

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-14 AC CMS

AN ORDINANCE AMENDING SECTIONS 911.05 AND 911.25 OF THE OBERLIN CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO AND ENACTING NEW SECTION 911.30 TO PROVIDE FOR THE REPLACEMENT OF CERTAIN LEAD WATER SERVICE LATERALS AND CERTAIN GALVANIZED STEEL WATER SERVICE LATERALS SERVING PRIVATE PREMISES AND DECLARING AN EMERGENCY

WHEREAS, The Ohio Environmental Protection Agency has enacted new requirements for water line repairs and replacements in areas which are likely to contain lead service liens, (“Regulations”); and,

WHEREAS, said Regulations require that the City offer to replace lead water service lines located on private property, at the property owner’s expense, where lead service lines are identified in connection with the capital replacement and emergency repair of City-owned water mains; and,

WHEREAS, in addition to the requirement that the City offer to replace lead service lines located on private property, Council desires to offer to replace galvanized steel water service lines on private property, at the property owner’s expense, where the City’s water service connection is lead and where the property owner’s water service lateral is constructed of galvanized steel pipe; and,

WHEREAS, in order to ensure the recovery of the costs of private lead and/or galvanized steel water service line 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 water service lateral.

WHEREAS, in order to implement the Regulations, to provide for the replacement of galvanized steel water service lines on private property and to provide for the assessment of the unpaid costs associated with those replacements, it is necessary to amend Sections 911.05 and 911.25 of the Codified Ordinances of the City of Oberlin, Ohio and to enact new Section 911.30 – Capital Construction and Service Lateral Replacement; and

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 Sections 911.05 and 911.25 of the Codified Ordinances of the City of Oberlin, Ohio, are hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. That Section 911.30 of the Codified Ordinances of the City of Oberlin, Ohio be enacted as shown in Exhibit A attached hereto and incorporated herein by reference.

SECTION 3. 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 4. 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: to facilitate the submission of bids for the upcoming capital replacement of City-owned water mains on Elm Street,” 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 19-14 AC CMS
EXHIBIT A

911.05 WATER SERVICE LATERAL INSTALLATION AND MAINTENANCE RESPONSIBILITY.

- a. Water service lateral shall be defined as the extension of the water service supply line from the valve immediately downstream of the public water main to the premises served at the customer shut-off valve supplied in accordance with 911.05 (f).
- b. No tap(s) shall be permitted on the service lateral upstream of the City's water meter.
- c. The owner of each property with a water service connection shall be responsible for the costs of owning, operating and maintaining the water service lateral.
- d. Each property owner with a water service connection shall keep the water service lateral, valves, fittings and connections in good repair and protected from freezing. All property owners must cause all leaks in service laterals, connections and any appurtenances to be repaired as soon as discovered.
- e. No single water service lateral connected to a public or private water main shall be extended into two distinct premises.
- f. A water shut off valve shall be located on the water service lateral at its point of entrance into the premises, dwelling or structure. The water shut off valve must be so located as to be easily accessible. The water shut off valve shall be equal in size and compatible with the water service lateral and shall comply with the current edition of the Ohio Plumbing Code.
- g. Curb valves shall be located in the public right-of-way at or near the edge of the public right-of-way. The City reserves the right to adjust the location of the curb valve as may be required.
- h. All water service laterals shall be constructed in accordance with the most recent edition of the City of Oberlin Public Works Standards. Unless such work is performed under a contract with the City, an Excavation Permit in accordance with the requirements of chapter 903 of these Codified Ordinances must be issued prior to the commencement of construction.

911.25 RIGHT OF ENTRY AND INSPECTION.

- a. The City Manager or designee, including but not limited to contractors, sub-contractors and consultants, is authorized to enter any premises to which water is supplied, at reasonable times, to inspect or perform any work necessary to effectuate the provisions of this Ordinance.

- b. Except in the case of an emergency or other lawful exception, nothing in this section shall be deemed to authorize the City Manager or designee to enter any premises to which water is supplied without the consent of the owner or person or entity having control of such premises in the absence of a warrant duly issued by a court of law.

911.30 CAPITAL CONSTRUCTION AND SERVICE LATERAL REPLACEMENT.

- a. The City may undertake the capital construction, repair and replacement of the City's public water mains. When such construction occurs, the City shall remove and replace all lead water service connections from the City's corporation stop at the City's water main to the City-owned curb valve for the premises served.
- b. Where the property owner's water service lateral is constructed of lead, the City shall provide written notice offering to replace such lead pipe on private property from the valve immediately downstream of the City's water main to the customer shut-off valve supplied in accordance with Section 911.05(f). The property owner shall be responsible for the cost of replacement of the lead water service lateral including all costs associated with the restoration of the premises.
- c. Where the City's water service connection is lead and where the property owner's water service lateral is constructed of galvanized steel pipe, the City shall provide written notice offering to replace such galvanized steel pipe on private property from the valve immediately downstream of the City's water main to the customer shut-off valve supplied in accordance with Section 911.05(f). The property owner shall be responsible for the cost of replacement of the galvanized steel water service lateral including all costs associated with the restoration of the premises.
- d. The property owner shall indicate acceptance or rejection in writing of the City's offer to replace the lead water service lateral or the galvanized water service lateral as described above in Sections 911.30 (b) and 911.30 (c) within ten days. Failure to respond shall be deemed to be a rejection of the City's offer.
- e. For each property owner who accepts the City's offer in accordance with Section 911.30 (d), the City shall complete the work and assess the costs thereof as described in Sections 911.30 (f) and (g).
- f. If the actual cost to the City of the water service lateral replacement including restoration of the premises is not paid within thirty days of notice of the same to the property owner, the City 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.
- g. The assessment, caused to be placed upon the tax duplicate by the City for the cost of the water service 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 (2%) 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.