

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-15 AC CMS

AN ORDINANCE AMENDING SECTION 915.11 OF THE OBERLIN CODIFIED ORDINANCES TO PROVIDE FOR THE REPLACEMENT OF SANITARY SEWER SERVICE LATERALS SERVING PRIVATE PREMISES CONTEMPORANEOUSLY WITH CAPITAL CONSTRUCTION AND REPLACEMENT OF THE CITY'S PUBLIC SANITARY SEWER MAINS AND TO ASSESS THE COSTS THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to continue to repair, replace and improve the sanitary sewer collection system to ensure the safe and efficient removal of effluent from all premises served thereby; and,

WHEREAS, improvements to the sanitary sewer collection system will minimize the potential impacts to the premises served of storm water inflow and infiltration into the sanitary sewer collection system; and,

WHEREAS, Section 915.11(b) of the Codified Ordinances of the City of Oberlin provides that "The sewer user or owner shall maintain and keep in good working order the sewer lateral from the premises to the edge of the public right of way"; and,

WHEREAS, the cost and related responsibilities of maintaining, repairing and replacing said sewer laterals serving private premises may dissuade property owners from constructing said improvements; and,

WHEREAS, the replacement of sanitary sewer service laterals serving private premises will benefit both the City's sanitary sewer system and the property owner; and,

WHEREAS, the City desires to offer to replace deficient sanitary sewer laterals serving private premises in conjunction with its capital sanitary sewer replacement projects; and,

WHEREAS, in order to ensure recovery of the costs of sanitary sewer service lateral replacements performed by the City of Oberlin for the owners of private property, City Council desires to authorize a process for the assessment of any such unpaid costs to the real property serviced by the replaced sanitary sewer service lateral.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 915.11 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in

such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: in order to implement said service for the benefit of the customers of the City's sanitary sewer system as soon as possible. and shall take effect immediately upon passage.

PASSED: 1st Reading: March 18, 2019 (E)
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 03/19/2019

EFFECTIVE DATE: 03/18/2019

ORDINANCE 19-15 AC CMS
EXHIBIT A

915.11 SEWER LATERAL INSTALLATION AND MAINTENANCE RESPONSIBILITY.

(a) The sewer user or owner shall sustain and pay for all costs incurred and relating to the initial installation of sewer laterals. Connection costs, including, but not limited to, the extension of the lateral into the sewer easement or public right of way, street opening and restoration, opening the sewer main and the construction of the connection, shall be at the owner's expense.

(b) The sewer user or owner shall maintain and keep in good working order the sewer lateral from the premises to the edge of the public right of way.

(c) Street openings and restoration necessitated by a structural failure or blockages in the sewer lateral located within the public right of way shall be done by and at the expense of the City.

(d) The City shall not reimburse property owners for the expense of clearing blockages in sewer laterals except where:

- (1) The property owner has installed, at his or her expense, a City-approved inspection tee at the right-of-way line; and
- (2) The City has, prior to the clearing operation, determined the blockage to be in that section of the lateral located within the public right of way and authorized reimbursement for the clearing.

- e. The City may undertake the capital construction and replacement of the City's public sanitary sewer mains. When such construction occurs, the City may offer to replace deficient sewer laterals on private property from the edge of the right-of-way to the premises served.
- f. The property owner may elect in writing to have the City replace the deficient sewer lateral and, if so, the property owner shall be responsible for the cost of said replacement including all costs associated with the restoration of the premises.
- g. With the property owner's express consent, the City will proceed to initiate and complete the work and certify the actual cost of the same to the City Treasurer for collection.
- h. If the actual cost to the City of the sewer lateral replacement including restoration of the premises is not paid within thirty days of notice of the same to the property owner, the City's Treasurer shall cause the cost to be certified to the Lorain County Auditor, who shall place the same on the bi-annual Lorain County tax duplicate for collection in the same manner Lorain County collects property taxes, property assessments and other charges.
- i. The assessment, caused to be placed upon the tax duplicate by the City for the cost of the sewer lateral replacement, shall be paid by the property owner in one lump sum or ten equal annual installments, provided, however, that whenever the unpaid balance of an assessment is one hundred dollars (\$100.00) or less, it shall be fully due and payable upon the date of the next annual payment. Assessments paid in installments shall include an interest charge of two percent per annum. Upon proof satisfactory to the City that payment in ten annual installments will create a serious economic hardship to the property owner, the City Treasurer may authorize a longer repayment period.