

**CHAPTER 1183**  
**Utility Regulations**

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**1181.01 GENERAL DESIGN CRITERIA.**

The design and construction of all utilities for subdivisions and developments requiring development plan approval shall conform to the requirements set forth in this Chapter and any construction standards issued by the Division of Engineering. (Ord. 2006-49. Passed 5-21-07.)

**1183.02 UTILITIES – GENERAL PROVISIONS.**

- (a) Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed in order to promote the logical extension of public infrastructure.
- (b) Disruption to be Minimized. Whenever public improvements are installed, the open cutting of roads shall be avoided to the greatest extent practicable.
- (c) Any plans or documents submitted for subdivision or development plan approval shall conform to the City of Wooster's Development and Improvement Regulations Manual, current edition. (Ord. 2006-49. Passed 5-21-07.)

**1183.03 WATER.**

- (a) Public Water Required, if Available:
  - (1) Public water, if available as determined by the City Engineer, shall be extended at the developer's and/or owner's cost to all lots. Where the public water system is not available, City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions for that particular subdivision, and if the appropriate Board of Health finds that private wells will be acceptable according to the rules and regulations of the City and County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply system provided that all other requirements have been met.
  - (2) In considering the availability of public water, the City Engineer shall consider the following criteria: the proximity of public waterlines; engineering feasibility and cost of extension of such

lines to serve the subdivision or development; alternative sources of water; public health and safety of the proposed development; and the City's plans for waterline extension in the area; whether an alternate source of water, acceptable to the fire department, is available or will be provided for fire suppression purposes.

- (3) If public water facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity as determined by the City Engineer exists, the applicant shall at his expense upgrade the public water mains or facilities to provide the additional capacity. Adequate capacity shall be determined as enabling 1,000 gallons per minute fire flow to be attained at the critical hydrant as determined by the City Engineer, without dropping residual pressures elsewhere within the public water system to or below 20 pounds per square inch.
  - (4) Unless public water is determined not to be available, the applicant shall install the public water distribution system within the subdivision or development, including water mains, service lateral through the curb line for each lot, and fire hydrants, and upon its completion, shall dedicate and convey title to the water distribution system to the City of Wooster.
- (b) Construction and Design Standards:
- (1) Water lines shall be constructed in accordance with the standards prescribed by the City Engineer, and may be either cast iron or approved equal. The minimum size shall be a six-inch diameter. Fire hydrant placement shall be as specified in Part 15, Fire Prevention Code, Section 1505.
  - (2) Water mains shall be looped within or through a subdivision.
  - (3) Water service line shall be located on a lot corner remote from the electric service.
- (c) Placement of Water Laterals: When public water is designed and constructed to be available to each lot, individual laterals shall not extend across lots to the served lot. (Ord. 2006-49. Passed 5-21-07.)

#### **1183.04 SANITARY SEWER.**

- (a) Sanitary Sewer Required, if Available:
- (1) Sanitary sewerage facilities shall connect with public sanitary sewerage systems where available and adequate capacity exists. When sanitary sewers are not available, as determined by the City Engineer, the City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions, and if appropriate Board of Health finds that private wells and/or private sewage disposal systems will be acceptable according to the rules and regulations of the City and County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply and/or sewage disposal system provided that all other requirements have been met.

- (2) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity, as determined by the City Engineer, in such facilities exists, the applicant shall at his/her expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity. The City Engineer shall evaluate the downstream sewer system to the point where the flow contributed by the subdivision is less than 1% of the flow in the system.
- (3) In considering the availability of a public sewer, the City Engineer shall consider the following criteria: the proximity of public sewer lines; engineering feasibility and cost of extension of such lines to serve the subdivision; appropriateness of the area and soils for septic sewer service; public health and safety of the proposed subdivision; and the City's plans for sewer line extension or service in the area.
- (4) The sanitary sewerage plan shall include calculations of the amount of sanitary flow to be discharged from the subdivision upon complete occupancy of the site.
- (b) Construction and Design of Sanitary Sewer:
  - (1) Unless public sewer is determined not to be available, sanitary sewers shall be constructed in accordance with the standards prescribed by the City Engineer. The minimum size shall be an eight-inch diameter, placed at a minimum grade of 0.4%.
  - (2) The sanitary sewer shall be designed and constructed so as to serve by gravity the lowest floor elevation of proposed principal buildings on all lots.
  - (3) Public sewer shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot. (Ord. 2006-49. Passed 5-21-07.)

**1183.05 STORM SEWERS AND STORMWATER MANAGEMENT.**

- (a) The design of stormwater runoff conveyance systems including, but not limited to storm sewers and appurtenant structures, bridges, culverts, ditches, swales, detention and/or retention facilities, shall meet the requirements of The Erosion and Stormwater Runoff Control Manual for Development and Improvement, current edition.
- (b) Unless otherwise approved by the City Engineer, stormwater management facilities, such as detention and retention ponds, shall not be located on individually owned lots in a residential subdivision. Instead, these facilities shall be located on a lot or lots commonly owned by a homeowner's association or equivalent agency.
- (c) Stormwater management facilities serving a residential subdivision shall be maintained by the homeowner's association or equivalent agency for that subdivision as required in Section 1183.08, unless City maintenance or another arrangement is approved by the City Engineer. A maintenance

plan for the facilities shall be provided as part of the engineering plan for the subdivision, and maintenance responsibility shall be designated on the subdivision plat. (Ord. 2006-49. Passed 5-21-07.)

#### **1183.06 OTHER UTILITIES.**

- (a) Provision of Other Utilities. Electrical service, gas mains and other utilities should be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- (b) Other Utilities, Electric, Telephone And Cable Television Installation. The installation, construction and expansion of electric, telephone, cable television and other utilities shall be placed underground subject to the following:
  - (1) Transmission lines are exempt from the provisions of this section. Transmission lines are defined as those lines that are part of the transmission grid, constructed on towers between generating stations and substations.
  - (2) For the standard or typical underground utility installation, that equipment typically placed above ground such as transformers and switches affixed on the ground shall be exempt from the provisions of this section.
  - (3) For purposes of this section, services, adjacent to new subdivisions as well as commercial and industrial uses, that shall be installed underground include but are not be limited to:
    - A. New distribution lines that deliver local service and are extended across the public right-of-way from existing overhead service to such new subdivisions, commercial and industrial uses.
    - B. Existing overhead distribution lines that deliver local service which are located within the public right-of-way that is being widened or improved as part of the improvements for the proposed subdivision.
  - (4) Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to new subdivisions, commercial and industrial uses shall be underground. For the purposes of this section, temporary overhead service shall mean:
    - A. That service which is necessary for immediate public convenience and necessity and is constructed to serve only on an interim basis until permanent underground services can be installed.
    - B. That service which in order to reach a new subdivision, commercial or industrial use must be extended from existing overhead service through undeveloped parcels of

land not included in the subdivision, commercial or industrial use.

- (5) The owner or developer of new subdivisions as well as commercial and industrial uses shall offer an easement for TV cable and TV cable equipment within the easement shown on the plat for electric and telephone utilities. The easement shall be granted at no expense to the TV cable operator.
- (6) The providers of electric, telephone, natural gas, and cable television services are encouraged to inform the Planning Commission as to the nature and location of their services and plans for increasing service capacity.
- (c) Street Lights. See Section 1181.06, Street Lights. (Ord. 2006-49. Passed 5-21-07.)

### **1183.07 UTILITY EASEMENTS.**

The developer shall convey a fifteen (15) foot wide common or shared public utility easement centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and corporations furnishing cable television, gas, telephone, and electric service to the development. The City Engineer may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities. The City Engineer may waive the requirement for utility easements when the proposed development does not include lots being subdivided. Easements may also be required across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside of public rights-of-way. (Ord. 2006-49. Passed 5-21-07.)

### **1183.08 MAINTENANCE AND OPERATION.**

- (a) Maintenance Responsibilities. Where the development contains sewers, sewage treatment plants, water supply systems, stormwater management facilities or other physical features necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the City or other public agency does not desire to maintain them, such facilities shall be maintained by a the property owner, the homeowners' association or an equivalent agency. Documents creating an association and detailing maintenance responsibilities shall be submitted in a form that is acceptable to the Law Director for the proper and continuous maintenance and supervision of such facilities.
- (b) Failure to Maintain. In the event the property owner, agency, or homeowners' association, hereafter referred to as the agency, established to own and maintain the facilities, or any successor agency, shall fail to fulfill any obligation imposed on such agency as a condition of approval of the development, the City may serve written notice upon such agency or upon the residents and owners of the development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice

shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the properties within the development and to prevent the facilities from becoming a public nuisance, may enter upon the facilities and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the development and shall become a tax lien on the properties. (Ord. 2006-49. Passed 5-21-07.)

#### **1183.09 OFF-SITE IMPROVEMENTS.**

- (a) Where the construction, improvement, development, or subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the development, the developer shall pay a proportionate share of the cost of the facilities, in accordance with this sub-section.
- (b) No such payment shall be required until the City Council has established (or has committed itself by ordinance to the establishment of) a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be developed is located. The City may develop and administer all three (3) programs together or any one (1), or other number, separately or jointly.
- (c) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each developer within the area.
- (d) The share to be borne by each developer shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed development bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the City shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the developer and give appropriate credit therefore.
- (e) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the developer. In lieu of such payment, the City Engineer may accept a letter of credit satisfactory to the City Engineer conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account

for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the payment.

- (f) Nothing in this section shall imply or constitute an obligation on the part of the City to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the developer from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the development in accordance with this subdivision ordinance and other ordinances of the City. (Ord. 2006-49. Passed 5-21-07.)