COUNCIL CHAMBER

VILLAGE OF KELLEYS ISLAND, OHIO

ORDINANCE NO. 2026 – O - 28

INTRODUCED BY: MAYOR RONALD E. EHRBAR

AN ORDINANCE ESTABLISHING A MUNICIPAL SANITARY SEWER COLLECTION SYSTEM AND WASTEWATER TREATMENT PLANT (WWTP); REGULATING CONNECTIONS AND DISCHARGES; SETTING FORTH USER CLASSIFICATIONS; PROVIDING FOR USER CHARGES BY SEPARATE RESOLUTION; AND PRESCRIBING ENFORCEMENT, APPEALS, AND RELATED MATTERS FOR THE VILLAGE OF KELLEYS ISLAND, OHIO.

SECTION 1. Purpose.

The purpose of creating this ordinance is to protect public health and Lake Erie; comply with state and federal water pollution control requirements; and to operate a sustainable public utility to collect and treat wastewater generated within the Village.

SECTION 2. Authority.

This Ordinance is adopted pursuant to Article XVIII, Ohio Constitution; Ohio Revised Code (ORC) Chapters 715 (general municipal powers), 727 (special assessments), and 729 (sewers), including ORC 729.49–729.52 (rates, management, bylaws, and sewer fund); and applicable Ohio EPA rules for NPDES permitting (OAC 3745-33; 3745-38). Rates and fees shall be established by separate Council ordinance(s).

SECTION 3. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- ***Village***: The Village of Kelleys Island, Ohio.
- ***WWTP***: The Village's wastewater treatment plant.
- ***Collection System***: All publicly owned gravity mains, force mains, manholes, lift stations, valves, grinder pumps (if publicly owned), and appurtenances located within existing Village easements or rights of way.
- ***Building Sewer/Lateral***: The privately owned pipe from a building to the public rights of way or grinder pump connection point.
- ***Owner***: The record owner of real property.
- ***User***: Any person, entity, or premises discharging to the Village system.
- ***Sanitary Sewer***: A sewer intended to carry domestic and permitted industrial wastewater.
- ***Inflow/Infiltration (I/I)***: Unintended stormwater, surface water, or groundwater entering the sanitary system.
- ***FOG***: Fats, oils, and grease.
- ***Prohibited Discharge***: Any discharge banned by this Ordinance or the Village's permits.
- ***Director***: The Village Administrator or designee responsible for sewer operations.

SECTION 4. Establishment of System; Ownership; Operation.

A. The Village hereby establishes and owns the sanitary sewer collection system and WWTP as a public utility.

B. The Director shall manage, operate, repair, and maintain the system and may promulgate rules consistent with this Ordinance.

C. The Director may adopt technical standards (design criteria for laterals, grinder pumps, backflow prevention, clean-outs, inspections) and require permits and inspections.

SECTION 5. Mandatory Connection.

A. Properties within the service area shown on Exhibit A ("Services Area") that abut or are accessible to a public sewer shall connect.

B. Owners shall connect within 180 days of written notice of availability or by the date specified

in the notice.
C. Upon connection, Owners shall properly abandon existing septic systems per Ohio EPA/local health standards (pump, crush/cap, backfill).
D. Failure to connect is a violation subject to penalties and may be enforced via civil action and/or special assessments in accordance with ORC Chapter 727 and Section 729.06.

E. The Village has established a process for homeowners to request deferral of mandatory connection to the Village Sanitary Sewer System via Resolution No. 2026 (Request to Not Connect).

F. Pursuant to ORC 6117.51 properties from which sewage or other waste originates that are two hundred feet from the nearest boundary of the right-of-way within which the public sewer is located are exempt from mandatory connection, subject to the Director's discretion.

SECTION 6. Building Sewers and Grinder Pumps.
A. Permit required for installation or modification of a building sewer/lateral or grinder pump.
B. Construction shall comply with Erie County and Village standards, plumbing code, and manufacturer specifications.
C. Ownership: (1) Publicly owned grinder pumps, if utilized, shall be maintained by the Village; Owners shall provide access and power; (2) Privately owned laterals are the Owner's responsibility to the point of connection, including clean-outs/backflow protection.
D. Inspection: The Village may inspect laterals, clean-outs, and pumps at reasonable times; where entry is refused, lawful administrative inspection processes shall be followed.
E. I/I Prevention: Owners shall prevent inflow and infiltration and promptly correct defects identified by the Village.

SECTION 7. Prohibited Discharges.
No person shall discharge to the system: (1) Stormwater, surface water, groundwater, roof downspouts, footing/foundation drains, sump pumps, yard drains, or cooling water; (2) Hazardous/toxic, flammable, or explosive substances; strong acids/alkalis; petroleum products; pesticides; (3) Excessive FOG, sludge, screenings, or obstructive materials; (4) High-strength waste beyond Village limits without written authorization; (5) Any discharge violating the Village's NPDES permit, Ohio EPA rules, or federal pretreatment standards.

SECTION 8. User Classes; Non-Domestic User Controls.
A. Residential and typical commercial users may discharge domestic wastewater consistent with this Ordinance.
B. Non-domestic users (e.g., restaurants, laundries, labs, light industry) may be required to obtain a Sewer Use Permit, install pretreatment, provide sampling points, and report flows/loads.
C. The Village may adopt a Pretreatment Program if required by Ohio EPA.

SECTION 9. FOG Controls.
A. Food service establishments shall install and maintain grease interceptors sized per Ohio Plumbing Code (OPC), Erie County Sewer District Rules & Regulations and its FOG management program and Village standards; maintain manifests for three years; and comply with BMPs. Chemical emulsifiers allowing FOG to pass interceptors are prohibited.

B. Owners are legally responsible to: Keep traps in continuous efficient operation; Clean regularly; Provide maintenance documentation when requested. Wastewater discharged to the sewer system must contain < 100 mg/L of FOG.

C. Exterior grease interceptors are typically required, with a minimum standard of 750-gallon capacity for commercial systems. Small indoor traps alone are not acceptable for protecting the public sewer system.

D. The Village may require corrective actions, issue compliance orders, and recover costs for damages or cleanup. Violations may escalate to industrial pretreatment enforcement and Ohio EPA enforcement if environmental discharge occurs. Any operation that produces grease must control it, limit its discharge, and maintain equipment or face enforcement action.

SECTION 10. User Charges; Fees; Assessments.

A. A sewer utility is established; rates/fees adopted by Resolution or Ordinance.

B. Connection/Tap fees shall be paid prior to permit issuance.

C. Delinquencies are subject to penalties and may be certified for collection as permitted by law.

SECTION 11. Access; Easements; Interference.

A. Owners shall grant reasonable access to Village personnel for public equipment on private property.

B. No person shall obstruct, damage, or tamper with the public system.

C. The Village may enter upon public easements and rights-of-way to perform work.

SECTION 12. Enforcement; Inspections; Notices.

A. The Director may issue Notices of Violation, orders to correct, and administrative penalties.

B. The Village may suspend service for imminent threats, illegal connections, or hazardous discharges.

C. The Village may seek injunctive relief, civil penalties, and recovery of costs (including attorney's fees).

D. Each day of violation is a separate offense.

SECTION 13. Penalties.

Administrative fines up to $500 per violation per day, in addition to actual damages and costs. Criminal penalties as authorized by Village code and state law. Service restoration may require proof of correction, payment, and inspection.

SECTION 14. Emergency and Operational Authority.

The Director may take immediate actions necessary during emergencies (e.g., power failures, overflows, flooding, lake surge events) to protect public health, the WWTP, and the environment.

SECTION 15. Appeals.

Aggrieved persons may appeal to Village Council within 30 days. Village Council may affirm, modify, or reverse following a hearing.

SECTION 16. Rules and Technical Standards.

The Director may issue Sewer Use Rules and Technical Standards (design criteria; grinder pumps; inspections; pretreatment; FOG; I/I reduction). Rules shall be filed with the clerk and posted for public access.

SECTION 17. Severability.

If any provision is invalidated, the remainder remains in full force and effect.

SECTION 18. Effective Date.

This Ordinance shall be in effect from and after the earliest period allowed by law.

DATED THIS 14th DAY OF NOVEMBER, 2026.

Ronald E Ehrl

MAYOR _____ _____

ATTEST:

Lisa M Klonaris

_____, **CLERK-TREASURER**