

ABC

ORDINANCE NUMBER 14-1958  
VILLAGE OF CENTERVILLE, OHIO

BEING AN ORDINANCE TO CONTROL THE CONSTRUCTION, MAINTENANCE, ALTERATION OR ADDITION TO ANY STORM SEWER, CONDUIT, OPEN OR CLOSED DRAINAGE FACILITY OR CULVERT IN ANY LEGAL STREET, HIGHWAY, ROAD, ALLEY OR OTHER PUBLIC WAY IN THE VILLAGE OF CENTERVILLE, OHIO.

WHEREAS, it is in the public interest and for the common benefit of the inhabitants of the Village of Centerville, Ohio that any excavation or installation of drainage facilities for the proper drainage and conduct of casual water should be made and constructed by a uniform method and in conformity with an established line and grade, in order to facilitate the free flow of such casual water, and in order to prevent the existence of unhealthful conditions and damage to public or private property.

BE IT ORDAINED by the Village Council of the Village of Centerville, State of Ohio:

Section I. It shall be unlawful for any property owner to construct, maintain, alter or add to any storm sewer, conduit, drainage ditch, culvert, or any other vehicle for the drainage of casual or surface waters in any duly dedicated public street, highway, alley or other public way in the Village of Centerville unless the construction, alteration or installation thereof shall have been first approved by the Village Council of Centerville.

Section II. All materials to be used shall be first approved by the Village Engineer and appan of construction shall be first approved by the Village Engineer. Such plan of construction shall set forth the line and grade for such installation or construction which shall be previously established by the said Village Engineer upon written application to him by the abutting owner seeking to make such installation or construction. Concurrently with his application, the applicant shall pay an application fee of not less than \$10.00 or a sum equal to 50 cents per lineal foot, not to exceed \$150.00, for each lineal foot of construction, alteration or installation which is required to be done within the public street or highway. Such application fee so required shall be used to defray engineering expenses incurred by reason of the Village Engineer's inspection and/or preparation of maps or drawings relating to the said proposed construction and installation within the public way.

Section III. No storm sewer shall be installed less than 12" in diameter and such pipe shall be "Class C -75-ASTM" or equal.

Section IV. All storm or casual water drainage flowing from abutting real property where it is deemed necessary by the abutting owner to connect to storm sewer, so to be installed, shall be approved by the Village Engineer.

Section V. Where such storm sewer conduits shall be installed in front of abutting property upon Village approval, necessary alley drips, catch basins, manholes or other appurtenances shall be included and provided by the property owner as approved by the Village Engineer.

Section VI. It shall be unlawful for any abutting property owner to construct, maintain or alter a driveway upon any public way in the Village of Centerville, without the approval of the Village Engineer.

Section VII. It shall be unlawful for any person, whether he be an abutting owner or any other person to obstruct any ditch, drain or water course along, upon or across a public highway, street or alley, or to divert any water or water course from adjacent lands to or upon a public highway, street or alley.

Section VIII. Any person, firm or corporation violating any of the foregoing provisions of this Ordinance shall be guilty of a misdemeanor and shall be liable to the payment of a fine or penalty in the sum of not less than \$5.00 and not more than \$25.00, upon hearing. Each separate day of continuing offense after notice by any duly authorized representative of the Village of Centerville shall constitute a separate offense and violation of this Ordinance.

Section IX. All Ordinances or parts of Ordinances inconsistent herewith shall be repealed and this Ordinance shall take effect immediately by reason of the emergency character of the same. An emergency is declared to exist because of the immediate necessity of preventing dangerous and unhealthful accumulations of casual waters in the public streets, highways and alleys within this Village all of which is prejudicial to the public health, safety and convenience.

Passed this 3rd day of November, 1958.

(signed) Omer Jackson  
Mayor

(signed) Kenneth E. Poff  
Clerk-Treasurer

ORDINANCE NUMBER 15-1958  
VILLAGE OF CENTERVILLE, OHIO

BEING AN ORDINANCE OF THE VILLAGE COUNCIL OF CENTERVILLE, OHIO, AUTHORIZING TRANSFER AND ASSIGNMENT TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, ALL RIGHTS AND OBLIGATIONS IN AND TO A CERTAIN SEWAGE DISPOSAL WORKS AND PLANT CONSTRUCTED TO PROVIDE FOR THE TREATMENT AND DISPOSAL OF SEWAGE FROM LOTS 3349 THROUGH 3565, INCLUSIVE, OF HERBERT C. LUBER PLAT 25, CENTERVILLE, OHIO, AS RECORDED IN PLAT BOOK QQ, PAGES 52 and 53, OF THE PLAT RECORDS OF MONTGOMERY COUNTY, OHIO.

WHEREAS, the Village of Centerville has enacted on the 26th day of February, 1958, an Ordinance entitled "Village of Centerville, Ohio, Ordinance Number 8-1958" determining to proceed with construction of a sewage disposal works to provide for the treatment and disposal of sewage from Lots 3349 through 3565, inclusive, of Herbert C. Huber Plat 25, Centerville, Ohio, as recorded in Plat Book QQ, pages 52 and 53, of the Plat Records of

Ordinance Number 15-1958 (Continued)

Montgomery County, Ohio, the total cost of such construction to be assessed against the petitioning owner of such lots and lands which are to be especially benefited thereby; and

WHEREAS, Centerville has enacted and passed on the 16th day of May, 1958, an Ordinance entitled "Village of Centerville, Ohio, Ordinance Number 11-1958", approving plans and specifications and awarding a construction contract for the construction of said sewage disposal works; and

WHEREAS, the Village of Centerville, Ohio, did execute on May 16, 1958, a contract with Son Development Co. for the construction of said sewage disposal works and received from Son Development Co. its performance bond in the penal sum of \$48,000.00 with the Buckeye Union Casualty Company as surety;

WHEREAS, Centerville has enacted and passed its Resolution Number 10-1958 requesting that the Board of County Commissioners of Montgomery County, Ohio, assume responsibility, control and maintenance of the installation and operation of said sewage disposal works; and

WHEREAS, the said Board of County Commissioners has enacted and adopted its Resolution entitled "Restoration Number 799, July 10, 1958," accepting responsibility, control and maintenance relating to the installation and operation of said disposal works, and have in fact upon the authority of this Council, since that date, assumed such responsibility; and

WHEREAS, it is now deemed in the public interest to do all things necessary and proper to absolve the Village of Centerville from any responsibility for said sewage disposal works and to transfer all of its present interest or title to the Board of County Commissioners of Montgomery County, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Centerville, Ohio, at least three-fourths of all members thereof concurring:

Section I. That the Village of Centerville, Ohio does hereby transfer, set over and assign to the Board of County Commissioners of Montgomery County, Ohio all of its rights, title and interest in and to the sewage disposal works constructed to provide for the treatment of and disposal of sewage from lots 3349 through 3565, inclusive, of Herbert C. Huber Plat 25.

Section II. That Omer Jackson and Kenneth Poff, as Mayor and Clerk-Treasurer respectively be and they hereby are authorized and instructed to execute and deliver on behalf of Centerville in favor of and to the Board of County Commissioners of Montgomery County, Ohio, such instruments as are necessary and proper to consummate the assignment of interest and title as provided in Section I hereof including appropriate deeds transferring title to and interest in certain real estate as acquired by the Village of Centerville, Ohio by deeds recorded in Deed Book 1876, page 282, and Book 1884, page 442, both of the Deed Records of Montgomery County, Ohio, all of which shall be prepared or approved by the Village solicitor.

Section III. That to the extent that it shall be and is necessary in order to effectuate the foregoing purposes, Ordinance Number 8-1958, passed February 26, 1958, and Ordinance Number 16-1958, passed on the 12th day of May, 1958, are hereby repealed.

Section IV. That the construction contract entered into on May 16, 1958 with Son Development Co. is hereby terminated and the Performance Bond posted in connection therewith in the penal sum of \$48,000.00 is hereby released, subject only to a mutual release of claims first executed by and between Son Development Co. and Centerville.

Section V. The foregoing Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage, the said emergency existing by reason of the immediate necessity for clarifying the status of said sewage disposal works regarding supervision and inspection so that there shall be uninterrupted service for the proper treatment and disposal of sewage in the interest of the public health, welfare and safety.

PASSED this 3rd day of November, 1958.

(signed) Omer Jackson  
Mayor

(signed) Kenneth E. Poff  
Clerk-Treasurer

ORDINANCE NUMBER 16-1958  
VILLAGE OF CENTERVILLE, OHIO

BEING AN ORDINANCE OF THE VILLAGE OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, TO PROVIDE FOR INITIAL FEE FOR BUILDING PERMIT APPLICATIONS:

WHEREAS, it is necessary and in the public interest that an initial fee be charged to persons making application for building permits for proposed construction within the Village of Centerville in order to provide for adequate inspection and engineering data necessary to make subsequent determination relative to the issuance of such permit,

NOW, THEREFORE, BE IT ORDAINED:

Section I. Upon making written application for a building permit relating to proposed construction within the said Village, each applicant shall pay an initial fee, in advance, of \$5.00 for each such separate application, payable to the Clerk-Treasurer of the Village of Centerville, Ohio.

Section II. If the building permit so applied for shall be later granted and issued, then the \$5.00 initial application fee shall be thereupon credited as a partial payment of \$5.00 of the ultimate fee for the issuance of the building permit, as provided by ordinance and regulation heretofore or hereafter adopted and effective relating generally to the application for and issuance of building permits. If for any reason the building permit shall not be issued by the constituted authority of the said Village, then said