

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2020-19 July 9th 20
Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE STATING THE RIGHTS AND RESPONSIBILITIES OF PROPERTY OWNERS REGARDING TESTING, CLEANING, REPAIR, MAINTENANCE, RENOVATION AND REPLACEMENT OF EXISTING PRIVATE SEWER LATERALS AND WASTE WATER CONNECTIONS AS A POINT OF SALE ITEM.

WHEREAS, defective private lateral sewer lines in the Village of Sabina, County of Clinton, State of Ohio (hereafter known as the Village), increase the risk of discharging of sewage onto public and private property, creating a public health and safety hazard; and

WHEREAS, defective private lateral sewer lines result in significant water inflow and infiltration into the sanitary sewer system, contributing to sewage overflows and causing the Village to incur substantial additional cost each year to maintain safe pressures, treat excess volumes of wastewater, and upgrade capacity to accommodate the increased flows; and

WHEREAS, the Ohio Environmental Protection Agency requires the Village to implement measures to reduce the risk of sewage overflows from the Village’s sanitary sewer system: and

WHEREAS, it is in the best interest of the public health, safety and welfare of the citizens of the Village to take the following actions:

- (1) require users’ connections to the Village’s sewer system to satisfy certain minimum performance standards at a point of sale and thereafter;
- (2) enforce such standards through the implementation of a private pipe certification program whereby private lateral sewer lines are inspected and tested prior to a property sale;
- (3) require repair of defective private lateral sewer lines, and replacement of laterals which cannot be feasibly repaired, prior to a point of sale; and
- (4) require proper maintenance of private lateral sewer lines in regard to a property purchase that takes place after the first effective date of this ordinance;

NOW, THEREFORE, be it ordained by 2/3 vote of the Council of the Village of Sabina, County of Clinton, and State of Ohio that:

SECTION 1-Applicability: This legislation applies to property that receives wastewater service from the Village’s wastewater treatment plant.

SECTION 2 -Definitions:

- (a) “Backwater Valve” means a low-pressure check valve installed in the sewer lateral to mitigate the backflow of effluent substances during storm surge or overflow events. A Backwater Valve is required when the overflow rim of the lowest plumbing fixture(s) inside the structure is below rim elevation of the next upstream manhole.
- (b) “Building Cleanout” means a sewer lateral cleanout installed near a building located on private property.
- (c) “Clean Water Connection” means any water source entering the sanitary sewer system except wastewater effluent. Clean water sources include,

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without limitation, downspouts, yard drains, footer drains, sump pumps, surface inflow and groundwater infiltration.

- (d) "Private Lateral" means the segment of the sanitary sewer system located on private property that connects a residence, business, or building to the sanitary sewer system. Private Lateral shall include a septic tank if one exists on the property and it is in use.
- (e) "Sewer Lateral Certificate" means a certificate provided to the property owner upon satisfactory completion of the inspection of a Private Lateral and installation of any necessary lateral repairs and/or replacement resulting from Sewer Lateral Certification.
- (f) "Sewer Lateral Certification" means proof of professional inspection and repair of a Private Lateral when plumbing modifications are installed prior to transfer of property ownership.
- (g) "Point of Sale" is to be understood, in this ordinance, as the point just prior to property transactions resulting in a change of ownership.

SECTION 3- Owner Maintenance Required:

- (a) Every property owner shall maintain his or her sewer pipelines and laterals free of defects or obstructions which could cause an overflow or malfunction of the sanitary sewer system.
- (b) Modification, repair and/or replacement of Private Laterals must be performed in accordance with local building codes and sewer connection guidelines established by the utility. The expense of Private Lateral maintenance is the property owner's responsibility.

SECTION 4-Sewer Cleanouts:

- (a) Every Private Lateral replaced shall have a Building Cleanout within thirty (30) inches of the building. Such cleanouts shall be installed by the property owner, if not present, prior to a property sale after obtaining all applicable permits from the utility. This Building Cleanout shall be used primarily by the property owner for sewer line maintenance.
- (b) Installation of cleanouts under this section may be undertaken at any time with appropriate permits but shall not be required until testing and/or inspection is mandated pursuant to this ordinance.

SECTION 5-Backwater Valves:

- (a) No person shall tap or make any connection to the public sewer where the overflow rim of the lowest plumbing fixture(s) inside the structure is below rim elevation of the next upstream manhole in the public sewer without a Backwater Valve.
- (b) When the Waste Water Treatment Plant Manager determines that a Backwater Valve is necessary for protection from sewer backups on an existing sewer connection or tap, owners of property, connected to such sewer shall, prior to selling the property, install a Backwater Valve on their sewer connections.

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- (c) The installation of Backwater Valves shall be performed after any necessary permits are obtained. All expenses associated with the purchase and installation of a Backwater Valve shall be paid by the property owner. Backwater Valves must be installed to allow access to the working parts for service and repair. Every Backwater Valve should be inspected and serviced every three years to ensure proper operation after installation.

SECTION 6-Clean Water Connections Prohibited:

- (a) No person shall make a connection from his or her roof downspouts, exterior foundation drains, sump pumps, driveway drains, yard drains, areaway drains or other similar surface or ground water source to a drain that is connected directly or indirectly to the public sanitary sewer system at any time prior to or following the selling of any connected property.
- (b) Upon discovery of an illegal surface or ground water intake, the property owner shall be notified in writing by the Waste Water Treatment Plant Manager to disconnect such drains from the public sanitary sewer system in accordance with this chapter.

SECTION 7-Access to Premises after Sale:

- (a) The Waste Water Treatment Plant Manager and/or other duly authorized employees or agents of the utility bearing proper credentials and identification shall be permitted to enter upon all properties for any of the following purposes:
 - (1) inspection, observation, measurement, sampling, testing, and examining and copying records of operation required by local, federal or state agencies in accordance with the provisions of this ordinance;
 - (2) determining the size, depth and location of any sewer connections;
 - (3) conducting non-destructive testing in search of illegal clean water connections to the sanitary sewer system, including, without limitation, roof drains, sump pumps, footer drains, basement drains, yard drains and swimming pools;
 - (4) evaluating the performance of private infrastructure connected to the public utility system and to assess its condition; or
 - (5) assessing the quantity and nature of the sewage or wastewater being discharged into the public sanitary sewer system.
- (b) Except as otherwise provided herein, the Waste Water Treatment Plant Manager shall give the property owner Five (5) business days written notice before personnel enter private property to conduct an inspection or test. Refusal to permit inspection for the purposes provided herein shall result in a surcharge of Twenty-Five Dollars (\$25.00) per month in addition to all other charges authorized and imposed by the utility for the next billing period.

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Ordinance No. (c) If a property owner's refusal to permit inspection persists for a period of sixty (60) days, the surcharge shall be increased to One Hundred Dollars (\$100.00) per month. Penalties for non-compliance

shall continue until an appropriate inspection is completed and any necessary repairs are installed to the satisfaction of the Waste Water Treatment Plant Manager.

- (d) The Waste Water Treatment Plant Manager is not required to give advance notice to enter upon a property if:
- (1) personnel are investigating a complaint or responding to a customer request to test or inspect a Private Lateral; or
- (2) sewage is exposed on the property or adjacent properties in a manner that creates a potential public health hazard.

SECTION 8-Offenses:

- (a) A property owner commits an offense if the owner fails to repair or replace a defective Private Lateral in compliance with the Village's wastewater service connection standards or to correct a condition interfering with the proper operation of the Private Lateral on or before the date specified by the Waste Water Treatment Plant Manager in the Waste Water Treatment Plant Manager's written notice of the defect.
- (b) Failure to correct an offense, as defined or otherwise provided in this ordinance, may result in the Village discontinuing service by shutting off water to the property. Any cost related to penalties and delinquencies, must be paid in full before sewer service will be restored to the property.

SECTION 9-Criminal Penalty:

- (a) A person who violates this ordinance commits an offense, punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- (b) Any such fine shall be attached to the property and must be paid-in-full, along with any delinquencies, surcharges and cost reimbursements, in order to bring the property owner's account into good standing. When service disconnection has occurred, service will not be restored until all criminal and civil penalties are paid.

SECTION 10-Civil Penalty:

- (a) If a person violates this chapter or fails to take action to comply with this chapter, the Village may file a lawsuit against such person requesting:
- (1) civil penalties authorized under the Ohio Revised Code;
- (2) injunctive relief;
- (3) recovery of expenses, losses, or damage to municipal property or equipment; and
- (4) any other relief available under the law.

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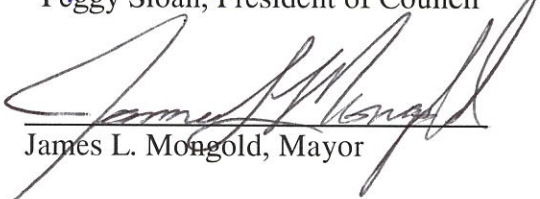
SECTION II: WHEREAS, this ordinance shall take effect and be enforced from and after the first date allowed by law.

1st Read: June 11th, 2020
2nd Read: June 25th, 2020
3rd Read: July 9th, 2020

Attest:

Approved by:


Nancy L. Cornell, Fiscal Officer


Peggy Sloan, President of Council

James L. Mongold, Mayor