or water, either directly or indirectly, into the City sanitary sewerage system, a sewerage service charge payable as provided in this chapter. Except as otherwise hereinafter provided, sewerage service charges shall be based on the quantity of water used or consumed thereon or therein as the same is measured by the City water meter there in use, and such charges shall be determined in the fee schedule in Section 197.02.

(1) Annual review of charges. The sewer service charge and user charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs and annual cost of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the City will adjust the rates as required.

(5) In the event a premises discharging sanitary sewage, industrial waste, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Division of Water of the City and the water used thereon or therein is not measured by a City water meter or by a meter acceptable to the Director of Public Utilities, then in each such case the amount of water so used shall be measured and determined by a meter, installed and maintained at the expense of the owner or other interested party, and acceptable to the Director for such purpose, or the owner or other interested party at his option may request the Director to determine the amount of water used or consumed in or on such premises in accordance with accepted engineering practices. The rates set forth herein shall apply and shall be determined by the amount measured by such meter or determined by the Director.

(6) In case a premises discharges industrial waste, either directly or indirectly, into the City sanitary sewerage system, and the Director of Public Utilities finds that it is not practical to attempt to measure such waste by meter, then such waste shall be measured or determined in accordance with accepted engineering practice and in such manner and by such method as he may direct in the light of the conditions and attendant circumstances of the case, in order to determine the sewerage service charge under rates set forth herein.

(7) Any premises making a connection with the sanitary sewerage system and using the same after the first day of any month shall be charged a per diem pro rata amount based on the monthly minimum charge, from the time the connection is made or such discharge into the system is begun, until the commencement of the next following month, except that if the measured service should exceed the prorated minimum charge, the measured rate shall be charged.

(8) All users of the sanitary sewage system shall be billed for sewer service charges. There shall be no free service.

(9) There shall be added to the schedule of user charge rates set forth in Section 197.02 a fifty percent (50%) additional charge for all sewer service outside the City limits.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

(c) Surcharges.

(1) The following terms used in this subsection shall have the meanings ascribed to them as shows:

A. "Normal domestic sewage" means sewage which when analyzed shows by weight a daily average of not more than 250 parts per million of suspended solids and not more than 260 parts per million of biochemical oxygen demand (BOD) or 510 parts per million of chemical oxygen demand (COD). The COD value may be revised if a consistent correlation can be established between BOD and COD of a particular waste.

B. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

C. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees centigrade, expressed in parts per million by weight.

D. "COD" (denoting chemical oxygen demand) means a measure of the oxygen consuming capacity of that portion of the organic matter present that is susceptible to oxidation by a strong chemical oxidant.

(2) Sewage or industrial wastes above normal sewage strength, but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:

A. Total suspended solids; and/or

B. Five-day BOD at twenty degrees centigrade or the COD value.

(3) When either or both the suspended solids and the BOD or COD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

A. Pounds of excess suspended solids per day × 0.38/lb = Suspended Solids Surcharge.

B. Pounds of excess BOD per day × 0.36/lb = BOD Surcharge.

C. Pounds of excess COD per day × 0.19/lb = COD Surcharge.

(4) In addition to the surcharge, the user shall pay the user charges as defined in subsection (b) hereof. The pounds of BOD per day or COD per day and/or pounds of suspended solids per day, above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the City or its authorized representative. In addition to a surcharge on BOD, COD and suspended solids, the City shall have the right to surcharge any user for the discharge of

any other pollutant into the sewage system or for any other reason that it deems necessary and appropriate, such as excessively high rates of discharge.

(Ord. 11-23. Passed 3-28-11; Ord. 18-89. Passed 11-12-18)

917.15. Final bill adjustment.

When water service to any premises served by the sanitary sewerage system of the City is discontinued, or any premises so served is disconnected from such system, the City Manager shall cause the water meter for such premises to be read. The sewerage service charge, calculated on the unbilled cubic feet of water consumed as shown by such reading, together with the unpaid balance on any prior bills, shall be billed promptly.

(Ord. 84-42. Passed 9-24-84)

917.16. Authorization for refund.

The Director of Finance shall refund any credit balance or deposit remaining after deducting therefrom any amounts due under Section 917.15 owed by the owner or other interested party in payment for sewer services supplied to such owner or other interested party.

(Ord. 84-42. Passed 9-24-84)

917.17. Wastewater fund.

All funds received from the collection of sewer service charges, as stated in Section 917.14, shall be deposited with the Director of Finance and maintained in a separate and distinct fund known as the **Wastewater** Fund.

The **Wastewater Fund** shall be used to support the operation, maintenance, and replacement of the wastewater system, and to meet other system-related financial obligations in accordance with applicable U.S. EPA regulations. As needed and as appropriated by Council, funds may be transferred from the Wastewater Fund to the Wastewater Construction Fund to cover the costs of capital improvements, major maintenance, and debt service associated with the wastewater system.

All expenditures from either fund shall be subject to appropriation by Council and disbursed on the order of the City Manager. The City Manager or his designee shall sign all orders drawn on the Director of Finance against these funds.

Both funds shall be managed and accounted for in accordance with applicable federal and state regulations and municipal financial practices.

(Ord. 84-42. Passed 9-24-84)

917.18. Reduction of surcharges when notes and bonds retired.

In the event a surcharge is added to pay for the construction of a major capital project, the surcharge shall be removed once adequate funds are collected to pay off or defease the corresponding debt service.

(Ord. 84-42. Passed 9-24-84)

917.19. Additional charges for trunk sewer benefit.

It is hereby determined and declared to be necessary to expand the sanitary sewage collection system of the City for the protection of the health of the inhabitants of the City, and that a method of financing is necessary in order for the City to accomplish such expansion. In order to establish a financing method that is most equitable to the present and future users of such system and which would prevent the present users of the system, who have borne and are presently bearing the cost of establishing, operating, and maintaining the present system from assuming a disproportionate share of the additional burden of the cost of constructing new trunk sanitary sewers, it is hereby determined and declared necessary to establish, exact, and regulate a charge for trunk sanitary sewer benefit, as hereinafter determined and that such charge shall be in addition to other fees or charges heretofore or hereafter established with respect to such sewers.

(Ord. 84-42. Passed 9-24-84)

917.20. Deposit of funds; use.

All funds received from the collection of charges authorized by Section 917.19 shall be deposited with the Director of Finance and maintained in the Wastewater Fund, as established by Section 917.17.

When appropriated by Council, these funds shall be subject to the order of the City Manager, and the City Manager or his designee shall sign all orders drawn on the Director of Finance against the fund.

Revenues collected under this chapter may be used to pay the principal and interest on bonds, or notes issued in anticipation of bonds, for the purpose of improving, enlarging, or extending the wastewater system. As necessary, and subject to appropriation by Council, funds may be transferred from the Wastewater Fund to the Wastewater Construction Fund to support these capital and debt service expenditures.

(Ord. 84-42. Passed 9-24-84)

917.21. Capacity fee.

(a) No person shall make a service connection to the City's sanitary sewer system or any part thereof, unless a permit to do so has been issued by the City.

(Ord. 04-35. Passed 4-26-04)

(b) The following capacity fee shall be charged for permits issued to connect into the City sanitary sewer system and shall be paid upon issuance of said permit.

(1) All properties connecting to the City of Delaware sanitary sewer system shall be assigned an equivalent dwelling unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of 360 gallons.

A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.

B. All master metered multi-family residential properties connecting to the sanitary sewer system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by

multiplying the number of multi-family residential units by the single-family equivalent (SFE) value that follows:

	Single-Family Equivalent Values
1 bedroom	.63
2 bedrooms	.75
3 bedrooms	.88
4 + bedrooms	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

C. All properties connecting to the sanitary sewer system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by 360 gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).

(2) The sanitary sewer capacity fee is $3,145 per EDU which shall be effective from and after June 1, 2021.

(3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12-month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than $1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

(Ord. 06-33. Passed 4-10-06; Ord. 21-18. Passed 4-12-21)

(c) Existing customers or new sanitary sewer connection permits issued for properties located outside of the City limits will be charged the above mentioned fee on condition that the owner of the property to be served shall, within sixty days of the time said property becomes contiguous to the City of Delaware, prepare and file or join in the preparation and filing of an annexation petition pursuant to Ohio R.C. 709.02 for such property to be annexed to the City of Delaware. The failure of any such non-resident wastewater customer to comply with this condition shall be grounds for immediate termination of sanitary sewer service to the property.

(d) In the event a meter is enlarged, the difference between the charges for the two-meter sizes shall be paid.

(e) Subsection (b) hereof shall not apply to the holder of a building permit issued prior to the effective date of this section for which capacity fees have been paid and actual connection to the sanitary sewer system occurs within six months after the issuance of such permit.

(Ord. 04-35. Passed 4-26-04)

(f) Sanitary sewer system capacity fees shall be deposited into the City's Sanitary Sewer Capacity Fee Fund.

(Ord. 06-32. Passed 4-10-06)

(g) The capacity fees will be evaluated and updated annually.

(Ord. 04-35. Passed 4-26-04)

917.22. Inspection,sampling and permitting.

No person shall discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the Authority and/or to the POTW without having first complied with the terms of this chapter.

The City reserves the right to reject new or modified wastewater discharges from entering the POTW. No industrial users may discharge to the POTW without first obtaining written approval from the City.

(a) Wastewater Discharge Data Disclosure.

(1) General permits disclosure. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter within ninety days after the effective date of this chapter or within ninety days prior to commencing discharge for a new source.

Existing sources, which, due to changes in federal regulations, become classified as categorical after the effective date of this chapter shall file a disclosure form to the Authority within 180 days of promulgation of such federal regulation. This report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule as specified in Section 917.232.

This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof. Disclosure forms are available from the office of the Superintendent of Wastewater Treatment. The Authority shall evaluate the complete disclosure form and data and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Authority shall notify the discharger of the Authority's acceptance thereof.

(2) Disclosure forms. Significant Industrial dischargers shall complete and file with the Authority a disclosure declaration in the form prescribed by the Authority. Such forms shall include, but not be limited to:

A. Identifying information. The name and address of the facility including the name of the operator and owner;

B. Permits. A list of any and all environmental control permits held by or for the facility;

C. Description of operations. A brief description of the nature, average rate of productionand the Standard Industrial Classification (SIC) code (if applicable) of the operation(s) carried out. This description shall include a schematic diagram of the process, indicating points of discharge to the sanitary sewer from the regulated process;

D. Flow measurement. The measured average and maximum daily flow from each of the following:

1. Regulated process streams.
2. Other wastestreams which are to be used in calculations based on the combined wastestream formula described in 40 CFR 403.6 (e).

The Authority may allow use of estimated flows where deemed appropriate by the Authority.

E. Measurement of pollutants.

1. The user shall identify the pretreatment standards applicable to each regulated process.
2. The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the City) of regulated pollutants in each regulated process. The sample shall be representative of daily operations, and the daily average, and daily maximum levels shall be reported. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the City or the applicable pretreatment standards to determine compliance with the standard.
3. Sampling, whether flow proportioned, time proportioned, grab or multiple grab, shall be done in accordance with the method specified by the Authority.
4. At least one representative sample is required in order to compile the data necessary to comply with the requirements of this paragraph.
5. Samples shall be taken immediately downstream of the pretreatment facility if such facility exists, or immediately downstream of the regulated process if no pretreatment facility exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City.
6. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule.

The following conditions shall apply to the schedule required by paragraph (b)(E)6 of this paragraph:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Authority.

(3) Standards modification. The Authority reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the Authority with applicable laws and regulations. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the Authority as part of this chapter. All existing sources subject to a National Categorical Pretreatment Standard shall submit a disclosure form, as required by subsection (a)(2) hereof within 180 days after the promulgation of the Standard by the U.S. EPA. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

(b) Reporting Requirement for Discharger.

(1) Compliance date report. Any industrial user subject to categorical pretreatment standards and other industrial users at the discretion of the City Manager shall, within ninety days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger, submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements and shall include a compliance schedule. This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof.

(2) Periodic compliance reports. At the discretion of the City Manager, any discharger subject to a pretreatment standard set forth in this chapter or any discharger required to submit periodic compliance reports by the Authority shall submit to the Authority a report indicating the nature and concentration of prohibited or regulated substances in the discharge. The reports are to be submitted to the Authority during the months of June and December unless required more frequently or different months are specified. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period . Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Authority, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors may authorize the submission of such reports on months other than those specified above. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration or production data and mass where required by the Authority. Analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. If an industrial user's sampling data indicates a violation, the industrial user shall notify the Authority within twenty-four hours of becoming aware of the violation. The industrial user shall then

repeat the sampling and analysis as soon as possible and submit the results to the Authority within thirty days unless the POTW samples the industrial user's discharge. The results of additional monitoring beyond the minimum required shall also be included on the next periodic compliance report submitted by the industrial user. This report shall include the certification statement and shall be signed by an authorized representative as required in subsection (b)(4) hereof.

(3) All industrial users shall promptly notify the Authority in advance of substantial changes in volume or character of discharges, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(P).

In addition, all users shall *immediately* notify the Authority in advance of discharges that could cause problems to the POTW, including any slug loadings by the industrial user.

(4) The reports and compliance schedules required by subsections (a) and (b) hereof shall include the certification statement as set forth in 40 CFR 403.12(I)and shall be signed by as follows:

A. By a responsible corporate officer.
For the purpose of this paragraph, a responsible corporate officer means:

(i) president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation

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

B. A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

C. By a duly authorized representative of the responsible corporate officer. A duly authorized representative of the individual in subparagraphs A or B of this paragraph if:

(i) -The authorization is made in writing by the individual described in paragraph (4)A or (4)B;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the City.

D. If an authorization under paragraph C of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the

requirements of paragraph C of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

5. Sampling Requirements for Reports and Disclosure Forms

The reports required in paragraphs (a) and (b) of this rule shall be conducted in accordance with all of the following:

A. For the Disclosure Form (paragraph (a)) and Compliance Date Report (paragraph (b)(1)) of this rule, a minimum of four grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organics for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a requirement of fewer grab samples. For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless flow-proportional sampling is waived by the Authority. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

B. Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the wastewaters regulated by categorical standards mix with other wastestreams prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula under OAC 3745-3-09(I)(1) and 40 CFR 403.6(e) in order to evaluate compliance with the categorical pretreatment standards.

C. Except as otherwise provided in this rule, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. 136. Where 40 C.F.R. 136 does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the 40 C.F.R. 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling and analytical procedures approved by the director of Ohio EPA.

(i) The reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.

(ii) The Authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(iii) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.

(iv) For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority.

(v) Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented in the industrial user file for that facility or facilities.

(vi) Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows:

a. For hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.

b. For volatile organics and oil and grease the samples may be composited in the laboratory.

c. Composite samples for other parameters unaffected by the compositing procedures as documented in approved U.S. EPA methodologies may be authorized by the Authority, as appropriate.

(D) For the Periodic Compliance Reports required by paragraph (b)(2) of this rule, the Authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(E) If an industrial user subject to the reporting requirement in the Periodic Compliance Reports (paragraph (b)(2)) of this rule monitors any regulated pollutant at the permitted sampling location more frequently than required by the Authority, using the procedures described in paragraph (b)5.C of this rule, the results of this monitoring shall be included in the report.

(c) Monitoring Facilities. At the discretion of the City Manager, any person discharging to the sewage system shall provide and operate at his own expense, a facility acceptable to the Authority to allow inspection, sampling and flow measurement of each sewer discharge to the Authority. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, in which case, the Authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility and all sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction shall be completed within 120 days of receipt of the permit by the discharger, unless the Authority provides a different timeline.

(d) Inspection and Sampling. The Authority may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Authority or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination and/or duplication. The Authority shall have the right to place on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(e) Confidential Information. Information and data furnished to the Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

(f) Industrial wastewater discharge permits shall be issued to all Significant Industrial Users prior to discharging to the City of Delaware's sewer system. Such permits are enforceable and shall contain, at a minimum, the following conditions:

(i) Statement of duration (in no case more than five years);

(ii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing industrial discharge permit to the new owner or operator;

(iii) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;

(iv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

(v) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

(vi) Requirements to control Slug Discharges (see Chapter 917.23).

(Ord. 92-24. Passed 4-27-92)

917.23. Slug Loads and Accidental discharges.

(a) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. A Spill & Slug Discharge Control Plan shall be submitted to the Authority for review and shall be approved by the Authority before construction of the facility. The plan shall contain, at a minimum, the following elements:

(i) Description of discharge practices, including non-routine batch Discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under Chapter 917.04 with procedures for follow-up written notification within five days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

Each existing discharger shall complete its plan and submit the above to the Authority within 180 days after adoption of this chapter. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection plans and operating procedures have been established. Approval by the Authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(b) Categorical and noncategorical dischargers shall notify the Authority immediately upon the occurrence of a "slug load", or accidental discharge of substances prohibited by this chapter. The notification shall include

location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.

(c) Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees of the proper person or agency to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(Ord. 92-24. Passed 4-27-92)

917.231. Bypasses.

(a) Allowable Bypasses. A discharger may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (b) and (c) hereof.

(b) Notification of Bypass.

(1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Authority, if possible, at least ten days before the date of the bypass.

(2) A discharger shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Authority as soon as possible, but in no case more than twenty-four hours after the time the discharger becomes aware of the bypass. A written submission shall also be provided within five days of the time the discharger becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(c) Prohibited Bypasses. The Authority may take enforcement action against a discharger for a bypass, unless;

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

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

(3) The discharger submitted notices as required under subsection (b) hereof.

(Ord. 92-24. Passed 4-27-92)

917.232. Compliance schedules.

When, in the opinion of the Director, it becomes necessary for industrial users to install technology or provide additional operation and maintenance to meet any condition of this chapter or applicable administrative order, the Director shall require the development of the shortest schedule by which the industrial user will provide this additional technology, operation or maintenance.

(Ord. 92-24. Passed 4-27-92)

917.24. Enforcement.

(a) Emergency Suspension of Service and Discharge Permits. The Authority may for good cause shown suspend the wastewater treatment service to a discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of people, a substantial danger to the environment, an interference with the operation of the POTW, or a violation of any pretreatment requirements established by this chapter. Any discharger notified of the suspension of the Authority's wastewater treatment service shall immediately cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the Authority shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order.

In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority may allow the User to recommence its discharge when the industrial user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in paragraph (b) of this ordinance are initiated against the User. (b)

Revocation of Treatment Services. The Authority may seek to terminate the wastewater treatment services to any discharger which: fails to factually report the wastewater constituents and characteristics of its discharge; fails to report significant changes in wastewater constituents or characteristics; refuses reasonable access to the discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or violates the conditions of this chapter or any final judicial order entered with respect thereto.

(c) Notification of Violation; Administrative Adjustment. Whenever the Authority finds that any discharger has engaged in conduct which justifies termination of a wastewater treatment service, pursuant to subsection (b) hereof, the Authority shall serve or cause to be served upon discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing to the Authority, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary establish a plan for the satisfactory correction thereof.

(d) Show Cause Hearing. Where the violation of subsection (b) hereof is not corrected by timely compliance by means of Administration Adjustment, the Authority may order any discharger which causes or allows conduct prohibited by subsection (b) hereof to show cause before the Authority or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the Authority or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the Authority which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or State law.

(e) Judicial Proceedings. Following the entry of any order by the Authority with respect to the conducts of a discharger contrary to the provisions of subsection (b) hereof, the Attorney for the Authority may, following authorization of such action by the Authority, commence an action for appropriate legal and/or equitable relief.

(f) Enforcement Actions: Annual Publication. A list of all dischargers who were found to be in significant noncompliance during the previous twelve months shall be published annually in the Delaware Gazette. For the purpose of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the instantaneous limit, daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the instantaneous limit, daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

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

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

(6) Failure to provide, within thirty days after the due date, required reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

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

(g) Right of Appeal. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Authority on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is made by a discharger and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.

(h) Operating Upsets. Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Authority thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Authority within five days. The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.

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

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(i) A documented and verified bona fide operating upset may be taken into consideration but shall not be an affirmative defense to any enforcement action brought by the Authority against a discharger for any noncompliance with this chapter which arises out of violation alleged to have occurred during the period of the upset.

(j) The remedies provided for in this ordinance are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Authority may take other action against any User when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant User.

(Ord. 92-24. Passed 4-27-92)

917.241. Milestone dates; progress reports.

(a) Where additional pretreatment and/or operation and maintenance activities are required to comply with this chapter or federal categorical pretreatment standards, the discharger shall provide a declaration of the shortest compliance schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(b) The compliance schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter or categorical pretreatment standards including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and all other acts necessary to achieve compliance.

(c) Under no circumstances shall the Authority permit a time increment for any single step directed toward compliance which exceeds nine months.

(d) No later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Authority.

(e) New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. A violation of a compliance schedule shall be regarded as violation of this chapter.

(Ord. 92-24. Passed 4-27-92)

917.25. Records retention.

(a) All industrial users subject to this rule shall retain records of all information resulting from any monitoring activities, regardless of whether such monitoring activities were required by the industrial discharge permit, including documentation associated with BMPs. Such records shall be retained for a minimum of three years and shall include the following for all samples:

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

(2) The dates that the analyses were performed.
(3) The name and address of the laboratory that performed the analyses.
(4) The analytical techniques or methods used.
(5) The results of such analyses.

(b) In addition to the requirement of paragraph (a) of this rule, any industrial user subject to this rule shall retain all of the following for a minimum of three years:

(1) Any reports submitted to the POTW pursuant to this chapter.
(2) Any documentation of industrial user inspections.
(3) Any record of communications pertaining to compliance with the pretreatment program.

(c) Industrial users subject to this rule shall retain all permits and pollution prevention alternatives (e.g. slug control plan, toxic organic management plan) for as long as these documents are effective and for at least three years after the date on which these documents become ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.

(d) Industrial users shall make the records described in paragraphs (a) to (c) of this rule available for inspection and copying by the POTW and the Ohio EPA. The period of retention described in paragraphs (a) to (c) of this rule shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or the operation of the POTW pretreatment program or when requested by the director.

917.26. Falsifying information.

No person shall make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained in accordance with this chapter, or falsify, tamper with or render inaccurate any monitoring device or method required.

(Ord. 84-42. Passed 9-24-84)

917.27. Recovery of costs incurred by the authority.

Any discharger who, as a result of a violation of any of the provisions of this chapter or who for any reason discharges or causes a discharge producing a deposit or obstruction, causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expense, loss or damage caused by such violation or discharge. The Authority shall bill the discharger for the costs incurred by the Authority for any cleaning, repair or replacement costs caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this chapter enforceable under the provisions of Section 917.24.

(Ord. 84-42. Passed 9-24-84)

917.28. Contracts; trunk sanitary sewer line capacity.

The City Manager may with sufficient budget appropriation from Council, enter into a contract with a developer of property whereby the City agrees to pay the cost of trunk sanitary sewer line capacity beyond that capacity needed to properly serve the area of development.

(Ord. 87-50. Passed 4-13-87)

917.99. Penalty.

(a) Recovery of Costs by City. Any person or industrial user violating any of the provisions of this chapter or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the POTW or its treatment processes shall be liable to the City for any expense, loss or damage caused by the violation or discharge.

(b) Administrative Penalties.

(1) No person or industrial user shall violate any provision of this chapter or any order of the Authority pursuant to this chapter. The City Manager shall have the authority to assess a penalty for each violation of such order for up to one thousand dollars ($1,000.00) per violation per day. Each day or portion thereof during which any violation occurs shall constitute a separate offense irrespective of whether or not a separate notice of violation is served upon the violator. This provision shall not be construed to prohibit the City Manager from assessing fines in an amount less than one thousand dollars ($1,000.00) if the circumstances, in the estimation of the City Manager, warrant the lesser fine.

(2) Prior to the assessment, the City Manager shall notify the discharger of the violation in writing and shall schedule a time and place to allow the discharger to appear and respond to the allegations. Should the City Manager find that a violation has occurred, the City Manager shall notify the discharger of the assessment and its amount. The discharger shall remit payment to the City Manager within thirty days from the notice of assessment.

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

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

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

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

(c) Civil Penalties. Any person or industrial user who has violated or continues to violate this chapter, industrial wastewater discharge permit, pretreatment standard, pretreatment requirement or any order or permit issued hereunder, shall be liable to the City Manager for a civil penalty of not more than one thousand dollars ($1,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day or portion thereof during which any violation occurs shall constitute a separate offense irrespective or whether or not a separate notice of violation is served upon the violator. In addition to the above described penalty and damages, the City Manager may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses. In the case of monthly or long-term average discharge limits, penalties shall accrue for each day during the period violation.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a industrial user.

(d) Criminal Penalties.

(1) Any person or industrial user who violates any provision of this chapter or any order of the authority pursuant to this chapter shall be deemed guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code. Each day or portion thereof during which any

violation occurs shall constitute a separate offense irrespective of whether or not a separate notice of violation is served upon the violator.

(2) Any person or industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code.

(3) Any person or industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall be guilty of a misdemeanor of the first degree, punishable as prescribed in Chapter 501 of the General Offenses Code.

(e) Injunctive Relief

When the Authority finds that an industrial user has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may petition the Delaware County Court of Common Pleas or any other court with competent jurisdiction through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the industrial user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a industrial user.

(Ord. 92-24. Passed 4-27-92)

CHAPTER 925. STORM SEWERS

925.01. City Manager authorized to contract for construction of private storm sewers.

The City Manager, with the advice of the Board of Health, shall determine what watercourses within the City are in such condition as to endanger the health of its citizens and, upon determination that in order to correct such condition repairs or replacements of a portion of such watercourse located upon private property are necessary, the City Manager shall make negotiations with the owner of such property for the correction of such condition. Where it is deemed advisable by the City Manager he may execute a contract with such owner for the completion of the necessary work by the City to be paid for by such owner.

(Ord. 2476. Passed 4-18-55)

925.02. Method of payment.

(Ord. 2476. Passed 4-18-55)

925.03. Rate of interest; mechanic's lien.

(Ord. 2476. Passed 4-18-55)

925.04. Storm sewer connections required.

When storm sewers are accessible, downspouts, catch basins and such other storm drainage facilities as are necessary to remove storm water from the roof and parking areas of newly constructed single-family, multi-family, commercial and industrial buildings, shall be directly connected to such storm sewers by means of underground piping.

When storm sewers are not accessible, storm water drainage from newly constructed single-family, multi-family, commercial and industrial buildings shall be carried away in such a way as not to damage or constitute a nuisance to adjoining property.

(Ord. 97-101. Passed 10-27-97)

925.05. Director may order storm water drainage.

When storm sewers or ditches are accessible to existing single-family, multi-family, commercial and industrial properties, and storm water drainage from such properties is damaging or causing a nuisance to adjoining property, the Director of Public Utilities may by written notice order the owner of the single-family, multi-family, commercial or industrial property to connect the downspouts, catch basins and such other storm water drainage facilities directly to the storm sewer or ditch by means of underground piping.

When storm sewers or ditches are not accessible to existing single-family, multi-family, commercial and industrial properties, and storm water drainage from such properties is damaging or causing a nuisance to adjoining property, the Director or the Director's designee may, by written notice, order the owner of the single-family, multi-family, commercial or industrial property to provide facilities to carry away storm water drainage in such a way as not to damage or constitute a nuisance to adjoining property.

No person so notified shall fail, neglect or refuse to comply within thirty days of receipt of such notice from the Director or the Director's designee.

(Ord. 97-101. Passed 10-27-97)

925.06. Storm water drainage utility.

(a) Council determines and declares that it is necessary, appropriate and in the public interest to create, and this Council hereby creates, a storm water drainage utility to own, operate, maintain, repair, improve and extend the existing storm water drainage facilities servicing the City and its inhabitants, and improvements to and extension of those facilities, pursuant to the powers and authority provided under the Constitution and laws of the State of Ohio and the Charter and ordinances of the City. The City shall operate its storm water drainage facilities (the Utility) as a public utility and in such a manner as to provide and maintain open drainageways, underground storm sewers and drains and other storm water drainage facilities, equipment and appurtenances necessary, useful or convenient to provide a complete and adequate system of storm water drainage for the City and its inhabitants. Council further determines and declares that:

(1) The improvement of both public and private storm water drainage facilities through or immediately adjacent to new developments shall remain the responsibility of the developers.

(2) The City shall maintain all public storm water drainage facilities located on City-owned land and in public rights-of-way and easements. Public facilities include but are not limited to:

A. Open drainage ways owned by the City or located in public rights-of-way or drainage easements in the City;

B. A piped drainage system and its related appurtenances which have been designed and constructed expressly for use by the general public;

C. Bridges on public streets;

D. Roadside drainage ditches within the public right-of-way along streets; and

E. Flood control facilities (levees, dikes, overflow channels, detention basins, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public.

(3) Facilities not qualifying as public facilities include but are not limited to:

A. Private parking lot storm drains;

B. Storm water retention or detention facilities located on private property;

C. Roof, footing, and area drains;

D. Drains not designed and constructed for use by the general public;

E. Open drainage swales or ditches on private property for which no public easement of record has been granted; and

F. Access drives culverts.

(b) In order to pay the cost of operating, maintaining, repairing, improving and extending the Utility, Council shall establish and impose just and equitable charges on all users of the Utility for the services provided by the Utility. Those charges shall be established by this Council upon completion of a storm water engineering review to determine appropriate charges for the services of the Utility and shall be established at the level necessary to enable the City to pay that portion to be determined by Council of the costs of operating, maintaining, repairing, improving and extending the utility from revenues of the Utility.

(c) Pursuant to and in accordance with Ohio R.C. 5705.09, Council hereby establishes a special fund, to be known as the "Storm Water Utility Fund", for the revenues and expenses of the Utility.

(d) Until other provisions is made by Council, the Director of Public Utilities shall be the administrator of the Utility, and shall be authorized to develop for approval by Council policies, regulations, standards and financial incentives to promote, regulate and administer the Utility.

(e) If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the provision or any other provision of this ordinance which can be given effect without the invalid provision or application and to this end the provisions are severable.

(Ord. 98-61. Passed 8-10-98)

925.07. Stormwater charges; administrative process structure for funding of operations, maintenance and improvements of stormwater utility.

(a) Monies collected from the Utility Service Charges are to be utilized solely for the operations, maintenance, repair, improvement and extension of the Utility; to provide for the safe and efficient capture and

conveyance of storm water; to mitigate the damaging effects of storm water runoff and the correction of stormwater problems; to fund activities of stormwater management, including, but not limited to, design, planning, regulation, education, coordination, inspection and enforcement activities, all for the protection of the public health, welfare, and safety.

(b) Whenever used in this section, the meaning of the following words and terms shall be as follows:

(1) "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting the Stormwater System.

(2) "City" means the City of Delaware, Ohio.

(3) "Credit" means an on-going (as long as the various circumstances which produced the credit have not changed) reduction in a Utility Service Charge given for certain qualifying activities which reduce either the impact of increased Stormwater runoff or reduces the City's costs of providing Stormwater Facilities.

(4) "Detention Facility" means a facility which, by means of a single control point, provides temporary storage of Stormwater runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

(5) "Director" means the Director of Public Utilities of the City, or in the event of a vacancy in the office of Director of Public Utilities, the City Manager of the City.

(6) "Equivalent Residential Unit (ERU)" is a value, equal to 2,773 square feet of measured Impervious Area and is equal to the average amount of Impervious Area of typical single family Residential Properties within the City.

(7) "Impervious Area" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and other materials or artificially com posted so as to produce in the judgment of the Director a non-pervious surface.

(8) "Public Stormwater Open Channel" means all open channels which convey, in part or in whole, Stormwater, and are owned, operated, or maintained by the City; or a Stormwater open channel which has a permanent drainage/stormwater easement owned by the City and drains an area which includes City owned property or right-of-way. A public Stormwater open channel does not include roadside ditches which convey only immediate right-of-way drainage.

(9) "Residential Property" means all single family and two-family properties within the City. Such properties may incorporate a home-business or day-care service consistent with all other City ordinances and regulations and other applicable laws.

(10) "Retention Facility" means a facility which provides storage of Storm water runoff and is designed to eliminate subsequent surface discharges.

(11) "Square Footage of Impervious Area" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all of the Impervious Area using the outside boundary dimensions of the Impervious Area to include the total enclosed square footage, without regard to topographic features of the enclosed area.

(12) "Storm Sewer" means a sewer which carries Stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

(13) "Stormwater" means stormwater runoff, snow melt runoff and surface runoff and drainage.

(14) "Stormwater Facilities" means various Stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

(15) "Stormwater System" means all manmade facilities, structures, and natural watercourses owned by the City, or over which the City has jurisdiction by law to operate or maintain, used for collection and conducting Stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, Public Stormwater Open Channels and pumping stations.

(c) It is hereby determined necessary for the protection of public health, safety, and welfare that a system of charges for Utility service be established which justly and equitably allocates the cost of providing the services of the Utility to each user and property.

(d) Utility Service Charges levied pursuant to this section shall be collected by the Utility Billing Department and shall be credited to the Storm Water Utility Fund established pursuant to Section 925.06. Notwithstanding other provisions of the City Code, the Director of Public Utilities shall make and enforce such rules and regulations consistent with this section as may be deemed necessary for the safe, economical, and efficient management and protection of the Utility, for the construction and use of the Stormwater System consistent with policies established by Council. The Director of Finance is responsible for the regulation, collection, rebating and refunding of the Utility Service Charges.

(e) (1) The Utility Service Charges provided for in this section are imposed on each and every lot and parcel of land within the City, and the owner thereof, and are deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Stormwater System. The Utility Service Charges shall be established so as to maintain adequate fund reserves to provide for reasonable expected variations in the collection of Utility Service Charges, in the cost of providing services, and in the demand for services.

Funds will be reviewed annually as part of the regular Fee Schedule (Section 197.02) review.

(2)

(f) (1) For the purpose stated in this section there is hereby charged to each Utility user and property, lot, parcel of land, building or premises (collectively, "Properties") situated within the corporate limits of the City, that is tributary directly or indirectly to the stormwater system, Utility Service Charges determined as provided in this section.

(2) All properties having Impervious Area within the City shall be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, which may be less than one ERU.

(3) All improved single-family Residential Properties are assigned one ERU. A flat rate will apply to all single-family Residential Properties. All improved single-family Residential Properties are determined to include Impervious Area typical of a single-family residence.

(4) All improved two-family Residential Properties are assigned one (1) ERU. A flat rate will apply to all improved two-family Residential Properties. All improved two-family Residential Properties are determined to include Impervious Area typical of a two-family residence.

(5) All properties having an Impervious Area which are not improved single-family Residential Properties or improved two-family Residential Properties are to be assigned by the Director an ERU multiple based upon the properties' estimated Impervious Area (in square feet) divided by 2,773 square feet (one ERU). This division will be calculated to the second decimal place and rounded according to mathematical convention.

(6) The Utility Service Charge is listed in the fee schedule found in Section 197.02.

(g) The bill for Utility Service Charges shall be rendered on a monthly or annual basis and shall be billed with the monthly bill for other municipal services or billed alone to those persons not billed for other municipal services by the City. Penalties for failing to pay these charges are governed by Section 911.04.

(h) An owner may contest the ERU multiple assigned to the property by filing an appeal with the Director of Public Utilities. The appeal shall be in writing and shall state the grounds for the appeal.

The appeal shall be filed with the Director within 180 days after receipt of notice of the ERU multiple assigned to the property. The Director shall have 90 days to investigate the matter unless the Director determines more time is necessary for the review. The Director shall cause appropriate investigation to be made, determine whether an adjustment of the ERU multiple for the property is necessary, and adjust the assigned ERU multiple if appropriate. The appellant shall be notified in writing of the Director's determination with respect to the appeal and of any resulting adjustment in the amount of the Utility Service Charge.

(i) Each Utility Service Charge and applicable penalty rendered under or pursuant to this section is hereby made a lien upon the property to which it is applicable, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the County Auditor, who shall place the same on the tax duplicate of Delaware County with the interest and penalties allowed by law and be collected as other taxes are collected. As an alternative to collection of a delinquent Utility Service Charge and applicable penalty pursuant to certification to the County Auditor, delinquent Utility Service Charges and applicable penalty may be recovered in an action at law by the City.

(j) The Director shall promulgate rules and regulations which allow for a Credit in the Utility Service Charge for properties other than single-family Residential Properties. These rules and regulations may allow, where appropriate, application of the credits retroactive to the effective date of this section. The Director shall have the authority to charge a Utility Service Charge credit application fee, which shall be based upon estimated costs of reviewing, processing and administering the credit application.

(k) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the provision or any other provision of this section which can be given effect without the invalid provision or application and to this end the provisions are severable.

(Ord. 01-06. Passed 3-26-01; Ord. 21-69. Passed 12-13-21; Ord. 24-98. Passed 1-13-25)

925.99. Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

CHAPTER 926. ILLICIT NON-STORMWATER DISCHARGE AND ILLEGAL CONNECTION TO STORM SEWER SYSTEM[4]

926.01. Purpose and scope

(a) The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Delaware through the regulation of illicit discharges to the municipal separate storm sewer system

[4]Cross reference(s)—Storm sewers - see S.U. & P.S. Ch. 925

(MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA).

(b) This regulation applies to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Delaware, except for those discharges generated by the activities detailed in Section 926.05 (a)(1) to (a)(3) of this regulation.

(c) The objectives of this regulation are as follows:

(1) To prohibit illicit discharges and illegal connections to the MS4.

(2) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(d) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law.

(Ord. 12-36. Passed 6-25-12)

926.02. Definitions.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) Best Management Practices (BMPS): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPS also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) Community: means the City of Delaware, its designated representatives, boards, or commissions.

(c) Environmental Protection Agency: means the United States Environmental Protection Agency (USEPA), the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agencies.

(d) Floatable material: means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(e) Hazardous material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) Illicit discharge: means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 926.05 of this regulation.

(g) Illegal connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) Municipal Separate Storm Sewer System (MS4): means conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by the City, that discharges to waters of the united states;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which not part of a Publicly Owned Treatment Works (POTW) is as defined at 40 C.F.R. 122.2.

(i) National Pollutant Discharge Elimination System (NPDES) storm water discharge permit: means a permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(j) Off-lot discharging home sewage treatment system: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) Owner/operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) Storm water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

(n) Wastewater: the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 12-36. Passed 6-25-12)

926.03. Conflicts, severability, nuisances and responsibility.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Delaware, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Delaware to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Delaware, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 12-36. Passed 6-25-12)

926.04. City may contract with other agencies.

The City of Delaware may contract with other agencies to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 12-36. Passed 6-25-12)

926.05. Discharge and connection prohibitions.

(a) Prohibition of Illicit Discharge. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising groundwater's; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; small charity washes; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from firefighting activities. These discharges are exempt until such time as they are determined by the City of Delaware to be significant contributors of pollutants to the MS4.

Additionally, other water sources not containing pollutants may be considered at the discretion of the City Engineer, Director of Public Utilities and/or the Chief Building Official.

(2) Discharges specified in writing by the City of Delaware as being necessary to protect public health and safety.

(3) Discharges from off-lot household sewage treatment systems permitted by the Delaware General Health District for the purpose of discharging treated sewage effluent in unless such discharges are deemed to be creating a public health nuisance by the Delaware General Health District. In compliance with the City of Delaware Storm Water Management Program, discharges from all off-lot household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4 or allows such a connection to continue.

(2) This prohibition expressly includes, without limitation connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Ord. 12-36. Passed 6-25-12)

926.06. Industrial or construction activity discharge.

(a) Industrial or Construction Activity Discharge. Any person subject to an industrial or construction activity, NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Delaware prior to allowing discharges to the municipal separate storm sewer system.

(b) Portable Toilets.

(1) Property owners, occupants, managers or other persons in charge of any premises, office, business establishment, institution, industry, or similar facility, including construction or demolition sites, shall be responsible for the placement and sanitary maintenance of portable toilets.

(2) Portable toilets shall not be located upon any street or public right-of-way without prior approval from the City. Portable toilets shall not be located on, or within twenty (20) feet of a storm drain, or within one hundred (100) feet from any body of water including but not limited to project ponds with overflow devices. Portable toilets shall not be located within eleven (11) feet of a curb and/or gutter. If portable toilet placement is for a period of time lasting longer than one week, and is determined by the City to be vulnerable to tipping from wind, or vandalism, the portable toilet shall be secured by staking or cabling.

(3) Portable toilets shall be installed in a level position and be easily accessible to users.

(4) Where possible, portable toilets shall be located upon natural ground and not on an impervious surface such as concrete or asphalt.

(5) Portable toilets shall not be located whereby a spill or runoff will enter into storm drains or any water system.

(6) Portable toilets are not to be washed down whereby allowing contamination runoff to pollute soil and water resources and create potential human health issues and/or aquatic degradation.

(7) Portable toilets must be cleaned and serviced by a licensed service company at least once per week or when needed to maintain sanitary conditions.

(Ord. 12-36. Passed 6-25-12)

926.07. Monitoring of illicit discharges and illegal connections.

(a) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Delaware shall be permitted to enter and Inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Delaware shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Delaware.

(3) The City of Delaware shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality may be calibrated by the City of Delaware to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or verbal request of the City of Delaware and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Delaware access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Delaware is refused access to any part of the facility from which storm water is discharged, and the City of Delaware demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Delaware may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator. Upon failure to make payment, the charges may be assessed against the property subject to the inspection.

(Ord. 12-36. Passed 6-25-12)

926.08. Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, state waters, or waters of the united states, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the City, by phone, or other method no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications shall be confirmed by written notice addressed and mailed to the City of Delaware within three (3) business days. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this chapter.

(Ord. 12-36. Passed 6-25-12)

926.09. Enforcement.

(a) Notice of Violation. When the City of Delaware finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Delaware may order compliance by written notice of violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges or illegal connections;

(3) That violating discharges, practices, or operations cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or

(5) The implementation of source control or treatment BMPS.

(b) If abatement of a violation and/or restoration of affected property are required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a notice of violation must meet compliance standards within the time established in the notice of violation.

(d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, the City of Delaware shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision to fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Delaware may petition for a preliminary or permanent injunction restraining the owner/operator to perform abatement or remediation of the violation. Such injunction shall be heard by the City of Delaware Public Utilities/Public Works Committee.

(Ord. 12-36. Passed 6-25-12)

926.10. Remedies not exclusive.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is the discretion of the City of Delaware to seek cumulative remedies.

(Ord. 12-36. Passed 6-25-12)

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Jonathan Owen, City Engineer
ITEM TYPE:	Ordinances
AGENDA SECTION:	**7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-67**
SUBJECT:	Ordinance No. 25-67, an ordinance amending Sections 105.02, 105.03, and 105.04 of Chapter 105 of the codified ordinances of the City of Delaware, modifying competitive bidding advertisement and bid opening procedures **(AS AMENDED)**.

SUGGESTED ACTION:

ATTACHMENTS:

Ord 25-67, Fact Sheet DRAFT.docx
Ord 25-67, Code Chapter 105 Revisions DRAFT.docx
Exhibt A Code Chapter 105 Revisions AMENDED.pdf
Exhibt A Code Chapter 105 Revisions CLEAN.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 10	DATE: 11/10/2025
ORDINANCE NO: 25-67	RESOLUTION NO:
READING: SECOND	PUBLIC HEARING: YES **(November 10, 2025 at 7:15 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Jonathan R. Owen, City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTIONS 105.02, 105.03, AND 105.04 OF CHAPTER 105 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, MODIFYING COMPETITIVE BIDDING ADVERTISEMENT AND BID OPENING PROCEDURES.**(AS AMEDED)**

BACKGROUND:

City Charter Article XV and City Code Chapter 105 provide the requirements for competitive bidding for City contracts, including situations in which competitive bidding is required, the form of notice to bidders, method for advertising, and method of opening and reading bids.

Over time, the methods of public agencies to advertise for bids and for contractors to submit bids has transitioned to electronic means instead of newspapers and hard copy bid submittals. Previously, City Ordinance No. 13-23 provided for the ability to advertise the bidding opportunity exclusively on the City's website. Since 2016, the City has required all bids to be submitted electronically through the City's electronic bidding system (or the Bidding Website). The City currently uses the provider Bid Express to advertise, receive, and open electronic bids. However, city code has not been revised to reflect the receipt of electronic bids. This revision to the city code will revise the standard

form of notice to bidders to reflect the submission of bids electronically through the Bidding Website.

The form of notice to bidders currently includes language indicating that attendance at a prebid conference is required to be eligible to submit a bid. The revised language will allow for a prebid conference to be either optional or mandatory.

Furthermore, the method of opening and reading bids will be modified to allow for the bid opening to be conducted by electronic means such as through a remote video conference, instead of in-person at a City facility. Over time, it has become normal for there to be no attendance at in-person bid openings. Conducting the bid opening through video conference allows for bidders and members of the public to attend while the Bidding website allows for the efficient distribution of the results of the bid.

The amended language is highlighted in yellow on the pdf 'Exhibit A'.

REASON WHY LEGISLATION IS NEEDED:
City Council passage of an ordinance is required to modify the Codified Ordinances.

COMMITTEE RECOMMENDATION:
None

FISCAL IMPACT(S):
None

POLICY CHANGES:
The following policies will be modified by this change in the city code:

- Provide for the electronic submission of bids.
- Removes the requirement for a pre-bid conference to be mandatory.
- Allow for the opening of bids to be conducted and broadcast electronically through video conferencing methods.

RECOMMENDATION:
Passage with suspension of the rules.

ATTACHMENT(S)

Revisions to the referenced sections to the code are attached to the Ordinance as Exhibit A.

ORDINANCE NO. 25-67

AN ORDINANCE AMENDING SECTIONS 105.02, 105.03, AND 105.04 OF CHAPTER 105 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, MODIFYING COMPETITIVE BIDDING ADVERTISEMENT AND BID OPENING PROCEDURES. **(AS AMENDED)**

WHEREAS, Article XV of the Delaware Charter and Chapter 105 of the Codified Ordinances establish requirements and procedures for competitive bidding for public contracts; and

WHEREAS, it is necessary to modify and Codified Ordinances to allow for the advertisement, submittal of bids, and bid opening by electronic means as allowed by the Ohio Revised Code and as commonly practiced.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio, that:

SECTION 1. That Section 105.02, Section 105.03, and Section 105.04 of the Codified Ordinances of the City of Delaware are hereby amended and replaced in their entirety as set forth in the attached "Exhibit A".

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: YEAS____NAYS____

ABSTAIN ____

PASSED: _____, 2025 YEAS____ NAYS____

ABSTAIN ____

ATTEST: _____ _____

CITY CLERK MAYOR

EXHIBIT A

105.02. Form of notice to bidders.

~~The notice to bidders publicized in a newspaper of general circulation shall direct the reader to the City's website to receive further information about the bidding opportunity.~~

Where advertisement for competitive bidding is required in accordance with Section 105.01, the advertisement shall be made using the ~~The~~ form of notice to bidders ~~on the City's website shall be~~ as follows. Details in the notice to bidders may be added or modified for project-specific information as deemed necessary by the City Manager.~~:~~

~~NOTICE TO BIDDERS~~

~~Pursuant to Article XV Sections 73-75 of the Delaware Charter, sealed bids will be received by the City of Delaware, Ohio, Municipal Building, 1 South Sandusky Street, Delaware, Ohio 43015 until (time), on (date) at the office of the City Manager and opened immediately thereafter, for the following:~~

~~Contract~~	~~Estimate of Cost~~
~~(contract name)~~	~~(amount or range)~~

~~Bid Number -~~

~~In accordance with the (plans and specifications) prepared by and/or for the City of Delaware and on file in the office of the City Manager.~~

~~Information concerning the bid, plans, specifications and other contract documents may be (examined and/or purchased) at:~~

~~City of Delaware~~
~~(Office)~~
~~(Building)~~
~~Delaware, Ohio 43015~~

~~Upon payment of $25.00 per contract, none of which will be refunded. Checks will be made payable to the City of Delaware, Ohio.~~

~~Each bid must be accompanied by a bid guaranty meeting the requirements 153.54 to 153.57 of the Ohio Revised Code. Bids shall be sealed and addressed to:~~

~~City of Delaware, Ohio~~
~~(address)~~
~~Delaware, Ohio 43015~~

~~[A prebid meeting will be held at the (City Council Chambers 1 South Sandusky Street, Delaware, Ohio) at (time) edt on (date). Attendance to the prebid meeting is mandatory for all prospective bidders. Bids from bidders not in attendance at the prebid meeting will be returned unopened.]~~

~~Prospective bidders may address inquiries to (_____), Purchasing Agent, City Manager's Office, 740-203-1010.~~

~~No bidder may withdraw his/her bid within sixty (60) days after the actual date of the opening thereof. The City of Delaware reserves the right to reject any or all bids, to waive any informalities and to award the bid or bids to the lowest responsive and responsible bidder as deemed to be in the best interest of the City, as determined by the City Manager.~~

~~City of Delaware~~
~~(_____)~~
~~City Manager~~

~~Advertised on the City's website (date range).~~

NOTICE TO BIDDERS

Pursuant to Chapter 105 of the Delaware Code of Ordinances, sealed bids will be received by the City of Delaware, Ohio, until (date) at (time) local time through the City's electronic bidding system at [web address of the Bidding Website] (the Bidding Website) and opened immediately thereafter, for the following:

CONTRACT	ESTIMATE OF COST
(Contract/Project Name) Bid No. (YY-##)	**Base Bid:** ($ amount) **Alternates:** ($ amount each alternate)

Project Description: (summary description of the work to be performed by the contract).

Bidding Documents: All Bidding Documents, including the bidding and contracting requirements, plans, specifications, together with any addenda, will only be provided through the Bidding Website.

Pre-bid Conference: A pre-bid conference will be held on (date) at (time) [by electronic means or in person at (place and address)]. Attendance at the pre-bid conference is [mandatory for all prospective bidders or encouraged but not required]. The pre-bid conference details are included in the Instructions to Bidders.

Instructions to Bidders: For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

Prospective Bidders may address inquiries to (Name of Contact) at (email and/or phone number of contact) or through the Bidding Website. All inquiries must be submitted no later than (date) at (time) local time.

Bid Opening: A public bid opening will be conducted and broadcast by electronic means pursuant to the information included in the Instructions to Bidders. Immediately following the bid opening, the City will tabulate the bids and provide the results on the Bidding Website.

Issued By:
(Name of City Manager)
Advertised: (date)

(Ord. 93-9. Passed 1-25-93; Ord. 13-23. Passed 4-8-13)

105.03. Method of advertising for bids.

The City Manager shall advertise bids using one of the following methods:

(a) Publication of the Notice to Bidders specified in Section 105.02 on the City's website for a minimum 14 days; or

(b) Publication in one or more newspapers of general circulation in the City, once a week for two successive weeks. The newspaper publication may either be the full Notice to Bidders specified in Section 105.02 or a summary directing the reader to the City's website to view the full Notice to Bidders. ~~, an advertisement in the form of the "notice to bidders" specified in Section 105.02, except that one~~ One such advertisement listing several items to be bid upon shall be considered as appropriate for advertising purposes as though each item had been advertised separately.

(Ord. 92-38. Passed 6-8-92; Ord. 13-23. Passed 4-8-13)

105.04. Opening and reading bids.

At the time specified in the ~~call for bids~~Notice to Bidders, the City Manager or his designee shall cause the bids to be publicly opened and read. The bid opening may be conducted in person and/or broadcast by electronic means, with information to access the electronic bid opening provided in the Notice to Bidders or instructions to bidders. No other official of the City shall be required to be present.

(Ord. 84-60. Passed 12-10-84)

105.02. Form of notice to bidders.

Where advertisement for competitive bidding is required in accordance with Section 105.01, the advertisement shall be made using the form of notice to bidders as follows. Details in the notice to bidders may be added or modified for project-specific information as deemed necessary by the City Manager.

NOTICE TO BIDDERS

Pursuant to Chapter 105 of the Delaware Code of Ordinances, sealed bids will be received by the City of Delaware, Ohio, until (date) at (time) local time through the City's electronic bidding system at [web address of the Bidding Website] (the Bidding Website) and opened immediately thereafter, for the following:

CONTRACT	ESTIMATE OF COST
(Contract/Project Name) Bid No. (YY-##)	**Base Bid:** ($ amount) **Alternates:** ($ amount each alternate)

Project Description: (summary description of the work to be performed by the contract).

Bidding Documents: All Bidding Documents, including the bidding and contracting requirements, plans, specifications, together with any addenda, will only be provided through the Bidding Website.

Pre-bid Conference: A pre-bid conference will be held on (date) at (time) [by electronic means or in person at (place and address)]. Attendance at the pre-bid conference is [mandatory for all prospective bidders or encouraged but not required]. The pre-bid conference details are included in the Instructions to Bidders.

Instructions to Bidders: For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

Prospective Bidders may address inquiries to (Name of Contact) at (email and/or phone number of contact) or through the Bidding Website. All inquiries must be submitted no later than (date) at (time) local time.

Bid Opening: A public bid opening will be conducted and broadcast by electronic means pursuant to the information included in the Instructions to Bidders. Immediately following the bid opening, the City will tabulate the bids and provide the results on the Bidding Website.

Issued By:
Paul J. Brake, City Manager
Advertised: (date)

(Ord. 93-9. Passed 1-25-93; Ord. 13-23. Passed 4-8-13)

105.03. Method of advertising for bids.

The City Manager shall advertise bids using one of the following methods:

(a) Publication of the Notice to Bidders specified in Section 105.02 on the City's website for a minimum of 14 days; or

(b) Publication in one or more newspapers of general circulation in the City, once a week for two successive weeks. The newspaper publication may either be the full Notice to Bidders specified in Section 105.02 or a summary directing the reader to the City's website to view the full Notice to

Bidders. One such advertisement listing several items to be bid upon shall be considered as appropriate for advertising purposes as though each item had been advertised separately.

(Ord. 92-38. Passed 6-8-92; Ord. 13-23. Passed 4-8-13)

105.04. Opening and reading bids.

At the time specified in the Notice to Bidders, the City Manager or his designee shall cause the bids to be publicly opened and read. The bid opening may be conducted in person and/or broadcast by electronic means, with information to access the electronic bid opening provided in the Notice to Bidders or instructions to bidders. No other official of the City shall be required to be present.

(Ord. 84-60. Passed 12-10-84)

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-64**
SUBJECT:	Ordinance No. 25-64, an ordinance amending the schedule of fees and service charges and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Ord 25-64, Fee Schedule Changes.docx
Ord 25-64 Fee Schedule Changes.docx
Exhibit A - 2026 Fee Schedule Changes.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 11	DATE: 11/10/2025
ORDINANCE NO: 25-64	RESOLUTION NO:
READING: SECOND	PUBLIC HEARING: YES **(November 10, 2025 at 7:20 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget, and Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND SERVICE CHARGES AND DECLARING AN EMERGENCY.

BACKGROUND:
The Fee Schedule in Section 197.02 of the Delaware Codified Ordinances is reviewed and updated annually as part of the budget process.

Exhibit A illustrates all recommended changes.

For Oak Grove Cemetery, as the City has added burial options, it was necessary to add a fee for columbarium engraving.

Earlier this year, City Council approved a comprehensive update to the City's Zoning Code. This update necessitated updating the Fee Schedule to accommodate several new permits and registries which were not included in the previous versions and to update some language in the Schedule to reflect code updates. Additionally, this update to the Fee Schedule serves as an opportunity to simplify the existing fees, especially relating to certificates of building and zoning compliance to make the permitting and invoicing process more straightforward.

On the October 27th agenda, there is a proposed update to Title Three – Utilities of the City's Streets, Utilities and Public Services Code. Part of this update is to

move standard user fees from within each chapter of the utility code to the Fee Schedule. This is intended to make annual fee review more streamlined and easier to follow.

Changes to the structure of the utility rates are also recommended. There will be a presentation by the consultant assisting with these changes, Raftelis, at an upcoming Council meeting.

Finally, a note is made in reference to obsolete fees found throughout the City's Code. City Staff will work to update the corresponding sections of code over the coming months.

REASON WHY LEGISLATION IS NEEDED:
Council approval is required to update Section 197.02 of the City's Codified Ordinances.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
Adjusted revenues as reflected in the proposed 2026 Budget.

POLICY CHANGES:
N/A

PRESENTER(S):
Alycia Ballone, Director of Management, Budget, and Procurement
Rob Alger, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Ordinance 25- Fee Schedule Changes
Exhibit A – Fee Schedule Changes

ORDINANCE NO. 25-64

AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND SERVICE CHARGES AND DECLARING AN EMERGENCY.

WHEREAS, as part of the yearly review of the fees established in Delaware Codified Ordinance Section 197.01, it has been determined that certain fees and charges should be amended and others added.

NOW, THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. The following portions of 197.02 are amended, removed and added as illustrated in Exhibit A.

SECTION 2. All other sections of the fee schedule remain unchanged.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the city, and for the further reason that the fee changes, which are tied to other budgetary items, must be effective by January 1, 2026, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE: YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

OAK GROVE CEMETERY		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
937.04	Interment Adult Burial	Monday—Friday $1,400.00 out by 3:30 p.m.
		Saturday $1,600.00 out by 12:00 p.m.
		$75.00 per half-hour past
937.04	Interment Cremation Burial	Monday—Friday $850.00 out by 3:30 p.m.
		Saturday $1,200.00 out by 12:00 p.m.
		$75.00 per half-hour past
937.04	Single Space—Upright Monument	$1,500.00
937.04	Single Space—Flush Marker	$1,300.00
937.04	Single Space—Veterans Section	$1,000.00
937.04	Single Space Cremation Space	$950.00
937.04	Single Space Cremation Space—Veterans Section	$250.00
937.04	Infant Section Package (Includes Space, Opening and Closing)	$250.00
937.04	Foundations	$1.00/sq. inch
937.04	Minimum Foundation Charge	$225.00
937.04	Foundation—Government Marker	$225.00
937.04	Columbarium—Single Niche	$1,500.00
937.04	Columbarium—Double Niche	$3,000.00
937.04	Scatter Gardens—Scattering of Cremains	$200.00
937.04	Scatter Gardens—Scattering of Cremains with Name on Memorial Stone	$1,500.00
937.04	Columbarium Engraving Fee	$295.00

~~COMMUNITY DEVELOPMENT/CONSTRUCTION~~ ENGINEERING LAND DEVELOPMENT AND RIGHT OF WAY FEES		
SOURCE OF FEE	**FEE TITLE**	**FEE**
903.3	Engineering Plan Review Fees	Traffic Studies (in-house review): *Non-Complex Review: $1,500.00* *Complex Review: $3,500.00*
		Storm Water Management Plan (in-house review): *Level I Review: $700.00* *Level II Review: $3,500.00* *Level III Review: $7,500.00*
		Residential Development (in-house review): *$350.00 per plan sheet*
		Commercial/Industrial (in-house review): *0—5 acres $350.00 per plan sheet* *>5—15 acres $400.00 per plan sheet* *>15—75 acres $450.00 per plan sheet* *>75 acres $550.00 per plan sheet*
		Off Site Infrastructure: *$350.00 per plan sheet*
		For plan reviews utilizing contracted consultant services: actual costs of contracted consultant services + a 10% administrative fee on all consultant fees.
903.03	Engineering Inspection Fees	Applicant invoiced monthly for: *$60 per hour for in-house inspection services;* *Actual cost of contract inspection services;* *10% Administrative fee for all inspection fee billings* *Final reconciliation performed upon completion of all work and receipt by City of all outstanding contract service billing*

901.07 [901.15]	Right-of-Way Permit and Inspection Fees	Permit Application Fees: *Dumpster/Storage Pod: $25.00* *Excavation in Public Right-of-Way: $50.00* *Blanket Permit Designation: $500.00* *Permit fees are doubled for applicants that start activity within the public right-of-way without first applying for and obtaining an approved permit.*
		Inspection Fees: *Excavation in roadway pavement: $200.00* *Excavation outside roadway pavement: $50.00*
		Additional plan review and inspection fees: *$60.00 per hour for in-house inspection services and the actual cost of contract plan review and inspection services.* *A 10% administrative fee is added to all plan review and inspection invoicing.* *Final reconciliation performed upon completion of all work and receipt by city of all outstanding contract service billing.* *Permit and inspection fees are waived for individual property owners submitting applications to complete sidewalk repairs on their respective property.*
1321.03	Sidewalk, Curb, Gutter, Driveway permit	$40.00
910.06~~, 1125.06~~	Petition to vacate street or alley	Single Family Lot: *$100.00*
		All Else: *$250.00*
905.04	Failure to comply with notice to cut noxious weeds, vines, and grass	*$100.00 + cost of cutting as invoiced to the city.*
907.06	Failure to remove or abate dangerous trees or trees overhanging on sidewalk	*$100.00 + cost of removal as invoiced to the city.*

ZONING APPLICATIONS AND PERMITS		
~~1125.06~~ 1105	Zoning & Planning Pre-Development and Development Applications	Rezoning/Zoning Amendments: *Straight Zoning: $275.00 + $55.00 per acre* *PUD Re-Zoning: $550.00 + $110.00 per acre* *Text Amendment: $275.00*
		Comprehensive Plan Amendment: *$550.00*
		Development Plan: *Full Board Review: $1100.00 + $55.00 per acre* *Administrative Review: $550.00 + $55.00 per acre*
		Development Plan Modification: *Incidental: $275.00* *Minor: $550.00* *Major: $1,100.00*
		Conditional Use ~~Permit~~ Approval: *Existing Structure: $550.00* *New Structure: $1,100.00*
		Variance: *Single-Family Lot: $165.00* *All Else: $330.00*
		Appeal of Administrative Decision: *Single-Family Lot: $165.00* *All Else: $330.00*
		Zoning Determination Letter: *Single-Family Lot: $30.00* *All Else: $140.00*
		Determination of Substantially Similar Use: *$330.00*
		Annexation Review: *< 5 acres: fees equal to the cost of recording the annexation* *5 or more acres: $550 + $5/acre + fees equal to the cost of recording the annexation*
1106.02/1106.04	Platting and Lot Combinations	Subdivision Plats: *Preliminary Plat: $825.00 + $55.00 per acre* *Final Plat: $1,100.00 + $55.00 per acre* *Re-Plat to Planning Commision: $825.00*
		~~Lot Split/~~Lot Combination/Survey Record: ~~staff approval~~ *$110.00*
1138.13	Historic District Sidewalk Use	~~Sidewalk Use Permit:~~ $25.00 annually ~~for initial application;~~ ~~$0.00 for renewal applications which are unchanged~~

1347.12	Floodplain Permits and Reviews	Floodplain Use Permit: *$330.00* ~~*Single-Family Lot: $165.00*~~ ~~*All Else: $330.00*~~
		Floodplain Letter of Interpretation: *$100.00* ~~*Single-Family Lot: $55.00*~~ ~~*All Else: $220.00*~~
1115.03	Historic Preservation Commission Review	Administrative Review: ~~$55.00~~ *$50.00** Concept Plan: ~~$0.00~~ *$75.00* Full Board Review: ~~$55.00~~ *$100.00** ** Fee doubled when work commences prior to approval*
~~1165~~ 1125.03	Sign Permits~~— Zoning~~	Temporary: *$30.00 per sign*
		Permanent Signs: *Ground Sign: $150.00* *Wall Sign: $100.00* *Panel Replacement: $75.00*
~~1168.02~~ 1122.03	Tree Clearance Permit	$165.00
~~1125.06~~ 1138.02	Temporary Use Permits~~— Zoning~~	Model Home/Sales Office: *$165.00*
		~~Mobile Food Vendor: $85.00~~
		All Else: ~~*$35.00*~~ *$85.00*
1138.04	Registries and Licenses	Mobile Food Vendor License: *$85.00*
1133.04		Short Term Rental Registration: *$85.00*
1131.03		Accessory Dwelling Unit Registration: *$85.00*
1112.05		Certificate of Use Compliance: *$100.00*
	New Address / Address Change	
BUILDING PERMITS AND CONSTRUCTION		
	All residential permits: $50 base review fee (R-BRF) + additional fees as outlined below.	
	Residential permits requiring Building Department review shall be required to pay an Standalone permit inspection (SPI) fee: $50	
	Standalone Permit Fees - Residential	Fence: *R-BRF only*
		Swimming Pool: *R-BRF + SPI + $50.00*
		Electrical: *R-BRF + SPI*
		Gas Line: *R-BRF + SPI*
		HVAC: *R-BRF + SPI*
		Accessory Structure or Deck: *100 sf - 200 sf: R-BRF* *> 200 sf: R-BRF + SPI + $50.00*
		Solar Panels: *Roof-mounted: R-BRF + SPI* *Ground-mounted: R-BRF + SPI + $50.00*
		Re-Roof: *R-BRF*
		Building Demolition/Relocation: *R-BRF + SPI*

1321	Blanket Permit Fees - Residential	Remodel (including basement finish): *R-BRF + SPI + other additive fees*
		Addition: *R-BRF + $50.00 + SPI + other additive fees*
		New Single-Family Home (includes fee-simple attached) *Review: R-BRF + $50.00; plus* *Inspection: $400.00 + $0.05 per square foot; plus other additive fees*
	Additive Permit Fees - Residential	Electrical: *$0.07 per square foot*
		HVAC: *Minor alteration or addition 1,000 sf or less: $25* *New build or addition > 1,000 sf: $165*
		Insulation: *$50.00*
		Subsiding: *$50.00*
		Gas Line: *$50.00*
		Fireplace: *$40.00*
		Water and Sewer Permit: *$40.00*
		Excavation (utility connection): *$55.00*
		Temporary Occupancy: *$100.00*
		Final Occupancy: *$85.00*
		Re-Inspection fee (third trip): *$100.00*
	Penalty Fee - Residential	*$100.00*
	All commercial permits: $100 base review fee (C-BRF) + additional fees as outlined below.	
	Commerical permits requiring Building Department review shall be required to pay an Standalone permit inspection (SPI) fee: $50	
	Standalone Permit Fees - Commercial	Building Demolition: *C-BRF + SPI*
		Fence: *C-BRF only*
	Blanket Permit Fees - Commercial	New Building or Addition: *C-BRF + $100.00 + $0.07 per square foot + other additive fees*
		Alteration or Tenant fit-out: *C-BRF + $100.00 + $0.04 per square foot + other additive fees*
	Additive Permit Fees - Commercial	Electrical: *$0.15 per square foot*
		HVAC: *$0.10 per square foot*
		Insulation: *$0.08 per square foot*
		Water and Sewer Permit: *$40.00*
		Excavation (utility connection): *$55.00*
		Temporary Occupancy: *$150.00*

	Additive Permit Fees - Commercial	Final Occupancy: *$100.00*
		Re-Inspection fee (third trip): *$100.00*
		Third Party Plan Review: *total consultant invoice for special expertise*
		Plan Revision (third submittal): *$50.00 per reviewing division*
	Penalty Fee - Commercial	*$300.00*
~~1321.01. 1321.11~~	~~One-, Two-, or Three-Family Dwellings Building Inspections and Permits~~	~~In addition to the fees below, the State of Ohio requires the city to collect a 1% surcharge on certain permits below and as may be amended by the State of Ohio:~~
		~~Building Permit Plan Review:~~
		~~New Construction: $55.00~~
		~~Building Permit — New Construction Inspection: $385.00 + $0.05 per s.f.~~
		~~Building Permit — Porches, Residential Additions, Remodeling, Alterations and Accessory Buildings up to 1,000 sq. ft.~~
		~~Inspection: $82.50 + $0.05 per s.f.~~
		~~Plumbing Inspection if performed by the city: $85.00 for new builds~~
		~~$40.00 for minor alterations~~
		~~Water heaters, heating, ventilating, and cooling equipment/systems (HVAC) Inspection: $165.00 for new home construction and additions 1,000 s.f. and greater;~~
		~~$55.00 for minor alterations to existing systems, renovations, and additions under 1,000 s.f.~~
		~~$30.00 for residential appliance replacements including water heaters and HVAC.~~
		~~Electrical: $55.00 for service upgrade, minor alterations to existing residential buildings, pools, generators, and additions under 1,000 s.f.~~
		~~For New Construction and additions and alterations 1,000 s.f. and greater:~~
		~~$110.00 for buildings up to 1,000 s.f.~~
		~~$110.00 + $0.02 per s.f. for structures 1,001—2,000 total s.f.~~
		~~$110.00 + $0.03 per s.f. for structures 2,001—3,000 total s.f.~~

		~~$110.00 + $0.04 per s.f. for structures 3,001 total s.f. structures and greater~~
		~~Insulation: $82.50 for new construction homes and additions over 1,000 s.f.~~
		~~Gas Line Inspection: $77.00~~
		~~Reissuance of lost permit or inspection card: $55.00~~
		~~Reinspection: Upon the third inspection for the same task/item: $90.00~~
		~~Occupancy Permit/Certificate:~~
		~~Temporary: $140.00~~
		~~Final: $85.00~~
		~~Excavation to connect to utilities: $55.00~~
		~~Water/Sewer Permit Processing: $40.00~~
		~~Subsiding: $55.00~~
		~~Fireplace/Fireplace like Device Permit and Inspection: $40.00~~
		~~Grade Inspections: $110.00~~
		~~Re-roof: $55.00~~
		~~Residential Plan Revision: $85.00~~
		~~Miscellaneous Permit: $40.00~~
~~1125.06, 1321.01, 1321.02~~	~~Certificate of Zoning Compliance, Inspection & Plan Review— Residential~~	~~Plan Review for New Construction, additions, and alterations: $45.00~~
		~~Inspection Compliance Certificate— New Construction, additions, and alterations: $70.00~~
		~~New Address Assignment or Change of Address: $100.00~~
~~1315.05~~	~~Contractor Registration~~	~~$85.00~~
~~1321.01. 1321.11~~	~~One-, Two-, or Three-Family Dwellings Building Inspections and Permits~~	~~In addition to the fees below, the State of Ohio requires the city to collect a 1% surcharge on certain permits below and as may be amended by the State of Ohio:~~
		~~Building Permit Plan Review:~~
		~~New Construction: $55.00~~
		~~Building Permit— New Construction Inspection: $385.00 + $0.05 per s.f.~~
		~~Building Permit— Porches, Residential Additions, Remodeling, Alterations and Accessory Buildings up to 1,000 sq. ft.~~
		~~Inspection: $82.50 + $0.05 per s.f.~~
		~~Plumbing Inspection if performed by the city: $85.00 for new builds~~

		~~$40.00 for minor alterations~~
		~~Water heaters, heating, ventilating, and cooling equipment/systems (HVAC) Inspection: $165.00 for new home construction and additions 1,000 s.f. and greater;~~
		~~$55.00 for minor alterations to existing systems, renovations, and additions under 1,000 s.f.~~
		~~$30.00 for residential appliance replacements including water heaters and HVAC.~~
		~~Electrical: $55.00 for service upgrade, minor alterations to existing residential buildings, pools, generators, and additions under 1,000 s.f.~~
		~~For New Construction and additions and alterations 1,000 s.f. and greater:~~
		~~$110.00 for buildings up to 1,000 s.f.~~
		~~$110.00 + $0.02 per s.f. for structures 1,001—2,000 total s.f.~~
		~~$110.00 + $0.03 per s.f. for structures 2,001—3,000 total s.f.~~
		~~$110.00 + $0.04 per s.f. for structures 3,001 total s.f. structures and greater~~
		~~Insulation: $82.50 for new construction homes and additions over 1,000 s.f.~~
		~~Gas Line Inspection: $77.00~~
		~~Reissuance of lost permit or inspection card: $55.00~~
		~~Reinspection: Upon the third inspection for the same task/item: $90.00~~
		~~Occupancy Permit/Certificate:~~
		~~Temporary: $140.00~~
		~~Final: $85.00~~
		~~Excavation to connect to utilities: $55.00~~
		~~Water/Sewer Permit Processing: $40.00~~
		~~Subsiding: $55.00~~
		~~Fireplace/Fireplace like Device Permit and Inspection: $40.00~~
		~~Grade Inspections: $110.00~~
		~~Re-roof: $55.00~~
		~~Residential Plan Revision: $85.00~~
		~~Miscellaneous Permit: $40.00~~

1125.06, 1321.02	Certificate of Zoning Compliance, Inspection & Plan Review — Commercial/Industrial	Plan Review: $55.00
		New construction Compliance and Inspection: $110.00 + $0.03 per s.f.
		Alteration or Remodel Inspection and Compliance: $85.00
		Miscellaneous Permit: $40.00
		Certificate of Use Compliance: $55.00
		New Address Assignment or Change of Address: $100.00
		Review of Site Plan Improvements: $30.00 per hour for in house review or actual invoice rate for contractual review
1321.04	Demolition of Buildings permit	$110.00
1321.05	Moving Buildings	$110.00
1125.06, 1321.08	Residential Fence, Deck, Shed, or Pool Permit and Inspections for Zoning and Building Construction	Fence: $35.00
		Sheds: $35.00
		Decks: $45.00
		Pools: $45.00
1321.11, 1321.12	Commercial/Industrial Building Plan Review	In addition to the fees below, the State of Ohio requires the city to collect a 3% surcharge on certain permits below and as may be amended from time to time by the State of Ohio:
		New Building/Addition: $154.00 + $0.07 per s.f.
		Alteration/Tenant Space: $66.00 + $0.04 per s.f.
		Decks/Accessory Structures: $66.00 + $0.03 per s.f.
		Plan Re-Review: $110.00 per hour
		Miscellaneous Permit: $85.00
		Excavation to connect to utilities: $55.00
		Water/Sewer Permit Processing: $30.00
1321.12	Commercial Building Inspections and Permits	In addition to the fees below, the State of Permits Ohio requires the City to collect a 3% surcharge on certain permits below and as may be amended from time to time by the State of Ohio:
		Structural: $88.00 + $0.05 per s.f.
		Electrical: $88.00 + $0.04 per s.f.

		~~Heating/Ventilation/Air Conditioning (HVAC): $88.00 + $0.03 per s.f.~~
		~~Insulation/Energy Conservation: $88.00 + $0.02 per s.f.~~
		~~Fire Suppression/Protection System: $110.00 + $5.00 for each signaling system/sprinkler head for up to 300 heads~~
		~~Commercial Certificate of Use and Occupancy: Temporary Certificate: $110.00~~
		~~Final Certificate: $85.00~~
		~~Re-inspections upon the third inspection for the same task/item: $90.00~~
		~~Reissuance of permits or permit card: $55.00~~
~~1143.02~~	~~Application for Certificate of Zoning Compliance—Massage Establishments~~	~~*$165.00*~~
PARKING METER RATES		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
~~353.06~~	~~Parking Meter Rates~~	~~Beginning July 1, 2023 the rates for the use of parking meter spaces shall be:~~
		~~(a) Fifty cents ($.50) for each one hour of parking~~
		~~(b) Twelve and one-half cents ($0.125) for each fifteen minutes of parking~~
		~~Beginning April 1, 2024: the rates for the use of parking meter spaces shall be:~~
353.06	Parking Meter Rates	~~(c)~~ *One dollar ($1.00) for each one hour of parking*
		minutes of parking
LICENSES AND PERMITS		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
351.99 / 351.04	Parking Tickets	*$25.00 Over time (meter)*
		$25.00 Over limit (2 hour parking)
		$25.00 parking in prohibited spot
		$25.00 parking outside of lines
		If the vehicle has accumulated three tickets (over time, over limit, prohibited spot) in 30 days or five or more tickets in 60 days, the ticket fee will be doubled
		$100.00 Boot fee
		$250.00 Handicapped parking violation, first violation
		$300.00 Handicapped parking violation, second violation $500.00

		Handicapped parking violation, third and subsequent violations
		$20.00 late fee for tickets over 30 days old
		$5.00 billing fee
933.15	Mobile food vendor permit	*$25.00 per permit*
REFUSE COLLECTION		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
929.09	Residential Refuse Collection	*$27.00 per month*
929.09	Residential Refuse Collection Senior Rate	*$20.25 per month* *$13.50 for service established before 06/01/2022*
929.09	Additional residential 96-gallon refuse recycling cart or 64-gallon recycling cart	Cost of cart +:
		$15.00 per month
		$10.00 per month
929.09	Commercial Tipcart Collection	$27.00 per month for basic service consisting of one 96-gallon tipcart, two 32-gallon carts, or twenty, 30-gallon bag tags
929.09	Commercial Dumpster Collection— Once Per Week	2 cu. yds. $108.00 per month
		3 cu. yds. $119.00 per month
		4 cu. yds. $129.00 per month
		6 cu. yds. $150.00 per month
		8 cu. yds. $171.00 per month
929.09	Commercial Dumpster Collection— Twice Per Week	2 cu. yds. $216.00 per month
		3 cu. yds. $237.00 per month
		4 cu. yds. $258.00 per month
		6 cu. yds. $300.00 per month
		8 cu. yds. $342.00 per month
929.09	Commercial Dumpster Collection— Three Per Week	2 cu. yds. $324.00 per month
		3 cu. yds. $356.00 per month
		4 cu. yds. $387.00 per month
		6 cu. yds. $450.00 per month
		8 cu. yds. $513.00 per month
929.09	Commercial Dumpster Collection— Four Per Week	2 cu. yds. $432.00 per month
		3 cu. yds. $474.00 per month
		4 cu. yds. $516.00 per month
		6 cu. yds. $600.00 per month
		8 cu. yds. $684.00 per month

929.09	Commercial Dumpster Collection— Five Per Week	2 cu. yds. $540.00 per month
		3 cu. yds. $593.00 per month
		4 cu. yds. $645.00 per month
		6 cu. yds. $750.00 per month
		8 cu. yds. $855.00 per month
929.09	Additional pickup— Commercial Refuse Customers	2 cu. yds. $25.00 per month
		3 cu. yds. $27.00 per month
		4 cu. yds. $30.00 per month
		6 cu. yds. $35.00 per month
		8 cu. yds. $39.00 per month
929.09	Commercial Recycling Dumpster	No charge to existing commercial customers
929.09	New Residential service 96-gallon refuse and 64-gallon recycling carts	Current cost to purchase tipcarts
929.09	30-gallon bag tags for trash in excess of tipcart capacity	$1.50 per tag
929.09	Discontinuation/reactivation/change in service level of refuse services	$13.50
929.09	Bulk item collection	$50.00 per stop for up to 5 items
		$10.00 for each additional item (limit 3)
UTILITY SERVICES		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
913.04	Temporary Water Service	*$75.00 for outlet one-inch or less*
		$150.00 for outlet greater than one inch
913.05	Temporary water turn off/on	*$25.00*
913.03	Tap Fees	*See Section 913.03*
913.13	Meter Rules and Regulations	*Certain water meters shall be provided by the Utility Department, Water Division at the cost of the meter to the City. This is currently $160.00 for a ⅝ — ¾ meter.*
		If a water meter pit is necessary, the city will charge the cost of the pit. This cost is currently $300.00
913.14	Rates for water service inside city Meter Size [inches]	*Base Rate [Minimum]*
	5/8	*$13.94*
	3/4	*$20.91*
	1	*$34.85*
	1 1/2	*$69.70*
	2	*$111.51*

	3	*$209.09*
	4	*$348.48*
	6	*$696.95*
	8	*$1,115.12*
	Volume Rates based on consumption [CCF]--Residential	
	Tier #1 0-2	*Base*
	Tier #2 2-6	*$4.08*
	Tier #3 6-10	*$6.12*
	Tier #4 >10	*$8.16*
	Volume Rates based on consumption [CCF]--Master Metered	
	Tier #1 0-2	Base
	Tier #2 2-6	$4.08
	Tier #3 6-10	$4.08
	Tier #4 >10	$4.08
	Volume Rates based on consumption [CCF]--Non-Residential	
	Tier #1 0-2	Base
	Tier #2 2-6	$4.08
	Tier #3 6-10	$4.08
	Tier #4 >10	$4.08
913.15	Rates for water service outside city Meter Size [inches]	Base Rate [Minimum] -- 50% surcharge to schedule of fees for water rates.
	5/8	$20.91
	3/4	$31.37
	1	$52.28
	1 1/2	$104.54
	2	$167.27
	3	$313.63
	4	$522.71
	6	$1,045.43
	8	$1,672.68
	Volume Rates based on consumption [CCF]--Residential	
	Tier #1 0-2	Base
	Tier #2 2-6	$6.12
	Tier #3 6-10	$9.18
	Tier #4 >10	$12.24

	Volume Rates based on consumption [CCF]--Master Metered	
	Tier #1 0-2	Base
	Tier #2 2-6	$6.12
	Tier #3 6-10	$6.12
	Tier #4 >10	$6.12
	Volume Rates based on consumption [CCF]--Non-Residential	
	Tier #1 0-2	Base
	Tier #2 2-6	$6.12
	Tier #3 6-10	$6.12
	Tier #4 >10	$6.12
913.25	Sale of water for resale	$2.73 per 100 cubic foot
913.23	Wastewater auxiliary meter	$25.00 inspection + $8.35 monthly service fee
917.14	Wastewater Service Charges Base Minimum Charge	$13.44
	Volume Rates Usage Range [CCF]	
	Tier #1 0-2	Base
	Tier #2 >2	$5.52
	Rates outside the City	50% surcharge to schedule of fees for wastewater rates for both tiers
917.21	Wastewater Capacity Fee	See Section 917.21
925.07	Stormwater Service Charge [per ERU]	$5.50
IMPACT FEES		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
1365.04(a)	Police Impact Fee - Single Family/Detached	$162.00
1365.04(a)	Police Impact Fee - Townhouse/Duplex	$134.00 per unit
1365.04(a)	Police Impact Fee - Other residential	$101.00 per unit
1365.04(b)	Police Impact Fee - Commercial Shopping Center	Commercial Shopping Center:
		50,000 s.f. or less $517.00 per 1,000 s.f.
		50,001 to 100,000 s.f. $456.00 per 1,000 s.f.
		100,001 to 200,000 s.f. $398.00 per 1,000 s.f.
		Greater than 200,000 s.f. $343.00 per 1,000 s.f.
1365.04(b)	Police Impact Fee - Office/Institutional	25,000 s.f. or less $536.00 per 1,000 s.f.
		25,000 s.f. to 50,000 s.f. $339.00 per 1,000 s.f.
		50,001 s.f. to 100,000 s.f. $240.00 per 1,000 s.f.

		Greater than 100,000 s.f. $191.00 per 1,000 s.f.
1365.04(b)	Police Impact Fee - Business Park	$162.00 per 1,000 s.f.
1365.04(b)	Police Impact Fee - Light Industrial	$135.00 per 1,000 s.f.
1365.04(b)	Police Impact Fee - Manufacturing	$94.00 per 1,000 s.f.
1365.04(b)	Police Impact Fee - Warehousing	$76.00 per 1,000 s.f.
1367.04(a)(1)	Fire Impact Fee - Residential	Single Family Detached $349.00
		Townhouse/Duplex $289.00
		Other Residential $219.00
1367.04(b)(1)	Fire Impact Fee - Commercial/Shopping Center	Up to 50,000 s.f. $494.00 per 1,000 s.f.
		50,001 to 100,000 s.f. $432.00 per 1,000 s.f.
		100,001 s.f. to 200,000 s.f. $383.00 per 1,000 s.f.
		Greater than 200,000 s.f. $345.00 per 1,000 s.f.
1367.04(b)(1)	Fire Impact Fee - Office/Institutional	Up to 25,000 s.f. $717 per s.f.
		25,001 to 50,000 s.f. $676.00 per 1,000 s.f.
		50,001 to 100,000 s.f. $638.00 per 1,000 s.f.
		Greater than 100,000 s.f. $603.00 per 1,000 s.f.
1367.04(b)(1)	Fire Impact Fee - Business Park	$546.00 per 1,000 s.f.
1367.04(b)(1)	Fire Impact Fee - Light Industrial	$399.00 per 1,000 s.f.
1367.04(b)(1)	Fire Impact Fee - Manufacturing	$309.00 per 1,000 s.f.
1367.04(b)(1)	Fire Impact Fee - Warehousing	$221.00 per 1,000 s.f.
1369.04(a)	Park Impact Fee	Single Family Detached $1,362.00
		Townhouse/Duplex $1,126.00
		Other Residential $852.00
1371.04(a)	General Facilities Impact Fee - Residential	Single Family Detached $266.00
		Townhouse/Duplex $303.00
		Other residential $230.00
1371.04(b)	General Facilities Impact Fee - Commercial/Shopping Center	Up to 50,000 s.f. $400.00 per 1,000 s.f.
		50,001 to 100,000 s.f. $349.00 per 1,000 s.f.
		100,001 to 200,000 s.f. $310.00 per 1,000 s.f.
		Greater than 200,000 s.f. $279.00 per 1,000 s.f.
1371.04(b)	General Facilities Impact Fee - Office/Institutional	Up to 25,000 s.f. $580.00 per 1,000 s.f.
		25,001 to 50,000 s.f. $547.00 per 1,000 s.f.
		50,001 to 100,000 s.f. $516.00 per 1,000 s.f.
		Over 100,000 s.f. $488.00 per 1,000 s.f.
1371.04(b)	General Facilities Impact Fee - Business Park	$442.00 per 1,000 s.f.
1371.04(b)	General Facilities Impact Fee - Light Industrial	$323.00 per 1,000 s.f.

1371.04(b)	General Facilities Impact Fee - Manufacturing	$250.00 per 1,000 s.f.
1371.04(b)	General Facilities Impact Fee - Warehousing	$179.00 per 1,000 s.f.
1363.06(d)(2)	Administrative Fee Deduction from Impact Fee Refund	10% of refund, not to exceed $500.00
FACILITY RENTAL FEES		
SOURCE OF FEE	**FEE TITLE**	**AMOUNT**
933.14	Jack Florance Pool Rental	Resident Rate: $225.00/hr
		Non-Resident Rate: $300.00/hr
		minimum of two hours
933.14	Ball Fields at Smith or Mingo Parks	$25.00 for first game, $5.00 each additional game. $100.00 deposit returned if field is undamaged and clean. $20.00/hr for lights
933.14	Hilborn Rooms	$35.00/hr
933.14	Mingo 3 Season/Veterans Park Spray & Play Shelters	10 a.m.—2 p.m. or 4 p.m.—8 p.m;
		Monday—Thursday
		Resident Rate: $80.00
		Non-Resident Rate: $150.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $125.00
		Non-Resident Rate: $250.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $90.00
		Non-Resident Rate: $100.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $250.00
		Non-Resident Rate: $500.00
933.14	Bennett Park	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00

		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Bicentennial Park	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Blue Limestone Upper	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Blue Limestone Lower	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $100.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $80.00

		Non-Resident Rate: $150.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $75.00
		Non-Resident Rate: $200.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $150.00
		Non-Resident Rate: $300.00
933.14	Mingo Park Rotary Shelter	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Smith Park North	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Smith Park South	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00

		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
933.14	Unity Park Gazebo	10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Monday—Thursday
		Resident Rate: $30.00
		Non-Resident Rate: $40.00
		10 a.m.—2 p.m. or 4 p.m.—8 p.m.
		Friday—Sunday
		Resident Rate: $60.00
		Non-Resident Rate: $70.00
		10 a.m.—8 p.m. (All Day)
		Monday—Thursday
		Resident Rate: $50.00
		Non-Resident Rate: $60.00
		10 a.m.—8 p.m. (All Day)
		Friday—Sunday
		Resident Rate: $110.00
		Non-Resident Rate: $120.00
References to this Fee Schedule by the following Sections of the Delaware Codified Ordinanaces are out of date and no longer applicable: 373.14, 713.10, 721.04, 733.06, 733.15, 733.17, 737.01, 1140.01, 1321.10.		

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**7:25 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-65**
SUBJECT:	Ordinance No. 25-65, an ordinance making appropriations for the year 2026 and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Ord 25-65, 2026 Budget Appropriations.docx
Ord 25-64, 2026 Budget Appropriations.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 12	DATE: 11/10/2025
ORDINANCE NO: 25-65	RESOLUTION NO:
READING: SECOND	PUBLIC HEARING: YES **(November 10, 2025 at 7:25 PM** and **November 24, 2025 at 7:10 PM)**

TO: Mayor and Members of City Council

FROM: Paul J Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget, and Procurement
Robert Alger, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2026 AND DECLARING AN EMERGENCY.

BACKGROUND:
This packet includes only the budget ordinance. Bound copies of the 2026 budget and budget message will be distributed to City Council on October 27th at the council meeting.

This is the first reading of the budget. The budget is required to be adopted by Council pursuant to Section 78 of the City Charter.

The second reading and first public hearing is scheduled for November 10th.
The third reading and second public hearing is scheduled for November 24th.
The fourth reading is scheduled for December 8th.

REASON WHY LEGISLATION IS NEEDED:
The budget is required to be adopted by Council pursuant to Section 78 of the Charter.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):
Approximately $222 million in budget appropriations

POLICY CHANGES:
N/A

PRESENTER(S):
Paul J. Brake, City Manager
Alycia Ballone, Director of Management, Budget, and Procurement
Robert Alger, Finance Director

RECOMMENDATION:
Approval at fourth reading

ATTACHMENT(S)
Ordinance 25-65

ORDINANCE NO. 25-65

AN ORDINANCE MAKING APPROPRIATIONS FOR THE
YEAR 2026 AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That from and out of the balances in the various funds of the City of Delaware, and from money anticipated to be received into said funds, there are hereby appropriated the following sums for use by the various departments of the City in performance of their functions and activities during the year ending December 31, 2026.

GENERAL FUND

CITY COUNCIL		
	Personnel	196,930
	Other	122,732
CITY MANAGER		
	Personnel	1,004,297
	Other	177,059
ADMINISTRATIVE SERVICES		
	Personnel	493,659
	Other	347,708
ECONOMIC DEVELOPMENT		
	Personnel	381,921
	Other	372,291
LEGAL AFFAIRS/PROSECUTOR		
	Personnel	1,213,810
	Other	193,274
MANAGEMENT & BUDGET		
	Personnel	293,331
	Other	47,123
FINANCE		
	Personnel	2,171,981
	Other	1,581,086
GENERAL ADMINISTRATION		
	Other	10,846,330
RISK MANAGEMENT		
	Other	473,000
PLANNING		
	Personnel	1,941,694
	Other	390,810
POLICE		
	Personnel	11,878,539
	Other	2,159,010
ENGINEERING		
	Personnel	1,471,037
	Other	1,637,585
TOTAL GENERAL FUND		**39,395,207**

STREET MAINTENANCE & REPAIR		
Administration		
Personnel	896,624	
Other	221,645	
Street Maintenance		
Personnel	1,230,621	
Other	1,783,325	
Traffic Division		
Personnel	871,301	
Other	1,008,299	
TOTAL STREET MAINTENANCE		**6,011,815**
STATE HIGHWAY IMPROVEMENT		**155,000**
LICENSE FEE FUND		**250,000**
PERFORMANCE BOND FUND		**500,000**
PARKS & RECREATION FUND		
Park Maintenance		
Personnel	1,540,091	
Other	1,050,949	
Recreation		
Personnel	451,387	
Other	474,386	
Pool		
Personnel	302,053	
Other	163,000	
Concessions		
Other	25,000	
Urban Forestry		
Personnel	248,238	
Other	20,000	
TOTAL PARKS & RECREATION		**4,275,104**
CEMETERY FUND		
Personnel	373,208	
Other	161,067	
TOTAL CEMETERY FUND		**534,275**
TREE FUND		**275,000**
AIRPORT OPERATIONS FUND		
Personnel	518,391	
Other	1,354,943	
TOTAL AIRPORT OPERATIONS FUND		**1,873,334**
AIRPORT 2000 T-HANGAR FUND		**90,582**
FIRE/EMS OPERATIONS FUND		
Personnel	15,834,586	
Other	7,319,280	
TOTAL FIRE/EMS OPERATIONS FUND		**23,153,866**
RECREATION CENTER INCOME TAX		**2,651,330**
AIRPORT TIF FUND		**90,000**
GLENN RD TIF FUND		**2,157,444**
SKY CLIMBER/V&P HYDRAULICS TIF FUND		**89,000**
MILL RUN TIF FUND		**130,647**

WINTERBOURNE TIF FUND		**350,000**
MUNICIPAL COURT		
Judicial		
Personnel	2,489,423	
Other	307,950	
Mission Court		
Personnel	55,000	
TOTAL MUNICIPAL COURT		**2,852,373**
IDIAM FUND		**66,000**
CLERK OF COURT		
Personnel	1,717,888	
Other	360,079	
TOTAL CLERK OF COURT		**2,077,967**
DRUG ENFORCEMENT FUND		**60,000**
INDIGENT ALCOHOL TREATMENT FUND		**130,000**
OMVI ENFORCEMENT & EDUCATION FUND		**5,400**
POLICE JUDGMENT FUND		**75,000**
POLICE FEDERAL JUDGMENT FUND		**4,500**
PARKS EXACTION FEE FUND		**0**
COURT COMP LEGAL RESEARCH FUND		**75,000**
COURT SPECIAL PROJECTS FUND		**635,000**
CLERK COMP LEGAL RESEARCH FUND		**300,000**
COURT PROBATION SERVICES FUND		**442,600**
POLICE DISABILITY PENSION FUND		**502,860**
FIRE DISABILITY PENSION FUND		**502,900**
OPIOID RECOVERY FUND		**150,000**
COMMUNITY CANNABIS FUND		**10,000**
COMMUNITY PROMOTION FUND		**120,000**
COMMERCIAL TIF FUND		**31,008**
RESIDENTIAL TIF FUND		**0**
SAWMILL TIF FUND		**0**
SAWMILL POINTE TIF FUND		**0**
ADDISON TIFs FUND		**90,000**
PARKVIEW & LUCY RIDGE TIFs FUND		**8,316,000**
FEDERAL EMERGENCY MGMT AGENCY		**780,000**
COMMUNITY DEVELOPMENT BLOCK GRANT FUND		**508,000**
POLICE FEDERAL SEIZURE FUND		**12,000**

REVOLVING LOAN FUND			**180,000**
GENERAL BOND RETIREMENT FUND			**1,223,718**
PARK IMPROVEMENT BOND FUND			**2,373,000**
SE HIGHLAND SEWER BOND FUND			**830,700**
CAPITAL IMPROVEMENTS FUND			**10,537,765**
OHIO PUBLIC WORKS COMMISSION PROJECTS FUND			**445,000**
POINT PROJECT CAPITAL FUND			**5,025,938**
PARKS CAPITAL FUND			**906,000**
FAA AIRPORT GRANT FUND			**175,500**
EQUIPMENT REPLACEMENT FUND			**1,535,945**
FIRE/EMS CAPITAL FUND			**22,912,386**
NORTHWEST NEW COMMUNITY AUTHORITY FUND			**0**
TRANSPORTATION FEES FUND			**70,000**
PARK IMPACT FEE FUND			**6,506,430**
POLICE IMPACT FEE FUND			**140,329**
FIRE IMPACT FEE FUND			**484,005**
MUNICIPAL IMPACT FEE IMPROVEMENT FUND			**214,472**
GLENN ROAD SOUTH CONSTRUCTION FUND			**969,000**
GLENN ROAD NORTH CONSTRUCTION FUND			**226,920**
TERRA ALTA NCA FUND			**0**
GOLF COURSE FUND			
	Personnel	183,561	
	Other	268,097	
TOTAL GOLF COURSE FUND			**451,658**
PARKING FUND			**356,763**
STORMWATER FUND			
Operations			
	Personnel	628,101	
	Other	1,736,981	
TOTAL STORM WATER			**2,365,082**
STORMWATER PROJECTS FUND			**2,062,626**
WATER FUND			
Administration			
	Personnel	427,497	
	Other	3,000,806	
Treatment			
	Personnel	1,184,512	
	Other	2,570,000	
Distribution			
	Personnel	916,228	
	Other	695,300	

TOTAL WATER FUND		**8,794,343**
WATER CONSTRUCTION FUND		**2,620,727**
WATER UTILITY RESERVE FUND		**0**
WATER CAPACITY FEE FUND		**6,617,536**
WATER CUSTOMER DEPOSIT FUND		**24,000**
WASTEWATER FUND		
Administration		
Personnel	427,275	
Other	3,867,451	
Treatment		
Personnel	1,261,899	
Other	2,022,950	
Maintenance		
Personnel	365,330	
Other	562,150	
TOTAL WASTEWATER FUND		**8,507,055**
WASTEWATER CONSTRUCTION FUND		**2,558,305**
WASTEWATER UTILITY RESERVE FUND		**0**
WASTEWATER CAPACITY FEE FUND		**4,436,661**
SE HIGHLAND SEWER FUND		**840,700**
REFUSE FUND		
Administration		
Other	441,662	
Refuse Collection		
Personnel	1,823,190	
Other	2,982,200	
TOTAL REFUSE FUND		**5,247,052**
GARAGE ROTARY FUND		
Personnel	629,641	
Other	1,576,656	
TOTAL GARAGE ROTARY FUND		**2,206,297**
INFORMATION TECHNOLOGY ROTARY FUND		
Staff Support		
Personnel	1,080,134	
Other	40,640	
System Support		
Other	1,716,326	
GIS Operations		
Personnel	277,207	
Other	180,500	
TOTAL IT ROTARY FUND		**3,294,807**
FACILITY MAINTENANCE ROTARY FUND		
Personnel	520,161	
Other	993,499	
TOTAL FACILITY MAINTENANCE ROTARY FUND		**1,513,660**
SELF INSURANCE FUND		**13,186,000**
WORKERS COMPENSATION RESERVE FUND		**808,000**
FIRE DONATION FUND		**1,000**
PARKS DONATION FUND		**5,000**

POLICE DONATION FUND	**5,000**
MAYOR'S DONATION FUND	**1,000**
PROJECT TRUST FUND	**500,000**
UNCLAIMED FUNDS TRUST FUND	**19,760**
UNCLAIMED FUNDS COURT FUND	**10,000**
DEVELOPMENT RESERVE FUND	**250,000**
GENERAL RESERVE FUND	**0**
CEMETERY PERPETUAL CARE FUND	**1,700**
STATE HIGHWAY PATROL FUND	**50,000**
STATE BUILDING PERMIT FEE FUND	**24,000**
JEDD INCOME TAX FUND	**629,283**
JEDD II INCOME TAX FUND	**197,136**
TOTAL APPROPRIATIONS - ALL FUNDS	**222,071,472**

SECTION 2. That the Finance Director is hereby authorized to make payment from any of the foregoing appropriations to the extent of the amounts contained in the respective appropriations whenever claims, duly approved by the officer authorized by law to approve such claims, are presented.

SECTION 3. That the Finance Director is hereby authorized and empowered to make necessary changes which are not in conflict with this ordinance within a given appropriation to carry out the functions of the City. No changes to the total amount of a departmental or fund appropriation may be made without the legislative action of the City Council.

SECTION 4. That any sums which shall be expended from the above appropriation and which are a proper charge against any other department, or against any person, firm or corporation, shall, if repaid within the period covered by such appropriation, be credited to the fund from which such payment was made.

SECTION 5. In accordance with Ohio Revised Code Sections 5705.14, 5705.15, and 5705.16 the Finance Director is hereby authorized to make the interfund transfers identified in the 2026 Budget Detail presented to, and approved by, City Council as part of the 2026 Budget adoption process.

SECTION 6. The City Finance Director is hereby authorized to establish a Capital Project Fund entitled the Parks Capital Fund (Fund 420). This fund will be used to track revenues and expenditures related to park improvements within the City.

SECTION 7. The City Finance Director is hereby authorized to establish the Parkview and Lucy Ridge TIFs Fund (280) to track the revenues and expenditures associated with improvements to Merrick Boulevard and the Merrick railroad overpass.

SECTION 8. That the Clerk of Council is directed to certify a copy of this ordinance to the Budget Commission of Delaware County.

SECTION 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 10. Emergency Clause. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and further to provide lawful appropriations available for expenditure by January 1, 2026, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE: Yeas ____ Nays ____

PASSED: _____, 2025 Yeas ____ Nays ____

ATTEST: _____ _____

Clerk Mayor

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Bill Ferrigno, Public Works
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-62**
SUBJECT:	Ordinance No. 25-62, an ordinance amending Chapter 909 of the codified ordinances regarding sidewalk maintenance and repair.

SUGGESTED ACTION:

ATTACHMENTS:

ORD Fact Sheet 909 10.6.25.docx
ORDINANCE Draft 10.6.25.doc
CHAPTER 909 Revisions (MARKUP) 10.6.25.docx
CHAPTER 909 Revisions (CLEAN) 10.6.25.docx
Notice Requesting Repairs 10.6.25.pdf
Notice to Require Repairs 10.6.25.pdf
Sidewalk Maintenance Policy 10.6.25.pdf
Work Flow 6.18.25.pdf

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FACT SHEET

AGENDA ITEM NO: 13	DATE: 11/10/2025
ORDINANCE NO: 25-62	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (October 27, 2025 at 7:25 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: William L Ferrigno, P.E., Public Works Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING CHAPTER 909 OF THE CODIFIED ORDINANCES REGARDING SIDEWALK MAINTENANCE AND REPAIR

BACKGROUND:

The maintenance of sidewalk constructed within public right of way is regulated under chapter 909 of the city codified ordinances. The last revisions were made in 2007 to include specific language regarding the former Safe Walk program sidewalk maintenance initiative. That initiative was completed in 2017 and was responsible for over 11,000 repairs to sections of sidewalk citywide. The city now addresses sidewalk repairs in a more direct and efficient manner through the public works department. Code changes reflect the replacement of former process with the new simplified approach to timely attention to sidewalk maintenance. Additionally, the recent adoption of the federally mandated Public Right of Way Access Guidelines (PROWAG) requires adjustments to the criteria by which sidewalk and curb ramps are considered acceptable.

REASON WHY LEGISLATION IS NEEDED:

To bring the current ordinance up to date with current practices and mandated safety regulations regarding sidewalks in public right of way.

COMMITTEE RECOMMENDATION:

This issue was discussed at the September 23rd Public Works Committee meeting. The Committee passed a motion approving the recommended changes being forwarded to city council for final consideration and adoption.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

Provides for more timely response to sidewalk maintenance throughout the city.

RECOMMENDATION:

Approval following public hearing

ATTACHMENT(S)
Proposed changes to Chapter 909
Sidewalk Maintenance Program FAQ's
Sidewalk Maintenance Program Workflow diagram
Sample letters to property owners requesting and requiring repairs

ORDINANCE NO. 25-62

AN ORDINANCE AMENDING CHAPTER 909 OF THE CODIFIED ORDINANCES REGARDING SIDEWALK MAINTENANCE AND REPAIR

WHEREAS, as part of a review of the regulations and policies established in Delaware Codified ordinance for the maintenance and repair of sidewalk within public right of way, it has been determined that certain sections should be amended to reflect current practices and procedures now in place.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. The following portions of Chapter 909 are amended as follows: (Chapter 909 to be replaced entirely with amended language).

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: _____ YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

CHAPTER 909. SIDEWALKS, CURBS AND GUTTERS (**PROPOSED LANGUAGE**)

~~GENERAL PROVISIONS~~

909.01. Authority.

Chapter 903 of the Delaware City Code authorizes the City Manager to adopt and update standard construction specifications as required. Chapter 909 of the Delaware City Code and the provisions of section 729.01 of the Ohio Revised Code require property owners to be responsible for the maintenance, repair, and if necessary, replacement of that portion of sidewalk and curb~~/gutter~~ abutting their property ~~line~~ against any public street or alley in order that publicly accessible sidewalks be maintained in a safe condition.

(Ord. 10-39. Passed 6-28-10)

909.02. **CONSTRUCTION, MAINTENANCE AND REPAIR** RESPONSIBILITY.

~~The construction, maintenance and repair of sidewalks, handicap ramps, and curb/gutter is divided into specific responsibility:~~

(a) ~~Existing Sidewalk and Curb.~~ Existing sidewalks and curb~~ing~~ within publicly dedicated right-of-way ~~for public streets and alleys~~ are the responsibility of the abutting property owner for all required maintenance, repair, and replacement activities**,** and ~~all~~ associated costs thereof. Maintenance activities shall include but not be limited to ~~sweeping and~~ the removal of leaves, snow, and ice as may be required to maintain ~~a~~ safe access for pedestrian movement.

(b) ~~Existing Handicap Ramps.~~ Existing ~~handicap~~ **CURB** ramps constructed within publicly dedicated right-of-way are the responsibility of the City to repair and replace as required, including the inclined ramp, landing area, and transition section**(S)** of sidewalk. Such repairs shall be performed by the City. The maintenance of **CURB** ~~the handicap~~ ramps remains the responsibility of the abutting property owner as described in ~~sub~~section **909.02** (a).

(c) ~~New Development.~~ All new developments within the City are required to include the construction of sidewalks and **CURB** ~~handicap~~ ramps within the public **STREET** right-of-way, ~~along all public streets~~, and along private streets, and **WITHIN** parking areas. ~~per City specifications and as further required and defined within Section 1111.10 of the City Code.~~

(d) ~~Single-family residential development~~. Residential subdivisions **AND SECTIONS THEREOF** must include the construction of ~~all required~~ ~~handicap~~

CURB ramps **AND SIDEWALK IN COMMON AREAS** ~~per plan as part of the initial infrastructure construction,~~ prior to the acceptance of the public improvements by the City. ~~The City will only inspect and approve completed handicap ramps, and will not inspect forms for handicap ramps prior to the placement of concrete~~. The construction of sidewalk fronting residential lots may be deferred until the construction of the associated residence on any particular lot; however, in no circumstance shall the construction of the **SIDE**walk be deferred for a period exceeding **TWO YEARS** ~~thirty months~~ from the date of acceptance of public improvements for that development section.

(e) ~~Multi-family residential development~~. **COMMERCIAL AND** Multi-family developments shall include the design and construction of sidewalks that meet the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) and conform to City requirements. Sidewalks shown on approved plans may be constructed in phases in association with the construction of specific buildings, and are to be completed, inspected, and approved by the City prior to the occupancy of any adjacent building. **SIDEWALK AND CURB RAMPS CONSTRUCTED ON PRIVATE PROPERTIES ARE THE RESPONSIBILITYOF THE PROPERTY OWNER TO MAINTAIN, REPAIR, AND REPLACE AS REQUIRED.**

~~(f) Commercial developments. Commercial developments shall include the design and construction of sidewalks that meet the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) and conform to City requirements. Sidewalks shown on approved plans are to be constructed, inspected, and approved by the City prior to the occupancy of any new facility associated with the development.~~

(f) ~~Street Tree Damage.~~ Sidewalk within existing public right-of-way or public access easements that has been damaged by the root system of a city street tree existing within the street tree planting area between the sidewalks and pavement edge shall be the responsibility of the City for necessary repair and replacement. In the event that the repair requires significant tree roots to be cut away so that in the opinion of the City Arborist, the tree will not survive and must be removed, the City shall have the tree removed, and replace the tree with a new tree of appropriate species as recommended by the City. ~~Street Tree Commission.~~

(g) ~~Enhanced Walkway Areas~~. **THE CITY IS RESPONSIBLE FOR THE REPAIR AND REPLACMENT OF ENHANCED SECTIONS OF SIDEWALK** ~~Property owners, whose individual properties abut an enhanced walkway that has been~~ constructed by the City as part of an area enhancement project. ~~, are not responsible for the repair and replacement of the enhanced portion of the walkway.~~ Enhanced **SIDEWALK** ~~walkways~~ include**S** exposed brick and

paver sidewalk, ~~s~~ **STAMPED AND OR COLORED SECTIONS,** and ornamental tree gratings and castings**. PROPERTY OWNERS ARE RESPONSIBLE FOR THE MAINTENANCE OF ALL SECTIONS OF SIDEWALK ABUTTNMG THEIR RESPECTIVE PROPERTIES INCLUDING ENHANCED SIDEWALK SECTIONS.**

(h) ~~Asphalt Walkways and Bikeways. Property owners, whose individual properties abut an asphalt pedestrian path or bikeway~~ **ASPHALT PATHS** that ~~has~~ **HAVE** been constructed as part of the designated City **SHARED USE PATH** ~~bikeway and pedestrian pathway~~ network, are **THE RESPONSIBILITY OF THE CITY** ~~not responsible~~ for repair and replacement. ~~of the asphalt bikeways.~~

(i) ~~Utility Boxes and Appurtenances~~. Owners of utility access structures including meter pits, utility valve boxes, basement access doors, communication pull boxes, etc. that protrude more than ~~½ inch~~ **¼-INCH** above the adjacent sidewalk surface are responsible for adjusting such appurtenance to be flush with the sidewalk section, and if necessary, replacement of the sidewalk section.

(Ord. 10-39. Passed 6-28-10)

~~CONSTRUCTION AND MAINTENANCE SPECIFICATIONS~~

909.03. Design and construction specifications.

All public and private sidewalks, curbing, and handicap ramps shall be designed and constructed in conformance with the current City Design and Construction Specifications as authorized under Section 903.01 ~~of the City Code~~, and be in conformance with current ~~Federal~~ ADAAG **AND PROWAG** requirements.

(Ord. 10-39. Passed 6-28-10)

909.04. **REPAIR AND REPLACMEENT CRITERIA** ~~Maintenance and repair criteria.~~

The City shall apply the following criteria singly, or in combination, in the determination of whether sidewalk shall be repaired or replaced.

(a) Adjoining sections ~~or parts thereof~~ whose edges differ vertically by more than ¼ **-INCH** ~~one-half inch~~.

(b) ~~Adjoining sections with~~ **OPEN CRACKS OR** ~~open~~ joints greater than **ONE-HALF** ~~five-eighths of an~~ inch ~~in~~ width **IN THE DIRECTION OF TRAVEL**.

(c) Sections **WITH LOOSE OR MISSING PIECES**. ~~that are cracked so that pieces are missing or loose.~~

~~(d) Sections sloping away from the street unless so constructed by design.~~

~~(e) Sections with cross-slopes exceeding three-fourths inches vertical per one foot horizontal.~~

~~(f) Sections that cause an abrupt change in the longitudinal grade of the sidewalk.~~

(d) Sections with deteriorating surfaces presenting loose aggregate.

(e) Sections containing **UTILITY BOXES OR** structures ~~such as cellar doors, grates, water boxes, meter pits~~, which protrude above the sidewalk **SURFACE** more than **¼-INCH** ~~one-half inch~~ so **AS TO** ~~that they~~ present a tripping hazard.

(f) Sidewalk constructed without approval of the City.

(Ord. 10-39. Passed 6-28-10)

~~INSPECTION AND REPAIR~~

909.05. ~~General purpose~~. **CONDITION ASSESSMENTS**

The City ~~shall~~ conduct**S** ~~annual evaluations of the~~ condition **ASSESSMENTS** of existing sidewalk~~s~~ within public rights-of-way for ~~the purpose of determining~~ **TO DETERMINE** the presence of ~~specific sidewalk~~ deficiencies requiring repair per the criteria established in Section 909.04. **ASSESSMENTS ARE INITIATED AS A RESULT OF A CUSTORMER SERVCE REQUEST OR COMLAINT, OR IN ASSOCIATION WITH A PLANNED ROADWAY IMPROVEMENTS BY THE CITY.** ~~of these regulations. The community shall be sub-divided into sidewalk evaluation zones which are inspected over a ten-year cycle; however any property in the City may be inspected for sidewalk deficiencies at any given time. A deficiency report shall be generated in association with the sidewalk inspections that identifies deficient sections of sidewalk on specific properties and the costs associated with making repairs. City Council shall consider passage of a resolution of necessity requiring property owners identified in the report to complete the required repairs within a specified time-frame. Notification shall be sent to the associated property owner requiring the repairs be completed.~~

(Ord. 10-39. Passed 6-28-10)

909.06 **NOTIFICATION REQUESTING REPAIRS BY PROPERTY OWNERS**

WHEN SIDEWALK DEFICIENCIES ARE IDENTIFIED AND FOUND TO BE THE RESPONSIBILITY OF A PROPERTY OWNER TO REPAIR, THE OWNER SHALL BE NOTIFIED IN WRITING REQUESTING REPAIRS BE COMPLETED WITHIN AN ESTABLISHED TIMEFRAME.

~~909.06. Repairs by property owner.~~

~~Property owners electing to complete the required repair of sidewalks identified in the notice from the City are responsible for following all current City right-of-way and construction policy, criteria, and specifications as follows:~~

~~(a) Time-Frame. A property owner must have the required repairs completed by the date established in the Resolution of Necessity.~~

~~(b) Permits. The property owner, or their contractor, is responsible for completing and submitting the required public way permits to work within the right-of-way. Permit and inspection fees are waived for~~

~~property owners making repairs to existing sidewalk under the City safe walks program or on their own.~~

~~(c) Inspections. The property owner, or their contractor, is responsible for scheduling the required construction inspections for the necessary sidewalk repair work, including the initial sidewalk forms inspection and final finished inspection.~~

~~(Ord. 10-39. Passed 6-28-10)~~

~~909.07. Failure to complete repairs.~~

~~In the event that a property owner fails to complete the required repair of deficient sections of sidewalk which abut his or her property in accordance with the time-frame prescribed by the Resolution of Necessity passed by City Council, the City shall cause the work to be completed. The entire cost of the repairs shall be invoiced to the property owner and upon failure to make payment, assessed against the property based on the actual unit costs associated with the various improvements over five (5) years at the rate of 7%.~~

~~(Ord. 10-39. Passed 6-28-10)~~

~~909.08. Sidewalk maintenance program.~~

~~City Council may elect to instruct the Director of Engineering Services to initiate and administer an annual sidewalk maintenance and repair program, and to permit all property owners with identified sidewalk deficiencies requiring such repair, to electively be included and subsequently invoiced for the costs associated with completing repairs on their respective properties.~~

~~(Ord. 10-39. Passed 6-28-10)~~

909.09. Appeal process.

The property owner may appeal ~~the~~ **A REQUEST TO COMPLETE** ~~City's notice requiring the identified~~ **SIDEWALK REPAIRS BY SUBMITTING A WRITTEN APPEAL TO THE CITY WITHIN 30 DAYS OF RECEIPT OF THE NOTICE REQUESTING REPAIRS. THE APPEAL SHALL BE HEARD BY THE PUBLIC WORKS COMMITTEE AS THE NEXT REGULARY SCHEDULED MEETING. THE DECISION OF THE PUBLIC WORLKS COMMITTEE SHALL BE FINAL**. ~~repairs to be made to sidewalk abutting their property by submitting a written request for further evaluation to the City.~~

~~(a) Re-evaluation by Engineer. Upon receipt of a written appeal, a meeting will be established between the property owner and City representatives at the identified property to review the findings of the initial inspection explain the evaluation criteria with the property owner and answer any questions regarding the required work.~~

~~(b) Review by Public Works Committee. If the property owner is not satisfied with the information presented during the meeting with the City representative, the property owner can request to be placed on the agenda of the next scheduled Public Works Committee meeting for additional consideration. The decision by the Public Works Committee shall be final.~~

~~(Ord. 10-39. Passed 6-28-10)~~

909.07 RESOLUTION OF NECESSITY

IN THE EVENT A PROPERTY OWNER FAILS TO COMPLETE REQUESTED SIDEWALK REPAIRS WITHIN THE REQUESTED TIMEFRAME, A RESOLUTION OF NECESSITY SHALL BE PRESENTED BEFORE CITY COUNCIL FOR ADOPTION THAT WILL REQUIRE THE WORK BE COMPLETED WITHIN A SPECIFIED TIMEFRAME. THE PROPERTY OWNER SHALL BE PROVIDED WRIOTTEN NOTICE REQUIRING THE WORK BE

COMPLETED. SHOULD THE OWNER FAIL TO COMPLETE THE REQUIRED REPAIRS, THE CITY SHALL CAUSE THE WORK TO BE COMPLETED AND INVOICE THE PROPERTY OWNER FOR THE ENTIRE COST OF REPAIRS IN ACCORDANCE WITH ORC 729.03.

Chapter 909. SIDEWALKS, CURBS AND GUTTERS **(PROPOSED LANGUAGE)**

909.01. Authority.

Chapter 903 of the Delaware city code authorizes the City Manager to adopt and update standard construction specifications as required. Chapter 909 of the Delaware city code and the provisions of section 729.01 of the Ohio Revised Code require property owners to be responsible for the maintenance, repair, and if necessary, replacement of that portion of sidewalk and curb abutting their property against any public street or alley in order that publicly accessible sidewalks be maintained in a safe condition.

(ord. 10-39. Passed 6-28-10)

909.02. Construction, Maintenance and Repair Responsibility.

(a) Existing sidewalks and curb within publicly dedicated right-of-way are the responsibility of the abutting property owner for all required maintenance, repair, and replacement activities, and associated costs thereof. Maintenance activities shall include but not be limited to the removal of leaves, snow, and ice as may be required to maintain safe access for pedestrian movement.

(b) Existing curb ramps constructed within publicly dedicated right-of-way are the responsibility of the city to repair and replace as required, including the inclined ramp, landing area, and transition section(s) of sidewalk. Such repairs shall be performed by the city. The maintenance of curb ramps remains the responsibility of the abutting property owner as described in section 909.02 (a).

(c) All new developments within the city are required to include the construction of sidewalks and curb ramps within the public street right-of-way, along private streets, and within parking areas.

(d) Residential subdivisions and sections thereof must include the construction of curb ramps and sidewalks in common areas prior to the acceptance of the public improvements by the city. The construction of sidewalk fronting residential lots may be deferred until the construction of the associated residence on any lot; however, in no circumstance shall the construction of the sidewalk be deferred for a period exceeding two years from the date of acceptance of public improvements for that development section.

(e) Commercial and multi-family developments shall include the design and construction of sidewalks that meet the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) and conform to city requirements. Sidewalks shown on approved plans may be constructed in phases in association with the construction of specific buildings, and are to be completed, inspected, and approved by the city prior to the occupancy of any adjacent

building. Sidewalk and curb ramps constructed on private properties are the responsibility of the property owner to maintain, repair, and replace as required.

(f) Sidewalk within existing public right-of-way or public access easements that has been damaged by the root system of a city street tree existing within the street tree planting area between the sidewalks and pavement edge shall be the responsibility of the city for necessary repair and replacement. If the repair requires significant tree roots to be cut away so that in the opinion of the City Arborist, the tree will not survive and must be removed, the city shall have the tree removed and replace the tree with a new tree of appropriate species as recommended by the city.

(g) The city is responsible for the repair and replacement of enhanced sections of sidewalk constructed by the city as part of an area enhancement project. Enhanced sidewalk includes exposed brick and paver sidewalk, stamped and or colored sections, and ornamental tree gratings and castings. Property owners are responsible for the maintenance of all sections of sidewalk abutting their respective properties including enhanced sidewalk sections.

(h) Asphalt paths that have been constructed as part of the designated city shared use path network, are the responsibility of the city for repair and replacement.

(i) Owners of utility access structures including meter pits, utility valve boxes, basement access doors, communication pull boxes, etc. that protrude more than ¼-inch above the adjacent sidewalk surface are responsible for adjusting such appurtenance to be flush with the sidewalk section, and if necessary, replacement of the sidewalk section.

(ord. 10-39. Passed 6-28-10)

909.03. Design and Construction Specifications.

All public and private sidewalks, curbing, and handicap ramps shall be designed and constructed in conformance with the current city design and construction specifications as authorized under section 903.01 and be in conformance with current ADAAG and PROWAG requirements.

(ord. 10-39. Passed 6-28-10)

909.04. Repair and Replacement Criteria

The city shall apply the following criteria singly, or in combination, in the determination of whether sidewalk shall be repaired or replaced.

(a) adjoining sections whose edges differ vertically by more than ¼ -inch.

(b) open cracks or joints greater than one-half inch width in direction of travel.
(c) sections with loose or missing pieces.
(d) sections with deteriorating surfaces presenting loose aggregate.
(e) sections containing utility boxes or structures which protrude above the sidewalk surface more than ¼-inch so as to present a tripping hazard.
(f) sidewalk constructed without approval of the city.

(ord. 10-39. Passed 6-28-10)

909.05. Condition Assessments

The city conducts condition assessments of existing sidewalks within public rights-of-way to determine the presence of deficiencies requiring repair per the criteria established in section 909.04. Assessments are initiated as a result of a customer service request or complaint, or in association with a planned roadway improvements by the city.

(ord. 10-39. Passed 6-28-10)

909.06 Notification Requesting Repairs by Property Owners

When sidewalk deficiencies are identified and found to be the responsibility of a property owner to repair, the owner shall be notified in writing requesting repairs be completed within an established timeframe.

909.09. Appeal process.

The property owner may appeal a request to complete sidewalk repairs by submitting a written appeal to the city within 30 days of receipt of the notice requesting repairs. The appeal shall be heard by the Public Works committee as the next regularly scheduled meeting. The decision of the Public Works committee shall be final.

909.07 Resolution of Necessity

In the event a property owner fails to complete requested sidewalk repairs within the requested timeframe, a resolution of necessity shall be presented before City Council for adoption that will require the work be completed within a specified timeframe. The property owner shall be provided with written notice requiring the work to be completed. Should the owner fail to complete the required repairs, the city shall cause the work to be completed and invoice the property owner for the entire cost of repairs in accordance with ORC 729.03.

EST 1808
CITY OF
DELAWARE
OHIO

[Month DD, YYYY]

[NAME]
[Street Address]
[City, State Zip]

Re: Request to Repair Deficient Sidewalk

Dear [NAME],

Sidewalks abutting your property were recently evaluated by staff from the Public Works Department. Deficiencies have been identified which require repair in accordance with City Code Chapter 909. Sidewalk marked with a **WHITE** dot are the responsibility of the property owner to repair. Property owners are requested to complete the repairs within 180 days of the date of this letter. Sidewalk marked with a **BLUE** dot will be repaired by the City.

Information regarding permitting and inspections is available on the City Website (www.delawareohio.net) by searching 'Right of Way Permit'. All permit and inspection fees are waived for property owners electing to repair deficient sidewalk within the requested timeframe. Answers to common questions regarding sidewalk maintenance and repair can be found by searching 'Sidewalk Maintenance' on the City's homepage.

In the event a property owner fails to complete the sidewalk repairs, City Council may elect to approve a Resolution of Necessity which will **REQUIRE** property owner to make repairs within a specified timeframe. If the walk is not repaired by the specified date, the City may cause the repairs to be completed. All costs incurred by the City associated with completing the repairs remain the responsibility of the property owner per ORC 729.02

You may appeal the requirement to make required sidewalk repairs by contacting the Public Works department at (740) 203-1810 or by email at pwcs@delawareohio.net within 30 days of receiving this letter. Your appeal will be heard by the Public Works Committee where you may present your objections to the required repairs. The decision of the Public Works Committee is final.

Thank you for your cooperation in keeping Delaware's sidewalks safe. If you have any questions please contact us through the Public Works Department customer service line at 740-203-1810 or by email pwcs@delawareohio.net.

EST 1808
CITY OF
DELAWARE
OHIO

[Month DD, YYYY]

[NAME]
[Street Address]
[City, State Zip]

Re: Notice Requiring Repairs of Deficient Sidewalk

Dear [NAME],

Sidewalks abutting your property were evaluated by staff from the Public Works Department. Deficiencies were identified which require repair in accordance with City Code Chapter 909. A written request was mailed to the property owner residing at the above address requesting repairs be completed within 180 days. Subsequent review by city staff indicates the repairs have not been completed.

City Council has approved a Resolution of Necessity which **REQUIRES** the property owner make repairs within a specified timeframe. A copy of the resolution is attached. If the sidewalk is not repaired by the specified date, the City will cause the repairs to be completed. All costs incurred by the City associated with completing the repairs remain the responsibility of the property owner per Ohio Revised Code 729.02.

Information regarding permitting and inspections is available on the City Website (www.delawareohio.net) by searching 'Right of Way Permit'. All permit and inspection fees are waived for property owners electing to repair deficient sidewalk within the requested timeframe. Answers to common questions regarding sidewalk maintenance and repairs can be found by searching 'Sidewalk Maintenance' on the City's homepage.

Thank you for your cooperation in keeping Delaware's sidewalks safe. If you have any questions please contact us through the Public Works Department customer service line at 740-203-1810 or by email pwcs@delawareohio.net.

Sidewalk Maintenance Program

Background

The City of Delaware continues to take an active position in maintaining pedestrian sidewalks throughout the community through annual inspections and repairs. Sidewalk maintenance is critical to ensure safe walking surfaces connecting our neighborhoods, especially for those unable to drive, for the elderly, and for those with limited mobility. Every year individuals are injured on sidewalk that has fallen below established safety criteria to the point it poses a hazard to pedestrians. The City's Sidewalk Maintenance Program is designed to identify potential deficiencies within the sidewalk network and have them addressed within a reasonable amount of time.


Typical Tripping Hazard

In 2007, the city initiated the Safe Walks Program whereby all sidewalk within the city was inspected over a 10-year period. The successful program yielded over 11,000 repairs to sidewalk and greatly improved the safety of our sidewalk network within the community. Nevertheless, every year additional sections of sidewalk become deficient and require repair or replacement. The city continues to address sidewalk deficiencies in three ways.

Customer Service Request: CSR's are initiated through the submission of a sidewalk condition complaint. Upon receipt, the City will inspect the sidewalk for deficiencies. Tripping hazards are identified and marked with orange paint to make the hazard more visible for passing pedestrians. Sections of sidewalk marked with a BLUE dot are the city's responsibility to replace. The city will make the best efforts to repair the deficient sections of sidewalk in a timely manner. Sidewalk sections marked with a WHITE dot are the property owner's responsibility to repair. Affected property owners will receive a notification letter outlining repair requirements and a request that repairs be completed within an established timeframe. Property owners may appeal a requirement by the City to complete sidewalk repairs.

Should a property owner fail to make the requested repairs, the City will consider approving a Resolution of Necessity that will require a property owner to make necessary sidewalk repairs within a specified timeframe. Should the property owner fail to make the required repairs, the resolution allows the City to have the repairs completed and to invoice the property owner for the associated costs.

Street Resurfacing Program: Each year the city initiates an annual street resurfacing program. As part of this effort, public infrastructure including pavement markings, signage, street lighting and sidewalk is inspected and repaired. Sidewalk deficiencies that are identified as the responsibility of the city are addressed before or during the street resurfacing work. If a deficiency is identified as the responsibility of the property owner, the owner is notified in writing and provided sufficient time to address the requested work. Should the owner fail to complete the requested repair, the city follows the same procedure as outlined above whereby City Council action will require the repairs to be completed.

Annual Sidewalk Maintenance: Each year the city initiates an annual sidewalk maintenance effort whereby deficient sections of sidewalk, including handicap ramps at intersections, are repaired. Though most of the work includes deficient sidewalk and handicap ramps that are the City's responsibility to repair, it will also include the repair of sidewalk sections that have been identified as owner responsibility if the owner has failed to complete repairs within previously designated timeframe.

Common Sidewalk Deficiencies









Repair Methods



Surface Grinding: A concrete surface planer can be used to grind an uneven section of sidewalk smooth to address vertical tripping hazards. This work can be completed with minimal disruption to pedestrians or the adjacent property. This method is limited to tripping hazards up to a maximum of one inch in height and should be performed by an experienced contractor.



Replacement: Where surface grinding is not possible, conventional removal and replacement is the most common repair method available. When walks sections are removed, tree roots directly below the walk are removed to reduce the likelihood of reoccurring damage from roots lifting sidewalk sections. This method generally takes two or three days to complete before a walk can be opened to pedestrians.



Slab Jacking: Contractors have developed a method to raise sections of concrete walk that have settled utilizing specialized grouting equipment and procedures. Many walk sections can be repaired by this method avoiding more costly repair methods. This process though requires an experienced contractor with appropriate equipment.

Finding & Hiring a Contractor: The City strongly recommends property owners solicit multiple repair estimates for cost comparison and to check on a contractor's references for sidewalk work completed for other property owners. Social media resources such as Nextdoor can be a good resource to ask neighbors about their respective experience with local contractors.

Questions regarding repair materials, methods, or regarding the procedures to complete required sidewalk repairs can be submitted by email to pwcs@delawareohio.net or by calling 740.203.1810

Frequently Asked Questions

Why does the City have a Sidewalk Maintenance Program?
The Sidewalk Maintenance Program is an ongoing effort to evaluate sidewalks throughout the community, identify deficiencies, and to make repairs as necessary. Maintaining a safe sidewalk network is especially important to pedestrians with mobility challenges.

What do the BLUE and WHITE dots mean that appear on my sidewalk?
Staff from the Public Works Department will perform inspections of all sidewalks. Sections of sidewalks found to be out of compliance with sidewalk safety criteria are marked with a dot of blue or white paint. A 'WHITE' dot indicates a section of sidewalk needs to be repaired or replaced and is the property owner's responsibility. A 'BLUE' dot indicates a section of sidewalk will be repaired or replaced at the City's expense. The city sidewalk ordinance specifies that sidewalk damaged as a result of tree roots from a city street tree within the grass area between the sidewalk and street is the responsibility of the city to repair.

Why do I have to pay to fix public sidewalk?
The responsibility to maintain and repair sidewalks in any community in Ohio is regulated by the Ohio Revised Code 729.01 which states that the condition and maintenance of sidewalks is the responsibility of the adjacent property owner. The City of Delaware's codified ordinances reflect this position in Chapter 909 "Sidewalk, Curbs & Gutters" and requires property owners to keep sidewalk adjacent to their properties, free of snow, ice, debris, and in a safe and walkable condition.

What if I disagree with the requirement to repair the sidewalk on my property?
If a property owner disagrees with the requirement they may appeal to the City for additional consideration. To appeal, the property owner will be provided with an opportunity to appear before the City's Public Works Committee to explain the objection to completing requested repairs. The Public Works Committee, made up of three (3) City Council members, will consider the objection and render a decision which is considered final. Written appeals may be submitted in lieu of attendance.

What if a sidewalk section marked as my responsibility is on my neighbor's property?
The city does not perform property surveys prior to evaluating and marking sidewalk for repair. We do the best to determine where property lines are; however, it is not always clear by looking between two homes. Upon receipt of a letter requesting repairs be completed, we ask that you contact your neighbor if there are concerns regarding the property line location and associated repair responsibility.

If I hire my own contractor, do I need a permit to repair my walk?
Yes, a permit is required for all sidewalk work; however, there is no fee for sidewalk maintenance and repair. Permits provide the city notification that work is being completed so that our records can be updated accordingly and required inspections can be arranged with your contractor before the section of sidewalk is poured. Permits can be obtained by contacting the Public Works Department customer service line at 740-203-1810 or email pwcs@delawareohio.net

Am I responsible for completing sidewalk repairs if I just purchased my home?
The current property owner is responsible for completing necessary repairs to sidewalk regardless of when the needed repair was first identified.

When will I be invoiced for sidewalk repairs performed by the City?
If the City must complete repairs on behalf of the property owner, the Public Works Department notifies the Finance Department of the final cost of repairs associated with a particular property. The Finance Department in turn will mail an invoice for this cost directly to the property owner. Payment is generally due within 60 days of receipt of the invoice.

What if I can't pay the invoiced amount?
Ohio Revised Code 729 stipulates that the cost of sidewalk repairs incurred by the City can be assessed to the property owner. Property owners who have difficulty paying for the cost of repairs should contact the City Finance department to discuss payment options.

How much time do I have to complete the sidewalk repairs?
The amount of time to complete the required repairs varies depending on the time of year the deficiency was identified. Typically, the city requests a property owner to complete the requested work within 90 to 180 days depending on when the sidewalk deficiency was first identified.

What are the approved methods to repair sidewalk?
Repairs generally require the expertise of a licensed contractor familiar with local construction standards, and who is properly trained.

Replacement: The most common method to repair a section of sidewalk is to remove it and replace it with new concrete walk. Replacement establishes a permanent sidewalk repair that can be constructed to match the edges of surrounding sections of walk.

Surface Planing: In some cases where a section of sidewalk is raised relative to an adjacent section creating a tripping hazard, the raised edge can be ground down with the use of a surface planer. Surface planers can be rented from a local tool supply business, though do require appropriate instruction and experience to be utilized effectively and safely. This method is limited to addressing misalignments of less than one inch. Excessive planing can lead to a weakened sidewalk section subject to cracking.

Slab Jacking: Jacking is a less intrusive repair but does require specialized equipment available to a limited number of Central Ohio contractors. With jacking, sections of sidewalk that have settled, are lifted back into position by injecting high pressure cement grout under a sidewalk section through holes drilled in the sidewalk.

Is patching an acceptable repair method?
No. The use of various leveling or patching compounds to repair deteriorated sidewalk surfaces, or as a means to eliminate a tripping hazard, are NOT an approved method of repair. These repairs generally fail within a year, especially in climates subject to freeze and thaw cycles in the winter months.

What if the damaged section of sidewalk is a result of tree roots?
The city is responsible for sidewalk damage resulting from street tree roots lifting adjacent sidewalk. Street trees are planted between the edge of the street and the sidewalk. However, the property owner is responsible for sidewalk repairs if the tree root damage is from a tree planted on the 'house' side of the sidewalk.

What if a tree must be removed?
There are instances where the roots of a street tree need to be trimmed in order to reconstruct a sidewalk properly. The city will approve adjustments to the sidewalk location in order to try to save a tree from removal. If in the opinion of the City Arborist, the root system is too damaged by trimming to reliably support the tree after trimming, the tree will be removed by the city. Trees that have been removed will be replaced by new street trees at the direction of the City Parks and Natural Resources Department. Street tree removal and replacement will be paid for by the city.

How long do I need to stay off the new sidewalk?
We understand that sidewalk repairs present an inconvenience to both property owners and the neighborhood. We ask our contractor to have the sidewalk replaced within 14 days of those sections being removed. Once poured, the sidewalk can be used in three days for foot traffic, though we ask the property homeowner refrain from operating heavy vehicles or yard tractors over the new walk for at least seven days.

Who is responsible for restoring my property and watering newly planted grass areas?
Restoration of the disturbed area around your walk should be completed within seven days of being poured. In some cases, restoration may be delayed due to weather conditions. The contractor is responsible for replacing topsoil in all disturbed areas, plant grass seed, and protect the seed with mulch. It is up to the property owner to water the reseeded areas to ensure germination and growth of the grass.

How long will my driveway remain inaccessible during construction?
There are instances whereby sections of sidewalk to be repaired are within the driveway apron area. In these cases, the contractor is instructed to use a quick-set concrete mix that allows for the driveway to cure and be reopened to vehicle traffic in 24 hours of being poured. The quick-set mix adds cost. If a property owner does not require immediate driveway access, the standard 7-day cure concrete can be used by request.

Can I have the contractor perform additional concrete work that's not required by the city?
Yes, property owners may work directly with the contractor to plan for additional concrete work above what's required by the city, and for payment of that work.

What if the new sidewalk is vandalized?
Children may be attracted to the wet concrete and attempt to write in it or even ride a bike across the new walk. Unfortunately, there is little the city can do to prevent this from occurring. We ask that residents be watchful of the freshly poured concrete to minimize this type of vandalism.

What if my downspout is under a section of sidewalk to be repaired by the city?
Once the section of sidewalk is removed, the contractor will repair or replace any deficient section of downspout drain found under the sidewalk as required with new PVC drain tile before pouring the new sidewalk. If the downspout drain interferes with placement of the new concrete walk section, the contractor will notify the city and property owner that the drain cannot be reinstalled. It is then up to the property owner to relocate the downspout drain.

What if there is an existing drainage issue adjacent to the sidewalk repair?
Resolving property drainage issues around sidewalks requires more extensive grading and sidewalk replacement than is intended in the scope of the sidewalk maintenance program. It is possible that a repaired section of sidewalk may continue to be subject to flooding even after safety repairs are completed.

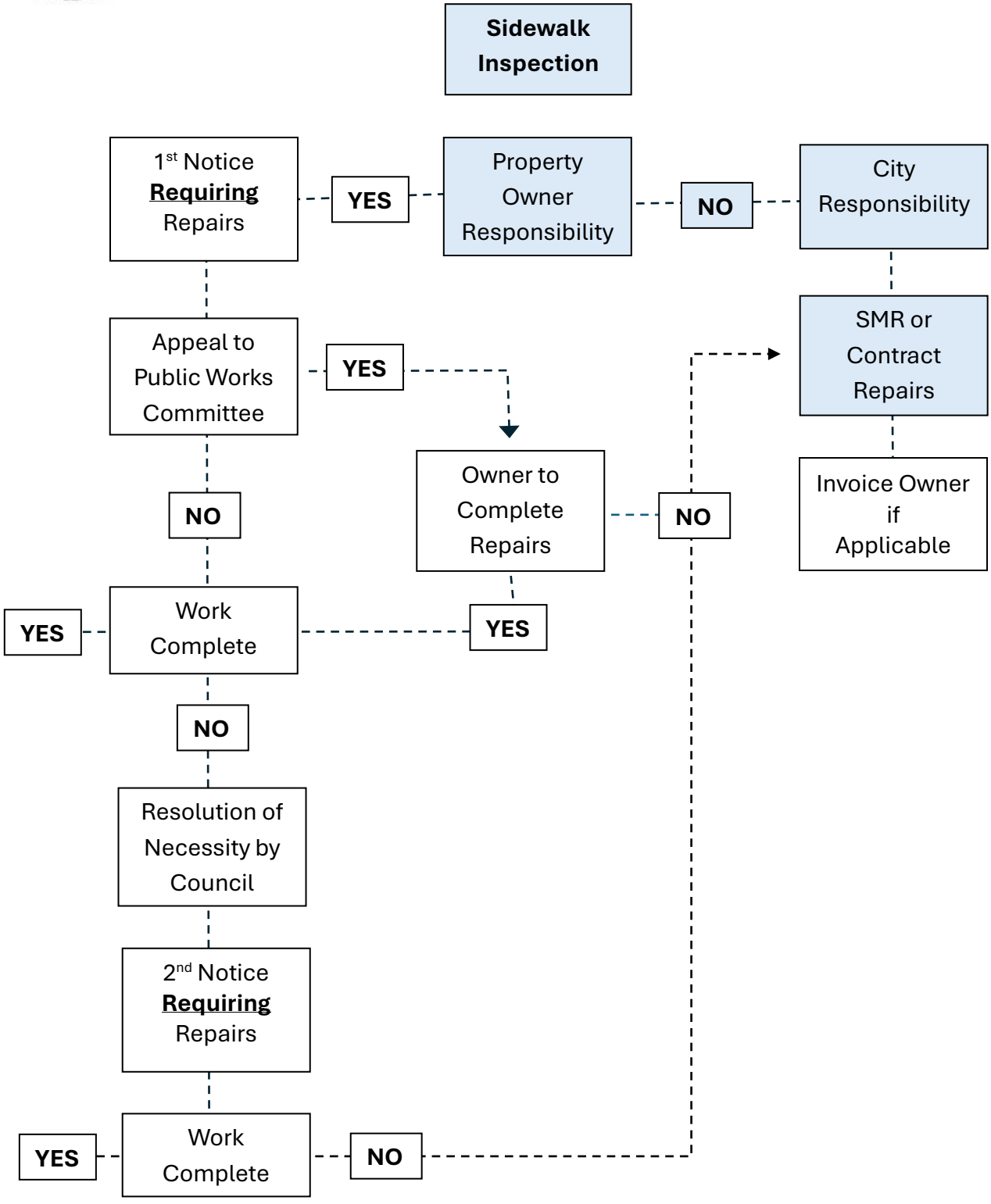
What if I have an irrigation or Invisible Fence system near the sidewalk?
It is important for a property owner to notify both the city and contractor of the presence of an invisible fence or irrigation system below or near any sidewalk section to be repaired. These systems should not be installed within the public right of way. The contractor shall make every attempt to not disturb the system during the excavation and replacement of sidewalk. Should the system be accidentally disturbed or broken, it is the property owner's responsibility to repair any part of the system installed within the public right of way.

Are curbs included with this project?
No, curbs are not addressed through the Sidewalk Maintenance Program.

Will missing sections of sidewalk be addressed under the Sidewalk Maintenance Program?
No. Requests for infill sidewalk projects can be submitted by contacting the Public Works Department customer service line at 740-203-1810 or email pwcs@delawareohio.net

Is it safe to spread salt on new sidewalk?
No. The use of salt or other ice melting products promotes rapid and frequent freezing and thawing of water on the surface of new concrete sidewalk, which in turn can damage the surface. It is best to utilize sand on new sidewalk until a year has passed since the walk was constructed.

Sidewalk Maintenance Program Workflow



Updated 6/18/25

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Rob Alger, Finance
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-57 (AS AMENDED)**
SUBJECT:	Ordinance No. 25-57 **(as amended),** an ordinance providing for the issuance and sale of notes in the maximum principal amount of $1,000,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by constructing Byxbe ~~Road~~ Parkway between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

SUGGESTED ACTION:

ATTACHMENTS:

fact sheet ord 25-57 Byxbe pkwy.docx
Note Ordinance (Byxbe Pkwy).docx
byxbe fiscal off cert.pdf
Merrick-Byxbe.jpg

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 14	DATE: 11/10/2025
ORDINANCE NO: 25-57 **AS AMENDED**	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (October 27, 2025 at 7:30PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Robert Alger, Finance Director
Alycia Ballone, Director of Management, Budget, and Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM BY CONSTRUCTING BYXBE ~~ROAD~~ **PARKWAY** BETWEEN CERTAIN TERMINI, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, STORM WATER, SANITARY SEWER AND WATER IMPROVEMENTS, UTILITY RELOCATIONS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC SIGNALIZATION, BIKEWAYS, SIDEWALKS, LANDSCAPING, INCLUDING SITE PREPARATION, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO.

BACKGROUND:
The purpose of this Ordinance is for the initial note issuance to fund the costs of improving the City's public roadway system by acquiring rights of way and constructing Byxbe ~~Road~~ **Parkway** from its current terminus to US 36/SR 37. The majority of the construction costs will be funded by Delaware County.

Staff intends to bring future legislation to Council for the creation of a New Community Authority to finance the debt service from this issuance.

REASON WHY LEGISLATION IS NEEDED:
The enclosed ordinance is needed to authorize City administration to coordinate with bond counsel to issue this short-term note.

COMMITTEE RECOMMENDATION:
Not Applicable

FISCAL IMPACT(S):
This short-term debt is financially supported by the General Fund with the intention of a pay down of the principal balance each year upon a refunding of the note. Staff will be recommending the creation of a New Community Authority at a future meeting to fund infrastructure associated with Byxbe Parkway.

POLICY CHANGES:
Not Applicable

PRESENTER(S):
Rob Alger, Finance Director
Alycia Ballone, Director of Management, Budget, and Procurement

RECOMMENDATION:
Approval upon 3rd Reading

ATTACHMENT(S):
Ordinance No. 25-57 **(as amended)**
Map
Fiscal Certificate

ORDINANCE NO. 25-57 **AS AMENDED**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM BY CONSTRUCTING BYXBE ~~ROAD~~ **PARKWAY** BETWEEN CERTAIN TERMINI, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, STORM WATER, SANITARY SEWER AND WATER IMPROVEMENTS, UTILITY RELOCATIONS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC SIGNALIZATION, BIKEWAYS, SIDEWALKS, LANDSCAPING, INCLUDING SITE PREPARATION, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO.

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1 It is necessary to issue bonds of this City in the maximum principal amount of $1,000,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by constructing Byxbe ~~Road~~ **Parkway** between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately April 1, 2026, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal

year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2026.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $1,000,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the City Clerk. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of $100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve

as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company).

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the City Clerk is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions heretofore taken by the City Manager, the Director of Finance, the City Attorney, the City Clerk or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at

a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and/or the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable

expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 11. The Director of Finance is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Delaware County, Ohio.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Ratings or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Clerk. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar

Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

VOTE ON RULE SUSPENSION: YEAS _____ NAYS _____
ABSTAIN _____

PASSED: _____, 2025 YEAS _____ NAYS _____
ABSTAIN _____

ATTEST: _____ _____
CITY CLERK MAYOR

FISCAL OFFICER'S CERTIFICATE

To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, I certify in connection with your proposed issue of notes in the maximum principal amount of $1,000,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by constructing Byxbe Road between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five (5) years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is two hundred forty (240) months.

Dated: 9.30, 2025

Director of Finance
City of Delaware, Ohio


MERRICK BLVD EXTENSION
HILLS MILLER RD
TROY RD
CSX RR
203
23
42
37
36
521
23
37
36
BYXBE PKWY
Delaware

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Rob Alger, Finance
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-58**
SUBJECT:	Ordinance No. 25-58, an ordinance providing for the issuance and sale of notes in the maximum principal amount of $8,500,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the city's public roadway system by extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto.

SUGGESTED ACTION:

ATTACHMENTS:

fact sheet ord 25-58 merrick.docx
Note Ordinance - NM (Merrick Blvd).docx
merrick fiscal off cert.pdf
Merrick-Byxbe.jpg

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 15	DATE: 11/10/2025
ORDINANCE NO: 25-58	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (October 27, 2025 at 7:35 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Robert Alger, Finance Director
Alycia Ballone, Director of Management, Budget, and Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $8,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM BY EXTENDING MERRICK BOULEVARD BETWEEN CERTAIN TERMINI, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, STORM WATER, SANITARY SEWER AND WATER IMPROVEMENTS, UTILITY RELOCATIONS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC SIGNALIZATION, BIKEWAYS, SIDEWALKS, LANDSCAPING, INCLUDING SITE PREPARATION, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO.

BACKGROUND:
The purpose of this Ordinance is for the original issuance of a note issue to fund the construction of Merrick Blvd between Cambridge Road and Troy Road in the City's northwest area. This includes the roadway and related appurtenances including but not limited to utility relocations, sidewalks, and pathways.

The debt service associated with this note will be funded through Payments in Lieu of Taxes (PILOTs) from the Parkview and Lucy Ridge TIFs authorized by

Council ordinance 23-55 once such revenues are received. This TIF should begin to produce revenues upon completion of review and approval by the State.

REASON WHY LEGISLATION IS NEEDED:
The enclosed ordinance is needed to authorize City administration to coordinate with bond counsel to issue this short-term note.

COMMITTEE RECOMMENDATION:
Not Applicable

FISCAL IMPACT(S):
This short-term debt will be funded by the PILOTs from Parkview and Lucy Ridge TIFs established with ordinance 23-55. The General Fund may advance the initial debt service payment until PILOTs are sufficient to fully support the debt service.

POLICY CHANGES:
Not Applicable

PRESENTER(S):
Rob Alger, Finance Director
Alycia Ballone, Director of Management, Budget, and Procurement

RECOMMENDATION:
Approval upon 3rd Reading

ATTACHMENT(S):
Ordinance No. 25-58
Fiscal Certificate
Map

ORDINANCE NO. 25-58

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $8,500,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM BY EXTENDING MERRICK BOULEVARD BETWEEN CERTAIN TERMINI, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, STORM WATER, SANITARY SEWER AND WATER IMPROVEMENTS, UTILITY RELOCATIONS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC SIGNALIZATION, BIKEWAYS, SIDEWALKS, LANDSCAPING, INCLUDING SITE PREPARATION, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO.

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1 It is necessary to issue bonds of this City in the maximum principal amount of $8,500,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately April 1, 2026, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2026.

Section 3. It is necessary to issue and this City Council determines that notes in the maximum principal amount of $8,500,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the City Clerk. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of $100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes.

The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company).

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry

system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the City Clerk is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions heretofore taken by the City Manager, the Director of Finance, the City Attorney, the City Clerk or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity,

with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award and/or the Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable

expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 11. The Director of Finance is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Delaware County, Ohio.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Ratings or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Clerk. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Note Purchase Agreement and/or the Note Registrar

Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

VOTE ON RULE SUSPENSION: YEAS _____ NAYS _____
ABSTAIN _____

PASSED: _____, 2025 YEAS _____ NAYS _____
ABSTAIN _____

ATTEST: _____ _____
CITY CLERK MAYOR

FISCAL OFFICER'S CERTIFICATE

To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, I certify in connection with your proposed issue of notes in the maximum principal amount of $8,500,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five (5) years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is two hundred forty (240) months.

Dated: 10.07, 2025

Director of Finance
City of Delaware, Ohio


MERRICK BLVD EXTENSION
HILLS MILLER RD
TROY RD
CSX RR
203
23
42
37
36
521
23
37
36
BYXBE PKWY
Delaware

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**SECOND READING OF ORDINANCE NO. 25-66**
SUBJECT:	Ordinance No. 25-66, an ordinance authorizing the city manager to execute a release and indemnity general release with the Shelly Company and Insurers, Liberty Mutual Fire Insurance Company and Liberty Mutual Group, Inc. and declaring an emergency

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Ord 25-66 Release.docx
Ord. No. 25-66 - Release Agreement.docx
Release _ Indemnity General Release - Liberty Mutual.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 16 DATE: 11/10/2025

ORDINANCE NO: 25-66 RESOLUTION NO:

READING: SECOND PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget & Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE AND INDEMNITY GENERAL RELEASE WITH THE SHELLY COMPANY AND INSURERS, LIBERTY MUTUAL FIRE INSURANCE COMPANY AND LIBERTY MUTUAL GROUP, INC. AND DECLARING AN EMERGENCY.

BACKGROUND:
On August 12, 2025, a contractor damaged a light pole in front of 18 East William Street while doing work in the area. The total cost to repair the damage to the city property from the occurrence totaled $7,487.30.

The contractor was The Shelly Company with insurers Liberty Mutual. Liberty Mutual has agreed to pay the City's demand of $7,487.30 in exchange for an executed release, which provides the City will waive its right to bring any current and future legal claims it may have resulting from the occurrence.

REASON WHY LEGISLATION IS NEEDED:
Pursuant to the City Charter, the City Manager needs authority from Council to execute the Release.

COMMITTEE RECOMMENDATION: N/A
FISCAL IMPACT(S): None

POLICY CHANGES:
None

PRESENTERS:
Alycia Ballone, Director of Management, Budget & Procurement

RECOMMENDATION:
Approval

ATTACHMENT(S)
Release and Indemnity General Release

ORDINANCE 25-66

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE AND INDEMNITY GENERAL RELEASE WITH THE SHELLY COMPANY AND INSURERS, LIBERTY MUTUAL FIRE INSURANCE COMPANY AND LIBERTY MUTUAL GROUP, INC. AND DECLARING AN EMERGENCY.

WHEREAS, on August 12, 2025, a light pole which belongs to the City of Delaware was damaged by The Shelly Company while performing work near 18 East William Street, and

WHEREAS, the damage resulting from the accident cost the City of Delaware $7,487.30 (seven thousand four hundred eighty-seven dollars and thirty cents) to repair; and

WHEREAS, the City of Delaware has demanded The Shelly Company reimburse it for the $7,487.30 expended to repair the damage caused by The Shelly Company during the occurrence on August 12, 2025; and

WHEREAS, the City and insurers for The Shelly Company, Liberty Mutual Fire Insurance Company and Liberty Mutual Group, Inc., hereinafter "Liberty", have discussed their respective positions and reached an agreement by which Liberty will pay the City $7,487.30 in exchange for a release of claims to settle their dispute.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1: The City Manager is authorized to execute the attached "Release and Indemnity General Release" agreement.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the usual daily operation of a department or an office of the City and to facilitate the City's obligations within the agreement, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE: YEAS____ NAYS____

ABSTAIN ____

VOTE ON RULE SUSPENSION: YEAS____ NAYS____

ABSTAIN ____

PASSED: _____, 2025 YEAS____ NAYS____

ABSTAIN ____

ATTEST: _____ _____

CITY CLERK MAYOR

Helmsman
Management Services LLC®

RELEASE & INDEMNITY GENERAL RELEASE

Claim: P 949-421755

City of Delaware ("Releasor"), being of lawful age, for the sole consideration of the sum of $7,487.30 ("Settlement Payment"), receipt of which is hereby acknowledged, does hereby for they and for their heirs, executors, administrators, successors, and assigns (collectively, the "Releasor") releases, acquits and forever discharges The Shelly Company, and its parents, successors, assigns, subsidiaries, other affiliated companies, and all of their present and former directors, officers, agents, employees, attorneys, partners, and representatives (collectively, "Company") and Company's insurers, Liberty Mutual Fire Insurance Company (hereinafter "Underwriting Company") and Liberty Mutual Group, Inc., their affiliates and related companies and their successors in interest (hereinafter, "Liberty" and collectively with Company, and Underwriting Company, the "Releasees"), of and from any and all claims, actions, causes of action, demands, rights, damages, costs, losses of service, expenses and compensation whatsoever, which Releasor has had, now has, or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen property damages, claims, demands, actions, lawsuits, judgments, costs, attorneys' fees, damages, losses, and expenses of any kind or nature whatsoever, whether in contract, tort, or otherwise in law or equity and the consequences thereof, "arising solely out of property damage to a light pole allegedly caused by the Company on or about August 12, 2025, at or near 18 E William St, Delaware, OH 43015 (the "Occurrence"). This Release is expressly limited to property damage claims related to the light pole and does not extend to any other property damage, personal injury, or other claims of any kind, whether known or unknown, that may exist or arise out of the Occurrence."

It is understood and agreed that this Release and Indemnity Agreement (the "Agreement") is the compromise of a doubtful and disputed claim arising from property damage related to the Occurrence (the "Claim"), that this Agreement and the Settlement Payment made pursuant thereto are not to be construed as an admission of liability on the part of Releasees, and that Releasees deny any and all liability with respect to the Occurrence and Claim and intend merely to avoid litigation and buy their peace. Releasor agrees that the above Settlement Payment includes any right, claim or demand for any present or future interest.

Releasor further acknowledges, warrants, and agrees to satisfy all subrogation interests or claims, attorney or any other entity or any other person, firm, or corporation, which have been made or may be made in the future against the payments described in this Agreement, as applied to the Occurrence and the Claim.

Releasor acknowledges that this Agreement extends to all property damage claims of any kind which Releasor had or may have had against the parties released thereby, and that any party released thereby can raise this Agreement as a complete defense to any claim or suit by or on behalf of Releasor, concerning property damage related to the Occurrence.

Releasor acknowledges that they have read this instrument and fully understands that this instrument, in accordance with the intent and purpose expressed above, encompasses all negotiations, discussions, and bargaining of the parties as to this settlement, and is the entire agreement between the parties to this instrument.

Releasor also acknowledges that they were informed prior to the signing of this Agreement that they have the right to consult with legal counsel of Releasor's own choice and that an adequate opportunity was afforded to the Releasor to seek such advice or counsel. Releasor further affirms that they were presented with an adequate

opportunity between the matter giving rise to this agreement and the signing of this agreement to consider the agreement and its consequences.

Releasor agrees that the Settlement Payment (a) constitutes the full and final payment of all damages due from Releasees to Releasor with respect to the Claim and (b) resolves any and all remaining issues concerning Releasors with respect to the Claim.

Releasor represents that they have not sold, assigned, or transferred to any other person, firm, corporation, or entity the Claim or the demands or causes of action referred to in this Agreement.

This Agreement is to be governed by, construed, and interpreted in accordance with the laws of the State of Ohio and is binding upon and inures to the benefit of Releasor and Releasees, including their respective heirs, executors, administrators, successors, and assigns.

The parties agree that if any term, provision, or condition of this Agreement or the application thereof to any person, entity, or circumstance shall to any extent be declared invalid or unenforceable, the remainder of this Agreement or the application of such provision, term, or condition to any other person, entity, or circumstance shall not be affected thereby, and each other provision, term, or condition of this Agreement shall be valid and enforceable to the full extent permitted by law.

MANDATORY BINDING ARBITRATION: ALL CLAIMS OR CONTROVERSIES ARISING OUT OF OR RELATED TO THIS AGREEMENT SHALL BE SUBMITTED TO AND RESOLVED BY BINDING ARBITRATION BY A SINGLE ARBITRATOR IN OHIO. THE AMERICAN ARBITRATION ASSOCIATION ("AAA") SHALL CONDUCT THE ARBITRATION UNLESS THE PARTIES MUTUALLY AGREE TO USE AN ALTERNATIVE ARBITRATION SERVICE. AAA'S OPTIONAL APPELLATE RULES SHALL APPLY. JUDGMENT UPON ANY AWARD MADE BY THE ARBITRATOR MAY BE ENTERED IN ANY COURT HAVING JURISDICTION THEREOF, IF NECESSARY.

This Agreement may be executed in multiple counterpart originals and via facsimile copy (including a signed copy scanned and transmitted by e-mail). The Agreement shall become effective upon execution by Releasor. The parties each represent and warrant that this Agreement has been duly executed and delivered and that the terms of this Agreement are contractual and not mere recitals.

[*Signature Page to Follow*]

IN WITNESS WHEREOF, Releasor caused this Agreement to be executed on the date set forth below.

NAME: _____ DATE: _____

SIGNATURE:

_____

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 25-68**
SUBJECT:	Ordinance No. 25-68, an ordinance amending Part Thirteen: Building Code of the City of Delaware Codified Ordinances by amending Chapters 1301, 1307, and 1321; Repealing Chapters 1315, 1317, and 1361, and enacting a new Chapter 1304, entitled registration of abandoned foreclosures, long-term rentals, and vacant properties.
SUGGESTED ACTION:	

ATTACHMENTS:

PART 13 FACT SHEET.docx
PART 13 Memo.docx
PART 13. ORDINANCE.doc
PART 13 BLDG CODE.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 17	DATE: 11/10/2025
ORDINANCE NO: 25-68	RESOLUTION NO:
READING: FIRST	PUBLIC HEARING: YES **(November 24, 2025 at 7:15 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, ICMA-CM, CEcD,City Manager

VIA: Sandra Pereira, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING PART THIRTEEN: BUILDING CODE OF THE CITY OF DELAWARE CODIFIED ORDINANCES BY AMENDING CHAPTERS 1301, 1307, and 1321; REPEALING CHAPTERS 1315, 1317, and 1361, AND ENACTING A NEW CHAPTER 1304, ENTITLED REGISTRATION OF ABANDONDED FORECLOSURES, LONG-TERM RENTALS, AND VACANT PROPERTIES.

BACKGROUND:
The Code of Ordinances should be regularly reviewed to ensure that all provisions are up to date and consistent with standard practice. The Building Code has not been updated in many years and there are several minor changes being proposed along with more significant amendments which include the removal of three chapters and the addition of a new chapter. The amended code is attached in Exhibit A. Additions to the code are red and underlined and removals are ~~red and have a strikethrough.~~ A summary of the proposed amendments is attached to the staff memo.

REASON WHY LEGISLATION IS NEEDED:
The charter requires that any amendments to the Code of Ordinance be reviewed and approved by City Council

PRESENTER(S):

Sandra Pereira, Planning and Community Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Ordinance
Exhibit A
Staff Memo

EST 1808
CITY OF
DELAWARE
OHIO

MEMORANDUM

TO: City of Delaware City Council
FROM: Sandra Pereira, Director of Planning & Community Development
DATE: 10 November 2025
RE: Amendments to Part 13: Building Code

Staff regularly reviews the Code of Ordinances to ensure it is kept up to date, relevant, and consistent with current practice. The proposed amendments to Part 13 are attached in Exhibit A. Below is a summary of the amendments being proposed to the Building Code.

Minor Overall Changes:

- Changing all references from “Building Inspector” to “Planning and Community Development Department”.
- Referring to the Board of Zoning Appeals (and outlining its procedures) as the Appeals board for Part 13, with the exception of Chapter 1307. (Commercial and Industrial appeals are heard by the Ohio Board of Building Standards)
- Instead of referencing specific codes by year, reference is now made to “the most recent adopted edition”, to avoid needing to amend the code each year.
- Referring to the correct section of the code for permit fees throughout.
- Making the penalty for violating the code in all chapters consistent.

Substantive Changes:

New Chapter 1304

This chapter introduces three registries to the building code for **Abandoned Foreclosures, Long Term Rentals, and Vacant Properties.** These registries allow for a more accurate tracking of points of contact for non-owner-occupied properties. Having these registries will allow code enforcement officers to more easily find property owners when encountering property maintenance issues.

REMOVE Chapter 1315

This proposal would remove the requirement for contractors to register with the City prior to obtaining building and zoning permits. The current requirement creates a significant amount of work for staff on an annual basis and does not achieve the intended outcomes. A contractor who means to take advantage of a customer will more than likely not be applying for permits or

registering. Staff will work in the coming months to educate the community on best practices when looking for a contractor to perform work. Contractors working in the public right-of-way and on public property will still be required to show proof of bonding and insurance prior to obtaining right-of-way permits.

REMOVE Chapter 1317.

This chapter was approved in 1967 and outlines outdated requirements to relocate entire buildings. The requirement to obtain a permit and coordinate with appropriate agencies remains but has been moved to Chapter 1321.

REMOVE Chapter 1361

Fences are no longer regulated by the Building Code (and have not been for decades) and the standards for the construction of a fence are outlined within the zoning code.

ORDINANCE NO. 25-68

AN ORDINANCE AMENDING PART THIRTEEN: BUILDING CODE OF THE CITY OF DELAWARE CODIFIED ORDINANCES BY AMENDING CHAPTERS 1301, 1307, and 1321; REPEALING CHAPTERS 1315, 1317, and 1361, AND ENACTING A NEW CHAPTER 1304, ENTITLED REGISTRATION OF ABANDONDED FORECLOSURES, LONG-TERM RENTALS, AND VACANT PROPERTIES.

WHEREAS, The building code of the City of Delaware must be updated on a regular basis to reflect changes in standards and reference codes and should include a property registry to ensure that the maintenance standards set forth in Part 13 of the code of ordinances are adhered to.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. Amendments to Part Thirteen: Building Code as outlined in the attached "Exhibit A" are hereby approved and accepted.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN____

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

CHAPTER 1301. RESIDENTIAL CODE FOR ONE-, TWO-, AND THREE-FAMILY DWELLINGS[1]

1301.01. Purpose and adoption.

There is hereby adopted and incorporated by reference as if set out at length herein, the most recent adopted edition of the "Residential Code of Ohio for One-, Two- and Three-Family Dwellings", hereinafter called the Dwelling Code, which shall apply to the erection, construction, enlargement, alteration, repair, improvement, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, any appurtenances connected or attached to such buildings or structures, or any accessory structures. No building or its equipment or accessories, to which the rules of the Board of Building Standards apply, shall be erected, constructed, or installed, except in conformity with the Board of Building Standards.

(Ord. 06-125. Passed 11-13-06)

1301.02. File and distribution copies.

Copies of the Dwelling Code are on file with the Clerk of Council for inspection by the public~~, the County Law Library, and the Delaware County Library's main office~~ and within the City of Delaware Planning and Community Development Department. In ~~addition~~addition, the Clerk of Council has copies available for distribution to the public at cost.

(Ord. 06-125. Passed 11-13-06)

1301.03. Conflict.

Except as otherwise specifically provided for in this chapter, in all other cases of conflict between the Dwelling Code adopted herein and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern. Except as may be specifically provided herein, no provisions of the zoning law pertaining to the location, use or construction of buildings shall be nullified by the provisions of this Code.

1301.04 Fees.

All permit fees are set forth in section 197.02 of the City of Delaware Code of Ordinances. The fee schedule is available within the Planning and Community Development Department.

1301.05. Appeals

The Board of Zoning Appeals shall serve as the Board of Appeals for this Chapter. Appeals may be brought by any person, or by any government officer, board, or department of the City, deeming themselves to be adversely

[1]State law reference(s)—Adoption by reference - see Ohio R.C. 731.231; Ohio Building Code - see Ohio R.C. 3781.10; Energy conservation - see Ohio R.C. 3781.181

affected by a final decision of the Chief Building Official or by any administrative officer of the City deciding matters relating to this code.

(a) Initiation of Appeal. Applications for appeal shall be filed with the Director of Planning and Community Development upon the forms provided, within thirty (30) days after the date of any adverse final order, requirement, decision, or determination. Failure to file a notice of appeal within such thirty (30) days shall constitute a waiver of the right of appeal. The application for appeal shall include reference to the final decision and the provision of this Zoning Ordinance from which the appeal is sought, and reasons for the appeal as well as all requirements set forth in the application checklist on file in the Planning and Community Development Department, unless items are determined by the Director to be inapplicable and are waived. The Director of Planning and Community Development shall transmit to the Board the record upon which the action appealed was taken from.

(b) Public Hearing by the Board. When an application for appeal has been filed in proper form and the application fee has been paid, the Director of Planning and Community Development shall immediately place the request upon the calendar for public hearing before the Board of Zoning Appeals. The Board of Zoning Appeals shall hold such public hearing within forty-five (45) days after the receipt of an application for an appeal from the Director of Planning and Community Development or applicant. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person, by agent, or by attorney.

(c) Notice of Public Hearing. The property owner requesting the appeal shall submit the name(s) and address(es) of all record title holders within 200 feet of the property to which such appeal relates to the Clerk/Secretary of the Board of Zoning Appeals at the time the application for the appeal or variance is filed. "Record title holder" shall mean the title holder of such property as disclosed by the records of the County Auditor.

(1) Notice of the hearing shall be given by posting on the City's website for the ten-day period referenced in subsection (2).

(2) All notices shall be mailed at least ten (10) days before the date of said public hearing. All notices shall set forth the time, place and nature of the proposed appeal.

(3) Failure of delivery of such notices shall not invalidate action taken on such application.

(d) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning and Community Development from whom the appeal is taken certifies to the Board, after the notice has been filed with him or her, that by reason of facts stated in the certificate of building and zoning compliance, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Board or by a competent court having lawful jurisdiction.

(e) Review by the Board. The Board of Zoning Appeals shall review the appeal. The Board may call upon the City Manager for assistance from City departments and professional consultants in performance of its duties. Such City departments or consultants shall render such assistance to the Board as may reasonably be required.

(f) Decision by the Board. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a permit or certificate.

(1) Within forty-five (45) days after the public hearing, unless an extended period of time is mutually agreed upon by the applicant and the Board, the Board of Zoning Appeals shall either approve, approve with supplemental conditions, or disapprove the request for appeal. If the Board fails to act within such period of time, the appellant may determine the appeal has been denied.

(2) A certified copy of the Board's decision shall be transmitted to the applicant, or appellant, and a copy shall be filed with the Director of Planning and Community Development.

(3) Any person(s) aggrieved by the decision of the Board may appeal to the Court of Common Pleas of Delaware County within thirty (30) days after the filing of the Board's decision.

(4) Once the appellant has received the Board's decision, he/she may submit an application for a certificate of building and zoning compliance that complies with the Board's decision. A copy of the Board's decision shall be attached to the application.

1301.99. Enforcement and Penalties.

No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.

Whoever violates any provision of this Chapter or any code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. The City may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a stop work order.

~~1301.04. Definitions and amendments.~~

~~(a) Covered in the Code under the definition of Building Official.~~

~~(b) Amendments. The One and Two-Family Dwelling Code adopted herein is hereby modified in the manner respectively indicated:~~

~~Section R101.2 in the code states the scope of the International Residential Code 2000.~~

~~Section R104.6 Right of Entry in the International Residential Code has a provision covering the scope for the Right of Entry.~~

~~Section R113.4 (Amended) No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.~~

~~Whoever violates any provision of this chapter or any code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. The City may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a stop work order.~~

~~Section R108.2 Fees are consolidated in Chapter 1321.~~

~~Part 7 Chapter 25 (Amended) The 2002 Ohio Plumbing Code as contained in OAC 4101:2-1 to 4101:2-15 reflect the BBS's adoption of the 2000 International Plumbing Code is hereby adopted by reference as if set out at length herein and shall apply to plumbing, sewer building and water service installed in one, two and three-family dwellings, notwithstanding any provisions to the contrary as contained in the One and Two-Family Dwelling Code adopted herein. Copies of the Ohio Plumbing Code as adopted herein are on file with~~

~~the Clerk of Council for inspection by the public and in the County law library. The Clerk also has copies available for distribution to the public at cost.~~

~~R314.2 Treads and Risers (Amended). The first sentence of Section R314.2 shall read The maximum riser height shall be 8¼ inches and the minimum tread width depth shall be 9 inches.~~

~~Appendix F, Radon Control Methods (Repealed) Radon protection systems are not required to be installed in one, two and three family dwellings. In the event that a radon protection system is installed in either one, two and three family dwellings that system shall be installed per Appendix F of the 2000 International One- and Two- Family Dwelling Code.~~

~~Chapter 14 - Heating and Cooling Equipment and Chapter 20 - Duct Systems (Amended). There is hereby adopted by the City, for the purpose of prescribing regulations and requirements for the installation of all heating and air conditioning systems supplying conditioned air to all one, two and three-family dwellings in the City, notwithstanding any provisions to the contrary as contained in the One and Two-Family Dwelling Code adopted herein, that certain code known as the Sheet Metal and Air Conditioning Contractors' National Association, Inc. SMACNA 1989 edition as recommended by the Sheet Metal and Air Conditioning Contractors' National Association, Inc.~~

~~Chapters 33 through 42 Applicability and Scope (Amended). There is hereby adopted by the City, for the purpose of prescribing regulations and requirements for the installation of all electrical wiring, apparatus or appliances for furnishing light, heat or power in the City, that certain code known as the NFPA 70, National Electrical Code, 2002 edition as recommended by the National Fire Protection Association and the whole thereof is hereby adopted and incorporated as fully as if set out at length herein.~~

~~(Ord. 97-99. Passed 10-27-97)~~

NEW CHAPTER

CHAPTER 1304. REGISTRATION OF ABANDONED FORECLOSURES, LONG-TERM RENTALS, AND VACANT PROPERTIES

1304.01. Purpose

The purpose of this Chapter is to establish a registration program as a means to identify and regulate abandoned foreclosures, long-term rentals, and vacant properties within the City of Delaware. Furthermore, the intent of the registration program is to provide a mechanism to protect and preserve neighborhoods within the City from becoming unsightly and blighted due to the lack of adequate maintenance to the exterior of abandoned foreclosures, long-term rentals, and vacant properties.

1304.02. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) ABANDONED FORECLOSURE[S]. Any property that is vacant and meets one or more of the following criteria:

(1) Is under a current notice of default with any foreclosing entity and/or notice of trustee's sale;

(2) Is subject to a current foreclosure action;

(3) A finding of foreclosure has been issued relative to the property;

(4) Has been the subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure;

(5) Is owned by a foreclosing entity; or

(6) Has been transferred via a deed in lieu of foreclosure.

(b) FORECLOSING ENTITY. An entity holding a note secured by a mortgage, an entity holding a lien recorded with Greene County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

(c) LONG-TERM RENTAL. A residential lease agreement where a tenant occupies a property for an extended, continuous period, typically six months, one year, or longer. Referred to in this Chapter as "rental".

(d) OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(e) PROPERTY[IES]. Any unimproved or improved real property or portion thereof, situated in the city including any house, building or other structure that may be located on the property regardless of condition.

(f) VACANT. Any property, building or structure, or any part thereof, where no person actually and lawfully resides or where no business is being lawfully operated.

1304.03. Applicability.

The requirements and penalties in this Chapter are in addition to and shall not be considered in conflict with any and all other requirements of the City of Delaware Code of Ordinances. Nothing within this chapter shall be construed to limit the foreclosing entity or the owner of vacant property to comply with and adhere to any and all building, housing, health, and zoning ordinances or any other local, state and federal laws.

1305.04. Registration Requirements.

(a) Abandoned Foreclosure. Any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff's Sale, or accepts property as a result of a government insured mortgage or loan shall, within ten (10) days after property becoming vacant, register the abandoned foreclosure with the City of Delaware Planning and Community Development Department.

(b) Vacant Property. Any owner of vacant property determined to be out of compliance with the City of Delaware Code of Ordinances and involved in an enforcement action by the City may be required, within ten (10) days of the notice or order to do so, to register the vacant property with the City of Delaware Planning and Community Development Department. Registration shall not apply to abandoned foreclosure properties, except as required in division (a).

(c) Rental Property. Any owner of a long-term rental property shall be required to register the property with the City of Delaware Planning and Community Development Department. The registration requirement excludes Multi-family complexes of five (5) or more units under single ownership.

(d) Each property having a separate Parcel Identification Number, as designated in the official records of the Delaware County Auditor, shall be registered separately on forms provided by the City of Delaware.

(e) It is the responsibility of the foreclosing entity or the owner of vacant or rental property making the initial application for registration, and any subsequent applications for registration, to provide the following required information:

  (1) The direct name, mailing address, and telephone number of the foreclosing entity or owner of vacant property;

  (2) The name, address, telephone number and email address of an authorized agent for the foreclosing entity or owner of vacant property to receive notices of code violations, to receive process in any court and to receive notice of enforcement proceedings in connection with the enforcement of this chapter;

  (3) The name, address, email address and a 24-hour contact telephone number of the local property maintenance company responsible for the security and maintenance of the property.

(f) The registration of the property shall remain valid for twelve (12) months. Upon the expiration of the registration period, the foreclosing entity or the owner of vacant or rental property shall complete another application to renew the registration of the property and pay an additional registration fee. The property registration requirement shall remain until the property is legally occupied; the foreclosure action has been dismissed; the property is purchased and the deed transferred into the new owner's name; or, except for an abandoned foreclosure, the property has been maintained in compliance for two consecutive years.

(g) Any person, firm, partnership, co-partnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered a property under this chapter must report any change in registration information required by this chapter, within ten (10) days of the change.

(h) If an abandoned foreclosure, rental, or vacant property is identified and found not to be registered with the city as required by this chapter, orders may be issued requiring the property be registered.

1305.05. Fees.

(a) All registration fees shall be paid as specified in the City of Delaware Fee Schedule for each property subject to the provisions of this Chapter. Fees are non-refundable and shall not be pro-rated.

(b) All delinquent fees shall be paid by the foreclosing entity or owner of vacant or rental property prior to any transfer of an ownership interest in the property.

1305.06. Evidence of Vacancy.

A structure or property will be presumed vacant when any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnection of utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items; statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant.

1305.07. Inspection Requirements.

Upon registration, an exterior property maintenance inspection may be scheduled with the coded official. A notice of violation or orders to correct may be issued for any violations of the City of Delaware Code of Ordinances identified during an inspection. Additionally, express authorization shall be provided for city employees, and contractors designated by the city, to enter upon the property for the purpose of ensuring compliance with this chapter. Regular inspections of the property must be performed by the foreclosing entity or owner of vacant property, or designated agent, to ensure compliance with this chapter and other applicable laws.

1305.08. Maintenance Requirements.

Properties subject to this chapter shall be maintained in a safe and sanitary manner, in accordance with the City of Delaware Code of Ordinances including, but not limited to:

(a) Being kept free of overgrown vegetation, including grass and weeds exceeding ten (10) inches in height;

(b) Being kept free of any accumulation of newspapers, circulars, flyers, trash, junk, debris, building materials, discarded personal items, furniture, appliances, or any other issue that gives the appearance of vacancy;

(c) Being kept free of graffiti, tagging or similar markings; and

(d) Swimming pools, spas and ponds maintained in a sanitary condition and in compliance with the city's barrier requirements.

1305.09. Security Requirements.

Properties subject to this chapter shall be maintained in a secure manner, as required in the City of Delaware Property Maintenance Code, so as not to be accessible to any unauthorized persons. Secure manner includes, but not limited to;

(a) Closure and locking of windows, doors, gates and any other opening that may allow unauthorized access to the interior of structure(s) and/or areas containing swimming pools; and

(b) In the case of damaged or broken fences, gates, windows, doors and other openings, the unsecured opening must be repaired or properly boarded.

1305.10. Abatement and Demolition.

Whenever a property is deemed abandoned or vacant pursuant to the terms of this chapter and is not maintained pursuant to the terms of this chapter and the City of Delaware Code of Ordinances, the code official may order the abatement of the violation or any other action that may be required including, but not limited to, demolition. Any abatement action shall be conducted in accordance with the City of Delaware Property Maintenance Code. The cost of any action taken by the city shall be charged against the real estate upon which the structure or violation is located and shall be a lien upon such real estate.

1305.11. Appeals.

Any person directly affected by a decision, notice or order issued under this Chapter shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal and fee is submitted within thirty (30) days from the date of the notice or order. An application for appeal shall be based on a claim that the true intent of this Chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the City.

1305.12. Liability.

Any owner, person in control, foreclosing entity, or subsequent owner of property for which a notice of violation is issued to correct violations shall be jointly and severally liable for the costs incurred by the city for the abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward.

1305.13. Severability.

If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.

1305.99. Penalty.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and the violation shall be deemed a strict liability offense. Each day that a violation continues shall constitute a separate offense.

CHAPTER 1307. COMMERCIAL/INDUSTRIAL BUILDING CODE[1]

1307.01. Purpose and adoption.

There is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, equipment, use, occupancy, or maintenance of buildings regulated by the Ohio Administrative Code 4101:1- the Ohio Building Code, Ohio Administrative Code 4101:2- the Ohio Mechanical Code.

(Ord. 06-73. Passed 6-12-06)

1307.02. File and distribution copies.

Copies of the Ohio Building Codes are on file with the Clerk of Council for inspection by the public and in the ~~County Library~~City of Delaware Planning and Community Development Department. In addition, the Clerk of Council has copies available for distribution to the public at cost.

(Ord. 06-73. Passed 6-12-06)

1307.03. Conflict.

Except as otherwise specifically provided for in this C~~c~~hapter, in all other cases of conflict between the Ohio Building Codes and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern. Except as may be specifically provided herein, no provision of the zoning law pertaining to the location, use or construction of buildings shall be nullified by the provisions of this Code.

(Ord. 06-73. Passed 6-12-06)

1307.04. Fees.

All permit fees are set forth in section 197.02 of the City of Delaware Code of Ordinances. The fee schedule is available within the Planning and Community Development Department.

[1]State law reference(s)—See sectional histories for similar State law; Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261; Power to enact further and additional regulations - see Ohio R.C. 3781.01; Authorization by Board of Building Standards - see Ohio R.C. 3781.12; Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19; Final jurisdiction - see Ohio R.C. 3781.04; Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A); Submission of plans - see Ohio R.C. 3791.04; Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103; Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104; OAC Ch. 4101:2-9; Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.; Fire suppression systems - see Ohio R.C. 3781.108; Use of public buildings by handicapped persons - see Ohio R.C. 3781.111; Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21; OAC Art. 4101:2-13; Abandoned service stations - see Ohio R.C. 3791.11 et seq.; Safety standards for refuse containers - see Ohio R.C. 3791.21; OAC Ch. 4101:2-88

1307.99. Enforcement and Penalties.

No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any commercial or industrial building or space in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.

Whoever violates any provision of this Chapter or any code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. The City may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a stop work order.

CHAPTER 1315. REGISTRATION OF CONTRACTORS[1]

1315.01. Registration required.

No general building contractor, excavating or demolition, plumbing, electrical, heating, piping, air conditioning or refrigeration contractor, appliance installer, building tradesman or repairman, or any individual offering such services for a fee other than as an employee of a contractor, shall perform any work within the City unless they have first secured a registration.

Except in cases of emergency, no person shall conduct, carry on or engage in the business of sewer tapping or sewer building, or excavate for, tap or construct any sewer, gas main, water main or any other service, or excavate in any way in any street, avenue, alley, lane, right-of-way or public place in the City without having first secured a registration to engage in such business.

(Ord. 95-70. Passed 10-23-95)

1315.02. Homeowner's exception.

The provisions of this chapter shall not apply to a homeowner as an individual desiring to perform work on his own premises, or on other property which they own in the City.

Any work performed by such homeowner shall be subject to all other provisions of this Building Code, and to all applicable inspections.

(Ord. 91-14. Passed 3-25-91)

1315.03. Application.

Any person desiring to conduct, carry on or engage in any of the aforementioned activities within the City, shall, upon blank forms furnished by the City, make written application for a registration to the Director of Planning and Community Development or his designee. Evidence of repeated violations of the Building Code or other ordinances shall be sufficient evidence to disqualify the applicant from receiving a certificate of registration.

(Ord. 91-14. Passed 3-25-91)

1315.04. Categories.

For the purpose of this chapter, certain word usages shall apply to the text as follows:

(a) "General contractor" means those persons or companies in the business of doing construction work, primarily subcontracting work out to registered City contractors.

(b) "Builder" means those persons or companies in the business of doing construction work, with the sole majority of the construction inclusive of the mechanical trades being performed by them.

[1]Cross reference(s)—City income tax liability - see ADM. 191.03

(c) "Remodeler" means those persons or companies in the business of doing additions, rehabilitations and remodelings, with "limited" electrical, plumbing and heating involved (that is, tying onto existing utilities to service new construction or rehabilitation, but shall not include new services or updating existing mechanical throughout the structure).

(d) "Mechanical contractor" means those persons or companies in the business of performing the mechanical trades throughout a structure (that is, plumbing, HVAC, electrical).

(e) "Plumber" means those persons or companies in the business of installing, repairing, maintaining or updating plumbing systems throughout a structure.

(f) "Electrician" means those persons or companies in the business of installing, repairing, updating or maintaining electrical systems throughout a structure.

(g) "HVAC'er" means those persons or companies in the business of installing, repairing, updating or maintaining heating, ventilating and air conditioning systems throughout a structure.

(h) "Excavator" means those persons or companies in the business of installing sewer laterals and doing general excavation and grading types of operations.

(i) "Demolition contractor" means those persons or companies in the business of removing or tearing down structures and removing the materials from the site.

(j) "Home maintenance contractor" means those persons or companies in the business of upkeeping specific properties for maintenance or general repair (that is, decks, fences, windows, roofing, siding, interior cosmetics, etc.) not inclusive of any mechanical or structural trades.

(Ord. 91-14. Passed 3-25-91)

1315.05. Duration and fee.

The certificate of registration shall be valid for a period of one year from the date of application, payment of registration fee and providing proof of insurance or bond, if required.

An annual registration fee listed in the Fee Schedule in Section 197.02 shall be submitted with each application for registration.

Registration shall be revoked due to non-payment of the annual registration fee or revocation of insurance or bond.

(Ord. 95-70. Passed 10-23-95; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1315.06. Performance bond requirements.

For excavation and demolition registrations, a performance bond of at least five thousand dollars ($5,000.00) shall be required. Higher limits may be established by the City's Risk Manager. Such bond shall be issued by a surety company authorized to do business in the State and also shall meet the approval of the City's Risk Manager, or his designee.

The bond shall be conditioned that such person will guarantee proper execution and completion of the work authorized by any permit issued under such registration for a period of one year after the expiration date of such registration and will perform such work to the satisfaction of the Director of Planning and Community Development and will strictly comply with the conditions and provisions of this chapter and with the conditions of any permit issued pursuant to this chapter.

(Ord. 91-14. Passed 3-25-91)

1315.07. Insurance requirements.

For all registrations, except demolition and excavation registrations, the insurance requirements are as follows: evidence of comprehensive general liability coverage, including premises and operations, products and completed operations coverages with minimum policy limits of three hundred thousand dollars ($300,000.00) combined single limit or three hundred thousand dollars ($300,000.00) bodily injury and three hundred thousand dollars ($300,000.00) property damage.

For demolition and excavation registrations, the minimum insurance requirements shall be the same as those listed above, but depending on individual projects and upon evaluation of the City's Risk Manager, or his designee, the policy limits may be increased.

(Ord. 91-14. Passed 3-25-91)

1315.08. Indemnification.

The registration holder, under the provisions of this chapter, shall save, indemnify and hold harmless the City against any and all liabilities, judgments, damages, costs and expenses which may in any case accrue against the City in consequence of the granting of any registration or which may arise from operations under such registration whether such operations be by the registration holder or by any person directly or indirectly employed by him.

(Ord. 91-14. Passed 3-25-91)

1315.09. Revocation.

Any registration provided for in this chapter may at any time be revoked by the Director of Planning and Community Development, or his designee, for incompetency, noncompliance, safety violations, violations of these Codified Ordinances or other City codes.

(Ord. 91-14. Passed 3-25-91)

1315.99. Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 91-14. Passed 3-25-91)

CHAPTER 1317. MOVING BUILDINGS[1]

1317.01. License, bond and insurance required.

No person, except a licensed house mover, shall move any building over, upon or across any street or alley or from one location to another within the City.

Every person desiring to engage in such business shall annually obtain from the City Manager a license therefor, for which a fee of twenty-five dollars ($25.00) shall be charged. No such license shall be issued until the person applying therefor shall have given bond in the sum of three thousand dollars ($3,000.00) with good and sufficient sureties to the approval of the City Manager, conditioned that the person shall indemnify and save harmless the City from all damages and all claims arising from the moving of any building over, upon or across any street or alley or from one location to another within the City, and shall faithfully comply with all the rules and regulations, specifications and requirements for such work on file with the City Manager.

In addition thereto, the applicant shall take out, maintain and furnish a certificate of general liability and property damage insurance in the amounts as follows: public liability insurance in an amount of not less than fifty thousand dollars ($50,000.00) for injuries, including accidental death, to any one person; subject to the same limit for each person, in an amount not less than one hundred thousand dollars ($100,000.00) on account of each accident; property damage insurance in the amount of not less than ten thousand dollars ($10,000.00) on account of any one accident, which shall save, indemnify and keep harmless, within such limits, the City against all liability, judgments, damages, costs and expenses which may in any way accrue against the City in consequence of the granting of such license, and shall in all things strictly comply with the conditions of such license and with the conditions of any permit which may be issued as provided herein.

(Ord. 76-11. Passed 3-22-76)

1317.02. Buildings exempt from regulations.

Nothing contained in this chapter shall apply to the removal of any building, the width of which is not more than eight feet and not more than ninety-nine square feet in floor area.

(1967 Code Sec. 1317.02)

1317.03. License revocation.

Each license issued by the City Manager shall be revoked by him for fraudulent use thereof or continued violation of any of the provisions of this chapter.

(1967 Code Sec. 1317.03)

[1]State law reference(s)—Power to license house movers - see Ohio R.C. 715.27

1317.04. Permit required; fee.

Editor's note(s)—Former Section 1317.04 has been repealed by Ordinance 91-27, passed March 25, 1991, which consolidated all fees in Chapter 1321 of the Building Code.

1317.05. Plans to accompany permit application.

All applications for moving permits shall be accompanied with plans of the building proposed to be moved, and a lot plan showing the proposed new location of such building or structure, together with the correct location and character of all other buildings on the lot.

(1967 Code Sec. 1317.05)

1317.06. Director to designate route and time.

When any building is proposed to be moved over, along or across any street or public place in the City, the Director of Public Works shall designate the streets or other public places to be used in the moving of such building, together with the time which such buildings may remain upon the street or other public place. No person shall take a different route other than the one designated in such permit, or allow a building to remain in the streets or public places a longer time than so designated.

(1967 Code Sec. 1317.07)

1317.07. Notifying Fire Chief; reporting to Police Chief.

Before moving any building upon a street or public place, the licensee shall notify the Fire Chief to that effect. The licensee shall daily report to the Fire Chief and Police Chief the location of the building, until moved to its new location.

(1967 Code Sec. 1317.08)

1317.08. Moving deteriorated buildings prohibited.

No permit shall be issued for the moving of any building, which has from any cause deteriorated more than fifty percent (50%) of its original strength or value, across or along any public street, avenue or alley, from one location to another within the City.

(1967 Code Sec. 1317.09)

1317.09. Moving building to unlawful location.

No permit shall be granted for the moving of any building to a location where it would be in violation of any of the ordinances of the City relating the erection, location and occupancy of buildings.

(1967 Code Sec. 1317.10)

1317.10. Buildings remaining in streets during night; warning lights.

No building shall be permitted to be or remain in any street or alley, or part thereof, from thirty minutes before sunset to thirty minutes after sunrise, unless the licensee moving such building shall adequately warn all persons using such street or alley of the obstruction so existing by the proper placing of an adequate number of red lights in such position as shall reasonably serve such purpose.

(1967 Code Sec. 1317.11)

1317.11. Safety Director and Public Works Director to enforce.

It shall be the duty of the Director of Public Safety to enforce all the provisions of this chapter relating to the moving of any building along or across any street or public place, and it shall be the duty of the Director of Public Works to enforce the remaining provisions hereof.

(1967 Code Sec. 1317.12)

1317.99. Penalty.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Any such violation shall constitute a separate offense on each successive day continued.

CHAPTER 1321. PERMITS AND FEES

1321.01. One-, two-, and three-family dwellings.

No person shall construct, alter, repair, use, occupy, or maintain a detached one-, two-, or three-family dwelling or their accessory structures without first applying for and obtaining ~~a~~ permits from the ~~Building Inspector~~Planning and Community Development Department ~~,~~ and shall ~~, at the time the permit is issued,~~ pay a fee according to the Fee Schedule set forth in Section 197.02 of the City of Delaware Code of Ordinances plus a 1% State of Ohio Surcharge. ~~: (Total square footage is: The outside dimension of a floor and all floors added together, including basement).~~

~~Fees are double for failure to obtain proper permits.~~

(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

~~1321.02. Certificates of occupancy, zoning compliance, and plan review.~~

~~No person shall occupy a residence or appurtenant structure, without first applying for and obtaining a zoning compliance certificate from the Director of Planning and Community Development, and shall, at the time the certificate zoning compliance is issued, pay a fee as provided in the Fee Schedule in [Section] 197.02.~~

~~(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)~~

~~1321.03. Sidewalks, curbs and gutters; driveways.~~

~~No person shall construct, repair or relay a sidewalk, curb, gutter or driveway approach, or make a curb cut, without first applying for and obtaining a permit from the Building Inspector, and shall, at the time the permit is issued, pay the fee established in the Fee Schedule in Section 197.02. This fee shall include two inspections. Any additional inspection required or requested shall require another payment of the fee.~~

~~(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)~~

1321.02~~4~~. Demolition of buildings.

No person shall demolish a building within the City without first applying for and obtaining a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall ~~, at the time the permit is issued,~~ pay the fee ~~established~~set forth in the Fee Schedule in Section 197.02 of the City of Delaware Code of Ordinances.

(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.03~~5~~. Moving buildings.

No person shall remove any building without first applying for and obtaining a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall ~~, at the time the permit is issued,~~ pay the fee established in the Fee Schedule set forth in Section 197.02 of the City of Delaware Code of Ordinances. The applicant shall coordinate with all appropriate City departments to ensure the safe relocation of any building.

(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.046. Excavations to connect to utilities.

No person shall excavate for connections to any sanitary sewer, storm sewer, gas, or water main or any other service without first applying for a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall~~, at the time the permit is issued,~~ pay a fee according to the Fee Schedule set forth in ~~[~~Section~~]~~ 197.02 of the City of Delaware Code of Ordinances.

(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.057. ~~Water heaters,~~ Hheating, ventilating, and cooling equipment.

No person shall install ~~a water heater, or~~ heating, ventilating, and cooling equipment, without first applying for and obtaining a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall ~~, at the time the permit is issued,~~ pay a fee according to the Fee Schedule set forth in Section 197.02 of the City of Delaware Code of Ordinances.

(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.068. Fences, decks, and pools.

No person shall construct a fence, deck, or pool without first applying for and obtaining a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall~~, at the time the permit is issued,~~ pay the fee ~~established~~ set forth in the Fee Schedule in Section 197.02 of the City of Delaware Code of Ordinance. The fee for a permit for construction of a fence includes inspections of holes and a final inspection, and for a permit for construction of a deck, includes inspections for holes, framing, and a final inspection.

(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.079. Electricians.

No person shall install new or temporary electrical service without first applying for and obtaining a permit from the ~~Building Inspector~~Planning and Community Development Department, and shall ~~at the time the permit is issued,~~ pay a fee in accordance with the Fee Schedule set forth in section 197.02 of the City of Delaware Code of Ordinances.

(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

~~1321.10. Dish-type satellite signal-receiving earth stations.~~

~~No person shall erect a dish-type, satellite signal-receiving earth station without first applying for and obtaining a permit from the Building Inspector, and shall, at the time the permit is issued, pay the fee established in the Fee Schedule in [Section] 197.02.~~

~~(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)~~

1321.0811. Miscellaneous inspections.

The Schedule of Fees and Service Charges set forth in S~~[S~~ection~~]~~ 197.02 of the City of Delaware Code of Ordinances shall include a fee for any inspection not specifically provided for in this C~~c~~hapter.

(Ord. 91-27. Passed 3-25-91; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.0912. Commercial/industrial building permit fees.

No person shall construct, alter, repair, use, occupy, or maintain a commercial/industrial building or their accessory structures without first applying for and obtaining a permits from the Building InspectorPlanning and Community Development Department and shall , at the time the permit is issued, pay the fee established in the Fee Schedule in Section 197.02 of the City of Delaware Code of Ordinances plus a 3% State of Ohio surcharge.

Fees are doubled for failure to obtain proper permits.

(Ord. 04-200. Passed 12-20-04; Ord. 13-60. Passed 10-14-13; Ord. 14-126. Passed 12-22-14)

1321.99. Penalty.

No person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any one, two, or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.

Whoever violates any provision of this Chapter or any code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. The City may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a stop work order.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 91-27. Passed 3-25-91)

CHAPTER 1361. FENCES[1]

1361.01. Purpose.

The purpose of this chapter is to establish regulations controlling the use of fences, hedges and walls whereby the lot owner in a residential district may have the privilege of privacy and landscape design within his own lot with due consideration to the environment of his neighbor, the appearance of the community and the safety of the public and the individual.

(Ord. 88-88. Passed 8-8-88)

1361.02. Scope.

(a) This chapter shall apply to all residential districts as the same are defined by the Zoning Ordinance and official map of the Municipality. This chapter shall not apply to rural, commercial or industrial districts as they are defined in the Zoning Ordinance except as specifically required by the use of the term "all" districts.

(b) The fence regulations herein shall not apply to any permanent fence structure that complies with the current Building Code.

(Ord. 88-88. Passed 8-8-88)

1361.03. Definitions.

(a) "Fence" means any structure composed of wood, steel, shrubbery, hedges or other material erected in such a manner and positioned as to enclose or partially enclose any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose any premises or any part of any premises shall be included within the definition of the word "fences". Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fences".

(b) "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at right angles, having more than fifty percent (50%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its vertical plane, closed to light or air. Permitted privacy fences are:

(1) "Basket weave" or "woven fence" means a fence made of interwoven strips or slats of flexible or semiflexible material in which the pattern has the appearance of a plaited basket.

(2) "Louver" or "ventilating fence" means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(c) "Open ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and, when viewed at right angle, having not less than fifty percent (50%) of the area of its vertical

[1]Cross reference(s)—Electrical and barbed wire fences - see GEN. OFF. 521.07; Fencing required around junkyards - see BUS. REG. 725.06; Oil and gas wells - see BUS. REG. 729.17(n), (o)

plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Permitted open ornamental fences are:

(1) "Rail" or "split rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.

(2) "Picket fence" means an open fence made of upright poles or slats.

(d) "Chain link fence" means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.

(e) "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.

(f) "Stockade" or "palisade fence" means a fence constructed with a row of large pointed stakes placed upright against each other having more than fifty percent (50%) of the area of its vertical plane closed to light or air.

(g) "Electrified fence" means all fences or structures, included in which or attached to which, is any device or object which emits or produces an electric charge, impulse or shock when the same comes into contact with any other object or any person, animal or thing, or which causes or may cause, burns to any person or animal.

(Ord. 88-88. Passed 8-8-88)

1361.04. Permitted fences.

Fences shall be permitted in required yards as follows, except as otherwise provided in the Zoning Ordinance or other Municipal ordinances.

(a) Open Ornamental Fences. Shall be permitted in residential zoning districts.

(b) Chain Link Fences. Shall be permitted in all zoning districts only in rear and side yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding five feet above the natural grade.

(c) Privacy Fences. Shall be permitted in all zoning districts only in rear yards. Such fences shall comply with the yard requirements of a permitted accessory building and shall not exceed seven feet in height above the natural grade.

(d) Shrubbery or Hedges. Shall be permitted in public facilities and residential zoning districts.

(e) Electrified, Barbed Wire and Stockade Fences. Are hereby prohibited in residential districts.

(f) Other Fences. The Manager may permit other fences similar in character and design to one or more of the permitted fences herein upon application.

(Ord. 88-88. Passed 8-8-88)

1361.05. Swimming pool fences.

Swimming pools located within all zoning districts of the Municipality shall be surrounded by wooden or metal chain link or privacy fence not less than four feet in height; and all openings, doorways and entrances into the pool area shall be equipped with gates of equal height with the fence, which gates shall be provided with latches and locks. Aboveground swimming pools shall not be included within the definition of "swimming pool" as used in this section.

(Ord. 88-88. Passed 8-8-88)

1361.06. Corner and through lot fences.

Where a rear or side yard abuts a street, fences otherwise permitted in side or rear yards shall not extend into required yards. However, this provision shall not prohibit permitted rail or split rail fences erected in such side or rear yards parallel to and not nearer than one foot to the side or rear property line, at a height not to exceed three feet above the natural grade.

(Ord. 88-88. Passed 8-8-88)

1361.07. Maintenance.

Such permitted structures shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such structures and property lines shall be well maintained at all times. Any such structures permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

(Ord. 88-88. Passed 8-8-88)

1361.08. Permit, inspection and fee.

(a) Any fences which may be permitted shall require the issuance of a permit by the City Manager or a designated representative after the same has been approved by them.

(b) Each property owner shall determine property lines and ascertain that the fence thus constructed does not deviate from the plans as approved by the Manager issuing permits and does not encroach upon another lot or parcel of land. The Municipality shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit, provided however, that the issuance of such permit by the Municipality shall not be construed to mean the Municipality has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

(Ord. 88-88. Passed 8-8-88)

(c) (Editor's note: Former subsection (c) has been repealed by Ordinance 91-27, passed March 25, 1991, which consolidated all fees in Chapter 1321 of the Building Code)

1361.09. Compliance required; conflicting provisions.

(a) Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned and maintained, in whole or in part, strictly in accordance with the provisions of this chapter.

(b) To the extent that the provisions of this chapter are included in or similar to restrictive covenants contained in any deeds of record or recorded plats or approved subdivisions, or the contents of an approved zoning plan, then the contents of such restrictive covenants, approval of plats or subdivisions or plans shall control to the extent they are not in conflict with this chapter.

(Ord. 88-88. Passed 8-8-88)

~~**1361.99. Penalty.**~~

~~Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.~~

~~(Ord. 88-88. Passed 8-8-88)~~

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 25-69**
SUBJECT:	Ordinance No. 25-69, an ordinance approving a request by the City of Delaware for approval of a Zoning Map amendment as outlined in "Exhibit A".

SUGGESTED ACTION:

ATTACHMENTS:

1 Fact Sheet.docx
2 PC 25-16 Zoning Map Amendment Memo.docx
3 Ordinance.doc
4 Exhibits.pdf
5 PC Resolution.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 18 | DATE: 11/10/25

ORDINANCE NO: 25-69 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: YES **(November 24, 2025 at 7:10 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A REQUEST BY THE CITY OF DELAWARE FOR APPROVAL OF A ZONING MAP AMENDMENT AS OUTLINED IN "EXHIBIT A".

BACKGROUND:
The Planning Commission recommended approval of request at its meeting on November 5, 2025.

REASON WHY LEGISLATION IS NEEDED:
Chapter 1105 of the Planning and Zoning Code of the City of Delaware outlines the zoning amendment procedures.

COMMITTEE RECOMMENDATION:
The Planning Commission recommended approval 7-0 on November 5, 2025.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Sandra Pereira, Planning and Community Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Staff Memo with Attachments.

MEMORANDUM

TO: **City Council**

FROM: **Sandra Pereira, Planning Director**

DATE: **November 10, 2025**

RE: **PC 25-16 Zoning Map Amendment - Corrections**

In July 2025, City Council approved Ordinance 25-38, repealing and replacing Part 11 of the City of Delaware Codified Ordinances, which included the Official Zoning Map of the City. This has now been in effect for over a month, and in that time, Staff has noticed some discrepancies between the approved map and the existing conditions at several locations.

Exhibit A outlines the parcels staff have identified to be re-zoned. In all cases, the changes proposed are to align with the existing uses, not to intensify or rezone for development purposes. For example, several properties which were zoned B-4 (General Business) under the old zoning designation and should have be recategorized to C-GC (General Commercial) rather than C-NX (Commercial – Neighborhood Mixed).

Below is an overview of each proposed change outlining the existing uses at each location.

Exhibit A-1: R-SF → C-NX: Day Care
C-CC → C/I: Fire Station 303
R-MF → C-NX: Medical Offices
C-GC → C-CC: Day Care / Medical Office
R-SF → R-MF: Townhomes / Multi-Family Dwellings
C/I → R-SF: Dempsey Wetlands *(rezone to match Dempsey Middle School)*
R-SF → R-NX: Single-Family *(rezone to match surrounding parcels)*
C/I → R-NX: Single-Family *(rezone to match surrounding parcels)*

Exhibit A-2: C-GC → C-NX: St. Mary's Church, etc.

Exhibit A-3: C-NX → C-GC: Car Dealer, Automotive Repair, Shopping Center
C-GC → C-NX: Event venue, Single-Family Home, Storage Units
C-NX → R-NX: Single-Family Home

Staff recommends rezoning these parcels to correct these errors.

ORDINANCE NO. 25-69

AN ORDINANCE APPROVING A REQUEST BY THE CITY OF DELAWARE FOR APPROVAL OF A ZONING MAP AMENDMENT AS OUTLINED IN "EXHIBIT A".

WHEREAS, the Planning Commission, at its meeting of November 5, 2025 recommended approval of the request by the City of Delaware for approval of a Zoning Map Amendment as outlined in "Exhibit A" (PC 25-16), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. Amendments to the official zoning map referenced in Section 1110.02 are hereby approved and accepted.

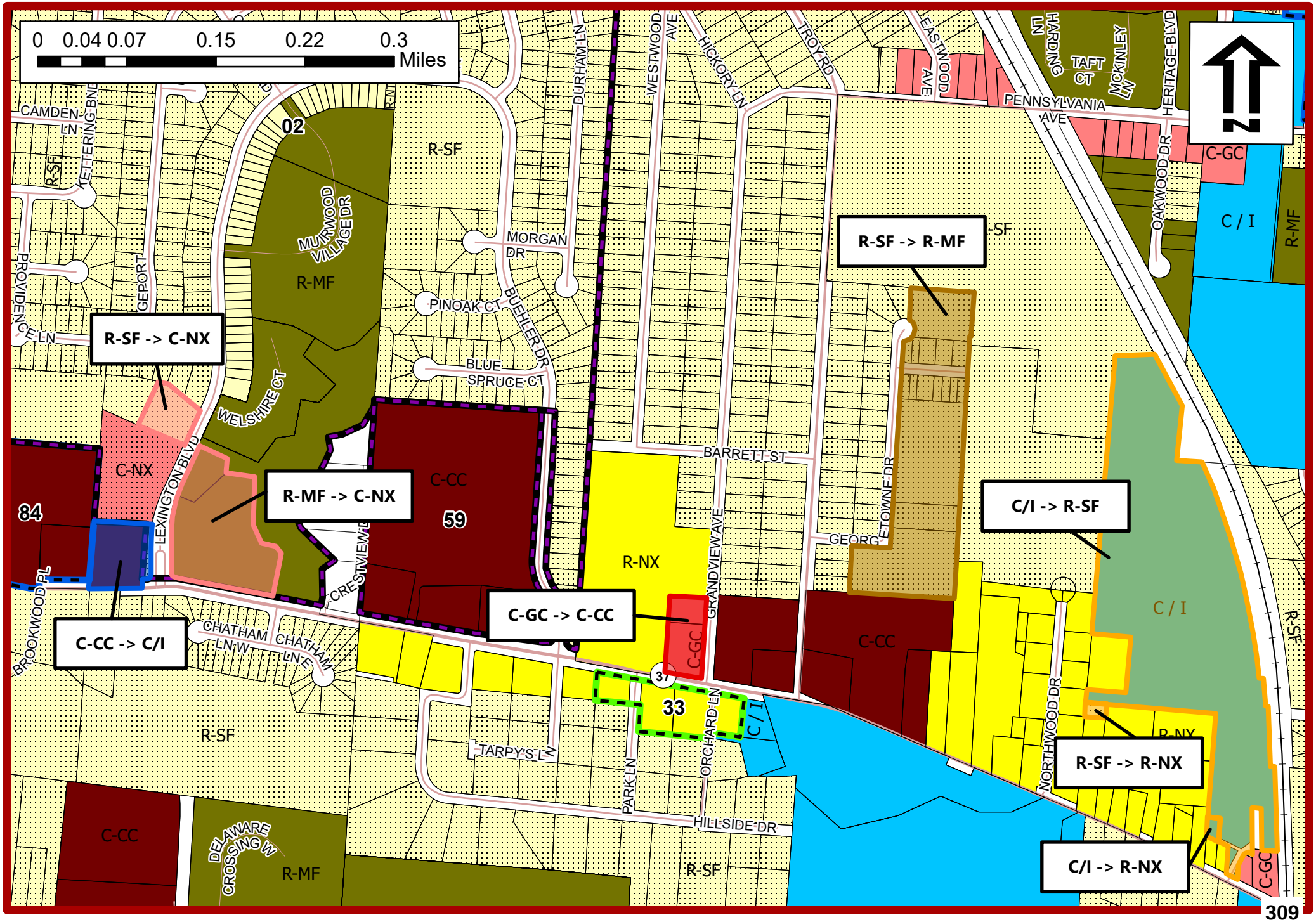
SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN____

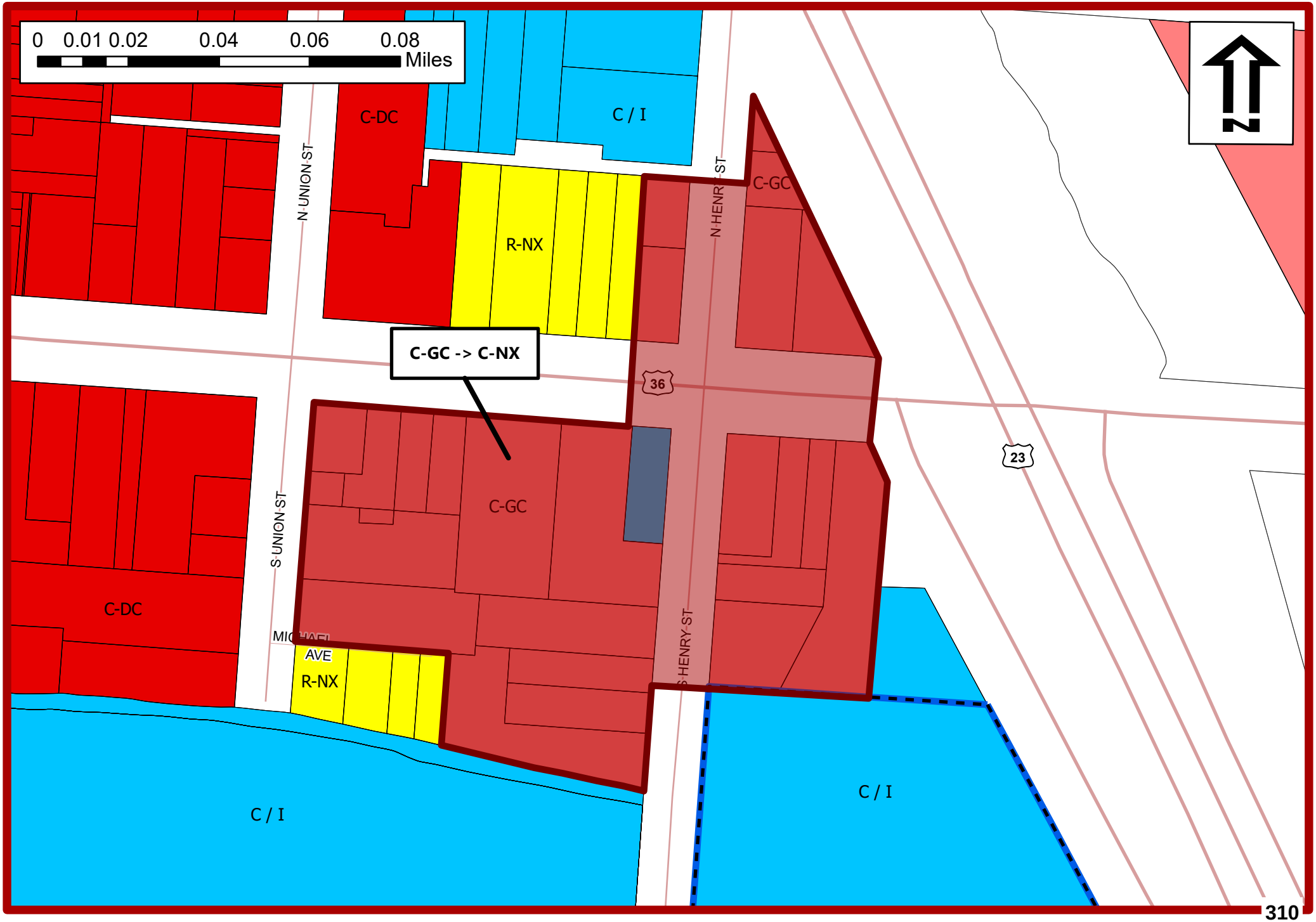
PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

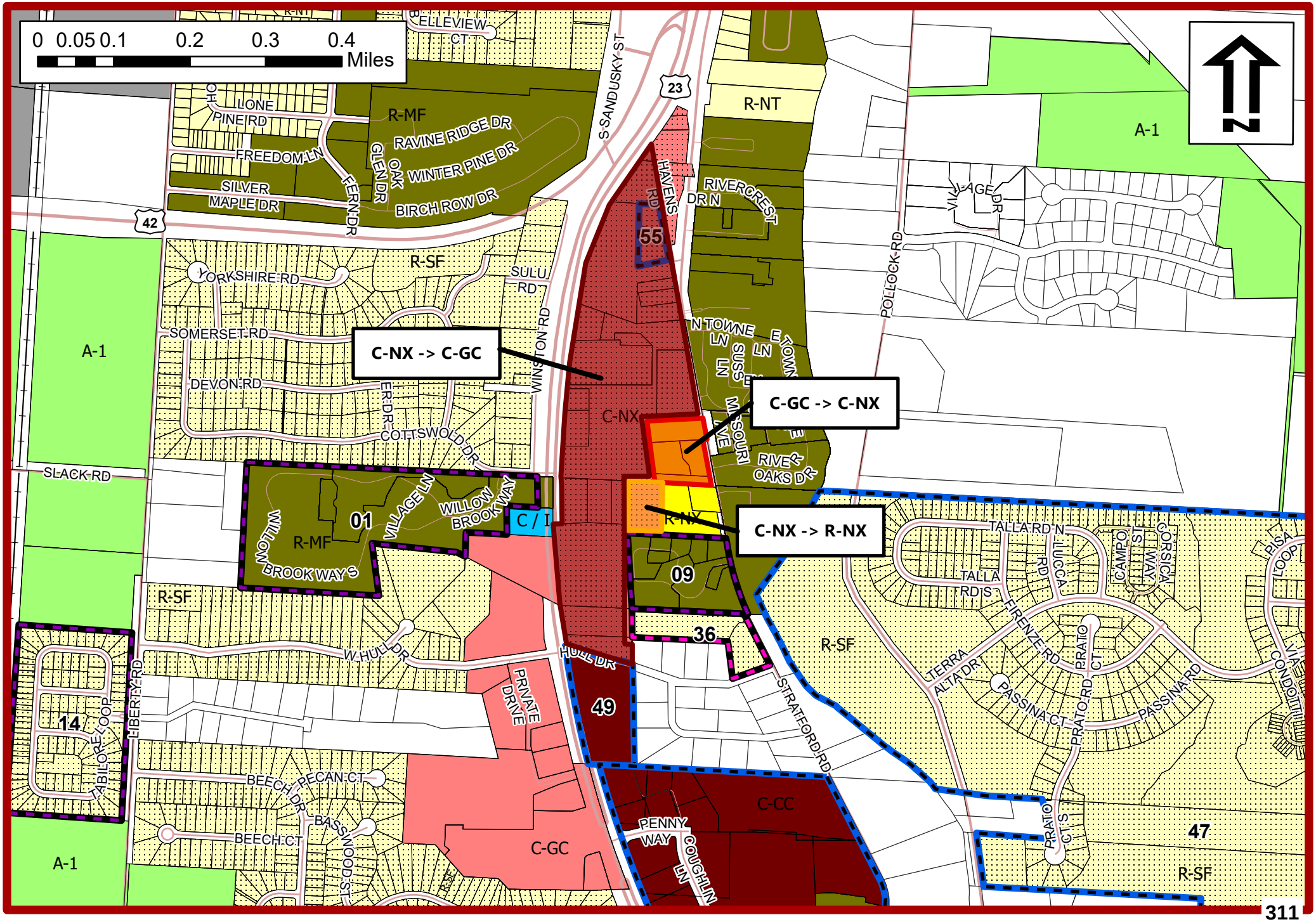
"Exhibit A-1"


0 0.04 0.07 0.15 0.22 0.3
Miles
N
R-SF -> C-NX
R-SF -> R-MF
R-MF -> C-NX
C-GC -> C-CC
C-CC -> C/I
C/I -> R-SF
R-SF -> R-NX
C/I -> R-NX
C-NX
C-CC
R-MF
R-SF
R-NX
C / I
C-GC
84
59
33
02
37
CAMDEN LN
KETTERING BND
PROVENCE LN
GEPORT
MUIRWOOD VILLAGE DR
MORGAN DR
PINOAK CT
BUEHLER DR
BLUE SPRUCE CT
WELSHIRE CT
LEXINGTON BLVD
BARRETT ST
CRESTVIEW
GRANDVIEW AVE
GEORGETOWNE DR
BROOKWOOD PL
CHATHAM LN W
CHATHAM LN E
TARPY S LN
ORCHARD LN
PARK LN
HILLSIDE DR
DELAWARE CROSSING W
NORTHWOOD DR
DURHAM LN
WESTWOOD AVE
HICKORY LN
TROY RD
EASTWOOD AVE
HARDING LN
TAFT CT
MCKINLEY LN
HERITAGE BLVD
PENNSYLVANIA AVE
OAKWOOD DR

"Exhibit A-2"


0 0.01 0.02 0.04 0.06 0.08
Miles
C-DC
C / I
N UNION ST
R-NX
C-GC
N HENRY ST
C-GC -> C-NX
36
23
C-GC
S UNION ST
C-DC
AVE
R-NX
S HENRY ST
C / I
C / I

"Exhibit A-3"


0 0.05 0.1 0.2 0.3 0.4 Miles
N
C-NX -> C-GC
C-GC -> C-NX
C-NX -> R-NX
R-MF
R-SF
R-NT
A-1
C-NX
C-GC
C-CC
R-NX
C / I
01
09
36
49
55
14
47
311
S SANDUSKY ST
POLLOCK RD
WINSTON RD
HAVENS RD
RIVERCREST DR N
VILLAGE DR
YORKSHIRE RD
SOMERSET RD
DEVON RD
COTTSWOLD DR
SLACK RD
SULU RD
N TOWNE LN
E TOWNE LN
SUSSEX LN
MISSOURI AVE
RIVER OAKS DR
LONE PINE RD
FREEDOM LN
RAVINE RIDGE DR
WINTER PINE DR
BIRCH ROW DR
SILVER MAPLE DR
FERN DR
GLEN OAK DR
BELLEVIEW CT
VILLAGE LN
WILLOW BROOK WAY
WILLOW BROOK WAY S
W HULL DR
HULL DR
PRIVATE DRIVE
LIBERTY RD
TABILORE LOOP
BEECH PECAN CT
BEECH DR
BEECH CT
BASSWOOD ST
PENNY WAY
COUGHLIN LN
STRATFORD RD
TERRA ALTA DR
PASSINA CT
PASSINA RD
PRATO RD
PRATO CT
PRATO CT S
FIRENZE RD
TALLA RD N
TALLA RD S
LUCCA RD
CAMPO ST
CORSICA WAY
PISA LOOP
VALDOSTA CONDOMINIUMS
42
23

CITY OF DELAWARE
PLANNING COMMISSION
November 5, 2025

PC 25-16
Zoning Map Corrections
REZONING

RESOLUTION

WHEREAS, the City of Delaware has submitted an application for approval of a Zoning Map Amendment as outlined in "Exhibit A".

WHEREAS, a public hearing was held on November 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for rezoning approval as per §1105.03 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that the request is in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to reflect the changes outlined in "Exhibit A".

SECTION 2. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: November 5, 2025 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Sarah Dunn
CITY CLERK

CHAIRMAN

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Jessica Feller, Department of Administrative Services
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 25-70**
SUBJECT:	Ordinance No. 25-70, an ordinance amending the Management, Professional, Technical, Confidential, and Supervisory Employees Pay Plan and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

fact sheet ord 25-70 - mgt pay plan 2026_DRAFT.docx
ord 25-70 mgt pay plan 2026_DRAFT.doc
20251221 Management Pay Plan_DRAFT changes.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 19 DATE: 11/10/2025

ORDINANCE NO: 25-70 RESOLUTION NO:

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Jessica Feller, Human Resources Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

BACKGROUND:.
This ordinance reflects the recommended changes to the Management, Professional, Technical, Confidential, and Supervisory Employees' Pay Plan for 2026.

Revisions are clearly marked within the document – additions are indicated in bold and capitalized text, while deletions appear as struck-through text. Key proposed changes include:

- Updates to the Merit Incentive Program language and wage adjustment process for the 2025 review cycle
- Regrading of select management positions, along with the inclusion of newly proposed roles
- Revisions to both the Department Director Pay Plan and the Safety Forces Pay Plan
- Increase in life insurance coverage for Police Captain to align with corresponding contractual changes with the FOP Supervisory Unit bargaining group.

- Removal of outdated language related to the Parks and Recreation Credit benefit

REASON WHY LEGISLATION IS NEEDED:
Legislation is necessary to process payroll changes.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
The proposed 2026 budget accounts for these changes.

POLICY CHANGES:
N/A

PRESENTER(S):
Jessica Feller, Human Resources Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Amended Pay Plan

ORDINANCE NO. 25-70

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the attached Management, Professional, Technical, Confidential and Supervisory Pay Plan shall be amended to reflect the noted changes.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 3. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary to provide for the usual daily operation of a department or an office of the City. The emergency clause is required to enact the changes effective on **December 21, 2025,** which coincides with the new calendar year and the effective date of the management pay plan for 2026 and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS____NAYS____
ABSTAIN ____

VOTE ON EMERGENCY CLAUSE: YEAS____NAYS____
ABSTAIN ____

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

THE CITY OF DELAWARE 2026 SUMMARY OF BENEFITS

Professional, Confidential, Supervisory and Non-Union Employees

Revised December 21, 2025

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Article I. WAGES AND PAY PLAN

Section 1.01 Non-Union Employee Pay Plan

(a) The following pay schedule is to be effective December 24, 2023.

(b) Employees hired before February 13, 2024, who are currently positioned on a step may continue to advance through the steps until they reach the midpoint. Once they reach the midpoint, they may continue to advance up to the maximum.

(c) Employees hired or reclassified after February 13, 2024, will be placed within the range for their pay grade (minimum to maximum).

(d) Movement within an employee's assigned pay grade (minimum to maximum) will be predicated on the merit incentive program effective February 13, 2024.

1) THE MERIT INCENTIVE PROGRAM WILL BE PAUSED FOR THE 2025 REVIEW YEAR. EMPLOYEES ELIGIBLE FOR MERIT WILL RECEIVE THE ANNUAL WAGE ADJUSTMENT APPROVED BY COUNCIL IN SECTION (e)(1), BELOW, AND MAY STILL BE ELIGIBLE FOR AN ADDITIONAL WAGE ADJUSTMENT AS DETERMINED BY THE CITY MANAGER.

(e) Employees who have been employed with the city for less than one (1) year by the conclusion of the merit incentive program evaluation period shall still have their performance evaluated in accordance with the review cycle. Their increases will be based on the annual wage adjustment approved by Council and may still be eligible for an additional wage adjustment as determined by the City Manager.

1) For the ~~2024~~ **2025** review cycle, the annual wage adjustment is ~~4%~~ **3.5%**, provided that the employee receives an "achieves performance standards rating."

(f) Employees hired after October 1 will remain at their current step for the following calendar year, **UNLESS OTHERWISE AUTHORIZED BY THE CITY MANAGER**.

(g) When an employee reaches the maximum of their assigned pay grade, they will receive their merit pay in the form of a lump sum payment.

(h) The City Manager or designee reserves the right to allow eligible employees to exceed the maximum wage of their respective range.

(i) Retirees who are re-hired under this pay plan will be considered newly hired for the purpose of compensation and benefits. All prior service benefits will cease with retirement and not be considered for determining benefits offered by the city, including but not limited to vacation accrual and longevity pay, or other service credit-based benefits. Pre-retirement service also will not be counted as seniority for purposes of scheduling overtime. Rehired retirees shall be compensated at a rate no higher than the minimum pay for the position's pay grade, unless authorized by the City Manager. The City Manager has the discretion to compensate rehired retirees at a rate of pay lower than the position's minimum rate under the city's pay grade schedule or at any rate within the position's pay grade.

	Position
[1]**M1/01M**	Airport Technician I
M2/02M	Airport Technician II, Help Desk Support Technician
M3/03M	Airport Technician III, Financial Specialist I, Police Assistant**,** Cemetery Administrator
M4/04M	Cemetery Manager, Collections Manager, Data & Video Technician, GIS/Data Technician, HR Assistant, Office Manager, Service Coordinator, Recreation Coordinator, Technical Support Specialist I, Development Financing Manager, Planning Coordinator, Paralegal
M5/05M	Building Inspector I, Code Enforcement Officer I, Construction Inspector, GIS/CMMS Analyst, Zoning Officer, Project Manager I
M6/06M	Economic Development Coordinator, Executive Assistant, Financial Specialist II, Police Technician, Right-of-Way Manager, Watershed Sustainability Coordinator, Communications Specialist, Project Manager II**,** Technical Support Specialist II
M7/07M	Airport Operations Supervisor, City Forester, Building Inspector II, Code Enforcement Officer II, Collections Division Supervisor, Development Planner, Distribution Division Supervisor, Fleet Division Supervisor, ~~GIS Coordinator~~, Golf Course Supervisor, Parks Division Supervisor, Solid Waste Collection Division Supervisor, Street Division Supervisor, Traffic Division Supervisor, ~~Construction Inspection Manager~~, Meter Reading Division Supervisor
M8/08M	Airport Manager, Purchasing Analyst, Budget & Management Analyst, Economic Development Project Manager II, Recreation Program Superintendent, Financial Specialist III, HR Specialist, Project Manager III, **GIS COORDINATOR, CONSTRUCTION INSPECTION MANAGER**
M9/09M	Facility Maintenance Superintendent, Application Systems Specialist, Project Engineer I, Technical Support Specialist III
M10/10M	Assistant to the City Manager, ~~Income Tax Administrator,~~ Parks Superintendent, Planning & Zoning Administrator, Public Works Superintendent, Utilities Field Superintendent, Wastewater Manager, Water Manager, Deputy Chief Building Official, Assistant City Prosecutor, **PROCUREMENT ADMINISTRATOR, GIS MANAGER**
M11/11M	Deputy Director of Public Utilities, Traffic Engineer, Assistant City Attorney/Prosecutor, ~~Deputy Finance Director~~, Project Engineer II, Assistant City Attorney (Collections), **INCOME TAX ADMINISTRATOR**
M12/12M	Chief Building Official, ~~Deputy City Engineer~~, IT Manager, Project Engineer III**,** Assistant City Attorney (Real Estate), **DEPUTY FINANCE DIRECTOR**
M13/13M	**ASSISTANT CITY ENGINEER**
M14/14M	Deputy IT Director, City Prosecutor, ~~City Engineer~~

[1] Per Amendment to Ordinance No. 18-112 (December 20, 2018) Clerk of Council (M1) removed from Management Pay Plan effective January 15, 2019.

Employees Hired Prior to February 13, 2024

Pay Grade	Step 1 (MIN)	Step 1 Annual	Step 2	Step 2 Annual	Step 3	Step 3 Annual	Step 4	Step 4 Annual	Step 5 (MID)	Step 5 Annual	MAX	MAX Annual
M1	$21.54	$44,803	$22.56	$46,925	$23.63	$49,150	$24.75	$51,480	$25.84	$53,747	$30.15	$62,712
M2	$22.83	$47,486	$23.91	$49,733	$25.05	$52,104	$26.24	$54,579	$27.39	$56,971	$31.96	$66,477
M3	$24.20	$50,336	$25.35	$52,728	$26.55	$55,224	$27.81	$57,845	$29.04	$60,403	$33.88	$70,470
M4	$25.65	$53,352	$26.87	$55,890	$28.14	$58,531	$29.48	$61,318	$30.78	$64,022	$35.91	$74,693
M5	$27.19	$56,555	$28.48	$59,238	$29.83	$62,046	$31.25	$65,000	$32.63	$67,870	$38.06	$79,165
M6	$28.82	$59,946	$30.19	$62,795	$31.62	$65,770	$33.12	$68,890	$34.58	$71,926	$40.35	$83,928
M7	$30.55	$63,544	$32.00	$66,560	$33.52	$69,722	$35.11	$73,029	$36.66	$76,253	$42.77	$88,962
M8	$32.38	$67,350	$33.92	$70,554	$35.53	$73,902	$37.22	$77,418	$38.86	$80,829	$45.33	$94,286
M9	$34.32	$71,386	$35.96	$74,797	$37.66	$78,333	$39.45	$82,056	$41.19	$85,675	$48.05	$99,944
M10	$36.38	$75,670	$38.17	$79,394	$39.92	$83,034	$41.82	$86,986	$43.66	$90,813	$50.94	$105,955
M11	$38.57	$80,226	$40.40	$84,032	$42.32	$88,026	$44.33	$92,206	$46.28	$96,262	$53.99	$112,299
M12	$40.88	$85,030	$42.82	$89,066	$44.86	$93,309	$46.99	$97,739	$49.06	$102,045	$57.23	$119,038
M13	$43.33	$90,126	$45.39	$94,411	$47.55	$98,904	$49.81	$103,605	$52.00	$108,160	$60.67	$126,194
M14	$45.93	$95,534	$48.12	$100,090	$50.40	$104,832	$52.80	$109,824	$55.12	$114,650	$64.31	$133,765

Employees Hired After February 13, 2024

Pay Grade	Minimum	Annual	Maximum	Annual
01M	$21.54	$44,803	$30.15	$62,712
02M	$22.83	$47,486	$31.96	$66,477
03M	$24.20	$50,336	$33.88	$70,470
04M	$25.65	$53,352	$35.91	$74,693
05M	$27.19	$56,555	$38.06	$79,165
06M	$28.82	$59,946	$40.35	$83,928
07M	$30.55	$63,544	$42.77	$88,962
08M	$32.38	$67,350	$45.33	$94,286
09M	$34.32	$71,386	$48.05	$99,944
10M	$36.38	$75,670	$50.94	$105,955
11M	$38.57	$80,226	$53.99	$112,299
12M	$40.88	$85,030	$57.23	$119,038
13M	$43.33	$90,126	$60.67	$126,194
14M	$45.93	$95,534	$64.31	$133,765

Section 1.02 Department Director Pay Plan

(a) The following pay schedule for the positions below is to be effective **December 21, 2025** ~~December 24, 2023~~.

	Minimum	Midpoint	Maximum
POLICE CHIEF	**$74.89**	**$80.51**	**$86.13**
FIRE CHIEF	**$71.01**	**$78.11**	**$85.21**
Finance Director	$59.23	$68.11	$77.00
Chief Information Officer	$59.23	$68.11	$77.00
City Attorney	$59.23	$68.11	$77.00
Assistant City Manager	$58.26	$67.00	$75.73
Public Works Director	$56.43	$64.89	$73.36
Public Utilities Director	$56.32	$64.77	$73.22
Planning and Development Director	$55.14	$63.41	$71.68
Director of Management, Budget and Procurement	$55.10	$63.37	$71.63
Economic Development Director	$54.96	$63.20	$71.45
Parks & Natural Resources Director	$54.05	$62.16	$70.27
CITY ENGINEER	**$53.04**	**$61.00**	**$68.95**
Human Resources Director	$51.50	$59.23	$66.95
Community Affairs Coordinator	$42.77	$49.19	$55.60

(b) The City Manager or designee reserves the right to allow eligible employees to exceed the maximum wages of their respective range.

(c) Movement within an employee's assigned pay grade (minimum to maximum) will be predicated on the merit incentive program effective February 13, 2024.

Section 1.03 Safety Forces Pay Plan

(a) Police

SFI	**Min**	**Max**
Annual	determined as needed	
Hourly	determined as needed	
APC	**Min**	**Max**
Annual	$146,958.74	$158,049.96
Hourly	$ 70.65	$ 75.99
Pay Grade	**Position**	
SF1	Police Captain (Non-Exempt)	
APC	Assistant Police Chief (Exempt)	

1) *Compensation*

The pay scale outlined above will be reevaluated annually to determine appropriate adjustments to address compression issues that may exist as a result of wage movement of the bargaining unit positions.

2) *Advancement*

Movement within an employee's assigned pay grade (step advancement) will be predicated on the merit incentive program effective February 13, 2024. Employees who receive an "achieves performance standards rating" will advance to the next step in the pay grade. When an employee reaches the maximum of their assigned pay grade, they will receive their merit pay in the form of a lump sum payment. The city manager or designee reserves the right to allow eligible employees to exceed the maximum wages of their respective range.

3) *Maximum accruals*

If an employee enters into the management pay plan with more than the maximum accrual of any form of accrued leave allowed, the following will occur: 1. The employee will be paid out for any amount of leave over the maximum at the time of transfer or 2. The employee may keep their accruals with the understanding that any overage must be used/sold by the last day of the last pay period of the calendar year. Any overage remaining after this date will be forfeited.

4) *Initial Compensatory Time*

Prior to entering the Management Pay Plan all compensatory time will be paid out according to the provision in the respective bargaining contract and the employee compensation time will be zero (0).

5) *Clothing Maintenance Allowance*

The positions of Police Chief, Assistant Chief**,** and Police Captain shall receive an annual clothing maintenance allowance equal to that provided to FOP members in January of each year.

6) *Uniforms Allowance*

The Management Pay Plan positions in the Police Department~~s~~ will receive replacement uniform items when determined by the Chief that replacement is necessary.

7) *Life Insurance*

Life insurance will be provided as outlined in section 3.09.

(b) Fire

SF2	Min	Max	
Annual	determined as needed		
Hourly	determined as needed		
AFC	Min	Max	
Annual	$ 139,332.03	$ 149,847.65	
Hourly	$ 66.99	$ 72.04	
Pay Grade	Position		
SF2	Management Fire Captain (Non Exempt)*		
	**Incumbent will receive 5% out of class pay (based on base wage rate) when serving as Acting Chief.*		
AFC	Assistant Fire Chief (Exempt)		

1) *Fire Captain Provision*

Wages and associated benefits for the 40-hour/week Management Fire Captain are identical to those provided to equivalent bargaining unit position, except for life insurance, which is outlined in section 3.09. The position is considered overtime eligible. Additionally, the incumbent will receive 5% out-of-class pay (based on wage rate and does not include shift premium) when serving as Acting Chief.

2) *Compensation*

The pay scale outlined above will be reevaluated annually to determine appropriate adjustments to address compression issues that may exist as a result of wage movement of the bargaining unit positions.

3) *Advancement*

Movement within an employee's assigned pay grade (step advancement) will be predicated on the merit incentive program effective February 13, 2024. Employees who receive an "achieves performance standards rating" will advance to the next step in the pay grade. When an employee reaches the maximum of their assigned pay grade, they will receive their merit pay in the form of a lump sum payment. The city manager or designee reserves the right to allow eligible employees to exceed the maximum wages of their respective range.

4) *Maximum accruals*

If an employee enters into the management pay plan with more than the maximum accrual of any form of accrued leave allowed, the following will occur: 1. The employee will be paid out for any amount of leave over the maximum at the time of transfer or 2. The employee may keep their accruals with the understanding that any

overage must be used/sold by the last day of the last pay period of the calendar year. Any overage remaining after this date will be forfeited.

5) *Uniforms allowance*

The management pay plan positions in the Fire Department will receive replacement uniform items when determined by the Chief that replacement is necessary.

6) *Life insurance*

Life insurance will be provided as outlined in section 3.09.

(c) Paramedic Wages

The following pay schedule is to be effective May 24, 2021. Wages for the Paramedic and Paramedic Lieutenant positions are defined below. The associated benefits and application of the wage table is consistent with the IAFF bargaining unit positions.

Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5
PARA	10% below IAFF Contract annual rate for Firefighter/ Paramedic	10% below IAFF Contract annual rate for Firefighter/ Paramedic	10% below IAFF Contract annual rate for Firefighter/ Paramedic	10% below IAFF Contract annual rate for Firefighter/ Paramedic	10% below IAFF Contract annual rate for Firefighter/ Paramedic
PARALT	10% below IAFF Contract annual rate for Firefighter Lieutenant	10% below IAFF Contract annual rate for Firefighter Lieutenant	10% below IAFF Contract annual rate for Firefighter Lieutenant	N/A	N/A

Pay Grade PARA refers to employees hired for paramedic positions (Mobile Integrated Health Care Technician and Advanced Practice Specialist) and PARALT refers to employees hired for Paramedic Lieutenant in the Fire Department.

Section 1.04 Overtime Pay & Compensatory Time: Non-Exempt Employees

(a) Non-exempt employees are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act as described below:

1) Employees shall be compensated at straight-time rates for forty (40) hours in active pay status in any workweek. Hours in paid status in excess of forty (40) hours in any workweek shall be compensated at a rate of time and one-half. Payment in cash shall be made for any overtime due at the time of separation from City service.

2) In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off shall be equal to one and one-half (1.5) hours for each hour of overtime worked. All requests for use of compensatory time are subject to approval of the Department Director. Compensatory time shall be taken at a time mutually agreeable to the supervisor and the employee.

3) Employees can accumulate up to eighty (80) hours of compensatory time. When an employee has eighty (80) hours of accumulated compensatory time, all further overtime will be paid in cash.

4) Compensatory time cannot be converted to any other form of leave. Upon termination of employment or upon transfer/promotion to an exempt level position in this pay plan, a non-exempt employee shall be paid for unused compensatory time provided that the time was earned after April 14, 1986 at a rate of compensation not less than:

   a. The average regular rate (hourly rate) received by such employee during the last 3 years of the employee's employment, or

   b. The final regular rate (hourly rate) received by such employee, whichever is higher.

5) Compensatory time shall be documented in the appropriate payroll tracking system.

Section 1.05 Compensatory Time: Exempt Employees

(a) Employees exempt under the Fair Labor Standard Act shall not be entitled to overtime pay but shall be entitled to compensatory time as described below:

1) No existing compensatory time balances will be carried over from an outside position or when the employee transfers/promotes into an exempt position in this pay plan
2) Compensatory time shall be earned for approved work that exceeds eight (8) hours per day and such employees may receive said compensatory time at the rate of one (1) hour for each hour worked in excess of eight (8) hours per day.
3) The maximum accrual of compensatory time shall be eighty (80) hours.
4) Compensatory time must be used in minimum increments of one-half (1/2) hour and maximum increments of forty (40) hours per pay period.
5) At no time shall compensatory time be converted to any other form of leave or compensation. Upon termination of employment, an exempt employee is not entitled to payment for unused compensatory time.
6) Compensatory time shall be documented in the appropriate payroll tracking system.

Article II. ACCRUED TIME AND VARIOUS LEAVES

Section 2.01 Vacation

(a) The vacation year for employees shall end at close of business on the last pay period that ends in the month of December.

(b) Each full-time employee shall accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article. Years of total full-time service is defined to be the total of all periods of employment for the City of Delaware. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, shall also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the pay period in which a year of service is completed. The City Manager may authorize exceptions to this policy where deemed necessary and appropriate.

(c) The following vacation accrual schedules are established:

Years of Total Service	Vacation Hrs./Year	Vacation Hrs./Pay
5 years or less	80.6	3.1
Start of 5 but less than 10 years	119.6	4.6
Start of 10 but less than 15 years	161.20	6.2
Start of 15 plus years	200.2	7.7

(d) Any vacation balance in excess of the maximum accrual shall become void as of the close of business on the last day of the pay period that ends in the month of December.

Years of Total Service	Maximum Accrual of Vacation Hours
5 years or less	241.8
Start of 5 but less than 10 years	358.8
Start of 10 but less than 15 years	483.6
Start of 15 plus years	600.6

(e) Eligibility

1) To be eligible for biweekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond their control, absence from work for the balance of that day shall not be construed as unpaid work status.
2) An employee in full-time status who is to be separated from City service through discharge, resignation, retirement or layoff, and who has unused vacation leave to their credit, shall be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his last day of active service with the City. Such payment shall be paid at the employee's hourly rate of pay at time of separation.
3) When a member dies while in paid status in the City service, any unused vacation leave to their credit shall be paid in a lump sum to the surviving spouse, or such other person the employee may have designated in writing.
4) Requests for vacation are to be submitted and approved, in advance of the intended use, by employee's supervisor or Department Director.
5) To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment **inside the state of Ohio:**
    a. Employees will only be eligible to transfer years of service from a public agency as defined by State law.
    b. The amount of years of service that can be transferred is unlimited.
    c. Prior employment must be in full-time status
6) Employees are responsible for providing the city with documentation of prior public service within sixty (60) calendar days from their date of hire to be considered for determination of vacation benefits.
7) To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment **outside the State of Ohio:**
    a. Employees will only be eligible to transfer years of service from their immediate previous employer.
    b. Said previous employer must be a public agency.
    c. Employment with the City of Delaware must take place within twelve months of termination from their immediate previous employer.
    d. The maximum amount of years of service that can be transferred is five (5) years.
    e. Present employees are not eligible.
    f. Prior employment must be in full-time status.
    g. Employees are responsible for providing the city with documentation of prior public service within sixty (60) calendar days from their date of hire to be considered for determination of vacation benefits.

8) An employee may elect to trade three (3) weeks of vacation time, or the equivalent of vacation time earned in one year, whichever is greater, for equivalent pay during the calendar year. Conversion of vacation time may occur for pay periods ending in the months of January, June, or December of each year. For 2025, these dates are as follows:

Pay period ending	**Pay date**
January 3, 2026	January 9, 2026
January 17, 2026	January 23, 2026
June 6, 2026	June 12, 2026
June 20, 2026	June 26, 2026
December 5, 2026	December 11, 2026
December 19, 2026	December 25, 2026

An employee must inform the Department Director prior to August 1 of the year preceding the calendar year in which he intends to make the trade and must maintain at least forty (40) hours of vacation time in the employee's account after said trade takes place. Exceptions may be granted by the authority of the City Manager.

Section 2.02 Sick Leave

(a) Each city employee shall be entitled to sick leave with pay for four and six-tenths (4.6) hours of each completed (80) hours of service. An employee may use sick leave, upon approval of his or her Department Director, for absence due to personal illness, pregnancy, injury, or exposure to contagious disease which could be communicated to other employees, and for illness or injury of the employee's spouse, dependent children, stepchildren or parent. It is the option of a supervisor, with cause, to require return to work documentation from the employee. Each city employee shall be entitled to sick leave with pay for four and six-tenths (4.6) hours of each completed (80) hours of service. An employee may use sick leave, upon approval of his or her Department Director, for absence due to personal illness, pregnancy, injury, or exposure to contagious disease which could be communicated to other employees, and for illness or injury of the employee's spouse, dependent children, stepchildren or parent. It is the option of a supervisor, with cause, to require return to work documentation from the employee.

(b) To be eligible for sick leave incentive, an employee must be on the first payroll of the calendar year and remain employed through the last payroll period of the calendar year. Sick leave incentive is awarded the first pay in February following the completed calendar year. If an employee used 0 hours of sick leave in any one calendar year, that employee shall be credited with an additional three (3) vacation days the following year. If an employee uses between one (1) and eight (8) hours of sick leave in any one calendar year that employee shall be credited with an additional two (2) vacation days, the following year. If an employee uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall be credited with one (1) additional vacation day the following year. To be eligible for this incentive, an employee must be active for the first pay period of the calendar year through the last pay period of the calendar year. At the employee's option, any additional vacation days earned can be converted to pay for pay periods ending in the months of January, June, or December of the year the additional vacation is earned. For 2025, these dates are as follows:

Pay period ending	**Pay date**
January 3, 2026	January 9, 2026
January 17, 2026	January 23, 2026
June 6, 2026	June 12, 2026
June 20, 2026	June 26, 2026
December 5, 2026	December 11, 2026
December 19, 2026	December 25, 2026

(c) To be eligible to transfer sick leave to the City of Delaware from prior employment inside the state of Ohio:

1) Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
2) Employment with the City of Delaware must take place within ten (10) years of termination from their previous employer.
3) The maximum amount of sick leave hours that be transferred is unlimited as long as it is accrued at a rate of no greater than 15 days per year.

(d) To be eligible to transfer sick leave of the City of Delaware from prior employment outside the state of Ohio:

1) Employees will only be eligible to transfer sick leave from their immediate previous employer.
2) Said previous employer must be a public agency.
3) Employment with the City of Delaware must take place within twelve (12) months of termination from their immediate previous employer.
4) The maximum amount of sick leave hours that can be transferred is six hundred (600).
5) Any sick leave time so transferred shall have been accumulated at the rate of one and one-fourth days per month of employment.
6) Present employees are not eligible.

(e) Any City employee who has accumulated at least 100 days of sick leave credit may convert any excess thereof up to fifteen (15) days per year of sick leave to vacation leave on the basis two (2) sick leave days for one (1) day vacation leave. Such annual conversion, if made, shall occur in December for the year of conversion.

(f) Any employee separated from City service for other than just cause shall be paid for all accumulated and unused sick leave on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave pay out cannot exceed sixteen (16) weeks pay (640 hours).

(g) For Employees Hired After November 1, 2013:

1) Each member hired by the City of Delaware after November 1, 2013 may transfer accrued sick leave hours from previous employment with any public agency. Such sick leave hours will not be eligible for conversion or payment upon separation pursuant to section 5. In addition, sick leave usage by members who transfer in sick leave hours will first be charged to sick leave hours accumulated while employed by the City of Delaware. Members will only be eligible to utilize hours transferred in from prior public employment when they have no balance of sick leave available from sick leave accrued while employed by the City of Delaware.

(h) To be eligible for sick leave incentive, an employee must be on the first payroll of the calendar year and remain employed through the last payroll period of the calendar year. Sick leave incentive is awarded the first pay in February following the completed calendar year. If an employee used 0 hours of sick leave in any one calendar year, that employee shall be credited with an additional three (3) vacation days the following year. If an employee uses between one (1) and eight (8) hours of sick leave in any one calendar year that employee shall be credited with an additional two (2) vacation days, the following year. If an employee uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall be credited with one (1) additional vacation day the following year. To be eligible for this incentive, an employee must be active for the first pay period of the calendar year through the last pay period of the calendar year. At the employee's option, any additional vacation days earned can be converted to pay for pay periods ending in the months of January, June, or December of the year the additional vacation is earned. For 2025, these dates are as follows:

Pay period ending	**Pay date**
January 3, 2026	January 9, 2026
January 17, 2026	January 23, 2026
June 6, 2026	June 12, 2026
June 20, 2026	June 26, 2026
December 5, 2026	December 11, 2026
December 19, 2026	December 25, 2026

(i) To be eligible to transfer sick leave to the City of Delaware from prior employment <u>inside the state of Ohio</u>:

4) Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
5) Employment with the City of Delaware must take place within ten (10) years of termination from their previous employer.
6) The maximum amount of sick leave hours that be transferred is unlimited as long as it is accrued at a rate of no greater than 15 days per year.

(j) To be eligible to transfer sick leave of the City of Delaware from prior employment <u>outside the state of Ohio</u>:

1) Employees will only be eligible to transfer sick leave from their immediate previous employer.
2) Said previous employer must be a public agency.
3) Employment with the City of Delaware must take place within twelve (12) months of termination from their immediate previous employer.
4) The maximum amount of sick leave hours that can be transferred is six hundred (600).
5) Any sick leave time so transferred shall have been accumulated at the rate of one and one-fourth days per month of employment.
6) Present employees are not eligible.

(k) Any City employee who has accumulated at least 100 days of sick leave credit may convert any excess thereof up to fifteen (15) days per year of sick leave to vacation leave on the basis two (2) sick leave days for one (1) day vacation leave. Such annual conversion, if made, shall occur in December for the year of conversion.

(l) Any employee separated from City service for other than just cause shall be paid for all accumulated and unused sick leave on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave pay out cannot exceed sixteen (16) weeks pay (640 hours).

(m) For Employees Hired After November 1, 2013:

1) Each member hired by the City of Delaware after November 1, 2013 may transfer accrued sick leave hours from previous employment with any public agency. Such sick leave hours will not be eligible for conversion or payment upon separation pursuant to section 5. In addition, sick leave usage by members who transfer in sick leave hours will first be charged to sick leave hours accumulated while employed by the City of Delaware. Members will only be eligible to utilize hours transferred in from prior public employment when they have no balance of sick leave available from sick leave accrued while employed by the City of Delaware.

Section 2.03 Holiday and Personal Days

(a) The following are designated as paid holidays for covered employees:

New Year's Day, January 1	Little Brown Jug Day, ½ day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Juneteenth, June 19	Day before Christmas, ½ day
Independence Day, July 4	Christmas Day, December 25
Labor Day	

(b) If one of the holidays set forth above occurs while an employee is on vacation leave, such day shall not be charged against his/her vacation leave.

(c) In the event that the Federal Government designates a specific day for any of the aforesaid holidays, then such holiday shall be observed by the City in accordance with such federal designation. When any such holiday falls on a Saturday it shall be observed on the Friday immediately preceding, and when any such holiday falls on a Sunday, it shall be observed on the Monday immediately following, provided that the employee works their last regularly scheduled work day preceding the following the holiday.

(d) Employees who work a non-traditional workweek and their work schedule includes both the observed holiday and actual holiday will only receive holiday pay on the observed date of the holiday.

(e) For each of the holidays specified in Section 1 of this article on which a FLSA non-exempt employee works, they shall be entitled to holiday compensation equal to double the employee's regular rate of pay, except that the employee shall be entitled to holiday compensation at two and one-half times the employee's regular rate of pay if they work on any of the following holidays: New Year's Day, Memorial Day, Independent Day, Labor Day, Thanksgiving Day, Christmas Day. Only eight (8) hours per day will be used when computing the holiday rate. Compensation for holidays may be in the form of cash or compensatory time off.

(f) Employees shall be credited 32 hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. Use of holiday compensatory time or personal days shall be at the employee's discretion with the approval of the employee's supervisor or Department Director. Any employee separated from City service for other than just cause shall be paid for all accumulated and unused personal leave.

(g) All employees will be permitted to accumulate three (3) years' worth of holiday compensatory time and personal leave. Once an employee accumulates the maximum allowable number of personal leave/holiday compensatory time then future personal leave/holiday compensatory time will be compensated for in cash, at the time they are earned. An employee may elect to cash in up to one year's worth of personal leave each year (32 hours) for pay periods ending in the months of January, June, or December each year. An employee must inform his or her Department Director prior to August 1 of the year preceding the calendar year in which they intend to make the trade. For 2025, the dates are as follows:

Pay period ending	Pay date
January 3, 2026	January 9, 2026
January 17, 2026	January 23, 2026
June 6, 2026	June 12, 2026
June 20, 2026	June 26, 2026
December 5, 2026	December 11, 2026
December 19, 2026	December 25, 2026

(h) In the event that an office remains open on a designated paid holiday, all affected staff may take the corresponding time off for that holiday on another date, upon prior approval of their supervisor and/or department director.

Section 2.04 Funeral Leave

(a) Each covered employee shall be entitled to funeral leave with pay according to the following schedule:

1) One work day/shift is automatic for the day of the funeral, but additional time up to the maximum shall be given only with approval of the Department Director.
2) All leave time with approval of the Department Director.

(b) For the purposes of this section, "Immediate Family Member" means spouse, child, brother, sister, parents, step-child, step-brother, step-sister and step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.

(c) For the purposes of this article, "Local Funeral" means a funeral in the City of Delaware or within fifty (50) miles thereof.

Leave for Death of:	Days/Hours of Leave	
	Local Funeral	Other Funeral
Immediate Family Member	1 – 3 Days	1 – 5 Days
Other Relative	May Use Up to One Scheduled Work Day of Accrued Leave	May Use Between 1 – 3 Scheduled Work Days of Accrued Leave

Section 2.05 Special Leave

(a) In addition to other leaves authorized herein, the City Manager may authorize a special leave of absence, with or without pay, for purposes beneficial to the employee and/or the City.

(b) For exempt employees who are absent, if the absence cannot be covered or paid through appropriate leave time, said employees shall be subject to a reduction in pay, unless the absence is less than one workday.

Section 2.06 Jury Duty Leave

(a) An employee, while serving on a jury in any court of record in Delaware County, or any adjoining county, will be paid his regular salary for each of his workdays during the period of time so served. Time so served shall be deemed active and continuous service for all purposes. All jury fees received from the court of record shall be assigned to the City of Delaware.

(b) When an employee has been released from Jury Duty they shall report back to work if more than two (2) hours are left in the workday.

Section 2.07 Court Leave

(a) Time off with pay shall be allowed employees who are subpoenaed to attend any court of record in Delaware County, Delaware, Ohio or any adjoining county, as a witness in civil matters, as they pertain to City matters. All witness fees shall be assigned to the City of Delaware.

Section 2.08 Injury Leave

(a) All regular full-time City employees shall be entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits which he/she may be awarded by the Ohio Industrial Commission (OIC), for a period not to exceed 30 consecutive working days for employees working a 40-hour workweek for each injury incurred in the performance of employment duties with the City, provided that the following procedures are followed:

1) In all cases of personal injury to any regular full-time City employee as a result of the performance of employment duties, the employee shall complete an accident/injury investigation form and in conjunction with his/her Department Director shall report such injury to the Department of Administrative Services immediately and ensure that a claim is filed with the BWC.
2) In the event that time off from work is required by the injured employee, they will be granted injury leave from the first day of injury if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary BWC forms ,and other documents as may be required by the City. In the event that the BWC determines that the injury is NOT employment-related, any time the employee is, or has been, absent from work shall be deducted first from any accrued sick leave, then accrued vacation, or accrued compensatory time off, other than compensatory time for overtime worked.
3) During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time City employees shall remain in force with no deductions to earned sick leave and/or vacation time.
4) In all cases where more than 30 consecutive working days are needed for injury leave for employees working a 40-hour workweek, the City Manager may extend such leave if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.

Article III. Insurance

Section 3.01 Medical/Hospital Insurance Coverages

The City shall make health care benefits coverages available to employees under the City's health care plan. All benefit payments, annual deductibles, and out-of-pocket expenses shall be as defined by the City's health care plan. Proposed changes to the City's health care plan will be presented to the health insurance committee for review and discussion prior to implementation. The City will utilize its best efforts to ensure that medical/hospital insurance coverage is provided on a uniform basis to all City employees.

Section 3.02 Cost Sharing

Employees shall pay, by wage withholding, fifteen percent (15%) for family and single premium coverage. Contributions will be deducted from the employees' gross income prior to taxes, subject to compliance with all applicable tax regulations. Annually, the monthly COBRA rate to be utilized by the City will be established. Subsequent annual changes to the calculated COBRA rate will be applied to the monthly employee contributions. The employees' contribution shall be paid through a section 125 plan by which the contributions are treated as pre-tax income.

Section 3.03 Opt-Out / Opt-Down Waiver Of Coverage

Employees who opt out of the City's health care plan will be compensated as follows. All payments made under this provision will be included as other pay on the employee's paycheck. This income will be subject to OPERS regulations and all applicable taxes.

(a) Opt-out (no medical/prescription coverage) = $100 per month
   a. *Families who have both spouses employed full time by the city will not be eligible to opt out of the plan. One spouse will carry the full cost of the plan.*

(b) Opt-down (from family to single medical/prescription coverage) = $50 per month
   a. *An employee who "opts-down" must remain eligible for family coverage*

Section 3.04 Prescription Coverage

The City will provide prescription coverage for eligible employees under the City's health care plan. Employees may not elect to have prescription-only coverage; enrollment in the City's health care plan is required.

Section 3.05 Dental Coverage

The City will provide dental coverage for eligible employees under the City's health care plan.

Section 3.06 Vision Coverage

The City will provide vision coverage for eligible employees under the City's health care plan. The City will contribute $6.00 per month on behalf of the employee. The employee will be responsible for the balance of the monthly cost of the coverage selected.

Section 3.07 Flexible Spending

The City may make available the option to enroll in flexible spending. Contributions will be subject to IRS code 125 regulations and annual maximum contribution amounts.

Section 3.08 Alternate Coverage

Notwithstanding the provisions in section 3.01 above, which provides for health care coverage, the City may offer alternative health care coverage programs. The City shall determine the terms and conditions of such alternative programs. The cost and/or terms and conditions of said programs shall be at the discretion of the City and may be subject to change. Employees may enroll or withdraw from said program during open enrollment or due to a qualifying change and shall be entitled to the benefits described in section 3.01.

Section 3.09 Life Insurance

The city will provide the following amount of life insurance, effective January 1, 2023:

i. Department Directors: $100,000
ii. Management Employees: $50,000
iii. Police Captain: ~~$50,000~~ **$100,000**
iv. Fire Captain: $100,000

The city will provide the following amount of life insurance, effective July 1, 2024:

v. Assistant Police Chief: $100,000
vi. Assistant Fire Chief: $100,000

Article IV. Other Compensation

Section 4.01 Longevity Compensation

(a) Employees shall receive, in addition to other pay called for herein, Longevity Compensation based on completed years of total service according to the following table:

After five (5) years of continuous service	$600 /year
After ten (10) years of continuous service	$800 /year
After fifteen (15) years of continuous service	$1,000 /year
After twenty (20) years of continuous service	$1,200 /year

1) Longevity compensation shall be paid, in accordance with the above schedule, in two (2) separate lump sum payments during the first pay periods in June and December of each year.
2) Upon termination of service for any reason, employees who are eligible for longevity pay under this section (or in the event of death, the surviving spouse or estate) will be paid, as part of their terminal pay, the final partial year of longevity compensation, prorated to the name of months completed during said partial year since the employee's last payment date.
3) For the purpose of this section, continuous years of service shall include approved military leave.
4) Employees who are hired into a full-time position from a part-time position will have their part-time service counted as continuous, provided there was no break in service between the part-time and full-time employment.

Section 4.02 Automobile Expense Reimbursement

(a) Employees shall receive reimbursement for business use of their personal vehicle.
(b) Mileage reimbursement is permissible only for business-related travel outside of Delaware City limits.
(c) Reimbursement will be in accordance with the Internal Revenue Service (IRS) regulations for non-taxable reimbursements and shall be at the IRS per mile reimbursement rate in effect when the business use miles were incurred.
(d) Department Directors employed by the City prior to January 1, 1999 who had received a monthly automobile allowance will only be reimbursed for business use of their personal vehicle for travel outside the City limits.

Section 4.03 Call-In Pay & Emergency Stipend

(a) Both exempt and nonexempt employees shall be eligible for "on call" compensation for weekly periods when assigned the responsibility of direct Parks, Public Works, or Utility personnel in response to service requests during non-scheduled work periods. Employees assigned to this "on call" status shall serve in this posture for weekly time periods as authorized by the respective Department Director. Said employees shall be responsible for responding to after-hour service requests. Employees assigned to an "on-call" status shall be compensated at a weekly rate of $100.00. On-call compensation shall be paid in addition to regular and overtime wages earned during the pay period. On-call assignments will be posted in June and December of each year for the following six-month period. Changes to the schedule must be made in advance with the approval of the Department Director.

(b) Exempt employees, who are ineligible for overtime compensation under the Fair Labor Standards Act, may be authorized emergency pay for performing work outside of their primary classification during non-work hours due to staffing or other emergency circumstances (i.e., snow removal operations) within their department or another department (29 CFR 541.604). Before an exempt employee performs such work, the employee must receive prior written authorization from their immediate supervisor or director and human resources. Exempt employees shall be paid an hourly stipend within the range of the assigned pay grade or the job classification that encompasses the supplemental work or a pay rate approved by human resources for hours spent performing work outside of their primary classification during non-work hours.

Section 4.04 Tuition Reimbursement

(a) All full-time employees with one or more years of continuous active service shall be eligible for a reimbursement of instructional fees for undergraduate or graduate courses towards a degree or certification, pre-approved by the city and voluntarily undertaken by the employee. The tuition reimbursement program shall be subject to the following conditions:

1) All courses must be taken during other than scheduled working hours. Any situation that, in the discretion of the Department Director, would require an employee's presence on the job shall take complete and final precedence over any time scheduled for courses. All courses are subject to approval by the Department Director and/or City Manager. There must be a direct correlation between the employee's duties and responsibilities and the courses taken or the degree program pursued. The City Manager, or his designee, has the sole and final discretion to approve or disapprove tuition reimbursement requests.

2) Any financial assistance from any government or private agency available to the employee, whether applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the employee is eligible for under this section. If an employee's tuition is fully covered by another governmental or private agency, then the employee is not entitled to any payment from the city.

3) Employees seeking authorization of a tuition reimbursement must first submit to the Department Director for review, prior to September 30 of the year preceding when the classes are to be taken, all necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of course costs, dates and times. Employees will be eligible for tuition reimbursement for properly approved and completed coursework up to $3,500 for calendar year (January 1 to December 31). Pre-approval is subject to available appropriations. The employee will be responsible for any tuition in excess of the above-mentioned amounts. An application for tuition reimbursement must be completed by the employee prior to enrolling in the classwork for which reimbursement is requested.

4) Courses must be taken at accredited colleges, universities, technical and business institutes or at their established extension centers and these must be first approved by the city. Seminars, conferences, and workshops are not included.

5) Reimbursement for tuition will be made when the employee satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent and a receipt of payment or a copy of the unpaid bill from the institution confirming completion of the approved course.

6) No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course, except the cost of tuition fees outlined above.

7) Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability), or is discharged for cause must repay the tuition reimbursement paid by the city for courses completed less than two years prior to the date of termination or discharge. If necessary, the amount will be deducted from the employee's terminal leave pay or final paycheck.

Section 4.05 TOOL STIPEND

(a) Employees required to supply and maintain tools as part of their job will be provided an annual stipend of $350 as reimbursement for the use of their tools. This payment will be made in January and new hires shall receive a prorated amount based on their hire date.

Section 4.06 Clothing & Personal Protective Equipment Purchase Credit

(a) Upon initial hire, a newly hired employee will be provided with two (2) city-branded clothing items.

1) Employees will be provided with one (1) city-branded clothing item annually.

2) Employees who regularly interact with the public may be allotted additional items based on department budget availability.

3) The style and type of items shall be determined by the department, utilizing an approved vendor.

4) The cost per item shall not exceed fifty ($50.00) dollars.

(b) Personal protective equipment required for the employee's position (ex: steel-toed boots, hard hat, safety vest, rain gear, rubber boots and work gloves etc.) will be provided, where necessary and prudent to ensure the employee's safety in the performance of their essential functions.

1) The cost of which shall not exceed the annual stipend permitted by labor agreement for similarly situated employees.

2) This provision is specific to management positions that are required to be in the field regularly.

Section 4.07 ONE-TIME PAY ADJUSTMENT POLICY

(a) In recognition of exceptional circumstances, a one-time pay adjustment may be authorized for an employee as permitted by the City Manager. This adjustment is discretionary and is not intended to be a permanent increase to an employee's base salary but rather a one-time payment for a specific reason, as outlined below:

1. Recruitment and retention: to address difficulties in attracting or retaining qualified personnel for specific reasons.
2. Significant change in job responsibilities: where an employee's duties and responsibilities have been substantially expanded or altered without a corresponding pay grade adjustment.
3. Market adjustments: to bring compensation in line with wage rates for similar positions in the local labor market if this has changed significantly between market evaluation years.
4. Performance: in cases where exceptional performance has been demonstrated, warranting immediate recognition.
5. Other exceptional circumstances: as determined by the City Manager, including but not limited to critical skills gaps or urgent organizational needs.

(b) A formal request for a one-time pay adjustment must be submitted in writing by the department director to the City Manager. The request must include the reason for the adjustment, the amount proposed, and supporting documentation (e.g., job description changes, market comparison data or other relevant information).

(c) The City Manager, or designee, will review the request, evaluate for justification, and may consult with relevant stakeholders (e.g., human resources, finance) to determine the impact on the budget and overall compensation equity.

(d) The City Manager, or designee, will make the final determination on whether the one-time pay adjustment will be granted. The City Manager reserves the right to approve, modify, or deny the request based on budgetary considerations, equity, or other organizational priorities. Approval of a one-time pay adjustment is discretionary and shall not be construed as creating a precedent for future pay decisions, nor does it imply an ongoing entitlement to similar adjustments.

(e) The adjustment is a one-time payment and will not be added to an employee's base salary.

(f) The adjustment may impact eligibility for other merit-based pay increases.

Article V. Miscellaneous

Section 5.01 Personnel Files

(a) The official personnel files of all employees shall be maintained in the Department of Administrative Services (DAS). All employee personnel records shall include but not limited to, applications, performance evaluations, promotions, disciplinary actions and any other pertinent information pertaining to the job performance of the individual employee. Copies therein shall be available to the employee.

(b) DAS shall be responsible for the care and maintenance for all personnel files and records. Department Directors shall be responsible for promptly forwarding all pertinent personnel information and documentation to DAS. Employees may, during normal office hours, review their official personnel files.

Section 5.02 Parks and Recreation Credit

(a) The City shall provide each employee with a credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be $60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.

(b) Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. ~~Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase.~~ Credits are non-transferable.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Jessica Feller, Department of Administrative Services
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 25-71**
SUBJECT:	Ordinance No. 25-71, an ordinance establishing the pay and benefits for Part-Time/Intermittent, and Seasonal Employees of the City of Delaware and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

fact sheet ord amend ppt and seasonal pay ord 2026.docx
2026 PPT and Seasonal ordinance_DRAFT.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 20 DATE: 11/10/2025

ORDINANCE NO: 25-71 RESOLUTION NO:

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Jessica Feller, Human Resource Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING ORDINANCE NO. 24-95 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

BACKGROUND:
This ordinance reflects recommended changes to the Part-time and Intermittent /Seasonal Employee's pay plan for 2026.

Revisions are clearly marked within the document – additions are indicated in bold and capitalized text, while deletions appear as struck-through text. Key proposed changes include:

- Updates to the Merit Incentive Program language and wage adjustment process for the 2025 review cycle.
- Inclusion of a newly proposed role at PT6/06PT.
- Removal of outdated language related to the Parks and Recreation Credit benefit.
- Updated wage table for seasonal positions, adjusting seasonal wages by 3.5%.

REASON WHY LEGISLATION IS NEEDED:
Legislation is necessary in order to process payroll changes.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
The proposed 2026 budget accounts for these changes.

POLICY CHANGES:
N/A

PRESENTER(S):
Jessica Feller, Human Resource Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Ordinance 25-71

ORDINANCE NO. 25-71

AN ORDINANCE AMENDING ORDINANCE NO. 24-95 ESTABLISHING THE PAY AND BENEFITS FOR PART-TIME/INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

WHEREAS, the City hires various part-time/intermittent and seasonal employees that can be divided into classifications, to wit: permanent part-time/intermittent and seasonal; and

WHEREAS, Section 155.09, Appointment Status, of the Codified Ordinances of the City of Delaware defines part-time employment, and Ordinance No. 18-111 established pay and benefits for various part-time employees of the City; and

WHEREAS, it is necessary to clarify the wages and benefits for each classification of part-time and intermittent, and seasonal employees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. Ordinance No. 24-95 is hereby amended to read as follows:

A. Effective December 24, 2025 permanent part-time employees shall receive the following wages and benefits:

1. Wages. Permanent part-time/intermittent employees shall be paid on an hourly basis in accordance with the following table:
   (a) Employees hired before February 13, 2024 that are currently positioned on a step may continue to advance through the steps until they reach the midpoint. Once they reach the midpoint, they may continue to advance up to the maximum.
   (b) Employees hired or reclassified after February 13, 2024 will be placed within the range for their pay grade (minimum to maximum).
   (c) Movement within an employee's assigned pay grade (minimum to maximum) will be predicated on the merit incentive program effective February 13, 2024.
      i. THE MERIT INCENTIVE PROGRAM WILL BE PAUSED FOR THE 2025 REVIEW YEAR. EMPLOYEES ELIGIBLE FOR MERIT WILL RECEIVE THE ANNUAL WAGE ADJUSTMENT

APPROVED BY COUNCIL IN SECTION (D)(I), BELOW, AND MAY STILL BE ELIGIBLE FOR AN ADDITIONAL ADJUSTMENT AS DETERMINED BY THE CITY MANAGER.

(d) Employees who have been employed with the city for less than one (1) year by the conclusion of the merit incentive program evaluation period still have their performance evaluated in accordance with the review cycle. Their increases will be based on the annual wage adjustment approved by Council and may still be eligible for an additional wage adjustment as determined by the city manager.

i. For the 2024 review cycle, the annual wage adjustment is **3.5%** provided that the employee receives an "achieves performance standards rating."

(e) Employees hired after October 1 will remain at their current step for the following calendar year, **UNLESS OTHERWISE AUTHORIZED BY THE CITY MANAGER.**

(f) When an employee reaches the maximum of their assigned pay grade, they will receive their merit pay in the form of a lump sum payment.

(g) The City Manager or designee reserves the right to allow eligible employees to exceed the maximum wage of their respective range.

Employees hired prior to February 13, 2024

Pay Grade	Step 1 (MIN)	Step 2	Step 3	Step 4	Step 5 (MID)	MAX
PT1	$17.48	$18.18	$18.91	$19.67	$20.45	$21.85
PT2	$18.35	$19.08	$19.84	$20.64	$21.46	$22.93
PT3	$19.07	$19.83	$20.63	$21.45	$22.31	$23.76
PT4	$20.82	$21.65	$22.52	$23.42	$24.36	$25.95
PT5	$21.93	$22.81	$23.72	$24.67	$25.66	$26.76
PT6	$22.94	$23.86	$24.81	$25.81	$26.84	$27.99

Employees hired after February 13, 2024

Pay Grade	Minimum	Maximum
01PT	$17.48	$21.85
02PT	$18.35	$22.93
03PT	$19.07	$23.76
04PT	$20.82	$25.95
05PT	$21.93	$26.76
06PT	$22.94	$27.99

PAY GRADE	POSITION
PT1/01PT	Recreation Center Attendant
PT2/02PT	Senior Program Coordinator
PT3/03PT	Clerical Specialist
PT4/04PT	Records Clerk, Laborer, Help-Desk Technician, Facility Maintenance Technician I, Financial Specialist, Mechanic, Law Clerk
PT5/05PT	Parking Control Officer, Support Services Aide
PT6/06PT	**VICTIMS ADVOCATE**

For permanent part-time positions not listed above, the wages shall be the entry-level pay rate reflected in the applicable pay plan for the equivalent full-time position or a pay rate established by the city manager.

2. Benefits. Benefits for permanent part-time are as follows:
   (a) Employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period. Universal leave may only be used when an employee is scheduled to work.
   (b) Upon separation or termination of employment with the City, employees will not receive pay-out for any leave accumulated.
   (c) If an employee becomes full-time with the city, the universal leave will carry over to full-time employment. there is no expiration date by which universal leave must be utilized. universal leave will not be cashed out upon separation or termination of employment.
   (d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day, and Thanksgiving. Holiday Pay is defined as one- and one-half times the employee's regular hourly rate.
   (e) Permanent part-time employees will work fewer than 30 hours in any workweek.
   (f) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.
   (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be $60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual

registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. ~~Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase.~~ Credits are non-transferable.

B. Effective December 25, 2023 permanent part-time firefighters shall be paid on an hourly basis in accordance with the following table:

PAY GRADE	POSITION	WAGE PER HOUR
PTFF1	Firefighter/EMT	18.28
PTFF2	Firefighter/Paramedic	19.24

1. Benefits. Benefits for permanent part-time firefighters are as follows:

(a) Employees will accrue universal leave on a prorated basis of 3 hours for every forty-eight hours worked in a pay period.

(b) Upon separation or termination of employment with the city, employees will not receive pay-out for any leave accumulated.

(c) If an employee becomes full-time with the city, the universal leave will carry over to full-time employment. there is no expiration date by which universal leave must be utilized. universal leave will not be cashed out upon separation or termination of employment.

(d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day, and Thanksgiving. Holiday pay is defined as one- and one-half times the employee's regular hourly rate.

(e) The City will provide $10,000 of life insurance.

(f) Permanent part-time firefighters may not exceed 1,500 hours worked in a calendar year.

(g) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 212 hours in any 28-day pay cycle shall be compensated for a rate of time and one half.

(h) The employee will be responsible for payment of the employee contribution for social security withholdings.

(g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be $60.00. Employees shall abide by the stipulations set

forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. ~~Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase.~~ Credits are non-transferable.

C. Effective **December 21, 2025** seasonal employees shall receive the following wages and benefits:

1. Wages. Seasonal employees shall be paid on an hourly basis in accordance with the following table:

Pay Grade	Position	Step 1	Step 2	Step 3
CA	Cashier	$12.81	$13.39	$13.97
LG	Lifeguard	$13.97	$15.13	$16.30
CC	Camp Counselor	$13.97	$15.13	$16.30
LB	Laborer	$15.13	$16.30	$17.46
PCI	Program Coordinator I	$15.13	$16.30	$17.46
WSI	Safety Instructor Rate Differential	$3.00	$3.00	$3.00
GCA	Golf Course Attendant	$16.30	$17.46	$18.63
ACC	Aquatics Crew Chief	$17.46	$18.04	$18.63
CCC	Front Desk/Concession Crew Chief	$17.46	$18.04	$18.63
PCII	Program Coordinator II	$17.46	$18.04	$18.63
INT	Intern	$17.46	$18.04	$18.63
LCT	**Lawn Care Technician**	**$18.00**	**$20.00**	**$22.00**
AAD	Assistant Aquatics Director	$19.79	$21.54	$23.28
ACD	Assistant Camp Director	$19.79	$21.54	$23.28
AD	Aquatics Director	$23.28	$25.62	$29.11
CD	Camp Director	$23.28	$25.62	$29.11

Pay Grade	DARTS Swimming & Diving	
HSC	Head Senior Swim Coach	$20.80
HJC	Head Junior Swim Coach	$19.24
HDC	Head Diving Coach	$17.68

For seasonal positions not listed above, the wages shall be the entry-level pay rate reflected in the applicable pay plan for the equivalent permanent full-time position or a pay rate established by the City Manager.

2. Benefits. Seasonal employees are not eligible for benefits, except the following:

(a) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.

D**.** Effective December 24, 2023, intermittent employees shall receive the following wage and benefits. An intermittent employee is one who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. Such employees are called to work on an as-needed basis.

1. Wages: intermittent employees will receive the same hourly rate as a seasonal or PPT employee, as specified above in sections (A) and (C) for the position held.

2. Benefits. Intermittent employees are not eligible for benefits, except for the following:

(a) the employee shall be responsible for payment of the employee contribution to the state of Ohio retirement system.

SECTION 2. Existing Ordinance No. 24-95 is hereby repealed.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary to provide for the usual daily operation of a department or an office of the City. The emergency clause is required to enact the changes effective on **December 21, 2025**, which coincides with the new calendar year and the effective date of the management pay plan for 2026 and as such will be in full force and effect immediately upon its passage.

EMERGENCY CLAUSE: YEAS_____ NAYS _____
ABSTAIN _____

PASSED: _____, 2025 YEAS_____NAYS _____
ABSTAIN _____

ATTEST: _____ _____
CITY CLERK MAYOR

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Susie Daily, Information Technology
ITEM TYPE:	Resolutions
AGENDA SECTION:	**CONSIDERATION OF RESOLUTION NO. 25-84**
SUBJECT:	Resolution No. 25-84, a resolution adopting the NIST Cybersecurity Framework as the foundation for the Municipal Cybersecurity Program.

SUGGESTED ACTION:

ATTACHMENTS:

fact sheet_NIST_Cybersecurity_Framework.docx
res 25-84, Resolution to adopt a Cyber Program.docx
NIST_CYBERFRAMEWORK_CYBER_PROGRAM.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 21 DATE: 11/10/2025

ORDINANCE NO: RESOLUTION NO: 25-84

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manger

VIA: Susie Daily, Chief Information Officer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION ADOPTING THE NIST CYBERSECURITY FRAMEWORK AS THE FOUNDATION FOR THE MUNICIPAL CYBERSECURITY PROGRAM.

BACKGROUND:
House Bill 96 was signed into law on June 30, 2025. This legislation mandates that all local governments in Ohio establish a cybersecurity program that aligns with recognized industry standards, such as NIST Cybersecurity Framework and the Center for Internet Security (CIS) controls.

REASON WHY LEGISLATION IS NEEDED:
The new law emphasized that Cybersecurity is a core public service responsibility, not just an IT issue. Local governments are now legally obligated to protect against cyber threats, which have increasingly targeted public entities. Failure to comply with these requirements could expose local governments to legal and operational risks, including potential data breaches and loss of public trust.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:

Adoption of the NIST Cybersecurity Framework will formalize the City's approach to Cybersecurity. This includes implementing risk-based controls, conducting regular assessments, and establishing a continuous improvement process. It will also guide future updates to internal IT policies and procedures to ensure compliance with state law.

RECOMMENDATION:

Staff recommend approval of the resolution to adopt the NIST Cybersecurity Framework. This action will ensure compliance with House Bill 96, strengthen the City's cybersecurity posture, and demonstrate a proactive commitment to protecting public data and infrastructure.

ATTACHMENT(S)

Resolution No. 25-84
HB96 Information Sheet

RESOLUTION NO. 25-84

A RESOLUTION ADOPTING THE NIST CYBERSECURITY FRAMEWORK AS THE FOUNDATION FOR THE MUNICPAL CYBERSECURITY PROGRAM.

WHEREAS, the City of Delaware Ohio recognizes the increasing importance of cybersecurity in protecting municipal operations, public services, and sensitive data; and

WHEREAS, municipalities are increasingly targeted by cyber threats that can disrupt essential services, compromise personal information, and result in significant financial and reputational harm; and

WHEREAS, the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) provides a flexible, risk-based approach to managing cybersecurity risks, widely adopted across public and private sectors; and

WHEREAS, the NIST CSF is composed of five core functions; Identify, Protect, Detect, Respond and Recover; which provide a comprehensive structure for improving cybersecurity posture and resilience; and

WHEREAS, adopting the NIST CSF will support the City of Delaware's efforts to align with best practices, comply with state and federal cybersecurity requirements, and enhance collaboration with regional and national partners, including the Ohio Cyber Reserve (OhCR) and the Multi-State Information Sharing and Analysis Center (MS-ISAC);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. The City of Delaware hereby formally adopts the NIST CSF as the foundational structure for its municipal cybersecurity program.

SECTION 2. The Chief Information Officer is authorized and directed to implement the NIST CSF across all departments, develop supporting policies and procedures, and ensure alignment with the framework's core functions.

SECTION 3. All municipal employees shall receive cybersecurity awareness training consistent with NIST CSF, and department heads shall ensure compliance with cybersecurity policies and procedures.

SECTION 4. The cybersecurity program shall be reviewed annually, and a report shall be submitted to the Council of the City of Delaware, Ohio summarizing progress, risks and recommendations for improvement.

SECTION 5. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

HB 96: KEY CYBER MANDATES FOR LOCAL GOVERNMENT ENTITIES

- **Local Government Entities Must:**
  - **Implement a cybersecurity program**
  - Obtain approval from their legislative body for ransomware payments
  - Cyber incidents must be reported within specific timeframes to DPS and AOS.
  - Annual cybersecurity training for all political subdivision employees

This presentation is for informational purposes only

- Not legal advice
- Local governments should consult with their legal counsel and technology vendors to ensure compliance

APPLICABILITY, DEFINITION, AND TIMELINES

Auditor of State Bulletin 2025-007 provides good guidance

- "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

- Implementation due dates:
  - Cities & Counties: January 1, 2026
  - All Other Entity Types: July 1, 2026

- Includes requirements for incident reporting, definition of incidents and ransomware, requirement for legislative approval to pay ransoms, and public records exemptions
  - Incident reporting requirements are in effect starting on September 30, 2025
- Note that audits for HB 96 items will be performed as part of determining compliance with Ohio state law and are distinct from the IT controls audit conducted as part of the financial audit engagement. Compliance procedures will be published in the “Ohio Compliance Supplement” provided by the Auditor of State.

WHAT IS A CYBERSECURITY PROGRAM

- Best practice security programs do the following:
  - Identify critical functions and risks
  - Assess the potential impact of breaches
  - Implement threat detection mechanisms
  - Establish incident response procedures
  - Plan for recovery and continuity
  - Define employee training requirements

HB 96 does not mandate that all* of these elements are present in every security program. You are free to determine what program elements make sense to you.

* Note that annual employee training is mandated by the legislation, but you are free to determine what is in that training material. Resources are available from OPCI to help you with training content and delivery.

STEP 1: GET A LEGISLATIVE MANDATE TO BUILD A CYBER PROGRAM

- The legislative authority of a political subdivision shall adopt a cybersecurity program that safeguards the entity's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity.
- The program shall be consistent with generally accepted best practices for cybersecurity, such as, National Institute of Standards and Technology (NIST) cybersecurity framework and Center for Internet Security (CIS) cybersecurity best practices.

Note: a resolution adopting a cyber program can look like a statement of intent to align with best practices. A public resolution should not include program details or anything you would not want a bad actor to know. Stay tuned for an upcoming CyberOhio webinar on managing public records and sunshine laws.

STEP 2: PICK A FRAMEWORK TO GUIDE YOUR PROGRAM DEVELOPMENT

- Option 1: NIST CSF 2.0

  Pros: Strong governance definitions, OPCI and Ohio Cyber Reserve engagement materials use this framework, and maturity model allows for flexible and iterative development

  Cons: Lots of high-level components, not as prescriptive on specific control implementation, requires you or experts to determine what is "good enough"

- Option 2: Center for Internet Security (CIS) Critical Controls

  Pros: Practical and informed by real-world attacks and defenses, and components can be given to third-parties to execute with your supervision

  Cons: Difficult to prioritize, doesn't inherently contain the necessary policy and governance guidance

- Option 3: DIY / Blended / Other

OVERLAPS AND MAPPING

- **Currently, AOS audits for IT controls in financial audits.**
- **In other words, the following program elements are already audited by AOS and should be in place now for your financial systems.**
- **With these elements in place, your entity has already made significant strides toward a cyber program.**

Program Element (already audited by AOS)	Relevant NIST Cybersecurity Framework (CSF) Function(s)	Relevant CIS Controls v8 (IG1) Reference
IT Strategy (planning, IT training)	**Govern (GV)** – establish strategy, assign roles. **Protect (PR.AT)** – awareness & training.	**CIS Control 14** – Security Awareness & Skills Training. **CIS Control 17** – Incident Response Management (basic planning).
Change Management (patches, upgrades, support)	**Protect (PR.MA, PR.IP)** – maintenance and secure configuration. **Identify (ID.AM)** – asset inventory.	**CIS Control 7** – Continuous Vulnerability Management. **CIS Control 4** – Secure Configuration of Enterprise Assets & Software.
Security Management (policies, cyber awareness training)	**Govern (GV)** – policies, oversight. **Protect (PR.AT)** – training.	**CIS Control 14** – Security Awareness & Skills Training. **CIS Control 2** – Inventory & Control of Software Assets (via policies).
System-Level Access Controls (MFA, passwords, remote access, firewall)	**Protect (PR.AC)** – identity management, authentication, network access.	**CIS Control 5** – Account Management. **CIS Control 6** – Access Control Management. **CIS Control 12** – Network Infrastructure Management.
Application-Level Access Controls (MFA, role-based access, least privilege)	**Protect (PR.AC)** – application access, least privilege.	**CIS Control 5** – Account Management. **CIS Control 6** – Access Control Management.
Contracts with Vendors	**Govern (GV.SC)** – supply chain risk management.	**CIS Control 15** – Service Provider Management.
Physical Security (locked rooms, contracts, environmental safety)	**Protect (PR.PH)** – physical security & environmental protections.	**CIS Control 16** – Application Software Security (partial). **CIS Control 12** – Network Infrastructure (physical protections).
System Admin & Maintenance (vulnerability checks, uptime monitoring)	**Protect (PR.MA)** – maintenance. **Detect (DE.CM)** – monitoring.	**CIS Control 7** – Continuous Vulnerability Management. **CIS Control 8** – Audit Log Management.
Backup (tested, disconnected/offline)	**Protect (PR.DS)** – data security. **Recover (RC.RP)** – recovery planning.	**CIS Control 11** – Data Recovery.
Disaster Recovery & Business Continuity (off-site copy, recovery planning)	**Recover (RC.RP, RC.IM)** – recovery planning, improvements.	**CIS Control 11** – Data Recovery. **CIS Control 17** – Incident Response Management (continuity).

STEP 3: PROGRAM DEVELOPMENT

1. Document what you're doing now for cybersecurity and determine where it fits into the framework.
2. Add the necessary reporting, ransom, and training requirements introduced by HB 96 into your new or existing policies.
3. Get trained and/or engage third-parties in developing the necessary components of the program. OPCI and Ohio Cyber Reserve can help you here.
4. Create auditable policies and procedures aligned with the program so you can demonstrate compliance.
5. Build a roadmap – program development is always iterative. It's okay to start small and build up capability and capacity over time.
6. Get buy-in from stakeholders throughout your development process.

WHAT IS NIST CSF 2.0 AND WHY USE IT?

- Developed by the National Institute of Standards and Technology, the CSF is a nationally recognized framework that organizes cybersecurity into **six core functions**: Govern, Identify, Protect, Detect, Respond, and Recover.
- It provides a **high-level structure** for managing cybersecurity risk in **any size** organization, including local governments.
- Risk-based, scalable, and designed for continuous improvement.
- **Panel Question:**
  How would you explain the CSF to a city council or board in one sentence?

NIST CSF 2.0 FUNCTIONS AND CATEGORIES

Table 1. CSF 2.0 Core Function and Category names and identifiers

Function	Category	Category Identifier
Govern (GV)	Organizational Context	GV.OC
	Risk Management Strategy	GV.RM
	Roles, Responsibilities, and Authorities	GV.RR
	Policy	GV.PO
	Oversight	GV.OV
	Cybersecurity Supply Chain Risk Management	GV.SC
Identify (ID)	Asset Management	ID.AM
	Risk Assessment	ID.RA
	Improvement	ID.IM
Protect (PR)	Identity Management, Authentication, and Access Control	PR.AA
	Awareness and Training	PR.AT
	Data Security	PR.DS
	Platform Security	PR.PS
	Technology Infrastructure Resilience	PR.IR
Detect (DE)	Continuous Monitoring	DE.CM
	Adverse Event Analysis	DE.AE
Respond (RS)	Incident Management	RS.MA
	Incident Analysis	RS.AN
	Incident Response Reporting and Communication	RS.CO
	Incident Mitigation	RS.MI
Recover (RC)	Incident Recovery Plan Execution	RC.RP
	Incident Recovery Communication	RC.CO

BASELINE NIST CSF 2.0 IMPLEMENTATION WALKTHROUGH

FUNCTION 1: GOVERN

Function 1: Govern

- *Who's in charge? What rules do we follow?*
- Appoint a **cybersecurity lead** (even part-time).
- Establish **roles, accountability, and risk appetite.**
- Determine how you will maintain security program policies
- Make sure legal requirements in represented in those policies

Panel Question:

If an entity has no cyber staff, who should "own" governance?

FUNCTION 2: IDENTIFY

- *What do we have to protect?*
- Make a **basic inventory** of computers, servers, accounts, and critical apps.
- List regulatory/legal obligations (HIPAA, CJIS, R.C. 9.64, etc.).
- Prioritize "crown jewels" (finance, 911, utilities).

Panel Question:

What's a simple, low-cost way to start an inventory?

FUNCTION 3: PROTECT

How do we keep bad actors out?

- Ensure your program includes protecting identities and credentials:
  - Turn on **multi-factor authentication (MFA)**.
  - Use strong passwords & disable old accounts.
- Provide **basic staff training** (free resources: CISA, O-PCI).
- Identify where encryption could be useful for protecting sensitive data.

Panel Question:
What's the one "Protect" step that pays off the most for small orgs?

FUNCTION 4: DETECT

- *How do we know if something's wrong?*
- Turn on **logging & alerting** in systems you already own (O365, antivirus).
- Define a role and an individual in your organization to review security alerts, or escalations from vendors.
- Develop a plan to apply patches to critical systems.
- Use free scanning/blocking tools (CISA services, DNS filtering).
- Report unusual activity early.

Panel Question:
How can small entities get detection capability without a 24/7 SOC?

FUNCTION 5: RESPOND

- *What's the plan when something happens?*
- **Build an Incident Response (IR) plan**:

  Who do we call? (cyber insurance, law enforcement, OCIC, vendor)

  How do we contain it?

  Who talks to the public?

  Depending on the size and complexity of your organization, this may be just a checklist or a more detailed plan.
- Bonus: Run a **tabletop exercise once a year**.

Panel Question:
What's the most common mistake you see in incident response planning?

FUNCTION 6: RECOVER

- *How do we get back to normal?*
- Test **backups frequently (once a quarter if possible)**
- Determine a rough estimate for recovery and socialize with stakeholders
- Identify feasible workarounds if systems are unavailable for a period of time

Panel Question:
Have you seen a recovery that built more trust afterward?

FREE RESOURCES & HELP

NIST CSF 2.0 Quick Start Guides

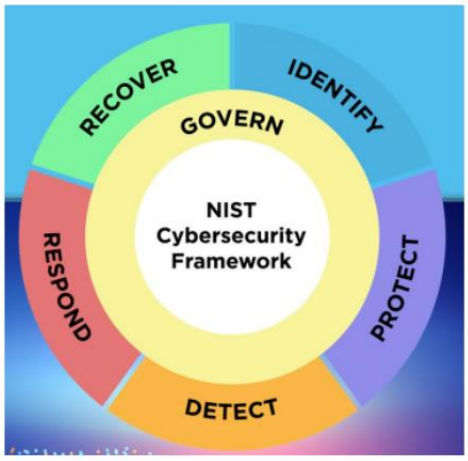
CISA Cyber Hygiene Services (scans, phishing tests, DNS blocking)

CyberOhio & OCIC resources and webinars

Collective Defense Local peer groups (counties, municipalities, utilities).

PANEL QUESTIONS

- *What's the first thing you'd do if you only had 90 days to stand up a cyber program?*
- *Where do you see entities getting stuck the most in these early steps?*
- *How do you convince leadership that "good enough" by January 1 is better than waiting for "perfect"?*



CYBERSECURITY TRAINING: O-PCI

Free Cybersecurity Training for Local Government Entities

- Whole-of-organization training
- Tailored to the roles of employees (Executive/IT/General)
- Includes online modules, creation of plans/policies/procedures, cyber exercises, and vulnerability assessments

OHIO PERSISTENT CYBER IMPROVEMENT

ohiocyberrangeinstitute.org/opci

9,000+ public employees have completed 8,000+ hours of training in counties, cities, libraries, schools, and health districts across Ohio.



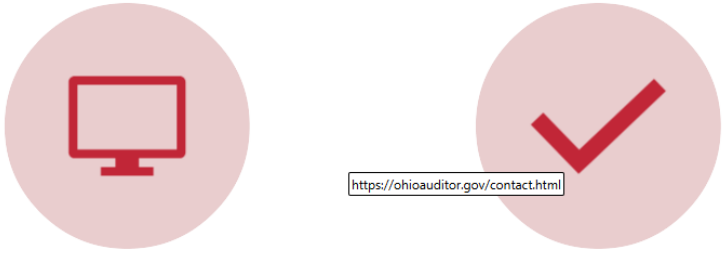
BONUS Resource: Cyber Frontline First Aid Kit (CFFAK)

ohiocyberrangeinstitute.org/cffak

QUESTIONS & SUPPORT

- **Need Assistance?**
- Contact CyberOhio at Cyber.Ohio.gov
- Contact the Auditor of State at https://ohioauditor.gov/contact.html
- We're here to help you meet the new cybersecurity requirements.

REGISTER FOR UPCOMING EVENTS AT CYBER.OHIO.GOV



BIWEEKLY WEBINAR SERIES

CYBEROHIO SUMMIT
NOV. 19, 2025

City Resolution to Adopt a Cyber Program

Cities and municipalities can adopt a cybersecurity program by following these steps:

1. **Identify and address cybersecurity risks**: Assess the critical functions and risk s of the political subdivision.
2. **Develop a cybersecurity program**: Create a program that includes procedures f or detecting threats, analyzing incidents, and taking actions to contain cybersecur ity incidents.
3. **Implement safeguards**: Ensure the delivery of services and maintain plans for r esilience and restoration of capabilities or services impaired due to a cybersecurit y event.
4. **Conduct audits**: Regular audits by the Ohio Auditor of State will keep local gove rnments on track with their cybersecurity efforts.
5. **Train staff**: While not legally required, annual cybersecurity training is recommen ded to prepare staff to recognize and respond to common cyber threats. Local governments are encouraged to take advantage of free training offered thr ough the Ohio Persistent Cyber Improvement (O-PCI) program of the Ohio Cyber Range Institute to build a well-developed cyber program.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Resolutions
AGENDA SECTION:	**CONSIDERATION OF RESOLUTION NO. 25-85**
SUBJECT:	Resolution No. 25-85, a resolution amending the various Financial Management Policies for the City of Delaware.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Financial Policies.docx
Res 25-85 Amending Financial Policies.doc
Amended Financial Policies 2025 - Redline.pdf
Amended Financial Policies 2025 - Clean.docx
Appendix A - Budget Gauge.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 22 | DATE: 11/10/2025

ORDINANCE NO: | RESOLUTION NO: 25-85

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget & Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AMENDING VARIOUS FINANCIAL MANAGEMENT POLICIES FOR THE CITY OF DELAWARE.

BACKGROUND:
Financial Management Policies were approved by City Council with Resolution 14-15 on April 14, 2014. Amendments to these Financial Management Policies were presented to the Finance Committee at their November 3, 2025 meeting. The Finance Committee accepted the changes and made a motion to bring before the full Council.

The proposed changes address definitions and add clarifications, provide additional guidance during times of economic uncertainty and while evaluating levies, and adjust/raise reserve balances requirements.

REASON WHY LEGISLATION IS NEEDED:
This resolution is necessary to update the Financial Management Policies adopted by Resolution 14-15.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Alycia Ballone, Director of Management, Budget & Procurement
Rob Alger, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Resolution 25-85
Amended Financial Management Policies – Redline
Amended Financial Management Policies – Clean Version
Appendix A – Budget Gauge

RESOLUTION NO. 25-85

A RESOLUTION AMENDING VARIOUS FINANCIAL MANAGEMENT POLICIES FOR THE CITY OF DELAWARE.

WHEREAS, the City has operated under various financial management practices in administering its financial affairs, and

WHEREAS, the City approved resolution number 14-15 on April 14, 2014 formally adopting the Financial Management Policies of the City thus making them a part of the official record of the City of Delaware, and

WHEREAS, the City desires to amend the previously adopted Financial Management Policies changing the existing policy to include recommendations from the creation of the Community Taxation Policy, and

WHEREAS, the Finance Committee reviewed the amended Financial Management Policies at its November 3, 2025 meeting and recommended it appear before City Council, and

WHEREAS, the proposed amendments are intended to strengthen the City's financial framework by clarifying definitions, enhancing guidance during economic uncertainty, and updating reserve and purchasing policies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the attached amended Financial Management Policies document dated October 28, 2025 is hereby adopted as a policy of the City of Delaware.

SECTION 2. That the City Manager, Finance Director, and the Director of Management, Budget, and Procurement are hereby authorized and directed to follow the Financial Management Policy and to take necessary actions to comply with its guidelines.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. That this resolution shall take effect and be in force immediately after its passage.

PASSED: _____, 2025 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

CITY OF DELAWARE
FINANCIAL MANAGEMENT POLICIES

(Updated October 28, 2025)

OPERATING BUDGET POLICIES

- The City will pay for all current expenditures with current revenues and fund balances. The City will avoid budgetary procedures that balance current expenditures at the expense of future years, such as postponing expenditures, underestimating expenditures, overestimating revenues, or utilizing short-term borrowing to balance the budget.
- The budget will provide for adequate maintenance and repair of capital assets and for their orderly replacement.
- The budget will be considered balanced if revenues plus fund balance are greater than expenditures.
- The City will protect against catastrophic losses through a combination of insurance and self-insurance funded programs.
- The City will maintain a budgetary control system to help it adhere to the budget.
- Financial reports, which compare actual performance with the budget, are available on the City's network for budgetary review by the departments and divisions.
- In times of economic uncertainty or unexpected revenue decline, the City shall operate under the Budget Gauge (Appendix A or the like) to keep departments and divisions updated on spending guidance. The budget gauge is a guide, and the specific guidance will come in a memo from the City Manager and/or Finance Director.
- Temporary levies should not be used to fund operations.

RESERVE POLICIES

- The City will maintain a targeted fund balance of seventeen percent (17%) of the estimated annual expenditures in the General Fund as a reserve to address unforeseen contingencies or to be able to take advantage of opportunities that may arise.

- The City shall maintain a Reserve Account Fund at an amount of money equal to five percent (5%) of the revenue credited to the General Fund in the preceding fiscal year. The Reserve Account Fund shall be used to stabilize the City's General Fund against cyclical changes in revenues and expenditures. The Reserve Account Fund shall not be appropriated to provide for ongoing general operations of the City, but rather may be utilized to cover, in a given budget year, revenue shortfalls and expenditures that exceed projected amounts. In the event that it becomes necessary to utilize the Reserve Account Fund to stabilize the General Fund, the Reserve Account Fund shall, within three years, be re-established to a level representing five percent (5%) of the revenue credited to the General Fund in the preceding fiscal year. The year-end fund balance in the Reserve Account shall not be considered part of the unencumbered balance in the General Fund for purposes of determining the City's Estimated Revenue Available for Expenditure as certified by the County Budget Commission.

- The City shall maintain a minimum unencumbered reserve balance in the City's self-insured Health Insurance Fund at an amount equaling the sum of the outstanding claims liability as determined according to GASB Statement No. 10 and an amount representing twenty-five percent (25%) of the preceding year net administration, claims, and insurance costs.

- The City shall maintain a minimum unencumbered reserve balance in the City's self-insured retrospective Workers Compensation Fund at an amount equaling the sum of the projected ten-year future claim cost liability, ~~and~~ an amount representing fifty percent (50%) of the average of the five preceding years net workers compensation claim cost, and the balance of any known presumptive claims that are not factored into the projected ten-year future claim cost liability.~~.~~

- ~~The City will at all times maintain a balance in the Recreation Improvement Income Tax Fund and the Recreation Income Tax Bond Fund such that when added together the resulting fund balance will exceed the maximum annual debt service on the Series 2009 Parks and Recreation Income Tax Special Obligation Bonds. In the event that the total fund balance of the combined funds does not exceed the maximum annual debt service on the Series 2009 Parks and Recreation Income Tax Special Obligation Bonds, then the General Fund reserve balance will be increased above the 17% reserve by an amount when added to the reserve balances in the Recreation Improvement Income Tax Fund and the Recreation Income Tax Bond Fund will exceed the maximum annual debt service on the Series 2009 Parks and Recreation Income Tax Special Obligation Bonds.~~

- The City will maintain fund balances in the Enterprise Funds of a sufficient amount to provide for effective ongoing operations or in accordance with any revenue bond

covenants. Typical reserve balances will be in the 20 - 25% of annual operating expenses range.

- The City will maintain fund balance in the Fire and EMS Fund of a sufficient amount to provide for the effective ongoing operations without transfer from the General Fund. Typical reserve balances will be in the 20-25% of annual operating expenses range.

CAPITAL IMPROVEMENT PROGRAM POLICIES

- The City will develop a five-year Capital Improvements Program on an annual basis.
- The City will enact an annual capital improvement budget based on the multi-year Capital Improvements Program.
- The City will coordinate development of the capital improvement budget with development of the operating budget.

DEBT MANAGEMENT POLICIES

- The City will confine long-term borrowing to capital improvement projects.
- When the City finances capital projects by issuing debt, it will repay the debt within a period not to exceed the expected useful life of the project.
- The City will evaluate issuing debt and pay-as-you-go financing to maintain flexibility for the future.
- The City will continually seek to maintain and improve our current bond rating to minimize borrowing costs and to ensure that access to credit is preserved.
- The City will follow a policy of full disclosure on financial reports and official statements.
- The City will strive to have multiple funding sources for any general obligation debt issued.

REVENUE POLICIES

- The City will estimate its annual revenues by a conservative, objective, and analytical process.
- Non-recurring revenues will be used only to fund non-recurring expenditures.

- The City will encourage a diversified and stable local economy to avoid excessive reliance on any one industry or business for income tax purposes.
- The City will ~~update the Cost of Services Study~~ review the Fee Schedule, section 197.02 of the City Code, on an annual basis to calculate the costs of providing services and consider such information when establishing user charges. Furthermore, the City will do a thorough review of fees according to the Master Fee Schedule.

PURCHASING POLICIES

- Purchases will be made in accordance with federal, state, and municipal requirements.
- Purchases will be made in an impartial, economical, competitive, and efficient manner.
- Purchases will be made from the lowest priced and most responsive vendor. Qualitative factors such as vendor reputation and financial condition will be considered, as well as price.
- Purchases will be in accordance with the adopted Uniform Guidance.

CITY OF DELAWARE
FINANCIAL MANAGEMENT POLICIES

(Updated October 28, 2025)

OPERATING BUDGET POLICIES

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DEBT MANAGEMENT POLICIES

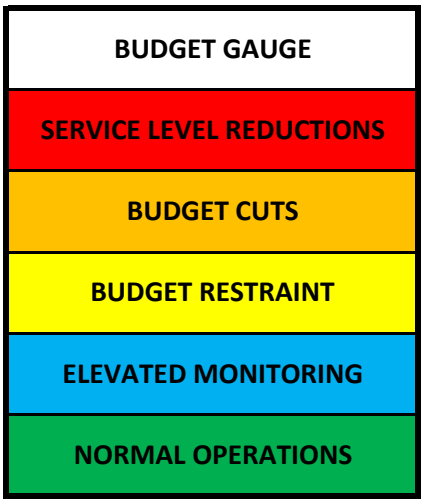
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BUDGET GAUGE
SERVICE LEVEL REDUCTIONS
BUDGET CUTS
BUDGET RESTRAINT
ELEVATED MONITORING
NORMAL OPERATIONS

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Resolutions
AGENDA SECTION:	**CONSIDERATION OF RESOLUTION NO. 25-86**
SUBJECT:	Resolution No. 25-86, a resolution adopting the City of Delaware uniform guidance policies over federal funds.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet Uniform Guidance.docx
City of Delaware UG Policies Nov 2025.docx
UGP Adoption Resolution.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 23 DATE: 11/10/2025

ORDINANCE NO: RESOLUTION NO: 25-86

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget & Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION ADOPTING THE CITY OF DELAWARE UNIFORM GUIDANCE POLICIES OVER FEDERAL FUNDS.

BACKGROUND:
This policy aims to establish proper internal controls over Federal funds as required by §200.303 of the Code of Federal Regulations; Internal Controls. The Finance Committee reviewed the attached Uniform Guidance Policies at its November 3, 2025 meeting and recommended its adoption by Council.

The internal controls specified were already in place, but the updated regulations recommend a policy formally be adopted.

REASON WHY LEGISLATION IS NEEDED:
This resolution is necessary to formally adopt the Uniform Guidance Policies.

COMMITTEE RECOMMENDATION:
Approval

FISCAL IMPACT(S):
N/A

POLICY CHANGES:

N/A

PRESENTER(S):
Alycia Ballone, Director of Management, Budget & Procurement
Rob Alger, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Resolution 25-86
Uniform Guidance Policies



UNIFORM GUIDANCE POLICIES

TABLE OF CONTENTS

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Allowable Costs	2 - 4
Time and Effort - Personal Services/Fringe Benefits	5 - 8
Procurement	9 - 12
Cash Management	13
Other Federal Items	14 - 18

PURPOSE OF THIS MANUAL:

The City of Delaware receives Federal funding from multiple Federal agencies. Federal awards are regulated by 2 C.F.R. 200, which is also referred to as the Uniform Guidance. This will be referred to as "UG" throughout this manual.

In addition to these policies, the City has created this manual to better assist employees and management in understanding Federal requirements. Federal requirements are always changing and often are difficult to interpret. The goal of this manual is to create one document our employees and management can access to find the information they need and aid in Federal compliance. The Finance Department will update this manual when necessary. Updates will be communicated to all pertinent employees and management. The guidelines discussed within this manual are considered "procedures" and are not approved by the City Council or any Federal agency.

This manual will be broken down by major compliance area. It is not meant to be all- encompassing but is meant to provide general guidance that applies to most circumstances the City would encounter. If ever a situation arises that you consider unusual and is not covered in this manual, bring this to the attention of the Finance Department.

Applying for a new Federal grant:

If a department decides to apply for a new grant, the department should email the Finance Director to make them aware. Email is the preferred method of communicating a new grant because it creates a support trail that can be referenced. This also allows the City to get prepared for the grant and assist in overall compliance. Once the grant is awarded, the department must send a signed copy of the grant agreement to the Finance Department and should keep a copy for themselves as well. This agreement is important because it lays out the purpose of the grant and the compliance requirements. The departments involved will create a separate account code to track the Federal activity, which will also aid in preparing the SEFA (discussed directly below).

If a department has any questions during the application process, they're encouraged to reach out to the Finance Department.

ALLOWABLE COSTS:

The City receives Federal awards from multiple sources. Each Federal award comes with a set of stipulations determining what those awards can be spent on. Federal awards are typically received directly from the Federal government (e.g. U.S. Department of Transportation) or are passed through to the City from a state of Ohio agency (e.g. Ohio Department of Transportation). Each grant shall have an **award agreement** which is received from the grantor (Federal government or Ohio agency).

This **award agreement** should include, but is not limited to, the following information:

- CFDA number – each grant has a CFDA number assigned to it by the Federal government.
- Sub-recipients name – this would likely be the City of Delaware.
- Passthrough number – number assigned to the City by the Federal government or Ohio agency.
- Period of performance – this indicates the time period within which the funds must be spent. For example, the award agreement might say all awards must be incurred by December 31, 202X. Incurred refers to an obligation that has taken place for the reception of goods or services. The typical liquidation period is not later than 90 days after the end of the funding period. For example, if the award agreement indicates costs must be incurred by December 31, 2024, the funds must be obligated by this date and liquidated by March 31, 2025.
- Total awards – this indicates the total funding the City will receive

For a cost to be **allowable**, it must generally meet the following basic criteria:

- Be necessary and reasonable for the performance of the Federal award
- Be a lawful expenditure under the requirements of the grant, the UG, and the City's internal policies and procedures

Below is a list of grants that Cities commonly receive. This does not mean the City of Delaware is currently receiving funding under these programs but is meant as a guide. If your grant is not included in the three grants listed below, see the other Federal awards section.

- **Highway Planning and Construction:**
    - Purpose - to (1) assist in the planning and development of an integrated, interconnected transportation system important to interstate commerce and travel by constructing, rehabilitating, and preserving the National Highway System (NHS), including Interstate highways, and other Federal-aid highways; (2) provide aid for the repair of Federal-aid highways following disasters; (3) foster safe highway design and improve bridge conditions; (4) to support community-level transportation infrastructure; and (5) to provide for other special purposes.
    - CFDA # - 20.205
    - Department – Engineering
    - Allowable costs, include but are not limited to:
        - Award-specific projects, typically involving construction (e.g. roadways, bridges)

- **Community Development Block Grant (CDBG):**
    - Purpose – to develop viable communities by providing decent housing, a suitable living environment, and expanded economic opportunities, principally for persons of low- and moderate-income.
    - CFDA # - 14.228
    - Department – Economic Development
    - Allowable costs (typically award-specific), include but are not limited to:
        - Acquisition of real property
        - Clearance, demolition, reconstruction, rehabilitation, and removal of housing, buildings, blighted structures, and improvements
        - Relocation assistance
        - Planning activities and administrative costs associated with the award
- **Federal Aviation Administration:**
    - Purpose – to expand and improve the Municipal Airport to make it more inviting to tenants that rent our T-hangars, guests that fly in to visit our City and/or fuel up, and local business owners that rent the non-City hangars at the Airport.
    - CFDA # - 20.106
    - Department – Airport and Economic Development
    - Allowable costs (typically award-specific), include but are not limited to:
        - Design, engineering, and consulting services costs associated with the award,
        - Construction, expansion, and renovation of the runway, taxiway, ramp areas
- **All other Federal awards:**
    - Purpose – This is what the award is meant to accomplish. This will be included in the award agreement from the Federal government or pass-through agency. You can also view the award application for further documentation. If unclear, contact the Finance Department.
    - CFDA # - This will be included in the award agreement. The format will be XX.XXX.
    - Allowable cost – This is what the awards can be spent on. If you do not see explicit guidance within the award agreement, there should be contact information (either email or phone number) included. Contact the Federal government or pass- through agency. If it is still unclear, contact the Finance Department.

Unallowable costs - these are costs that are not specially listed in the grant award documentation. Unallowable costs will differ for every grant. An example of unallowable costs is alcohol purchases. If you are unsure if an expenditure is allowable, contact the Finance Department and/or the regulating agency (Federal government or Ohio agency). Finance may still have you inquire from the regulating agency because Federal non-compliance is not a risk we take.

Internal control procedures over allowable costs - control procedures for Federal expenditures will be the same as control procedures over governmental expenditures. Departments create a requisition within Munis, which is approved by the Department Head. The requisition must represent an "allowable" cost as indicated above. If the requisition is for an allowable cost and the funds have been appropriated, the Finance Department will approve the requisition within Munis and create a purchase order. Once the invoice is received, it is matched to the purchase order to ensure the service/product has been properly received. All information related to the Federal expenditure is scanned into Munis prior to making payment and is reviewed by the Finance Department and originating department. Once approved, payment will be made and recorded in the Munis system against the grant-specific account code. The City does not typically receive grants that allow for the payment of salaries and benefits. However, see the "time and effort" section of this manual for control procedures specific to salaries and benefits.

Allowable costs shall be consistent with the grant application and approved grant agreement. If a change in scope is needed, it must first be approved by the granting agency; no exceptions.

TIME AND EFFORT – PERSONAL SERVICES/FRINGE BENEFITS:

The compensation for personal services by the City of Delaware includes all remuneration, paid currently or accrued, for services rendered during the period of performance under Federal awards including – but not necessarily limited to – wages, salaries, and fringe benefits. The City will ensure compensation from a Federal award will not be in excess of a similar position paid from governmental funds.

It is uncommon for the City to pay employees from a Federal award; however, if personal services and/or fringe benefits are allowable under the award, the City must follow time and effort procedures to ensure the employee's time was spent on the purpose of the Federal award. For example, the FEMA-sponsored SAFER grant is used to reimburse the City for (allowable) regular wages and benefits paid to firefighters during the grant period. Formula grants allow a certain amount of grant funds to be used for administrative duties to track the grant.

Semi-annual certifications will be used when an employee's compensation is paid solely out of one Federal program. This also is applicable if an employee is paid partially from one Federal award and partially from governmental funds. This form will be completed every six months and will be complete after-the-fact. Therefore, the form should be completed in July to document compliance for the months of January – June and should be completed in January for the months of July – December. Documentation of time and effort must be complete as long as the employee(s) are being paid from the Federal award. This form should be signed by the Department Head and the employee(s) to verify each party's acknowledgement services were paid from Federal awards. A template of a semi-annual certificate is on **page 7**. This template is also available as an attachment within this PDF.

Personnel activity reports will be used when an employee's compensation is paid out of more than one Federal award. This is very unusual to the City, but if this situation arises, the departments involved, and the Finance Department shall work together to determine the breakdown of the employee's time between each Federal award and governmental activity. At the end of each month, the involved departments will work together to determine the breakdown of the employee's activity for that month. This will always be done after-the-fact (e.g. an employee's actual time spent on each activity for January 2020 is used to determine the breakdown of pay for February 2020). This report will be signed by the employee and a representative from each department. The employee's pay for the following month will be based on this breakdown. This breakdown will be updated each month for the duration of the period the employee(s) is(are) being paid from the Federal awards and will be done after-the-fact. A template of a personnel activity report is on **page 8.** This template is also available as an attachment within this PDF.

Internal control procedures over time and effort – Documentation of time and effort must be maintained by the department head and provided to the Finance Department. A copy of time and effort documentation (semi-annual certification or personnel activity report) will be submitted to Finance and stored in the [Grant and/or ACFR] folders. All employees' pay will be determined by City Council and/or an agreement of the respective bargaining unit. However, the breakdown of pay to the correct governmental and/or Federal activity will be determined by time and effort documentation. Time and effort documentation should be supported by ESS timesheet reports, which are approved by the department head or supervisor.

If an employee can be paid entirely or partially from Federal awards, the City will strive to only compensate personnel from one Federal award for the given time period. If a department believes an employee can be paid from multiple Federal awards, they should first discuss this matter with the Finance Department.

Semi-Annual Certification

Grant Title:

Grant Year:

Funding Source:

Supervisor:

All employees who are paid in full or in part with Federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities (2 C.F.R. § 200.430). Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed.

I understand that the position(s) filled by the following employee(s) are supported entirely by funds from the Federal award listed above. I certify that 100% of the job duties of the employee(s) were related to activities in compliance with this grant award during the period from January 1, 20XX, through June 30, 20XX.

The information recorded on this form is true and correct to the best of my knowledge.

Employee Name	Employee Position	Employee Signature

Personnel Activity Report

Employee: Jane Smith

Position: Federal Grant Coordinator

Certification Period: 01/01/2X **through** 01/31/2X

Type of Schedule: X **Daily** ____ **Weekly** ____ **Biweekly** ____ **Other:** ____

Program or Cost Objective	**Distribution**
Federal grant #1	45%
Federal grant #2	10%
Non-Federally funded activity	45%
TOTAL	**100%**

I certify that I performed work consistent with the attached schedule and as distributed in the above percentages during the Certification Period.

Jane Smith _____ 02/03/20XX _____

Employee Signature Date

I certify that I have first-hand knowledge that the above employee performed work consistent with the attached schedule and as distributed in the above percentages during the certification period.

John Jones _____ 02/03/20XX _____

Supervisor Signature Date

PROCUREMENT:

Part 1 – Overview

The acquisition of goods or services with Federal monies must follow Federal procurement standards, which are described in 2 CFR Part 200 Subpart D – Procurement Standards. While the City has its own internal policy (City Code, Chapter 105 – Contracts and Purchasing), any non-personnel related item that is acquired with Federal funds must follow Federal standards. The key to being compliant with Federal procurement requirements is documentation; for every procured contract, the City must document the reason for selecting a given procurement method and the reason for selecting a given vendor.

The City follows the Ohio Revised Code (ORC) for the competitive bidding process, which establishes the bid amount that would trigger the competitive bidding process. This amount is commonly referred to as the bid threshold. This means that if the City would like to purchase a good/service that exceeds this amount, it must follow a formal competitive bidding process. According to the ORC code, the threshold amount will increase 3% each year. The annual threshold is set by the Director of the Ohio Department of Commerce and will be documented in ORC section 9.17 (See Section 9.17 - Ohio Revised Code | Ohio Laws). City employees must review the ORC requirement on an annual basis to ensure the appropriate threshold is being utilized when determining if the competitive bidding process is required or not.

Part 2 – Key Concepts

There are several key concepts to consider throughout the lifecycle of the procurement process. These concepts, described below, are applied in each of the five methods of procurement (see Part 3).

- Estimated cost of procurement – City employees must develop their own estimate of the cost to procure prior to receiving bids, proposals, or quotes. This will facilitate the selection of the correct procurement method. The estimate should be kept in the procurement records.

- Aggregate cost of purchase - this is the total cost to purchase goods or services. At no point in the procurement process, should a City employee attempt to split-up purchases to avoid competition. If goods or services are likely to be purchased from a single vendor, this should be considered a single contract and procured accordingly using the methods discussed below. However, if it does make sense for multiple vendors to provide certain goods or services relating to a project, then each vendor should be considered a single contract, procured separately. The aggregate cost of a contract should be considered a single transaction. For example, if the City enters into an agreement for a vendor to provide services for $2,000 per month, using Federal awards, the City would use the "simplified acquisition method" as discussed below since the total contract cost is $24,000 ($2,000 x 12 months).

- Suspension and debarment – before a bid process can begin, City employees must verify that each vendor bidding on a Federally funded project is not "suspended or debarred." This means the vendor is in good standing to participate in such projects. City employees must document the vendor is NOT suspended or debarred by searching the SAM.gov site and the Ohio Auditor of State's website, "Findings for Recovery.".

A “screen grab” of the searches must be included within the documentation to verify a vendor can be awarded a contract.

- Procurement file – this is the documentation that supports the procurement process, which ultimately leads to the selection of a vendor. The procurement file MUST be maintained by each department. The support included in the procurement file should include:

- ✓ Rationale for the method of procurement
- ✓ Selection of contract type (if applicable)
- ✓ Public advertisement of procurement, if applicable (typically done on Bid Express and the City’s website)
- ✓ Contractor selection or rejection (typically done through Notice of Award)
- ✓ The basis for the contract price
- ✓ SAM.gov search for Federal projects to ensure the contractors being considered are not suspended or debarred
- ✓ Signed agreement between the City and the contractor (if applicable)

Part 3 – Federal Procurement Standards & the City’s Process

According to the 2 CFR Part 200 Subpart D – Procurement Standards, there are five different methods of procurement the City can use for acquiring goods and services. The City of Delaware’s monetary thresholds are described below within each procurement method and are consistent (and in most cases, more conservative) with Federal procurement standards.

Micro-purchase: The City considers a micro-purchase as a good or service costing $250 or less. These purchases do not require multiple formal estimates or quotes; however, the City should do its best to distribute these purchases among available vendors. In other words, the City does not need to document the vendor selected. Purchases cannot be broken into separate purchase orders (PO) for the purpose of reducing the costs of each PO to less than $250 (which is less than the federal micro-purchase threshold at $10,000), which Title 48 of the Federal Acquisition Regulations defines as the micro-purchase threshold.

Example: An employee would like to attend a training webinar which costs $200. The employee only needs to provide the City with a funded invoice. No purchase order is required and obtaining a quote or multiple estimates is not necessary.

Simplified acquisition: The City has three slightly different avenues for making what is considered a simplified acquisition:

1. Purchases that do not need multiple quotes. These types of purchases range between $250 and $5,000 and do not require the selection of a vendor based on multiple quotes. These purchases are made with a Purchase Order (PO) that is approved by the Department Director, Finance Director and City Manager’s Office.

2. For *routine* purchases (e.g., office supplies) between $5,000 and bid threshold, it is suggested to obtain price and rate quotes by not less than three sources. For these types of purchases, quotes can be self-

generated (also referred to as an informal quote) meaning City employees can look up an item online through three different vendors to obtain a price.

3. For purchases that are considered *non-routine* (e.g., playground equipment) and cost between $10,000 and bid threshold, three formal quotes are suggested and they should be vendor generated. Each vendor should furnish:

    - Description of the goods/services to be supplied
    - Total cost including delivery and installation
    - Terms and conditions
    - Timeline for receipt of goods/services
    - Quote expiration date

    If the three quotes have been obtained, they should be attached to the requisition in the City's ERP system or stored by the department making the purchase.

    Competitive sealed bidding/formal advertising: For purchases that exceed the current bid threshold the City follows the ORC and requires a competitive sealed bidding process. This method of procurement is typically used for construction projects and typically involves a firm fixed price contract awarded to the lowest responsive and responsible bidder. To manage the competitive bidding process, the City uses the web-based software, Bid Express.

    Most of the City's federally funded projects are administered through the Engineering Department or the City's airport. Prior to submitting any application for a federally funded grant, the City Department normally obtains City Council approval. All procurements using federal funds must comply with the Uniform Guidance (2 CFR 200.317–200.327) and the City's Procurement Policy.

    For purchases exceeding the bid threshold, a formal Notice to Bidders (NTB) shall be publicly advertised. The NTB must clearly describe how to obtain bidding documents (including the specifications, plans, requirements, and evaluation criteria) to allow prospective bidders to respond appropriately. All bids shall be received and publicly opened at the date, time, and location specified in the NTB.

    If fewer than two bids are received, or if only one responsible bid is submitted after adequate solicitation, the City will follow the procedures outlined under Noncompetitive Proposals, consistent with §200.320(c). Evaluation methods and scoring matrices will vary depending on the solicitation type, but all criteria used for selection will be documented and made available upon audit request.

    All procurement activities must be conducted in a manner providing full and open competition and must include safeguards to prevent conflicts of interest as required by §200.318(c). Documentation of the procurement process, including rationale for the method of procurement, contract type, and basis for contractor selection, shall be maintained for audit purposes.

    Competitive proposals/negotiation: This procurement method is typically used for purchases that exceed the bid threshold and conditions are not appropriate for using sealed bids. This procurement method may

result in either a fixed-price or cost-reimbursement contract. According to the Federal guidance these types of contracts are to be awarded with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

2. The recipient or subrecipient must have written procedures for conducting technical evaluations and making selections.

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the recipient or subrecipient considering price and other factors; and

4. The recipient or subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

   The City maintains a list of prequalified firms, primarily A/E in nature, that have been evaluated and approved based on their demonstrated technical competence and professional qualifications. This list is updated at least every three years through a Request for Qualifications (RFQ) process, scored using a weighted matrix based on qualifications criteria and not price.

   While the prequalified list serves as the City's primary source for A/E professional services, the City retains discretion to solicit or consider additional qualified firms that are not currently on the list when:

   - The required expertise is not adequately represented among prequalified firms;
   - A specific project's scope or complexity warrants broader competition; or
   - Federal, state, or local requirements call for additional outreach to ensure full and open competition.

   When such circumstances occur, the City may issue a supplemental RFQ or otherwise advertise the opportunity in accordance with the principles of open competition and fairness described in 2 CFR 200.319. All firms—whether prequalified or newly considered—will be evaluated using the same qualifications-based criteria to ensure consistency and transparency.

   Noncompetitive proposals: should be used only when the award of a contract is infeasible under the simplified acquisition, competitive sealed bidding, and competitive proposal methods and one or more of the following conditions exist:

- The item is only available from a single source. The City must document the specific reasons why the good or service is only available from one specific vendor and maintain this documentation for support.
- The public need or emergency will not permit the delay which would result from competitive solicitation. Reason for the emergency should be maintained as support (documented per Section 73 of Delaware City Charter).
- The Federal awarding agency or pass-through entity expressly authorizes in writing (such as an email). Copy of the authorization should be maintained as support.
- After solicitation of a number of sources, competition is deemed to be inadequate. If the City goes through the NTB process for a competitive sealed bid or a competitive proposal (both discussed above) and only one response is received, the City should include this as documentation for the selection of that vendor. This assumes the vendor is willing and able to perform the work as specified in the NTB.
- Services acquired under noncompetitive proposals could include, but are not limited to, professional services, engineering services, architectural services, and legal services.

Occasionally, the City will procure goods through a "cooperative purchasing agreement." For example, if the City needs to procure a new snow plow it may "piggyback" on a contract with the State of Ohio, which has already competitively bid a contract out, to obtain the snowplow. City Council is responsible for approving each entity that the City enters into a cooperative purchasing agreement with.

Internal Control Procedures Over Procurement

Control procedures for Federal expenditures will be the same as control procedures over governmental expenditures. Departments create a requisition in Munis (the City's enterprise resource planning software) which then goes through several layers of approval. For any projects with Federal funds, a grant agreement and contract are housed in Munis and tied directly to the requisition as an extra precaution.

If proper support is available and the funds have been appropriated, the requisition is approved within Munis and a purchase order is created. Once the invoice is received, the originating department matches the invoice to the purchase order to ensure alignment and accuracy. All information related to the federal expenditure is scanned into Munis prior to making payment and is reviewed by the originating department and then subject to Finance Department's review. Once approved, payment will be made and recorded in the Munis system against the grant-specific account code.

For more information on procurement, see the City of Delaware's official policy in the City Code, Chapter 105 – Contracts and Purchasing. The City is required by the UG to adopt a policy over procurement.

CASH MANAGEMENT:

Federal awards received by the City must be spent in a timely fashion. Federal requirements attempt to minimize the time between the receipt of Federal funds and the expenditure of Federal funds by the City. The award agreement will typically indicate if the grant is funded on an advance basis or reimbursement basis. These two methods are further discussed below:

- Advance basis: under this basis, the City receives the funding from the Federal government or pass-through agency before the disbursement occurs. If this method is used, the disbursement by the City must happen as close to the date the funds are received as administratively possible. Typically, the disbursement of Federal funds should occur within 30 days of receipt. In other words, the City should spend the money within 30 days of receiving it. However, some grants, such as the ARPA grant, allowed the City to spend the advanced proceeds over several years.
- Reimbursement basis: under this basis, the City receives funding from the Federal government or pass-through agency after the disbursement occurs. In other words, the City must spend the funds on an allowable cost and then request reimbursement. Typically, the Federal government or pass-through agency will request support be submitted by the City to ensure the reimbursement is for an allowable cost. If approved, the reimbursement will occur. The City must maintain support showing the cost for which reimbursement was requested was paid prior to the date reimbursement was requested.
    - This is the preferred method used by the City and if the grant agreement allows, and the City can afford to front the costs, should be used by all departments.

Internal control procedures over cash management – control procedures for Federal receipts will be the same as control procedures over governmental receipts. The request for payment from a Federal government or pass-through agency will typically stem from the department overseeing the grant. The first thing a department employee should do is read the award agreement to verify the method for requesting Federal funds – either advance basis or reimbursement basis. When Federal funds are requested, payments should be directed to the Finance Department, along with any other funds received by the department. Be sure to document the source of the funds so the Finance Department knows they are Federal in nature. The Deputy or Financial Specialist within the Finance Department will post the receipt, and scan-in the supporting documentation related to the receipt. All 'checks' will then be scanned and remotely deposited into the City's bank account(s).

OTHER FEDERAL ITEMS:

Noncompliance – what to do if you think you're not compliant with the grant requirements:

Noncompliance can arise from internal review (City internal control procedures) or from external review (audit). If a department believes they've been noncompliant with the stipulations of an award agreement, the first thing they should do is refer to the award agreement and pinpoint the potential area of noncompliance. The next step is to contact the Finance Department to get its opinion on the matter. The departments should work together to determine the course of action to be taken. The most important element of this process is "communication." Noncompliance happens – it's always best to face it head-on and learn from it. After the departments develop a plan, the department will likely get in touch with regulating agency (either the Federal government or Ohio pass-through agency). The regulating agency will likely provide guidance on what the City can do to rectify the situation. If noncompliance is discovered internally, the departments should also inform any outside auditors of the situation, as well as the steps the City has taken to correct the issue.

Noncompliance can lead to a loss of future grant funding; therefore, it's important to always be familiar with the award requirements to assist in compliance. Try to be proactive with questions regarding compliance. If you are ever uncertain on any element of a Federal award, discuss this with the Finance Department before taking action.

Equipment/real property:

It is unusual for the City to acquire equipment/real property with Federal awards. Departments should not use Federal awards to purchase or acquire equipment/real property unless specifically mentioned within the award agreement (e.g. Fire Truck). Equipment is any tangible personal property having a useful life of more than one year and having a per-unit acquisition cost of more than $10,000. Real property means land, including land improvements and structures, but excludes moveable machinery and equipment.

The acquisition of equipment/real property is typically an unallowable use of Federal funds, unless the department has the prior written approval of the Federal awarding agency or pass-through entity. If you plan to use Federal funds to purchase equipment/real property, contact the Finance Department first to determine if the purchase is allowable.

If the City has acquired equipment with Federal funds, a physical inventory must be completed every two years. If equipment is acquired, the following information must be kept within the property records:

- Description of the property
- A serial number or other ID number
- Source of funding (including the Federal Award Identification Number – FAIN)
- Who holds the title?
- Acquisition date
- Cost of property
- Percentage of Federal participation in the acquisition

- Location
- Use and condition of property

The disposition of equipment/real property that was acquired with Federal funds typically occurs after the project is complete; however, this is also unusual to the City as most of our Federal grants pay for infrastructure improvements. If the book value of the asset is ***less*** than $10,000, the City department can retain, sell or dispose of the asset without further involvement of the Federal awarding agency. If the book value of the asset is ***more*** than $10,000, the City department must:

- Request disposal instructions from the Federal awarding agency. The Federal awarding agency must respond within 120 days.
    - If instructions *are* received, the City department must follow these instructions.
    - If instructions *are not* received, the asset can be retained, sold, or disposed.
        - If sold – the Federal participation percentage of the proceeds must be paid to the Federal awarding agency. For example, the City spent $250,000 to purchase piece of equipment. Federal funds paid for $125,000 of the asset (50%) and the City paid the other $125,000. The asset was later sold for $25,000; therefore, the Federal awarding agency would be entitled to $12,500.
        - If retained – the Federal participation percentage of the "book value" must be paid to the Federal awarding agency.
- The City department may transfer title to the Federal awarding agency, or an eligible third- party.

Subrecipient monitoring:

A subrecipient means a governmental entity that receives a subaward from a pass-through entity to carry out part of a Federal program but does not include an individual that is a beneficiary of such program. For example, the City can be a subrecipient of ODOT. ODOT receives funding from the U.S. Department of Transportation and passes those Federal funds through to the City. This relationship is known as a pass-through grant. If the City provides Federal funding to another local government to assist in carrying out the purpose of the grant, the other local government is likely a subrecipient. If the City enters a subrecipient relationship with another entity, the City must establish an agreement with the other entity that identifies the subaward and the applicable requirements. The City must also monitor the subrecipient to ensure the Federal awards are used for authorized purposes.

Characteristics of a subrecipient include:

- Determines who is eligible to receive what Federal assistance.
- Has its performance measured in relation to whether objectives of a Federal program were met.
- Has responsibility for programmatic decision making.
- Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

- In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

It is unusual for the City to enter a subaward arrangement with another entity. If you feel you have a potential subrecipient, you must follow the 2 CFR 200.330 – 200.332 (**Link**: Subrecipient Requirements).

Travel Costs:

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the City. These costs can be charged as direct costs to the grant if they are necessary and reasonable, and included in the grant agreement (see the allowable costs section of the manual). Travel costs must follow the City's travel policy and be approved by the Department Head. Also, if Federal funding is involved, the travel costs must additionally be approved by a member of the Finance Department to ensure allowability under the grant.

It is unusual for the City to incur travel costs as a Federal expenditure. However, if you feel certain travel expenses are eligible as a Federal expenditure, you must follow the 2 CFR 200.474 (**Link**: Travel Costs).

Preparing the Schedule of Expenditures of Federal Awards (SEFA):

Per the UG, the City is required to prepare its own SEFA. This SEFA is provided to the City's auditors each year, so accuracy is important! If total Federal expenditures exceeds $1,000,000, the City is required to undergo a single audit. It's important we have the participation of all departments to ensure the City's SEFA is complete and accurate. The SEFA must cover the same period as the financial report, which for the City is January 1 – December 31 of the applicable year. The SEFA will be presented on a "cash" basis and will use information available through the City's accounting system and the information provided by each department. Each department is required to provide the grant agreement(s) and a complete list of Federal disbursements for the applicable period. The grant agreement should include the Federal agency or pass-through agency, the name of the grant, the amount awarded, the CFDA number and it should be signed. Support for the Federal disbursements can include system reports, invoices, or any other correspondence with the Federal government or vendors used. The Finance Department will prepare this schedule but may reach out to the departments if further clarification is needed.

Miscellaneous:

The City will comply with 2 CFR 200.217 by making all employees who are involved with Federal grants aware of fraud reporting requirements and whistleblower protections. This regulation provides that an employee of a recipient or subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. See the City's full policy in the City's policy manual.

The City will take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the recipient or subrecipient considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

RESOLUTION NO. 25-86

A RESOLUTION ADOPTING THE CITY OF DELAWARE UNIFORM GUIDANCE POLICIES OVER FEDERAL FUNDS.

WHEREAS, the City of Delaware recognizes the importance of establishing clear, transparent, and strategic guidelines over applying for Federal funding and having proper internal controls over Federal funds; and

WHEREAS, the City Council, working in coordination with the Finance Committee and the City's Finance and Management, Budget, and Procurement Departments; and

WHEREAS, this policy establishes proper internal controls over Federal funds as required by §200.303 of the Code of Federal Regulations; Internal Controls; and

WHEREAS, the Finance Committee and the City Manager have reviewed and endorsed the final draft of the Uniform Guidance Policies dated November 5, 2025, and recommend its adoption by Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio that:

SECTION 1. This Council hereby adopts the Uniform Guidance Policies dated November 5, 2025, as the official policy related to uniform administrative requirements, cost principles, and audit requirements for Federal awards.

SECTION 2. The City Manager, Director of Finance, and Director of Management, Budget, and Procurement are hereby authorized and directed to implement the provisions of the Uniform Guidance Policies and to take all necessary actions to comply with its requirements and principles.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. That this resolution shall take effect and be in force immediately after its passage.

PASSED: _____, 2025 YEAS____ NAYS____

ABSTAIN ____

ATTEST: _____ _____

CITY CLERK MAYOR

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	November 10, 2025
SUBMITTED BY:	Kim Gepper, City Manager Office
ITEM TYPE:	Discussion Item
AGENDA SECTION:	**CITY MANAGER'S REPORT**
SUBJECT:	October 2025 Contract Approvals
SUGGESTED ACTION:	

ATTACHMENTS:
Contract Approvals Oct 2025.pdf

CONTRACT APPROVALS - October 2025				
VENDOR	**EXPLANATION OF AGREEMENT**	**2025 Amount**	**DEPARTMENT**	**DATE**
Modern Office Methods	Copier Purchase - Economic Development	$4,257.93	IT	10/10/2025
Granicus	Website Update - Multi-year contract 2025-2029	$181,772.89 over 5 years	IT	10/16/2025
CHA Consulting	Airport Engineering Svcs. TO5	-$2,610.00	Public Works	10/16/2025
Burgess & Niple	Space Needs Study	$127,500.00	CMO	10/17/2025
Burgess & Niple	Stormwater Polution Prevention Plan - Public Works	$5,800.00	Public Utilities	10/17/2025
Burgess & Niple	Stormwater Polution Prevention Plan - Airport	$7,000.00	Public Utilities	10/17/2025
Burgess & Niple	SPCC Spill Prevention - Public Works	$6,500.00	Public Utilities	10/17/2025
Bluebeam Inc.	Software for Engineering Dept.	$3,300.00	IT	10/20/2025
Glofiber	Fiber Install 36/37 & 521	$20,615.00	IT	10/20/2025
Glofiber	Fiber to Valleyside Traffic Vault, William St. and Valleyside Dr.	$20,095.00	IT	10/20/2025
A&N Construction	Concrete Repair/Coating Work	$49,499.00	Public Utilities	10/20/2025
Burgess & Niple	2026 Groundwater, Surface Water, Leachate, and Explosive Gas Monitoring Cherry St. and Curve Rd. Landfill	$92,220.00	Public Works	10/22/2025
Delaware Public Health District	Regional Healthcare Emergency Preparedness Coalition	N/A	Fire	10/27/2025
Strawser Paving	24-05 CDBG Local Resurfacing Program CO3	-$12,468.00	Public Works	10/27/2025
Tommy's Car Wash	Fleet Car Wash Contract	$8 Per wash	CMO	10/28/2025
Modern Office Methods	Copier Replacement Municipal Court	$10,948.84	IT	10/28/2025