

6:59pm-The Lord's Prayer & Moment of Silence

**Shelby City Council Agenda**  
**Monday, November 20, 2017**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Motion to excuse Nathan Martin**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from November 6, 2017**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF PATRICIA A. CARLISLE TO THE  
SHELBY HISTORIC PRESERVATION COMMISSION**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**  
Liquor Permit Renewals

**Unfinished Business**  
Future Use of Present Fire Station  
Committee of the Whole

**Legislation**

**ORDINANCE NO 27-2017**

**AMENDING CHAPTER 1042 SEWER REGULATIONS,  
SECTION 1042.02 (DEFINITIONS), SECTION 1042.12  
(PROHIBITED DISCHARGES), SECTION 1042.13  
(LIMITATIONS ON WASTEWATER STRENGTH), AND  
SECTION 1042.14 (WASTEWATER DISCHARGERS) AND  
ENACTING SECTION 1042.23 (INDUSTRIAL  
WASTEWATER PERMITTING PROGRAM) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY,  
OHIO**

**2ND READING**

Moved        2<sup>ND</sup>       

Mr. Roub        Mr. Roberts        Mr. Gates        Mr. McLaughlin       

**ORDINANCE NO 28-2017**

**CREATING TEMPORARY APPROPRIATIONS FOR THE  
YEAR 2018 AND DECLARING AN EMERGENCY**

**Motion that the rule requiring that an ordinance be read on three separate occasions be suspended**

Moved        2<sup>ND</sup>       

Mr. Roub        Mr. Roberts        Mr. Gates        Mr. McLaughlin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

Mr. Roub        Mr. Roberts        Mr. Gates        Mr. McLaughlin

**ORDINANCE NO 29-2017**

**AUTHORIZING THE DIRECTOR OF FINANCE AND PUBLIC RECORD TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY**

**Motion that the rule requiring that an ordinance be read on three separate occasions be suspended**  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

11/6/2017

**ORDINANCE NO: 27-2017**  
(Sponsors: Councilmember Martin)

**AMENDING CHAPTER 1042 SEWER REGULATIONS, SECTION 1042.02 (DEFINITIONS), SECTION 1042.12 (PROHIBITED DISCHARGES), SECTION 1042.13 (LIMITATIONS ON WASTEWATER STRENGTH), AND SECTION 1042.14 (WASTEWATER DISCHARGERS) AND ENACTING SECTION 1042.23 (INDUSTRIAL WASTEWATER PERMITTING PROGRAM) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, the Division of Sewer is mandated by the Ohio Environmental Protection Agency to implement and amend the current Industrial Pretreatment Program; and

WHEREAS, it is necessary to modify the Sewer Regulations to list the necessary language for the amended Industrial Pretreatment Program; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 1042.02, Section 1042.12, Section 1042.13, and Section 1042.14 be amended in Chapter 1042 (Sewer Regulations) and Section 1042.23 be enacted into Chapter 1042 (Sewer Regulations).

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 1042.02 (Definitions), Section 1042.12 (Prohibited Discharges), Section 1042.13 (Limitations on Wastewater Strength), and Section 1042.14 (Wastewater Dischargers) be amended and Section 1042.23 (Industrial Wastewater Permitting Program) be enacted in Chapter 1042 (Sewer Regulations) and read as follows:

**1042.02 DEFINITIONS**

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

- (a) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- (b) Approval Authority is the State of Ohio Environmental Protection Agency (OEPA).
- (c) Authorized or Duly Authorized Representative of the User.
  - (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 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.

the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

- (d) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, expressed as a concentration, milligrams per liter (mg/l).
- (e) Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, practices and management plans to control plant site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage or an alternative means of complying with, or in place of certain established effluent limits.
- (f) Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer lateral beginning at a clean-out directly inside the inner face of the building wall.
- (g) Bypass. Means the intentional diversion of waste streams from any portion of a User's treatment facility.
- (h) Categorical Pretreatment Standard or Categorical Standard. Any regulation specifying quantities or concentrations of pollutants which may be discharged into a POTW by specific industrial discharges that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (i) Categorical Industrial User (CIU). An Industrial User subject to a categorical Pretreatment Standard or categorical standard.
- (j) City. The City of Shelby, County of Richland, State of Ohio. Also, for the purposes of the ordinance Chapter 1042 – Sewer Regulations, means the Superintendent, as charged with the duties and responsibilities of this ordinance.
- (k) City Building Inspector. The person employed and authorized by the city to inspect construction of residential buildings including the installation of house and sewer lateral and plumbing.
- (l) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (m) Control Authority. The City of Shelby.
- (n) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (o) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (p) Director of Public Service. The Mayor or his or her authorized deputy, agent or representative.
- (q) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, the Ohio EPA acting as the duly authorized official of said agency.
- (r) Existing Source. Any source of discharge that is not a "New Source."
- (s) Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (t) Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (u) House sewer lateral or building sewer lateral. The extension from the building drain to the public sewer or other place of disposal.
- (v) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- (w) Industrial Discharge Permit. A permit issued by the City, to an Industrial User that is a source of an indirect discharge, with the terms and conditions by which the Industrial User must comply.
- (x) Industrial User. A source of Indirect Discharge.
- (y) Industrial waste. Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.
- (z) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

- (aa) Interference. A discharge that, alone or in conjunction with another discharge, inhibits or disrupts the POTW, its treatment processes or operations, causes a violation of City's NPDES permit, or its sludge processes, use or disposal.
- (bb) Local Limit. Specific discharge limits developed and enforced by the City upon Users or commercial facilities as listed in Chapter 1042.13 to implement the general and specific discharge prohibitions listed in 40CFR 403.5(a)(1) and (b).
- (cc) Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (dd) 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 date of passage of this ordinance, 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.
  - (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.
- (ee) NPDES. National Pollutant Discharge Elimination System permit program as administered by the Ohio EPA.
- (ff) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (gg) O and M or O&M. Operation and Maintenance.
- (hh) Pass-through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (ii) Person. Any individual, partnership, firm, company, corporation, joint stock company, trust, association, society, group or other legal entity. This definition includes all Federal, State, and Local governmental entities.
- (jj) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (kk) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (ll) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by

physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

- (mm) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (nn) Pretreatment Standards. Prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (oo) Prohibited Discharge Standards. Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Chapter 1042.12 of this ordinance.
- (pp) Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (qq) Publicly Owned Treatment Works (POTW). A treatment works, as defined by section 212 of the Act, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (rr) Public sewer. A sewer controlled by the City.
- (ss) Sanitary sewer. A sewer which carries wastewater and wastes and to which storm, surface and ground waters shall not be admitted.
- (tt) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)
- (uu) Sewer. A pipe or conduit for carrying wastewater.
- (vv) Significant Industrial User (SIU) is:
  - (1) An Industrial User subject to Categorical Pretreatment Standards (CIU); or
  - (2) An Industrial User that:
    - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
    - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (ww) Significant Non-Compliance (SNC). An industrial user is considered in significant noncompliance if it has a violation that meets the criteria in paragraphs (3), (4), or (8) listed below. A significant industrial user (SIU) is considered in significant noncompliance if its violation meets any of the following criteria:
  - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six per cent or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
  - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three per cent or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
  - (3) Any other violation of a pretreatment standard or requirement as described in City Ordinances that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
  - (5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, or any other reports required by the control authority;
  - (7) Failure to accurately report noncompliance; or
  - (8) Any other violation or group of violations, including a violation of BMPs, that the control authority determines adversely affects the operation or implementation of the local pretreatment program.
- (xx) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Chapter 1042.12 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass-through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
  - (xx) Storm sewer or storm drain. A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.
  - (yy) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
  - (zz) Superintendent. The person designated by the City to supervise the operation of the POTW, and who is charged with the duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.
  - (aaa) Total Suspended Solids (TSS) or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
  - (bbb) User or Industrial User. A source of non-domestic, indirect wastewater discharge to the POTW.
  - (ccc) Wastewater. Liquid and water-carried wastes and sewage from residences, business buildings, institutions and industrial establishments, whether treated or untreated; which are contributed to the POTW.
  - (ddd) Wastewater Treatment Plant (WWTP) or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
  - (eee) Wastewater Review Commission.
    - (1) A commission consisting of three persons to include the following: a member of Council, the POTW superintendent, and a representative of industry. The following is a description of the terms of office and the appointment procedure of the Wastewater Review Commission.
    - (2) The terms of office of the Councilmember and the POTW superintendent shall be for the length of time they hold their respective positions. The term of office of the industry representative shall be for two years concurrent with the term of office of the Mayor.
    - (3) The industry member shall be appointed by the Mayor; the appointment shall be confirmed by Council.
    - (4) The Council member shall automatically serve as the Commission's Chairperson. A Vice-Chairperson and a Secretary shall be elected from the Commission's membership.
  - (fff) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

#### 1042.12 PROHIBITED DISCHARGES

- (a) General Prohibitions.
 

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (b) National Pretreatment Standard Prohibitions.
 

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

  - (1) Pollutants which create a fire or explosive hazard in the POTW, 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 CFR 261.21;

- (2) Wastewater having a pH less than 6.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Any solid or viscous substances, (including but not limited to: garbage that has not been properly shredded, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure) capable of causing obstruction of the flow to the POTW or resulting in Interference;
- (4) 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;
- (5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass-Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except as permitted under Chapter 1042.14 of this ordinance and at the discharge point designated by the Superintendent;

(c) Local Prohibitions.

Except as hereinafter provided, no User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Any substance which will cause the POTW to violate its NPDES permit and/or cause treatment residue, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- (2) Any gasoline, benzene, naphtha, fuel oil, motor oil, or other flammable or explosive liquid, solid or gas;
- (3) Any noxious or malodorous gas or substance capable of creating a public nuisance, or substances causing the release of noxious or poisonous gases after discharge into the public sewer system;
- (4) Any wastes or waters 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 sewage treatment plant, such as cyanides, radioactive substances, isotopes and similar materials;
- (5) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant, or having a chlorine demand greater than 30 mg/l;
- (6) Wastewater which imparts objectionable color which cannot be removed by the POTW treatment process, such as, but not limited to: dye wastes and tanning solutions;
- (7) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, or unpolluted wastewater, unless specifically authorized by the Superintendent;
- (8) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (9) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
- (10) Any wastewater which contains fats, oils, or greases of animal or vegetable origin in concentrations greater than 50 mg/l;
- (11) Any Slug Load or Slug Discharge as defined in Section 1042.02 of this ordinance including oxygen demanding pollutants, released in a single discharge episode of such volume or strength as to cause interference to the POTW;
- (12) Any waters or wastes having a five-day BOD greater than 300 mg/l by weight, or containing more than 350 mg/l by weight of suspended solids, or containing any quantity of substances having the characteristics described herein, or having an average daily flow greater than 22% of the average daily sewage flow of the city, without the review and approval of the Superintendent.

- (d) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

**1042.13 LIMITATIONS ON WASTEWATER STRENGTH**

(a) National Categorical Pretreatment Standards.

- (1) Users must comply with the Categorical Pretreatment Standards found in 40CFR Chapter I, Subchapter N, Parts 405-471, where applicable. A Categorical Industrial User (CIU) may obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard.
- (2) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual CIU. This conversion is at the discretion of the Superintendent.
- (3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (4) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. If such Standards are being applied, the same production or flow value shall be used in calculating both the average and the maximum equivalent limitation.
- (5) Any SIU must notify the Superintendent at least 30 days in advance of any substantial change in the volume or character of pollutants in their discharge, including any listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p).

(b) State requirements.

State requirements and limitations on discharge to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations as those in this chapter or any other applicable ordinance.

(c) Local Limits.

The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). These pollutant limits are established to protect against Pass Through and Interference.

- (1) No person shall discharge wastewater containing in excess of the following concentrations for any of the enumerated materials, exceeding the following one-day maximums based upon 24-hour average values after a period of nine months has elapsed from the effective date of this chapter:

Shelby Local Limits

Pollutant	Concentration
Arsenic	0.02 mg/l
Cadmium	0.40 mg/l
Chromium - Hexavalent	None
Chromium - Total	3.00 mg/l
Copper	1.00 mg/l
Total cyanide	1.00 mg/l
Lead	0.50 mg/l
Mercury	BMP*
Molybdenum	0.50 mg/l
Nickel	2.00 mg/l
Selenium	0.02 mg/l
Silver	1.00 mg/l
Zinc	2.00 mg/l
Fats, Oil & Grease	50 mg/l
BOD5	300 mg/l
Suspended Solids	350 mg/l

\* BMP = Best Management Practices

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

- (2) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in an individual wastewater discharge permit, as Local Limits in order to achieve the requirements of Chapter 1042.12.

(d) Right of revision.

The City reserves the right to amend this ordinance, or an individual wastewater discharge permit to provide for different limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in 1042.01.

- (e) Dilution. No discharge shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. This shall not prohibit the use of equalization tanks utilized to regulate flows.

**1042.14 WASTEWATER DISCHARGERS**

No person shall discharge sewage, industrial wastes or other wastes to any sewer outlet within the jurisdiction of the city, without having first complied with the terms of Chapter 1042. All Users proposing to connect to or discharge sewage, industrial wastes and other wastes to the POTW shall also comply with all terms of this chapter. All industrial users shall also comply with all provisions and procedures set forth in the City of Shelby's Industrial Pretreatment Program (IPP). Industrial Users that are required by the Superintendent to obtain an Industrial Discharge Permit shall also be subject to the terms of Chapter 1042.23.

(a) Waste Survey and Wastewater Baseline Analyses

- (1) Any new User must submit information on the nature and characteristics of its wastewater and waste products at least 90 days prior to commencement of discharge. The Superintendent will provide the Waste Survey Form (located in the IPP) for this purpose.

- (2) The Superintendent will also require that a baseline analysis be performed for all pollutants identified by the User, categorical pollutants the User is subject to, any pollutants prohibited in 1042.12, or pollutants regulated in 1042.13, within 90 days of commencing discharge to the POTW.
- (3) The City will perform all required baseline sampling and analyses, with the analysis costs being deferred to the User. Baseline sampling will be conducted in accordance with the requirements 40 CFR Part 136 and Ohio Administrative Code 3745-3-06.
- (4) If compliance with a BMP or a pollution prevention alternative, the industrial user shall submit documentation to the Superintendent to determine compliance with the standard.

(b) Periodic Compliance Monitoring

- (1) Unless the Industrial Discharge permit states otherwise, the City will perform all periodic sampling and analyses, with the analysis costs being deferred to the User. All significant industrial users will be sampled at least quarterly. Users subject to reporting requirements in this ordinance shall retain copies of these reports for at least three (3) years.
- (2) If any sampling event indicates a violation, the Superintendent shall notify the User within twenty-four hours of becoming aware of the violation. The City will repeat the sampling and analysis for the pollutant in violation within thirty days of becoming aware of the violation.
- (3) Any existing User shall complete an updated Waste Survey Form within 30 days if requested by the Superintendent.

(c) Pretreatment Facilities

- (1) Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Chapter 1042.12 of this ordinance within the time limitations specified by the State of Ohio or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.
- (2) Users must complete and submit all required permit applications and detailed plans describing such facilities as required by the State, to the Superintendent for review, and shall be acceptable to the Superintendent and the State before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.
- (3) Users must notify the Superintendent at least 30 days in advance of any substantial change in the volume or character of pollutants in their discharge, including any listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p).

(d) Accidental Discharge/Slug Discharge Control Plans

The Superintendent shall evaluate whether each Significant Industrial User (SIU) needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges at least once during the term of each SIU permit or within one year of being identified as a SIU. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or Slug Discharge;
- (4) Procedures to prevent any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(e) Oil and Grease Traps

Oil and grease traps shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil;

except that such interceptors shall not be required for residences. All interception units shall be of a type and capacity approved by the Superintendent, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

(f) Hauled Wastewater

Industrial waste haulers may discharge loads only at the locations designated by the Superintendent and only with the prior consent of the Superintendent; who may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(g) Right of Entry for Inspection and Sampling

- (1) The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these ordinances and/or any Industrial Discharge Permit (IDP) order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (2) Where a User has security measures which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements within its security system so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (3) The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's wastewater operations.
- (4) The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User, at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as necessary to ensure their accuracy.
- (5) Unreasonable delays in allowing the Superintendent access to the User's premises shall be considered a violation of this ordinance.

(h) Changes in Discharge

All industrial users are required to notify the Superintendent at least 30 days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p). Significant industrial users (SIU) shall also notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(i) Significant Non-Compliance

An industrial user is considered in significant noncompliance if it has a violation that meets the criteria in paragraphs (3), (4), or (8) listed below. A significant industrial user (SIU) is considered in significant noncompliance if its violation meets any of the following criteria:

- (1) Chronic violations of wastewater discharge limits listed in Ordinance 1042.13, defined here as those in which sixty-six per cent or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three per cent or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as described in Ordinances 1042.12 and 1042.13 that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under Chapter 1042.23 to halt or prevent such a discharge;
- (5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, or any other reports required by the control authority;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, including a violation of BMPs, that the control authority determines adversely affects the operation or implementation of the local pretreatment program.

The Superintendent shall publish annually, (in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW), a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance (as defined in Ordinance 1042.02) with applicable Pretreatment Standards and Requirements.

(j) Confidential Information

Information and data furnished to the city with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, the State Disposal System permit, the pretreatment programs, or all of these, provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the city as confidential shall not be transmitted to any party except as provided herein and unless a ten-day notification is given to the discharger by certified mail.

**1042.23 INDUSTRIAL WASTEWATER PERMITTING PROGRAM**

This chapter authorizes the creation of the "City of Shelby; Industrial Pretreatment Program (IPP)" under separate cover. The detailed descriptions, applications, permits and forms comprising this program are located within the IPP and are maintained under the control of the Superintendent. The IPP will contain these elements:

- (a) Industrial User Listing (as defined in Chapter 1042.02)
  - (1) Industrial Users
  - (2) Categorical Industrial Users
  - (3) Significant Industrial Users
- (b) Waste Survey and Wastewater Baseline Analyses Forms
- (c) Industrial Discharge Permit Applications

No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit (IDP). Other Users may also be required to obtain an IDP, at the discretion of the Superintendent. All Industrial Users will follow the application procedures as described in ordinance 1042.14.

- (1) Any existing User required to obtain an IDP, who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall within 90 days, submit a completed IDP Application and Waste Survey to the Superintendent.

- (2) Obtaining an IDP does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or with any other requirements of Federal, State, and local law.
- (3) The Superintendent will evaluate the IDP application and data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit. The Superintendent may deny any application for an IDP.
- (4) Once the IDP permit has been issued, the Superintendent will perform baseline monitoring of the User within 90 days of commencing discharge to the POTW, as described in ordinance 1042.14.
- (5) A new permit application is required every five (5) years in order to renew the IDP.

(d) Signatory Requirements and Certifications

All applications and User reports submitted to the City, must be signed by an Authorized Representative of the User (as defined in Chapter 1042.02), and contain the following certification statement:

"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."

(e) Industrial Discharge Permit Contents

IDPs issued by the City shall include such conditions that are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Each IDP shall contain:

- (1) A specific permit issuance date, expiration date and effective date. An IDP shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An IDP may be issued for a period of less than five (5) years, at the discretion of the Superintendent.
- (2) The following statement: "Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, state, and federal law, including any such regulations, standards, requirements, or laws that may become effective during the terms of this permit. There are applicable civil and criminal penalties for violation of the Pretreatment Standards and Requirements, and any applicable compliance schedule."
- (3) Opportunity for Appeal -- If a User wishes to appeal or challenge any conditions imposed in the IDP, a written request may be filed for modification or rescission of this permit with the Superintendent within 30 days of the effective date of the IDP.
- (4) A description of the location of the User's discharge outfall(s) and all applicable effluent limits, including any Best Management Practices (BMPs) required.
- (5) All monitoring, sampling and record keeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, the sampling location, sampling frequency, and sample type based on Federal, State, and/or local law.
- (6) All reporting requirements, including self-monitoring, BMP compliance, and accidental discharges. The IDP shall specify the notification and reporting procedures including addresses and telephone numbers as applicable. All records of reports requirements, including BMPs shall be retained for at least three (3) years.
  - a. When compliance with a BMP or a pollution prevention alternative is required, documentation shall be included with all periodic compliance reports to determine the compliance status of the User.
- (7) Any special conditions or special monitoring requirements that the Superintendent deems necessary to ensure the User's compliance with this ordinance, and State and Federal laws, rules, and regulations; including:
  - a. User requirements to control Slug Discharges and/or development of a Slug Discharge Control Plans as described in Chapter 1042.14.

- b. Compliance plan and schedule to meet one or more of the wastewater discharge limitations within the User's IDP.
- c. User requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
- d. Industrial Discharge Permits are issued to a specific User for a specific operation. A permit shall not be transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Superintendent.
- e. Reopener clause allowing the City to modify the User's IDP at any time due to any of the following changes:
  - 1. A change or modification to a limitation or requirement as identified in a Chapter of this ordinance.
  - 2. Incorporation of special conditions resulting from the issuance of a special order.
  - 3. Promulgation of new Federal Pretreatment Standards.
  - 4. Any permit modification which results in new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Additional procedures for operation of the IPP:

- (1) User Inspections by the City
- (2) City Sampling of Users
- (3) User Reporting Requirements
- (4) User Upset or Bypass Notification

(g) Local Limits which are established to protect the POTW against pass through and interference and the technical justification analyses are detailed in the IPP. The current local limits are also listed in Chapter 1042.13 of this ordinance.

- (1) Users must comply with all prohibitions and local limits listed in these ordinances.
- (2) Users that are subject to any categorical pretreatment standard (40 CFR 405-471) must also meet all limits as established in the applicable regulation, unless any local limit is more stringent than the categorical limit, in which case the local limit takes precedence.
- (3) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The Industrial User must also meet all the conditions of 40 CFR part 403.6(c)(5).
- (4) The City may also convert mass limits of a categorical pretreatment standard to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions: When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of the standard and document that dilution is not being substituted for treatment as detailed in 40 CFR part 403.6 (d).

(h) Enforcement Response Plan

The Enforcement Response Plan (ERP), is located in the Shelby IPP. It is to be used as a guidance document for the City, and implemented as necessary by the Superintendent, in enforcing the Shelby IPP. The ERP contains procedures describing how the City will investigate and respond to instances of User noncompliance. The ERP also describes the types of escalating enforcement the City will take in response to anticipated industrial user violations, and the time periods within which the responses will take place. The ERP also includes judicial enforcement remedies that can be implemented by the City if necessary. The City retains the right to make case-by-case enforcement decisions and settlements which may or may not follow the exact wording of the ERP.

Section 2: That all other Sections of Chapter 1042 (Sewer Regulations) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

(Ord. 16-2001, passed 5-8-2001; Ord. 33-2001, passed 8-20-2001; Ord. 49-2003, passed 12-1-2003; Ord. 28-2004, passed 9-20-2004; Ord. 18-2005, passed 6-6-2005; Ord. 12-2006, passed 6-5-2006; Ord. 14-2008, passed 5-5-2008; Ord. 31-2008, passed 9-15-2008)

**ORDINANCE NO. 28 -2017**  
(Sponsor: Councilmember McLaughlin)

**CREATING TEMPORARY APPROPRIATIONS FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code §5705.38 requires that "the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure ... no later than the first day of April of the current year"; and

WHEREAS, so as to provide funding for the operation of the city government prior to the passage of the final appropriations, it is necessary to create temporary appropriations; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said Temporary Appropriations Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and in anticipation of the creation and passage of the Final Appropriations Ordinance no later than the first day of April 2018.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That temporary appropriations are hereby made and authorized for the year 2018, the same to be in full force and effect from and after approval, as and for the temporary general appropriations for the City of Shelby for the year 2018.

Section 2: That City Council does hereby temporarily appropriate, for the year 2018 the following sums, to wit:

	<u>ACCT.</u> <u>NO.</u>	<u>APPROPRIATION</u> <u>EXPENSE</u>
<b>GENERAL FUND</b>	101	<b>\$1,400,000.00</b>
 <b><u>SPECIAL FUNDS</u></b>		
Street	200	\$125,000.00
State Highway	205	\$9,000.00
Street Sales Tax	210	\$48,000.00
Income Tax	220	\$1,000,000.00
Health	225	\$75,000.00
Park	230	\$50,000.00
Playscape Trust	231	\$0.00
Rehab Escrow CDBG	232	\$15,000.00
Court Probation	233	\$11,500.00
BMV Reimbursement	234	\$1,500.00
Law Enforcement Trust	235	\$5,000.00
Court IDAT	236	\$15,000.00
Court Enforce. & Education	237	\$1,500.00
Dare	238	\$650.00
Unclaimed Monies	240	\$500.00
Court IDAM	242	\$5,000.00
CDBG General	250	\$90,000.00
Home Program	251	\$130,000.00
Fire Damage	253	\$3,500.00
City Admin. & Bldg	650	\$5,500.00
Police Pension	700	\$88,000.00

Fire Pension	701	\$88,000.00
Shade Tree Trust	705	\$1,800.00
Fema	815	\$0.00
Bicentennial Trust	800	\$0.00
<b>Total Special Revenue Funds</b>		<b>\$1,769,450.00</b>

**DEBT SERVICE FUNDS**

Special Bond	275	\$90,000.00
General Bond SSE	281	\$25,000.00
Light Debt Reserve	602	\$15,000.00
<b>Total Debt Service</b>		<b>\$130,000.00</b>

**CAPITAL PROJECT FUNDS**

Court Computer	239	\$7,500.00
Police Computer	241	\$3,000.00
Capital Improvement	300	\$50,000.00
Court Capital Improvement	304	\$15,000.00
Sidewalks 2%	352	\$5,000.00
Streets, Alleys Sidewalks	353	\$75,000.00
Police/court construction	354	\$20,000.00
Police Equipment	702	\$25,000.00
Fire Equipment	703	\$75,000.00
<b>Total Capital Projects</b>		<b>\$275,500.00</b>

**ENTERPRISE FUNDS**

Sewer	400	\$450,000.00
San. Sewer Capital Improvements	401	\$7,600,000.00
Waste Water Capital Improvements	402	\$300,000.00
Water	500	\$500,000.00
Water Facilities	501	\$225,000.00
Water Improvement Fund	502	\$330,000.00
Electric	600	\$4,100,000.00
<b>Total Enterprise Funds</b>		<b>\$13,455,000.00</b>

**INTERNAL SERVICE FUND**

Hospitalization	715	\$725,000.00
		<b>\$725,000.00</b>

**PERMANENT FUND**

Mini Park Trust	710	\$500.00
<b>Total Non-Expendable Fund</b>		<b>\$500.00</b>

**AGENCY FUNDS**

Customer Deposit Fund	601	\$30,000.00
Sharing Fund	706	\$18,000.00
<b>Total Agency Funds</b>		<b>\$48,000.00</b>

<b>TOTAL APPROPRIATIONS</b>		
<b>ALL FUNDS</b>		<b>\$17,803,450.00</b>

Section 3: That the Director of Finance and Public Records is hereby authorized to draw warrants on the City Treasury for the amounts appropriate in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That all meetings and hearings concerning the adoptions of this ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual obligation of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Steven Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 29-2017**  
**(Sponsors: Councilmembers Gates and Martin)**

**AUTHORIZING THE DIRECTOR OF FINANCE AND PUBLIC RECORD TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety, and welfare of the municipality; and

WHEREAS, the City of Shelby relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety, and welfare of the municipality; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with Ohio Revised Code Chapter 718; and

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted House Bill 5 in 2014 comprehensively rewriting the entire municipal income tax law and House Bill 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the City of Shelby desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety, and welfare of the municipality; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

Section 1: The Director of Finance is authorized to join, on behalf of the City of Shelby, a coalition of municipalities being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in House Bill 5 and House Bill 49, and retain the law firm of Frost Brown Todd LLC as special counsel for the coalition of municipalities.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

Section 3: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Shelby, Ohio, such emergency arising from the need for immediate judicial proceedings given that the effective date of Amended Substitute House Bill 49 is January 1, 2018; wherefore, this Ordinance shall be in full force and effect upon its passage.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law