

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

EMERGENCY CLAUSE ADOPTED

3/16/20

GOVERNMENT FORMS & SUPPLIES (644) 224-9338, FORM NO. 30043

Ordinance No. 8832

Passed April 20, 2020

ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,010,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S PARK AND RECREATION FACILITIES BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW CITY PARK COMMUNITY BUILDING, AND INCLUDING LANDSCAPING, PAVING AN ENTRY DRIVE AND PARKING LOT AND CONSTRUCTING A PATIO, TOGETHER WITH NECESSARY AND INCIDENTAL APPURTENANCES AND SUCH OTHER COSTS OF THOSE IMPROVEMENTS AS ARE PERMITTED BY REVISED CODE SECTION 133.15 TO BE FUNDED FROM THE PROCEEDS OF SECURITIES, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 8763, passed on April 15, 2019, the City issued \$1,010,000 of notes (the Outstanding Notes), in anticipation of bonds for the purpose stated in Section 1, as part of a consolidated issue of \$1,900,000 Various Purpose Improvement Notes, Series 2019, which Outstanding Notes mature on May 29, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the issuance of the Bonds, is May 29, 2039;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bowling Green, County of Wood, State of Ohio, that:

Section 1: Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount not to exceed \$1,010,000 (the Bonds) for the purpose of improving the City's park and recreation facilities by constructing, furnishing and equipping a new City Park Community Building, and including landscaping, paving an entry drive and parking lot and constructing a patio, together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities.

Section 2: Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2021, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2021, and the first principal payment of the Bonds is estimated to be December 1, 2022.

Section 3: Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount not to exceed \$1,010,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall be dated their date of issuance and shall mature one year from their date of issuance; however, the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is

provided for. The principal amount of and the rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

**Section 4: Payment of Debt Charges; Paying Agent.** The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director 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 Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

**Section 5: Form and Execution of Notes; Book Entry System.** The Notes shall be signed by the Mayor and the Finance Director, 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 the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director 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 Finance Director 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 (i) 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 (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its 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 under federal law 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), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security 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, (i) 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; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) 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 (iv) 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 Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, 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 to order 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 Finance Director 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. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Finance Director shall sign the Certificate of Award 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 Mayor, the Finance Director, the City Attorney, the Clerk of Council and other City officials, as appropriate, 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. The Finance Director 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 Revised Code.

The Finance Director is authorized to (i) engage the services of a municipal advisor and (ii) request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, 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. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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. Provisions for Tax Levy. 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 money from the municipal income tax is available for the payment of the debt charges on the Notes or Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes or 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 covenants, subject and pursuant to such authority, including particularly Revised Code Sections 133.05(B)(7) and 5705.51(A)(5) and (D), to appropriate annually from those municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes or Bonds.

Section 10. Federal Tax Considerations. 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, 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 Finance Director, or any other officer of the City having responsibility for issuance of the Notes is authorized (a) to make or effect any election, selection, designation (including, specifically, designation or treatment of the Notes as "qualified tax-exempt obligations"), 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 provided for in or 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, 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, as determined by that officer, 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.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and the signed Certificate of Award to the County Auditor of Wood County.

Section 12. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, 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, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director 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.

Section 13. Satisfaction of Conditions for Note Issuance. This 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 14. Compliance with Open Meeting Requirements. 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 or its committees 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.

Section 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be delivered at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: April 20, 2020   
 Date President of Council  
**Mark Hollenbaugh**

Attest:   
 Clerk of Council  
**KAY D. SCHERREIK**

Approved: April 21, 2020   
 Date Mayor  
**MICHAEL A. ASPACHER**

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

CERTIFICATION  
 This is to certify that the foregoing is a true copy of Ord No 8832 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020.  
  
 Clerk of Council

## FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

As fiscal officer of the City of Bowling Green, Ohio, I certify in connection with your proposed issue of not to exceed \$1,010,000 of notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving the City's park and recreation facilities by constructing, furnishing and equipping a new City Park Community Building, and including landscaping, paving an entry drive and parking lot and constructing a patio, together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities (the improvement), as follows:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years, being my estimate of the life or period of usefulness of the improvements. 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 30 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 30 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 30 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 May 29, 2039, which date is 240 months from their original date of issuance (May 29, 2019).

Dated: March \_\_, 2020

  
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Director of Finance  
City of Bowling Green, Ohio

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

EMERGENCY CLAUSE ADOPTED 3/16/20

GOVERNMENT FORMS & SUPPLIES (644) 224-3338 FORM NO. 30043

Ordinance No. 8833

Passed April 20, 2020

ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$505,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE FOR CITY PURPOSES, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 8764, passed on April 15, 2019, the City issued \$890,000 of notes (the Outstanding Notes), in anticipation of bonds for the purpose stated in Section 1, as part of a consolidated issue of \$1,900,000 Various Purpose Improvement Notes, Series 2019, which Outstanding Notes mature on May 29, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3, and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the issuance of the Bonds, is May 29, 2039;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bowling Green, County of Wood, State of Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds: Purpose. It is necessary to issue bonds of the City in the aggregate principal amount not to exceed \$505,000 (the Bonds) for the purpose of paying costs of acquiring real estate for City purposes.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2021, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2021, and the first principal payment of the Bonds is estimated to be December 1, 2022.

Section 3. Authorized Principal Amount of Notes: Dating: Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount not to exceed \$505,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall be dated their date of issuance and shall mature one year from their date of issuance; however, the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The principal amount of and rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges: Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director 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 Finance Director if agreed to by the Finance Director and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, 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 the denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director 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 Finance Director 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 (i) 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 (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its 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 under federal law 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), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security 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, (i) 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; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) 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 (iv) 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 Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, 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 to order 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 Finance Director 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. Award and Sale of the Notes.** The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Finance Director shall sign the Certificate of Award 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 Mayor, the Finance Director, the City Attorney, the Clerk of Council and other City officials, as appropriate, 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. The Finance Director 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 Revised Code.

The Finance Director is authorized to (i) engage the services of a municipal advisor and (ii) request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 7. Application of Note Proceeds.** The proceeds from the sale of the Notes, except any premium and accrued interest, 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. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds.** 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. Provisions for Tax Levy.** 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 money from the municipal income tax is available for the payment of the debt charges on the Notes or Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes or 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 covenants, subject and pursuant to such authority, including particularly Revised Code Sections 133.05(B)(7) and 5705.51(A)(5) and (D), to appropriate annually from those municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes or Bonds.

**Section 10. Federal Tax Considerations.** 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, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, 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 Finance Director, or any other officer of the City having responsibility for issuance of the Notes is authorized (a) to make or effect any election, selection, designation (including, specifically, designation or treatment of the Notes as "qualified tax-exempt obligations"), 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 provided for in or 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, 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, as determined by that officer, 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.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and the signed Certificate of Award to the County Auditor of Wood County.

Section 12. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, 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, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Finance Director 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.

Section 13. Satisfaction of Conditions for Note Issuance. This 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 14. Compliance with Open Meeting Requirements. 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 or its committees 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.

Section 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be delivered at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: April 20, 2020 [Signature]  
Date President of Council  
Mark Hollenbaugh

Attest: [Signature]  
Clerk of Council  
KAY D. SCHERREIK

Approved: April 21, 2020 [Signature]  
Date Mayor  
MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

CERTIFICATION  
This is to certify that the foregoing is a true copy of Ord No. 8833 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020  
[Signature]  
Clerk of Council

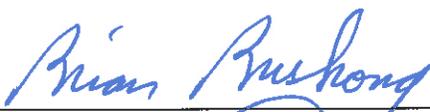
## FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

As fiscal officer of the City of Bowling Green, Ohio, I certify in connection with your proposed issue of not to exceed \$505,000 of notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring real estate for City purposes (the improvement), as follows:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 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 May 29, 2039, which date is 240 months from their original date of issuance (May 29, 2019).

Dated: March \_\_, 2020

  
\_\_\_\_\_  
Director of Finance  
City of Bowling Green, Ohio

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. 8835

Passed April 20, 20 20

**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO APPLY FOR A LOAN AND EXECUTE AN AGREEMENT WITH THE OHIO EPA/OHIO WATER DEVELOPMENT AUTHORITY FOR WATER SUPPLY REVOLVING LOAN ACCOUNT FUNDING FOR THE DESIGN, EQUIPMENT, AND CONSTRUCTION OF THE LOW SERVICE PUMP STATION NO. 1 IMPROVEMENTS AT THE WATER TREATMENT PLANT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to apply for a loan and execute an agreement with the Ohio EPA/Oho Water Development Authority for water supply revolving loan account funding for the design, equipment, and construction of the Low Service Pump Station No. 1 improvements at the Water Treatment Plant.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Mark Hollenbaugh  
Date President of Council  
**Mark Hollenbaugh**

Attest: Kay D. Scherreik  
Clerk of Council  
**KAY D. SCHERREIK**

Approved: April 21, 2020 Michael A. Aspacher  
Date Mayor  
**MICHAEL A. ASPACHER**

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the foregoing is a true copy of Ord No. 8835 passed by the Council of the City of Bowling Green, Ohio, April 20, 20 20  
Kay D. Scherreik  
Clerk of Council

1st Reading: 3-16-2020

**RECORD OF ORDINANCES** 2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3336 FORM NO. 30243

Ordinance No. 8836 Passed April 20, 20 20

**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO REQUEST QUALIFICATIONS AND ENTER INTO A CONTRACT OR CONTRACTS FOR ENGINEERING SERVICES RELATED TO THE LOW SERVICE PUMP STATION NO. 1 IMPROVEMENTS AT THE WATER TREATMENT PLANT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to request for qualifications and enter into a contract or contracts for engineering services related to the Low Service Pump Station No. 1 improvements at the Water Treatment Plant.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 [Signature]  
Date President of Council  
**Mark Hollenbaugh**

Attest: [Signature]  
Clerk of Council  
**KAY D. SCHERREIK**

Approved: April 21, 2020 [Signature]  
Date Mayor  
**MICHAEL A. ASPACHER**

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the foregoing is a true copy of Ord No. 8836 passed by the Council of the City of Bowling Green, Ohio, April 20, 20 20.  
[Signature]  
Clerk of Council

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. 8837

Passed April 20, 2020

ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF THE AERATION AND BIOSOLIDS IMPROVEMENTS AT THE WATER POLLUTION CONTROL FACILITY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to advertise for bids and enter into a contract or contracts for construction of the aeration and biosolids improvements at the Water Pollution Control Facility.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Date [Signature] President of Council Mark Hollenbaugh

Attest: [Signature] Clerk of Council KAY D. SCHERREIK

Approved: April 21, 2020 Date [Signature] Mayor MICHAEL A. ASPACHER

MICHAEL J. MARSH CITY ATTORNEY kds

CERTIFICATION This is to certify that the foregoing is a true copy of Ord No. 8837 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020. [Signature] Clerk of Council

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30049

Ordinance No. 8838

Passed April 20, 2020

ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR SEWER RELINING PROJECTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to advertise for bids and enter into a contract or contracts for sewer relining projects for the South Maple Street sewer and the Conneaut Park sewer.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Date [Signature] President of Council Mark Hollenbaugh

Attest: [Signature] Clerk of Council KAY D. SCHERREIK

Approved: April 21, 2020 Date [Signature] Mayor MICHAEL A. ASPACHER

MICHAEL J. MARSH CITY ATTORNEY kds

CERTIFICATION This is to certify that the foregoing is a true copy of Ord No. 8838 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020 [Signature] Clerk of Council

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. 8839

Passed April 20, 20 20

**ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ENTER INTO AN AMENDMENT TO THE NORTHWESTERN WATER AND SEWER DISTRICT WHOLESALE WATER CONTRACT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to execute an amendment to the Northwestern Water and Sewer District Wholesale Water Contract in substantial accordance with the exhibit attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Mark Hollenbaugh  
Date President of Council

Mark Hollenbaugh

Attest: Kay D. Scherreik  
Clerk of Council

KAY D. SCHERREIK

Approved: April 21, 2020 Michael A. Aspacher  
Date Mayor

MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 8839 passed by the Council of the City of Bowling Green, Ohio,

April 20, 20 20.  
Kay D. Scherreik  
Clerk of Council

Ordinance No. 8840 Passed April 20, 20 20

**ORDINANCE AMENDING AND ADOPTING CHAPTER 50 OF THE  
CODIFIED ORDINANCES OF THE CITY OF BOWLING  
GREEN, RELATING TO SEWER SERVICE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING  
GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That Chapter 50 of the Codified Ordinances of the City of  
Bowling Green, is hereby amended and adopted in accordance with the exhibit  
attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time  
permitted by law.

Passed: April 20, 2020 Mark Hollenbaugh  
Date President of Council

Mark Hollenbaugh

Attest: Kay D. Scherreik  
Clerk of Council

KAY D. SCHERREIK

Approved: April 21, 2020 Michael A. Spacher  
Date Mayor

MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**

This is to certify that the  
foregoing is a true copy of  
Ord No. 8840 passed  
by the Council of the City  
of Bowling Green, Ohio,

April 20, 20 20  
Kay D. Scherreik  
Clerk of Council

## CHAPTER 50: SEWER SERVICE

### SANITARY SEWER CHARGES

#### § 50.10 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Federal Water Pollution Control Act, as amended by the Clean Water Act and Water Quality Act of 1987 (U.S.C. 1251 *et seq.*).

**ADMINISTRATOR.** The administrator of the environmental protection agency, or any person authorized to act for him or her.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C.

**BMP.** Best management practices.

**CATEGORICAL PRETREATMENT STANDARDS.** Synonymous with national pretreatment standards.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

**COMPATIBLE POLLUTANT.** A waste constituent which does not interfere with the operation or performance of the wastewater treatment works.

**CU. FT.** Abbreviation for cubic feet.

**DIRECTOR.** The executive director of municipal utilities of the city, or his or her authorized representative.

**ENVIRONMENTAL PROTECTION AGENCY.** The federal (or United States) environmental protection agency, or any person authorized to act for that agency.

**GREASE.** A constituent in wastewater as identified in "Standard Methods for the Examination of Water and Wastewater."

**INCOMPATIBLE POLLUTANT INTERFERENCE.** A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the wastewater treatment plant's NPDES permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (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), the standards for the use and disposal of sewage sludge (40 C.F.R. pt. 503), the Clean Air Act, and the Toxic Substance Control Act.

**INDIRECT DISCHARGE OR DISCHARGE.** *The introduction of pollutants into the POTW from any nondomestic source.*

**INDUSTRIAL COST RECOVERY (ICR).** Recovery by the city from the industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users.

**INDUSTRIAL USER or INDUSTRY.** As applied under the ICR provisions of this subchapter, any non- governmental user discharging a trade or process waste to a publicly owned treatment

works as identified as a "Division A, B, D, E, or I" industry in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented. A user in the Division A, B, D, E, or I may be excluded if it is determined that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. **INDUSTRIAL USERS** shall be billed monthly for use of the treatment works.

**INDUSTRIAL WASTEWATER.** Any combination of liquid and water-carried wastes, discharged from any industrial or commercial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and cooling water. Any wastewater from non-domestic sources.

**INDUSTRIAL WASTES.** The wastewater from industrial users, as defined herein.

**INTERCEPTING SEWER.** A sewer intended to receive flows from both combined sewers and sanitary sewers, or a sewer whose primary purpose is to transport wastewater from collector (local) sewers to a wastewater treatment plant.

**LB.** An abbreviation for pound.

**MAINTENANCE.** Upkeep and repair costs required to maintain the wastewater treatment works structures and equipment in efficient operating condition during the service life of such works.

**MUNICIPAL UTILITIES.** Board of Municipal Utilities of the city.

**NONINDUSTRIAL USER.** A user of the wastewater treatment works not in the "industrial user" classification, as defined herein.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** or **CATEGORICAL PRETREATMENT STANDARD.** A categorical pretreatment standard promulgated by the administrator in accordance with section 307 of the Act and established under 40 C.F.R., Ch. I, Subch. N, as may be amended in the future.

**NATURAL OUTLET.** Outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NEW SOURCE.**

(1) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) 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 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or

removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) 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 which 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.

**NON-INDUSTRIAL USER.** A user of the wastewater treatment works not in the industrial user classification, as defined herein.

**NONSANITARY FLOW.** Storm water originating from downspouts, storm and groundwater drains, and foundation drains.

**NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.** Any permit or equivalent document or requirements issued by the state water pollution control agency to regulate the discharge of pollutants from the wastewater treatment works for the city pursuant to section 402 of the Act.

**OPERATION.** Any physical and mechanical actions, processes, or functions required to efficiently operate the wastewater treatment works as defined herein.

**OWNER or PERSON.** Any individual, firm, company, industry, association, society, corporation, or group.

**PASS THROUGH.** A discharge that exits the wastewater treatment plant into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the wastewater treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

**PHOSPHORUS.** A constituent in wastewater as identified in Standard Methods for the Examination of Water and Wastewater.

**POLLUTANT.** Sewage, industrial waste or other waste as defined by R.C. 6111.01(B), (C), and (D).

**PRETREATMENT.** 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 wastewater treatment plant. The reduction or alteration may be obtained by physical, chemical, or biological treatment processes, BMPs, pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by O.A.C. Rule 3745-309(E).

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**PUBLIC SEWER.** Any sewer owned by the city or tributary to the city sewer, including storm, sanitary, or combined sewers.

**RECOVERED FUNDS.** Those funds received from the collection of the industrial cost recovery surcharges.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories, or appurtenances necessary to retain design capacity and performance of the wastewater treatment works throughout the city's jurisdiction.

**RETAINED FUNDS.** That part of the recovered fund which is not returned to the United States Treasury.

**RETURNED FUNDS.** That part of the recovered fund which is returned to the United States Treasury annually.

**SANITARY SEWER.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**SANITARY SEWER CHARGES.** The aggregate of rate increments established by three separate revenue systems, i.e., user charges, extra strength surcharges, and industrial cost recovery (ICR).

**SEWAGE.** The combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water.

**SEWER.** A pipe or conduit that carries wastewater or drainage water.

**SEWER LATERAL.** Sewers from building drain to the public sewer (main or lateral).

**SIGNIFICANT INDUSTRIAL USER.**

(1) All discharges subject to categorical pretreatment standards under Title 40 C.F.R. pt. 403.6; and

(2) All non-categorical discharges that, in the opinion of the sanitary engineer, have a reasonable potential to adversely affect the wastewater treatment plant's operation, or that contribute a process waste stream which makes up 5% or more of the average dry weather capacity of the wastewater treatment plant, or that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment plant.

**SIGNIFICANT NONCOMPLIANCE.**

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

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and greases, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the wastewater treatment plant superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the wastewater treatment plant personnel or the general public;

(4) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or has resulted in the City to exercise its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled 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 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the wastewater treatment plant superintendent determines will adversely affect the operation or implementation of the pretreatment program.

**STORM SEWER.** 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.

**SUSPENDED SOLIDS.** Total suspended matter that either floats on the surface of, or is in

suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

**USER.** Any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit for general permit {optional} requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

**USER CHARGE.** A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

**USER CLASS.** Any class of users of the wastewater works, as defined in § 50.14.

**WASTEWATER or WASTES.** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, and stormwater that may be present.

**WASTEWATER TREATMENT PLANT or PLANT.** That portion of the wastewater treatment works required to treat wastewater and dispose of the effluent.

**WASTEWATER TREATMENT WORKS or WORKS.** The structures, equipment, parcels of land, easements, and processes required to collect, carry away, and treat wastewater and dispose of the effluent of the city. **WASTEWATER TREATMENT WORKS** shall include sanitary sewers and intercepting sewers, but shall not include storm sewers.

(1980 Code, § 50.10) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.11 NORMAL CONCENTRATIONS OF WASTES.**

(A) Charges for waste treatment pursuant to § 50.15 shall apply to wastes not exceeding normal concentrations as follows:

- (1) BOD - 200 milligrams per liter;
- (2) Suspended solids - 240 milligrams per liter;
- (3) Phosphorus - 10 milligrams per liter; and
- (4) Grease - 35 milligrams per liter.

(B) Applicable concentrations shall be based on average concentrations, weighted in proportion to volume of flow, determined during each billing period by the most practicable method possible. Should the average concentration of any constituent exceed the normal concentration provided in this section, a surcharge for each constituent so exceeded shall apply for the applicable billing period in accordance with the provisions of § 50.16.

(1980 Code, § 50.11) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.12 POLLUTANTS IN EXCESS OF NORMAL CONCENTRATIONS.**

(A) Wastewater containing pollutants in excess of normal concentrations as defined in § 50.11 shall be:

- (1) Subject to prohibition of discharge to the wastewater treatment works;
- (2) Subject to pretreatment prior to discharge to the wastewater treatment works to comply with concentrations or amounts of pollutants established by the municipal utilities and subject to payment of a surcharge pursuant to § 50.16; or
- (3) Permitted to be discharged to the wastewater treatment works without pretreatment, subject to payment of a surcharge pursuant to § 50.16.

(B) The municipal utilities shall determine which of the three alternates shall apply, based on the volume and concentration of pollutants of the wastewaters involved.

(1980 Code, § 50.12) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.13 VOLUME OF WASTEWATER.**

(A) As described in subsequent sections of this subchapter, certain segments of the sanitary sewer charges are determined by applying a unit charge to a volume of wastewater flow from each user. In all cases this volume to be charged for shall be 100% of the volume that is recorded on the meters used to measure water from the water system of the city, unless the user is supplied with water from a source other than the water system of the city or unless a substantial volume of water supplied to the user is not discharged to the wastewater treatment works, in which case, the volume of water discharged to the wastewater treatment works shall be determined by a meter installed to measure wastewater discharged, or by other means approved by the municipal utilities. In the event a sewer user shall elect at his or her own cost and expense to install a meter to register the exact volume of wastewater that enters the wastewater treatment works, the volume to be charged for such metered wastewater shall be based on 100% of the actual meter reading and the rates established by the Board of Municipal Utilities shall apply. Meters installed other than the meter used to record consumption from the water system of the city shall be approved by the municipal utilities and installed and maintained at the expense of the user.

(B) Wastewater meters shall be tested by the municipal utilities for accuracy at the expense of the owner once each year.

(C) The municipal utilities shall have the authority to remove the meter on its initiative to undertake to test and correct any meter which in its judgment is registering incorrectly without the consent of the owner. Should the wastewater meter be found to be registering outside of the accuracy of the specifications published for such meter, the owner shall bear the cost for shipping, testing, repair, and replacement. Should the wastewater meter be found to be registering within the accuracy of the specifications published for such meter, the municipal utilities shall bear the cost for shipping, testing, repair, and replacement. During the period the meter is not in service, the volume of wastewater discharged shall be determined by the municipal utilities meter department.

(1980 Code, § 50.13) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.14 USER CLASSES.**

(A) For the purpose of applying user charges, and extra strength surcharges, all users of the wastewater treatment works shall be classified as a member of one of the following two user classes:

- (1) Nonindustrial; or
- (2) Industrial.

(B) An industry may be placed in the nonindustrial user class if the industry discharges primarily segregated sanitary wastes or primarily wastes from sanitary conveniences.

(C) Any industry discharging the equivalent of 25,000 gallons per day or less of sanitary waste shall be placed in the nonindustrial user class.

(D) Any industry whose wastes are not primarily sanitary wastes or not primarily wastes from sanitary conveniences shall be placed in the industrial user class.

(E) The placement of a user within the nonindustrial user class shall be as determined by the Director in accordance with the above criteria.

(1980 Code, § 50.14) (Ord. 3928, passed 12-17-1979; Am. Ord. 4138, passed 8-3-1981; Am. Ord. 7520, passed 2-6-2006)

**§ 50.15 USER CHARGES; WASTES OF NORMAL CONCENTRATION.**

(A) A user charge shall be levied on all users of the wastewater treatment works to provide funds necessary to pay for the cost of operation and maintenance of such works. The user charges must result in the distribution of all costs of operation and maintenance of the treatment works to each user, or user class, in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs. The method to be used to establish the user charges for wastes within the limits of normal concentrations as defined in § 50.16.

(B) The volume of wastewater from each user shall be subject to a user charge per 1,000 cubic feet, as follows:

(1) Charges for each monthly billing during a calendar year shall be based on the following values for that calendar year.

(a) Estimated total operation and maintenance expenses ( $C_{to}$ ), excluding those expenses attributable to debt service costs and excluding any expenses classified as reimbursable expenses;

(b) Estimated annual revenue from extra strength surcharges ( $C_s$ );

(c) Estimated total water consumption subject to sanitary sewer charges ( $Q_t$ ); and

(d) Estimated administration and associated expenses for preparation and collection of billings ( $C_b$ ).

(2) The base user charge per 1,000 cubic feet shall equal (a) estimated total operation and maintenance expenses ( $C_{to}$ ) plus (d) estimated administration and associated expenses for preparation and collection of billings ( $C_b$ ) minus (b) estimated revenue from extra strength surcharges ( $C_s$ ) divided by (c) estimated water consumption subject to sanitary sewer charges ( $Q_t$ ), in 1,000 cubic feet.

$$\text{User charge} = \frac{C_{to} + C_b - C_s}{Q_t \text{ (per 1,000 c.f.)}}$$

(C) User charges levied pursuant to this section shall be billed pursuant to § 50.18. The rates shall be as established by the Board of Municipal Utilities.

(1980 Code, § 50.15) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

**§ 50.16 EXTRA STRENGTH SURCHARGES.**

(A) In addition to the base user charges applicable pursuant to § 50.15, users discharging pollutants to the wastewater treatment works of the municipal utilities, whose average concentration, as defined in § 50.11, in one or more classifications exceeds in any month that

concentration defined as normal in § 50.11 in the corresponding classification shall be subject to surcharges calculated as follows.

(1) Surcharges for each billing period during a calendar year shall be based on the following values for that calendar year:

- (a) Estimated total operation and maintenance expenses pursuant to § 50.15(B)(1)(a)  $C_{to}$ ;
- (b) Estimated total pounds of BOD received at the plant  $B_t$ ;
- (c) Estimated total pounds of suspended solids received at the plant  $S_t$ ;
- (d) Estimated total pounds of phosphorus received at the plant  $P_t$ ; and
- (e) Estimated total pounds of grease received at the plant  $G_t$ . Data not available shall be estimated in

the most practical manner possible.

(2) Surcharge on user charges per pound of BOD in excess of normal equals:

$$C_{to} \times \frac{B_t}{0.24}$$

(3) Surcharge on user charges per pound of suspended solids in excess of normal equals:

$$C_{to} \times \frac{S_t}{0.17}$$

(4) Surcharge on user charges per pound of phosphorus in excess of normal equals:

$$C_{to} \times \frac{P_t}{0.05}$$

(5) Surcharge on user charges per pound of grease in excess of normal equals:

$$C_{to} \times \frac{G_t}{0.02}$$

(6) Pounds of BOD per billing subject to surcharge equals: (Average concentration of BOD, calculated pursuant to § 50.11 in milligrams per liter minus 200 milligrams per liter) times volume of wastewater discharged from the user to the wastewater treatment works per billing period, in 1,000 cubic feet times 0.06238. If the average concentration of BOD is 200 milligrams per liter or less, no surcharge for BOD shall apply.

(7) Pounds of suspended solids per billing period subject to surcharge equals: (Average concentration of suspended solids, calculated pursuant to § 50.11, in milligrams per liter minus 240 milligrams per liter) times volume of wastewater discharged from the user to the wastewater treatment works per billing period, in 1,000 cubic feet times 0.06238. If the average concentration of suspended solids is 240 milligrams per liter or less, no surcharge for suspended solids shall apply.

(8) Pounds of phosphorus per billing period subject to surcharge equals: (Average concentration of phosphorus, calculated pursuant to § 50.11, in milligrams per liter minus ten milligrams per liter) times volume of wastewater discharged from the user to the wastewater treatment works per billing period, in 1,000 cubic feet times 0.06238. If the average concentration of phosphorus is ten milligrams per liter or less, no surcharge for phosphorus shall apply.

(9) Pounds of grease per billing period subject to surcharge equals: (Average concentration of grease, calculated pursuant to § 50.11 in milligrams per liter minus 35 milligrams per liter) times volume of wastewater discharged from the user to the wastewater treatment works per

billing period, in 1,000 cubic feet times 0.06238. If the average concentration of suspended solids is 35 milligrams per liter or less, no surcharge for grease shall apply.

(10) Surcharge on user charges equals pounds of BOD calculated pursuant to division (A)(6) above times surcharge per pound calculated pursuant to division (A)(2) above; plus pounds of suspended solids calculated pursuant to division (A)(7) above times surcharge per pound calculated pursuant to division (A)(3) above; plus pounds of phosphorus calculated pursuant to division (A)(8) above times surcharge per pound calculated pursuant to division (A)(4) above; plus pounds of grease calculated pursuant to division (A)(9) above times surcharge per pound calculated pursuant to division (A)(5) above.

(11) Formulas as contained in division (A)(2), (3), (4), and (5) above shall be subject to adjustment as necessary based on annual audit of sewer revenue fund expenses.

(B) Surcharges may also be established for pollutants other than those provided in this section which are permitted to be discharged to the wastewater treatment works by the municipal utilities, after pretreatment or without pretreatment.

(C) Surcharges levied pursuant to this section shall be billed monthly or as otherwise established by the Board of Municipal Utilities. The rates shall be as established by the Board of Municipal Utilities.

(1980 Code, § 50.16) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.17 DEBT SERVICE CHARGES.**

(A) A debt service charge shall be levied on users of the wastewater treatment works to provide funds necessary to meet a portion of the principal and interest payments on the municipal utilities' share of the wastewater treatment works construction cost. The method to be used to establish the debt service charges for wastes discharged to the wastewater treatment works shall be defined in this section.

(B) The volume of wastewater from each user shall be subject to a debt service charge per 1,000 cubic feet, as follows.

(1) Charges for each billing month during a calendar year shall be based on the following values for that calendar year:

(a) The total debt service payments per billing period attributable to the wastewater treatment works ( $C_d$ );

(b) The metered volume of wastewater discharged to the treatment works subject to sanitary sewer charges ( $Q_t$ ).

(2) The debt service charge per 1,000 cubic feet shall equal the total debt service payments divided by the metered volume of wastewater discharged to the treatment works subject to sanitary sewer charges, in 1,000 cubic feet.

$$\text{debt service charge} = \frac{C_d}{Q_t \text{ (per 1,000 c.f.)}}$$

(C) Debt service charges pursuant to this section shall be billed as established by the Board of Municipal Utilities.

(1980 Code, § 50.17) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.18 BILLING AND COLLECTION.**

(A) The billing and collection of sanitary sewer charges is delegated to the Director, to be assessed, levied, and collected in conjunction with the administration of the charges for water service supplied by the municipal utilities. The same shall be subject to and governed by the valid and applicable rules and regulations from time to time established by the Board of Municipal Utilities with respect to the collection of water charges.

(B) The sanitary sewer charges shall be a lien on all real property within the city and for certification of delinquent payments to the Wood County auditor for special assessment on the

tax duplicate, in accordance with the Ohio Revised Code.

(C) Any sanitary sewer charges which are certified delinquent to the Wood County auditor shall be subject to a 10% surcharge. Sanitary sewer charges shall be considered delinquent if not paid within 30 days after due and payable.

(D) The Director may order suspension of water service during any period of delinquency in the payment of sanitary sewer charges.

(E) The municipal utilities shall have the right to enter into contract with industrial users. However, the contract shall not be in conflict with any of the provisions of this subchapter.

(1980 Code, § 50.18) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.19 PAYMENT MADE TO AGENT ON OR BEFORE DUE DATE CONSIDERED ON TIME.**

If a customer makes payment on or before the due date of a bill to an agent designated or authorized by the public utility to accept payment, the payment shall not be considered past due regardless of whether or not it is received in the company offices by the due date.

(ORC § 4905.75) (1980 Code, § 50.19) (Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.20 CONTROL MANHOLES.**

(A) When required by the Wastewater Treatment Department, a user shall construct and maintain one or more control manholes or access points in a reasonable period of time and not to exceed nine months, to facilitate observation, measurement, and sampling of his or her wastes, including sanitary wastewater.

(B) Control manholes or access facilities shall be located and built in a manner acceptable to the municipal utilities. If measuring devices are to be permanently installed they shall be of a type acceptable to the municipal utilities.

(C) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste at his or her expense, and shall be maintained by him or her so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for the installation of such facilities shall be approved by the municipal utilities prior to the beginning of construction.

(1980 Code, § 50.20) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.21 WASTEWATER MONITORING AND INSPECTION.**

(A) All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts of concentration as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements.

(B) Such records shall be made available upon request by the wastewater treatment plant superintendent. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand.

(C) If so ordered by the wastewater treatment plant superintendent, the owner or operator of any premises or facility discharging industrial wastes into the system shall install at his or her own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the wastewater treatment plant superintendent may allow such facility to be constructed in the public right-of-way, with the approval of the public agency having jurisdiction over such right-of-way, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

(E) When more than one user can discharge into a common sewer, the wastewater

treatment plant superintendent may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the wastewater treatment plant superintendent may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the city's requirements and all applicable construction standards and specifications.

(G) (1) Compliance determinations with respect to the prohibitions and limitations of this chapter may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the wastewater treatment plant superintendent to meet the needs of specific circumstances.

(2) Sample splitting. The city will offer split samples with any industrial user that requests a sample split. The city will split the wastewater sample with the industrial user at the industrial user's facility in accordance with chain-of-custody protocol. The industrial user's sample split must be analyzed and analytical results submitted to the city's industrial pretreatment program no later than the last business day, close of business, of the month following the month of sample collection. Failure to do so will result in loss of sample split privileges with the city. Analytical results from the city's lab or subcontractor of the city and the industrial user lab will be compared, only in instances where the same approved laboratory analytical methods found in 40 C.F.R. pt. 136 and applicable QA/QC (Quality Assurance/Quality Control) was used. If both data are found valid, results may be averaged. When widely divergent results occur, the data can be investigated in a timely manner by the respective laboratories. If one of the results is found invalid, resampling may occur, and the sample splitting procedure again followed. When data reconciliation is not possible, results from the city's split will determine compliance with pollutant discharge limits. The sample split policy does not apply to demand or samples that are used for purposes of determining extra-strength charges. Demand samples can be split. The results of the split will not be used in the city's determination of a user's extra-strength charges.

(H) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of Standard Methods, Methods for Chemical Analysis of Water and Waste published by the U.S. Environmental Protection Agency. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the Ohio Environmental Protection Agency.

(I) Sampling of industrial wastewater for the purpose of compliance determination with respect to the prohibitions and limitations of this chapter will be done at such intervals as designated by the wastewater treatment plant superintendent. Significant industrial users will be sampled at least once per year.

(J) The wastewater treatment plant superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(1) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the wastewater treatment plant superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

(2) Unreasonable delays in allowing the wastewater treatment plant superintendent access to the user's premises shall be a violation of this chapter.

(3) If the wastewater treatment plant superintendent or his or her duly authorized representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this

chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Utilities Director and city attorney may seek issuance of a search warrant from the Court of Common Pleas of this county.

(K) The wastewater treatment plant superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(L) While performing the necessary work on private properties referred to in division (J) above, the wastewater treatment plant superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises as established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.99(C).

(M) The wastewater treatment plant superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(1980 Code, § 50.21) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

## **§ 50.22 INDUSTRIAL REPORTING REQUIREMENTS.**

### **(A) *Baseline monitoring reports.***

(1) Within 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the wastewater treatment plant shall submit to the wastewater treatment plant superintendent a report which contains the information listed in division (A)(2) below. Noncategorical industries at the request of the wastewater treatment plant superintendent shall also submit a baseline report within 180 days of commencement of discharge. New sources and existing sources that become industrial users subsequent to promulgation of categorical standards are required to submit baseline monitoring reports at least 90 days prior to commencement of discharge.

(2) Users described above shall submit the information set forth below.

(a) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(b) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(c) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations(s) carried out at the facility. This description should include a schematic process diagram which indicates points of discharge to the wastewater treatment plant from the regulated process.

(d) *Flow measurement.* The user shall submit information showing the measured average daily and maximum daily flow to the wastewater treatment plant from regulated process streams and other streams necessary in determining compliance with applicable regulations.

(e) *Measurement of pollutants.* The user shall identify the pretreatment standards applicable to each regulated process. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants. The samples shall be representative of daily operations. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportioned composite sampling techniques where feasible.

(f) *Certification.* A statement reviewed by an authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) *Additional pretreatment and/or operation and maintenance activities.*

1. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this section, the industry shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional pretreatment and/or implementation of additional operational and maintenance activities. The 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 including, but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter. Under no circumstances shall the time increment for any single step directed toward compliance exceed nine months.

2. Not later than 14 days following each milestone date in the schedule and final date for compliance, the industry shall submit a progress report to the wastewater treatment plant superintendent, 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 of which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industry to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the wastewater treatment plant superintendent.

(h) *Notification.* All industrial users are required to promptly notify the wastewater treatment plant in advance of the potential for a slug discharge, discharge of a hazardous waste, or substantial changes in volume or character of discharges.

(B) *Industries regulated by applicable federal standards shall comply with the following items.*

(1) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the wastewater treatment plant, any industrial user subject to pretreatment standards and requirements shall submit to the wastewater treatment plant superintendent a report containing the information described in division (A) above. For industrial users subject to equivalent mass or concentration limits established by the wastewater treatment plant this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(2) *Periodic report on continued compliance.*

(a) Any discharger subject to a categorical pretreatment standard set forth in this chapter after the compliance date of such pretreatment standard, or, in the case of a new discharger,

after commencement of the discharge to the authority, or significant non-categorical discharger shall submit to the wastewater treatment plant superintendent during the months of June and December, unless required more frequently by the wastewater treatment plant superintendent, a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with division (A)(2)(f) of this section.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the wastewater treatment plant superintendent, using the procedures prescribed in § 50.21 of this chapter, the results of this monitoring shall be included in the report.

(3) *Reports of changed conditions.* Each user must notify the wastewater treatment plant superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(4) *Reports of potential problems.*

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the wastewater treatment plant, the user shall immediately telephone and notify the wastewater treatment plant superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user.

(b) This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user.

(5) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the wastewater treatment plant superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the wastewater treatment plant superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the wastewater treatment plant superintendent monitors at the user's facility at least once a month, or if the wastewater treatment plant superintendent samples between the users initial sampling and when the user receives the results of this sampling.

(6) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. pt. 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. pt. 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(7) *Sample collection.*

(a) Except as indicated in division (B)(2)(7)(b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the wastewater treatment plant superintendent may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile

organic compounds must be obtained using grab collection techniques.

(8) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(9) *Wastewater volume determination.* As defined in § 50.13.

(10) *Record keeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or when the user has been specifically notified of a longer retention period by the wastewater treatment plant superintendent.

(11) *Certification Statement.* All Permit Applications, User Reports and Waivers are required to include and sign the following:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(C) *Publication of users in significant noncompliance.*

The Board of Public Utilities shall publish annually, in the largest daily newspaper published in the city where the wastewater treatment plant is located, a list of the users which during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. ~~The term significant noncompliance shall mean:~~

- ~~—(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;~~
- ~~—(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and greases, and 1.2 for all other pollutants except pH);~~
- ~~—(3) Any other discharge violation that the wastewater treatment plant superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the wastewater treatment plant personnel or the general public;~~
- ~~—(4) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in municipal utilities to exercise its emergency authority to halt or prevent such a discharge;~~
- ~~—(5) Failure to meet, within 90 days of the scheduled 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 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~

~~—(7) Failure to accurately report noncompliance; or~~

~~—(8) Any other violation(s) which the wastewater treatment plant superintendent determines will adversely affect the operation or implementation of the pretreatment program.~~

(D) *Protection from accidental discharge.*

(1) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operators own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city engineer for review, and shall be approved by him or her before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his or her facility as necessary to the requirements of this chapter.

(2) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this chapter, the facility responsible for such discharge shall immediately notify the wastewater treatment plant superintendent so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the wastewater treatment plant detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.

(1980 Code, § 50.22) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.23 DISCHARGE OF WASTES TO STORM SEWERS.**

Wastes shall not be discharged into a storm sewer unless the waste is of such character as would permit the waste to be discharged directly to the body of water to which the storm sewer discharges and be in compliance with all criteria and standards of discharge established by regulatory agencies.

(1980 Code, § 50.23) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.24 POWERS AND AUTHORITY OF INSPECTORS.**

(A) Employees of the municipal utilities duly authorized by the Director and bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater treatment works in accordance with the provisions of this subchapter.

(B) The authorized employees of the municipal utilities are authorized to obtain information concerning industrial or commercial process information which have a direct bearing on the kind and source of discharge to the wastewater treatment works. A user may withhold process information considered confidential, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. A user must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(1980 Code, § 50.24) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.25 (RESERVED).**

#### **§ 50.26 BYLAWS AND REGULATIONS.**

The Board of Public Utilities is authorized and directed to make such bylaws and regulations as it may deem necessary for the safe, economical, and efficient management and protection of the sewerage system and sewage treatment plant, and for the construction, reconstruction,

replacement, removal, improvement, maintenance, enlargement, additions, and use of sewers and connections to the sewerage system, and to meet the requirements of the NPDES permit and its discharge limits. Such bylaws and regulations shall have the same force and effect as ordinances where not repugnant thereto or to the Constitution or laws of the state. The Board shall adhere to and enforce all federal pretreatment standards which are applicable, in keeping with the provisions of 40 C.F.R. 35.935-19. The Board shall also ensure that a biennial audit or OM&R costs and revenues generated is performed.

(1980 Code, § 50.26) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.27 DECLARATION OF CHARGE NECESSITY.**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the city to levy and collect charges or rentals on all lots, lands, and premises served by or discharging wastewaters directly or indirectly into the sanitary and combined sewerage system and sewage treatment plant of the city.

(1980 Code, § 50.27) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.28 AVAILABILITY OF SEWER; PRESUMPTION.**

When a sewer is available, it will be presumed that the waste from the premises is discharged either directly or indirectly into the sewerage system, and the property shall be subject to a sewer rental charge.

(1980 Code, § 50.28) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.29 NEW SEWERS.**

When new sanitary or combined sewers are constructed, premises which can or should be connected to the new sewers shall be subject to a sewer rental charge as soon as connections are made to the new sewers, or 30 days after the new sewers are accepted by the city, whichever date is earlier. The charge shall be calculated on a per diem pro rata amount based on the minimum charge per month from the effective date of the charge until the next following monthly period, or the quantity charge computed in the manner set forth in this chapter, whichever is greater.

(1980 Code, § 50.29) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.30 CLAIMS FOR EXEMPTION.**

Where premises are not served directly or indirectly by the sewerage system and should be exempt from the sewer rental charge, it shall be the responsibility of the property owner or other interested party to notify the Board of Public Utilities of such claim for exemption.

(1980 Code, § 50.30) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

#### **§ 50.31 PROHIBITED SUBSTANCES.**

*General prohibitions.* No user shall introduce or cause to be introduced into the wastewater treatment plant any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the wastewater treatment plant whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The city shall make and enforce rules and regulations establishing the types and characteristics of sewage and industrial wastes admissible to the system only after pretreatment, requisites for pretreatment, and otherwise governing the discharge of sewage, industrial wastes and other matter into the system in the interest of safety and efficient operation of the wastewater treatment plant. The city may require the discharger to recover all costs incurred by the city for monitoring, inspections, and surveillance. At a minimum, the following limitations apply.

(A) *Federal requirements.* National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (USEPA), pursuant to the Act shall be met by all industrial users which are subject to such standards.

(B) *State requirements.* State requirements and limitations on discharges to the wastewater treatment plant shall be met by all dischargers which are subject to those standards in any

instance in which they are more stringent than federal requirements and limitations or those in this chapter or any other applicable resolution.

(C) *Local requirements.* No discharger shall discharge or cause or allow to be discharged into the sewerage system any pollutant in concentrations above those specifically permitted in a wastewater discharge permit issued by the city. Discharge permits shall impose maximum discharge concentrations limits or mass based limits where appropriate. In the absence of such specific wastewater discharge permit conditions, no user shall discharge any of the pollutants in this chapter, except as such pollutants may occur, and only in the concentrations such pollutants may occur, in the potable water supplied to the premises. Discharge of any pollutants allowed by permit shall not exceed the limitations in Table 1 located in division (N).

(D) *Tabulation of the chemical analysis.* An industry must, upon application for sewer service, present to the City of Bowling Green, a tabulation of the chemical analysis of the wastes to be discharged to the sewerage system and the volume of such waste, or, if this is not available, the expected waste analysis, based upon similar processes now in operation.

(E) *Industrial discharge permit.* It shall be unlawful to discharge industrial wastes to the wastewater treatment plant without first making application for and complying with requirements stipulated in a wastewater discharge permit issued by the wastewater treatment plant superintendent.

(F) *Application.* All industrial users subject to the national categorical pretreatment standards and other users as may be required by the wastewater treatment plant superintendent shall submit an application for an industrial discharge permit to the wastewater treatment plant superintendent. Each application shall include:

(1) Name and address of applicant;

(2) A list of any environmental control permits held by the facility;

(3) A description of operations, including the nature, rate of production and standard industrial classification (SIC) or the North American Industry Classification System code of the operation(s). This description shall include a schematic process diagram that indicates the point(s) of discharge to the wastewater treatment plant;

(4) Measured average daily and maximum flows of regulated process waste streams and other non-regulated waste streams. New sources shall give estimates;

(5) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one 24-hour flow proportional composite sample must be obtained. Samples should be taken immediately downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operations;

(6) Raw materials utilized and their amounts;

(7) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the city engineer, this report shall include a reasonable measure of the user's long-term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period;

(8) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment according to the conditions in this chapter; and

(9) A certification statement must be signed by an authorized representative of the industrial user verifying the above data is correct as specified in 40 C.F.R. 403.6(a)(2)(i).

(G) *Industrial discharge permit conditions.* Permittees shall be expressly subject to all

provisions of this chapter and any other applicable regulations, user charges and fees established by the city. Permits may contain the following specific conditions:

- (1) Statement of duration including issuance and expiration dates;
- (2) Limits on average and maximum allowable levels of wastewater discharge constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation or equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (5) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting requirements;
- (6) Schedules for attaining compliance;
- (7) Requirements for submission of technical reports or discharge reports. Requirements for developing and implementing spill and slug control plans;
- (8) Applicable charge and fees; and
- (9) Other conditions as deemed necessary by the wastewater treatment plant superintendent to ensure compliance with this chapter.

(H) *Non-transferability.* Industrial discharge permits are issued to a specific industrial discharger for a specific operation. An industrial discharge permit shall not be reassigned, transferred or sold to a new owner, industrial discharger or different premises without written consent from the Board of Utilities.

(I) *Permit revisions.* The city reserves the right to amend any industrial discharge permit issued hereunder in order to assure compliance by the city with applicable pretreatment standards and requirements. Industrial users with an effective permit shall be informed of any proposed changes to the permit at least 30 days prior to the effective date of any such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(J) *Industrial discharge permit duration.* The first permit to an industrial user shall last for a period of three years before required renewal. Supplemental renewals can be renewed from two to four years at the will of the wastewater treatment plant superintendent.

(K) *Damaging character of sewage or industrial waste.* In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system or cannot be treated satisfactorily at the wastewater treatment plant, the wastewater treatment plant superintendent shall compel such users to dispose of such waste and prevent it from entering the sewerage system.

(L) *Where the character of the sewage or industrial waste poses an unreasonable burden.* In cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewage collection, pumping, or treatment works greater than that imposed by the average sewage entering the sewerage system, the wastewater treatment plant superintendent may: compel such manufacturing or industrial plant building or premises to pre-treat such sewage in such manner as specified by the wastewater treatment plant superintendent before discharging it into the sewerage system, require flow control or equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

(M) *Evaluation.* Industrial users will be evaluated every two years to determine if a slug discharge control plan is necessary.

(N) *Discharge of nonacceptable industrial wastewater into the sewerage system.* The discharge of nonacceptable industrial wastewater into the sewerage system, whether directly or

indirectly, is prohibited. Wastewater shall be deemed non acceptable when the concentrations of harmful or toxic substances include, but are not necessarily limited to the following:

**Table 1**  
**Toxic or Harmful Substance Tolerable Limits all mg/l**

Arsenic	0.160
Benzene, Toluene, Ethylbenzene, Xylene	0.005
Cadmium	0.102
Chromium, Total	11.26
Chromium, hexavalent	0.223
Copper	1.75
Cyanide (HCN)	0.340
Lead	0.548
Mercury	0.00615
	5
Molybdenum	0.429
Nickel	0.816
Selenium	0.202
Zinc	5.63
Radioactive substances gross beta activity (in the absence of strontium and alpha emitters)	1,000 micro curies/liter
Substances Gross Beta activity (in the absence of Strontium and Alpha emitters)	1,000 micro curies/liter

The above effluent limits, including Best Management Practices, will be based on applicable Pretreatment Standards;

The above list of toxic or harmful substances is subject to revisions as required to meet current water quality standards and effluent standards imposed by state or federal agencies;

(O) *Specific prohibitions.* No person shall discharge or cause to be discharged, either directly or indirectly to the sewerage system, any of the following described substances, materials, waters or wastes:

(1) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(2) Any liquid or vapor having a temperature higher than 150°F;

(3) Any ~~products of mineral oil origin, mineral oil, nonbiodegradable cutting oil, petroleum oil,~~ motor oil, gasoline, benzene, naphtha, fuel oil, or other volatile flammable or explosive liquid, solid or gas;

(4) Any noxious or malodorous gas or substance which, either singly, or by interaction with other wastes, is capable of creating a public nuisance or a hazard to life or of preventing entry into the sewers for their maintenance and repair;

(5) Any water or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property of causing damage or hazard to structures, equipment or personnel of the sewerage system;

(6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime or chemical or paint residues, cannery waste bulk solids, or any other solid objects or viscous substance capable of causing obstruction to the flow operation of the sewerage system;

(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or

animals, or create any hazard in the receiving waters of the sewerage system;

(8) Any water or wastes containing fats, oil, or greases of animal or vegetable origin in concentrations greater than 50 mg/l;

(9) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than one-half inch in any dimension;

(10) Any water or wastes containing suspended solids of such character or quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(11) Any water or wastes that are used in an attempt to dilute a discharge, to substitute partially or completely for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate;

(12) Any water or wastes which create a fire or explosive hazard in the wastewater treatment plant, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. 261.21;

(13) Any water or wastes which impart color, which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(14) Any water or wastes causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent to fail a toxicity test; or

(15) Any water or wastes causing excessive foaming, such as, but not limited to detergents, surface-active agents, or other substances, at the wastewater treatment plant. The above list is subject to revisions as required to meet current water quality standards imposed by state or federal agencies.

(16) Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.

(P) *Statement.* No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment; such agreement may not violate the national categorical pretreatment standards. In all such cases the provisions set forth in this chapter, establishing sewer service charges will be governing factors in any contracts entered into.

(1980 Code, § 50.31) (Ord. 3928, passed 12-17-1979; Am. Ord. 7520, passed 2-6-2006)

*Injunctive Relief.* When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the appropriate Court with 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 individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the 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 User.

Penalties.

(A) Recovery of costs incurred by the City. Any user violating any of the provisions of Chapter 50 of the Code of Ordinances of the City of Bowling Green, or who discharges or causes a discharge producing a deposit or obstruction or causing damage to or impairing the City's wastewater collection and treatment system shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. Refusal to pay the assessed costs shall constitute a violation of Chapter 50.

(B) Falsifying Information. Any person who knowingly makes false statement, representation, or certification in any application record, report, plan, or other document filed or required to be maintained pursuant to Chapter 50, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or authorized under Chapter 50, shall upon conviction be punished by the imposition of a civil penalty of not more than \$1,000 per violation per day or by imprisonment for not more than six months, or by both.

(C) Civil Penalties. Any user found to have violated any order of the City or who has failed to comply with any provision of Chapter 50, the regulations or rules of the City or orders of any court of competent jurisdiction may be subjected to the imposition of a civil penalty. Except as otherwise provided, any person, firm, or corporation violating any provision of Chapter 50 shall be fined no less than \$1,000. A separate offense shall be deemed committed each day during or on which the offense occurs or continues. After the second conviction, the City shall discontinue the service of the wastewater collection and treatment system to said violator.

(D) Criminal Penalties. Any person who shall continue any violation of Chapter 50 beyond the time limit provided for in Chapter 50 shall be guilty of a minor misdemeanor. Each day in which any violation shall continue shall be deemed a separate offense.

Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Superintendent 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 Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

RECORD OF ORDINANCES

1st Reading: 3-16-2020

2nd Reading: 4-6-2020

3rd Reading: 4-20-2020

GOVERNMENT FORMS & SUPPLIES (844) 224-3538 FORM NO. 30043

Ordinance No. 8841 Passed April 20, 20 20

**ORDINANCE AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT OR CONTRACTS WITH CALFEE STRATEGIC SOLUTIONS, LLC, DBA CALFEE ZONING FOR PROFESSIONAL SERVICES FOR A ZONING CODE UPDATE**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Municipal Administrator is hereby authorized to enter into a contract or contracts with Calfee Strategic Solutions, LLC, dba Calfee Zoning for professional services for a zoning code update.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Mark Hollenbaugh  
Date President of Council

Mark Hollenbaugh

Attest: Kay D. Scherreik  
Clerk of Council

KAY D. SCHERREIK

Approved: April 21, 2020 Michael A. Aspacher  
Date Mayor

MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**

This is to certify that the foregoing is a true copy of Ord No. 8841 passed by the Council of the City of Bowling Green, Ohio,

April 20, 20 20  
Kay D. Scherreik  
Clerk of Council

Ordinance No. 8842 Passed April 20, 20 20

**ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BOWLING GREEN FOR APPROXIMATELY 18.29 ACRES OF LAND IN THE 600 BLOCK OF SOUTH DUNBRIDGE ROAD FROM A-1 AGRICULTURAL TO I-1 INSTITUTIONAL ZONING**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the approximately 18.29 acres of land located in the 600 block of S. Dunbridge Road, more fully described on the exhibit attached hereto an made a part hereof, is rezoned from A-1 Agricultural to I-1 Institutional zoning.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 Mark Hollenbaugh  
Date President of Council  
Mark Hollenbaugh

Attest: Kay D. Scherreik  
Clerk of Council

Approved: April 21, 2020 Michael A. Aspacher  
Date Mayor  
MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the foregoing is a true copy of Ord No. 8842 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020  
Kay D. Scherreik  
Clerk of Council



Zoning Parcel  
18.2905 Acre Lot

Situated in the City of Bowling Green, County of Wood, State of Ohio and being part of the Northwest Quarter of the Northwest Quarter of Section 28, Township Five (5) North, Range Eleven (11) East, and being part of that 40 Acre tract conveyed by deed to Whitson Properties, LLC in Official Record Volume 3543, Page 423 of the Wood County, Ohio records (all records being of the Wood County Recorder) and being further described as follows:

COMMENCING at a spike found at the southwest corner of said Northwest Quarter of Section 28, said spike being in the centerline of Right of Way of Dunbridge Road; Thence with a westerly line of said Section 28 and said centerline of Dunbridge Road North 02°02'03" East a distance of 1522.48 feet to an iron pin set at a northwesterly corner of that tract conveyed by deed to General Telephone Company of Ohio in Official Record Volume 583, Page 430, said iron pin being the Point of Beginning of the tract herein described;

- Course 1. Thence with said westerly Section line and centerline of Dunbridge Road North 02°02'03" East a distance of 446.08 feet to a mag nail set in said centerline;
- Course 2. Thence crossing said Whitson Properties, LLC tract on a new division line South 87°57'57" East a distance of 1317.03 feet to an iron pin set on a westerly line of that tract conveyed by deed to J. Beaverson, Trustee of the JL Beaverson Living Trust of November 25, 1996 in Official Record Volume 720, Page 572;
- Course 3. Thence with said westerly line South 01°45'42" West a distance of 628.51 feet to an iron pin set on a northerly line of the Innovative Technology Park Subdivision recorded in Volume 23, Pages 267-8;
- Course 4. Thence with said northerly line, a northerly line of that tract conveyed by deed to the City of Bowling Green in Official Record Volume 725, Page 838, and a northerly line of that tract conveyed by deed to the Board of County Commissioners of Wood County in Official Record Volume 734, Page 530, North 88°43'43" West a distance of 1102.32 feet to an iron pin set on a southeast corner of that tract conveyed by deed to the Ohio Bell Telephone Company in Official Record Volume 537, Page 120;
- Course 5. Thence with an easterly line of said tract North 02°02'03" East a distance of 200.00 feet to an iron pin set at a northeasterly corner of that tract conveyed by deed to the General Telephone Company of Ohio in Official

Record Volume 583, Page 430;

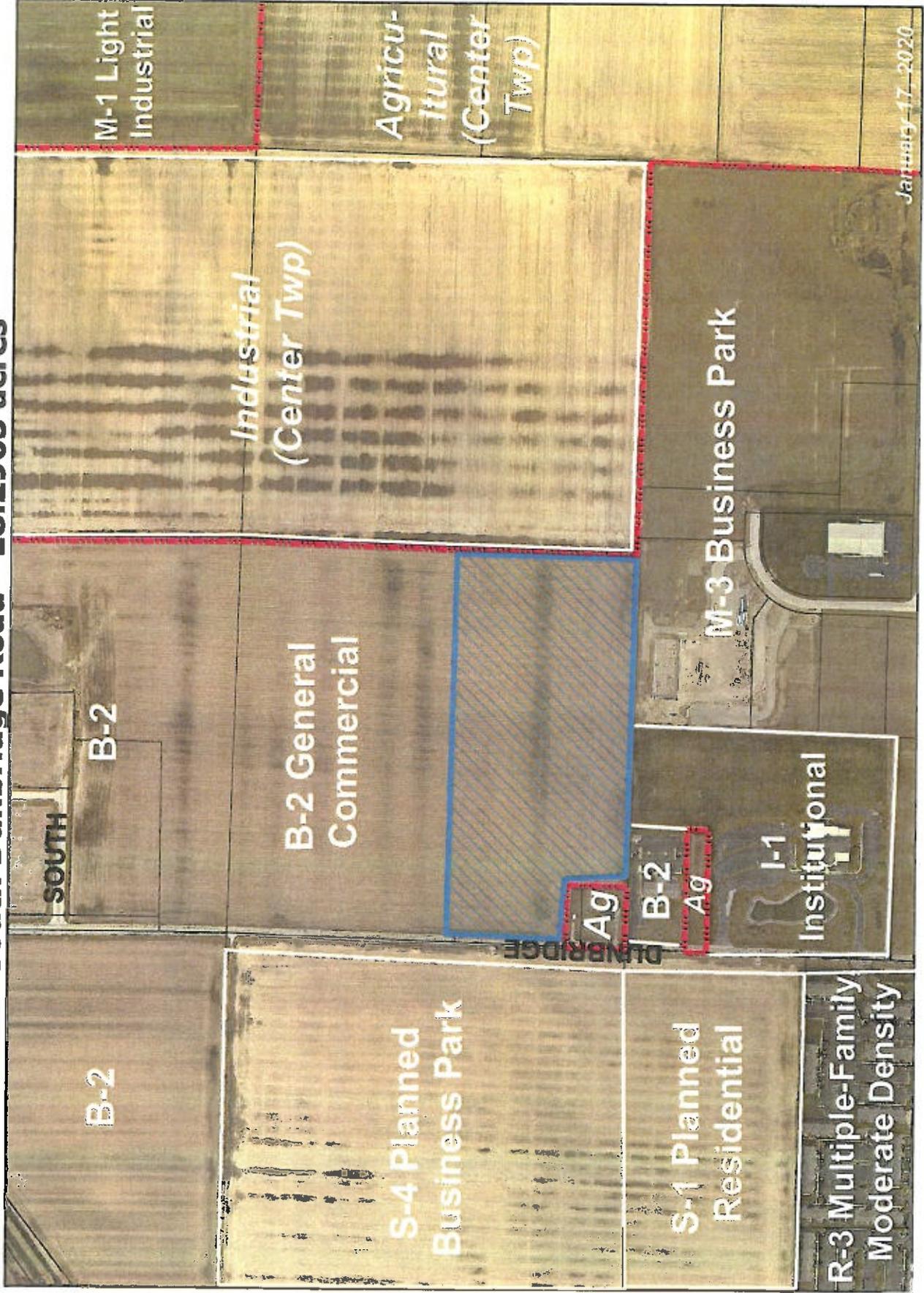
Course 6. Thence with a northerly line of said tract North 88° 43' 43" West a distance of 217.82 feet to the Point of Beginning and containing 18.2905 acres be deed to the same more or less but subject to all legal highways and easements of record.

Basis of Bearings: Bearings are based on Ohio State Plane (North) Coordinate System, and the North American Datum of 1983(2011). The above description is based on a field survey performed December 03, 2019 under the direct supervision of Steve Barlow, Professional Surveyor # 8744 in the State of Ohio.

Iron pins set are 5/8" rebar thirty inches long, with a plastic cap reading "Mannik Smith Group".

Steve Barlow  
Professional Surveyor No. 8744

**Rezoning Request**  
**A-1 Agricultural to I-1 Institutional**  
**South Dunbridge Road - 18.2905 acres**



 **Proposed Area of Rezoning**

**EXHIBIT A**

RECORD OF ORDINANCES

1st Reading: 4-20-20  
2nd Reading: 4-20-20  
3rd Reading: 4-20-20

GOVERNMENT FORMS & SUPPLIES (944) 224-3338 FORM NO. 30043

Ordinance No. 8847 Passed April 20, 2020

**ORDINANCE PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BOWLING GREEN, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
2023	570	73980	Revolving Loan, Revolving Loan, Revolving Loans - New Loans	\$ 100,000.00

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 20, 2020 [Signature]  
Date President of Council  
Mark Hollenbaugh

Attest: [Signature]  
Clerk of Council  
KAY D. SCHERREIK

Approved: April 21, 2020 [Signature]  
Date Mayor  
MICHAEL A. ASPACHER

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the foregoing is a true copy of Ord No. 8847 passed by the Council of the City of Bowling Green, Ohio, April 20, 2020  
[Signature]  
Clerk of Council