

925.27 PRIVATE INFLOW REMOVAL ASSISTANCE PROGRAM.

Defiance Ohio

(a) The "Private Inflow Removal Assistance Program" is hereby established to provide financial and technical assistance to owners of private property who are required to:

- (1) Remove existing clean water connections from sanitary sewers;
- (2) Redirect storm water from existing sewer to designated storm sewers, ditches, natural water courses or other designated drainage outlets;
- (3) Redirect sanitary waste waters to newly designated sanitary sewers; or
- (4) Repair, replace or seal an existing lateral connection to a sanitary sewer to reduce infiltration of surface or ground water in furtherance of municipal implementation of the Combined Sewer Overflow Long Term Control Plan.

(b) The City Administrator shall include design of all necessary laterals in the scope of work to be provided by each design professional to whom a contract is awarded to design public infrastructure improvements required by the Combined Sewer Overflow Long Term Control Plan or by any judicial or administrative order related thereto. The contractual provisions shall obligate the design professional to: identify all sewer and storm water connections required to be installed, eliminated, altered, repaired or replaced to make effective use of public sewage or drainage improvements constructed or to be constructed in accordance with designs produced under the contract. The contract shall further require the design professional to develop an executable design depicting the recommended alignment, depth and method of connection of all laterals to be installed or improved on each parcel of land connected to public sewage or drainage facilities.

(c) Upon completion of the designs required by sub-paragraph (b), the City Administrator shall notify each affected property owner of all sewer and drainage connections required to be installed, eliminated, altered or replaced to achieve compliance with Codified Ordinances 925.03 and 925.04. The notice shall be accompanied by a copy of the proposed design prepared by the design professional and shall notify the property owner that compliance may be achieved by granting the municipality permission to enter the premises and execute the improvements depicted by the proposed design. If given, consent shall be expressed in writing on forms approved by the City Law Director and shall contain appropriate language absolving the municipality of liability with respect to any claim that may be brought based, in whole or in part, on allegations that injury to persons or property resulted from negligence in the design or installation of the improvements.

(d) The Notice required by paragraph (b) of this Section shall establish a date thirty or more days following the date of mailing by which consent to municipal execution of the proposed design must be received. The offer to provide construction services shall be deemed withdrawn as of the close of business on the date recited in the notice with respect to any property for which the required consent has not been received. The City Administrator shall compile a list of properties to be connected to public sewage and drainage facilities by contractors engaged by the City and determine the number of contracts reasonably required to assure timely completion of the work in accordance with schedules established by the judicial Consent Order or administrative directions issued by the Ohio Environmental Protection Agency and the scope of work to be undertaken under each contract. In determining the number and location of properties to be included within the scope of work established for each contract, the City Administrator shall consider the total number of properties for which owner consents have been received, the complexity of site-specific designs to be executed and the need to schedule work in different areas at different times to minimize disruption of traffic patterns and assure continued vehicular and pedestrian access to properties affected by the work. Reasonable efforts shall be made to assign adjacent and neighboring properties to the same contract. All contracts to be awarded pursuant to the authority of this Section shall be let to the lowest responsive and responsible bidder in accordance with municipal procurement practices established by Ordinance and general laws in effect on the date the contract is awarded. In the event a single bidder presents the lowest responsive bid to perform two or more contracts scheduled for simultaneous execution, the City Administrator shall consider the bidder's capacity to perform multiple contracts within the time allotted and may award one or more contracts to the next lowest available bidder. All costs arising under the terms of any contract awarded pursuant to the authority of this Section shall be paid from appropriated funds allocated for Private Inflow Removal Assistance Program expenditure by budgetary measures in effect on the date the contract is awarded. Subject to the sufficiency of lawfully available funds, the City Administrator granted continuing authority to award contracts for the installation, repair, alteration, improvement or removal of sewage and drainage laterals required to implement the Combined Sewer Overflow Long Term Control Plan or comply with judicial and administrative orders pertaining thereto.

(e) No property owner shall be required to use the design services or construction services to be provided pursuant to this Section or to install improvements conforming to the design proposed by the municipally's designated design professional. The Notice required by subparagraph (c) of this Section shall clearly state that the property owner may employ the services of a licensed engineer, architect or municipally-registered plumbing contractor to propose an

alternate design for the installation of required facilities and may choose to employ a municipally-registered contractor to execute the design proposed by the municipality or such alternate design as may be proposed by the property owner. The Notice shall establish a date by which a property owner choosing not to consent to municipal installation of the required improvements shall confirm the owner's intention to execute the design proposed by the municipality's design professional using a municipally-registered contractor selected by the property owner or present an alternate design for installation of the required improvements. The date by which alternate designs must be submitted for review shall not be earlier than 45 days following the date of mailing of the notice.

(f) Proposals to install required laterals in accordance with an alternate design shall be reviewed within 10 days of receipt by appropriately trained engineering staff to determine whether the improvements proposed are sufficient to achieve the public purposes of eliminating clean water discharges to sanitary sewage facilities and preventing sanitary waste water discharges to storm water facilities. Notice to each property owner of the acceptance or rejection of proposal to install required improvements in accordance with an alternate design shall include a statement of the reason any proposal is rejected and date by which additional proposals may be presented for review which shall not be less than 10 days nor longer than 30 days following the date of mailing of the notice. No permit authorizing work to be performed within the boundaries of a public right of way to install, repair, modify or remove a sewage or drainage lateral in response to construction or proposed construction of public infrastructure improvements required by the Combined Sewer Overflow Long Term Control Plan or any judicial or administrative order pertaining thereto shall be issued prior to approval of the installation design and materials specifications required by this Section. When granted, the design approval and all permits issued pursuant to that approval shall require the work to be completed by a date certain which shall not be later than the date on which the municipal contractor engaged to connect neighboring properties to public sewage and drainage facilities is required to achieve substantial completion of the contracted work. The work shall not be deemed complete prior to municipal inspection and approval of the installation and such work shall not be covered prior to municipal inspection.

(g) A property owner who elects not to use construction services afforded by this Section shall be entitled to reimbursement of costs incurred to conform the premises to the requirements of Codified Ordinances 925.03 and 925.04 upon completion of all required work within the time periods established in accordance with this Section. Reimbursements authorized by this paragraph shall be paid from appropriated funds allocated for Private Inflow Removal Assistance Program expenditure by budgetary measures in effect on the date compliance is established to the satisfaction of the City Administrator. Costs to develop and obtain approval of an alternate installation design shall not be reimbursable. Costs incurred for labor, materials, use of equipment and fuel to remove, install, repair, seal or otherwise modify or improve laterals in conformity with an approved installation design shall be reimbursable. The amount to be paid in reimbursement shall be the lesser of all costs actually incurred for payment of reimbursable expenses or the amount that would have been incurred to complete all work identified by the design proposal provided with the Notice issued in accordance with paragraph (c) of this Section using unit costs established by the contract awarded to the municipal contractor engaged to connect the nearest neighboring property to public sewage and/or drainage facilities.

(h) The City Administrator is authorized to grant reasonable extensions of time to accomplish any act required to qualify a property for reimbursement assistance but shall not allow an extension of time for performance of any requirement that will: delay the scheduled closure of a combined sewer overflow outlet, obligate the City to pay stipulated penalties under the terms of any judicial order, expose the City to liability for payment of civil or criminal penalties under any statute or administrative rule or obligate the City to pay liquidated damages to, or execute a change order with, any person performing work under any municipal contract.

(i) The City Administrator shall discontinue water service to any property that is not in compliance with all requirements of Codified Ordinances 925.03 and 925.04 on the date on which compliance is required to establish eligibility for reimbursement under the terms and conditions of this Section. Service shall not be resumed until compliance with all requirements of Codified Ordinances 925.03 and 925.04 has been achieved.
(Ord. 7152. Passed 5-25-10.)

925.03 USE OF PUBLIC SEWERS REQUIRED.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this chapter and when approval has been obtained from the appropriate regulatory authority. Stormwater or other unpolluted discharges shall be discharged to storm sewers, roadside ditches, culverts or any natural outlet approved by the appropriate regulatory authority except where such discharges are allowed to be discharged to the sanitary sewer under a special agreement approved by the Superintendent.

(c) Except as hereinafter provided, no person shall construct or maintain within the City any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(d) The owner of a house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer in accordance with this chapter within ninety days after the date of official notice to do so, provided that such public sewer is within 100 feet of the property line.

(e) Whenever the paving or repairing of any street or public highway has been ordered by Council, the City Engineer shall serve upon such owners of property abutting such street or highway, as he or she may deem necessary, a notice directing such owners to make such sewer and water connections as he or she may designate within a time specified therein.

(f) At the expiration of the time specified, if the connections are not made as herein provided, the City Engineer shall cause the same to be made, and the cost thereof shall temporarily be paid by the City, which cost, together with a penalty of six percent, shall be assessed by Council on property abutting on the street or highway to be paved, to be paid in cash to the Finance Director. If not so paid, the Clerk of Council shall certify the assessments to the County Auditor to be collected as other taxes are collected.

(g) Whenever sanitary sewers or portions thereof are laid at the expense of the City without the cost of the line or lines being paid for by, or assessed against, all the property owners abutting the lines and benefited thereby, the owner of any of the abutting property to be serviced by the line or lines and for which property the cost thereof has not been paid or assessed shall pay his or her pro rata share of the line or lines before tapping in.

(h) Whenever the lines are laid by the owners or other persons with the authority and under the direction of the City Engineer, except in cases where the owners of new subdivisions are required to make installations at their expense by an order of the Planning Commission under and by virtue of the Subdivision Regulations of the City, these persons shall certify the cost of the improvements to the City Engineer immediately upon completion. These amounts shall be subject to the approval of the City Engineer and may be reduced if the City Engineer, in his or her unqualified discretion, feels that the costs are excessive.

(i) The owner of any abutting property serviced by the line or lines, for which the cost has not been paid, shall pay his or her pro rata share of the cost of the line or lines as determined by the City Engineer before tapping in. The money received shall be paid to the persons who paid the cost of the line, or to their heirs, executors, administrators or assigns. However, no payment to a person or persons shall be made more than ten years after completion of the job and certification

of the cost to the City Engineer. Any money received for tapping in after ten years shall be a part of the sanitary sewer fund of the City.
(Ord. 5330. Passed 10-15-91.)

925.04 BUILDING SEWERS AND CONNECTIONS.

(a) All taps on the public sewer shall be done by City forces as set forth in existing ordinances or in this chapter. No unauthorized person shall uncover, make any connection with or opening into, or use, alter or disturb, any public sewer or appurtenance without obtaining a written permit from the City Engineer.

(b) There shall be two classes of building sewer permits, one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty dollars (\$20.00) for an industrial building sewer permit shall be paid to the Finance Director at the time the application is filed. This permit and inspection fee shall be added to and paid with any fees required by existing ordinances for tapping into the public sewer by City forces.

(c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, with approval of the City Engineer.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this chapter.

(f) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code of the City and shall be approved by the City Engineer. The building sewer shall be not less than six inches in internal diameter and shall be laid in open trench.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make any connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer into the public sewer shall be at an existing riser, "Y" branch or lot service pipe located on the applicant's side of the street, if the riser or "Y" branch is available at a suitable location. If no properly located "Y" branch or riser is available at the applicant's side of the street, the City forces will tap the public sewer and extend the service pipe to the applicant's side of the street as set forth in existing sewer tap ordinances. The connection between the building sewer and the public sewer, "Y" branch, lot service pipe or riser shall be made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City Engineer.

(j) The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Engineer.

(k) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other

public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 5330. Passed 10-15-91.)