

## Title 11 WATER, SEWER AND ELECTRICITY CODE

### **Chapter 1131 LICENSING OF SEWER TAPPERS AND SEWER BUILDERS CONTRACTORS**

~~Cross-References~~ Sections:

1131.01 License required.

1131.02 Application and examination.

1131.03 ~~Term of license; bond.~~ Deleted

1131.04 ~~License fee.~~ Deleted

1131.05 License suspension or revocation.

1131.89 Administrative Fines

1131.90 Legal Action

1131.91 Civil Penalty

1131.99 Penalty.

#### **1131.01 License required.**

It shall be unlawful for any person to engage in the business of sewer tapping and sewer building, or to open or tap any sewer in any street, alley or any public or private place building in any public right of way, easement or private property in the City without first securing license to engage in such business. ~~(Sec. 38.27.)~~

#### **1131.02 Application and examination.**

Any person desiring to ~~conduct, carry on or~~ engage in the business of sewer tapping and sewer building in the City shall make application to the Board of ~~Examiners of Plumbers and shall at such time and place as such Board shall designate~~ undergo such examinations as the Examiners may direct as to his qualifications and competency to enable him to conduct, carry on and engage in the business of sewer tapping and sewer building. Such examination may be made in whole or in part in writing, if such Board is satisfied of the competency of the applicant. From such examination the Board will so certify to the City Auditor, and he shall upon the payment by the applicant to the City Treasurer of the fee prescribed in C.C. 1131.04 issue to such applicant a license in accordance with such certificate, authorizing him to conduct, carry on or engage in the business of sewer tapping and sewer building. Any applicant who fails to pass the examination shall be ineligible to re-examination for a period of three months. ~~(Sec. 38.28.)~~ Review of Plumbing and Sewer Contractors and of Journeymen Plumbers and shall undergo such examinations as described in C.C. 4114.507. Licenses will be issued as prescribed in Chapter 4114.

### **1131.03 ~~Term of license; bond.~~ Deleted**

~~Every person desiring to engage in the business of sewer tapping and sewer building shall annually obtain a license therefor, and no such license shall be issued until the party applying therefor shall have given a bond in the sum of five hundred dollars (\$500.00), with good and sufficient surety to the approval of the Board of Examiners of Plumbers, conditioned that such person will pay any and all damages which may happen to any tree, pavement, sidewalk or sewer, or to any telegraph, telephone or electric light pole or wire belonging to the City, whether such damage or injury shall be inflicted by such party or by his agents, employees or workmen, and conditioned also that such party shall save and indemnify and keep harmless the City against all liability, judgments, damages, costs and expenses which may, in any case, accrue against the City in consequence of the granting of such license, and will fully and completely restore to its original condition, to the satisfaction of the Director of Public Utilities, any and all streets, pavements and sewers which may be opened or disturbed by such party, and will in all actions, strictly comply with the conditions and provisions of the ordinances of the City relating to sewer tapping and sewer building, and with the conditions of any permit issued pursuant thereto. (Ord. 478-92.)~~

### **1131.04 ~~License fee.~~ Deleted**

~~The fee for a yearly license to engage in sewer tapping and sewer building shall be five dollars (\$5.00) and such fees shall, by the City Treasurer, be credited to the public service fund. (Sec. 38.31.)~~

### **1131.05 License suspension or revocation.**

Any license provided for in this ~~Article Three~~ chapter may be suspended by the ~~Chief Sewerage Engineer~~ Administrator of the Division of Sewerage and Drainage or the Board of Review of Plumbing and Sewer Contractors and of Journeymen Plumbers for the violation of any of the rules or regulations of the Department of Public Utilities relative to ~~sewer tapping or sewer building~~ in the City, and no permit shall be issued ~~thereunder~~ until such ~~time~~ times as such the violations are corrected to the satisfaction of the ~~Chief Sewerage Engineer~~ or the case has been heard and decided by the ~~Board of Examiners of Plumbers.~~ Administrator of the Division of Sewerage and Drainage.

Any license provided for in this ~~Article Three~~ chapter may at any time be revoked for ~~incompetency,~~ incompetence, fraudulent use thereof, or a violation of the law of the State or the ordinances of the City relative to ~~sewer tapping and sewer building,~~ after a full and fair hearing by the ~~Examining Board.~~ as prescribed in Chapter 4114. After revocation for any of the causes ~~aforsaid~~ revocation, no license shall be issued to such party until at least ~~six months~~ shall have elapsed. In all cases of revocation, an examination shall be had as in the case of original application. In any case of such reissuance of license, the same fee shall be required as specified in C.C. 1131.04. ~~(Ord. 478-92.)~~ one (1) calendar year has elapsed.

### **1131.89 Administrative fines.**

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.

Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.

Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in Chapter 1145, section 1145.82.

### **1131.90 Legal Action.**

Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

### **1131.91 Civil Penalty.**

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation.

### **1131.99 Criminal Penalty.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not exceeding five hundred dollars (\$500.00), or imprisoned not more than thirty days, or both.— Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six (6) months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section.

**Chapter 1133 SEWER BUILDERS; EXCAVATION PERMITS, REGULATIONS- SEWER CONTRACTORS, SEWER PERMITS AND REGULATIONS**

Cross-References Sections:

- 1133.01 Only ~~sewer builders~~ licensed sewer contractors to make excavations.
- 1133.02 ~~Excavation permits.~~ Deleted
- 1133.03 Line and grade of sewers.
- 1133.04 Regulations for sewer ~~builders.~~ contractors.
- 1133.05 ~~Installing, repairing sewer or drain pipe.~~ Deleted
- 1133.06 ~~Bond.~~ Deleted
- 1133.07 Permits.
- 1133.08 Information required for permit.
- 1133.09 ~~Arranging for location of tap.~~ Deleted
- 1133.10 ~~Notification for inspection of tap.~~
- 1133.11 ~~Retention of permit number.~~ Deleted
- 1133.12 ~~Privy vaults.~~ Deleted
- 1133.13 ~~Backfilling.~~ Deleted
- 1133.14 ~~Manholes.~~ Deleted
- 1133.15 ~~"Y" branches.~~ Deleted
- 1133.16 ~~Breaking or cracking pipe.~~ Damage to pipe or structures
- 1133.17 ~~House connections.~~ Deleted
- 1133.18 ~~Subdrainage pipes.~~ Deleted
- 1133.19 ~~Precautions when pipes pass under other pipes.~~ Deleted
- 1133.20 ~~Permission required to tunnel for a sewer.~~ Deleted
- 1133.21 Securing a permit for someone not licensed.
- 1133.22 Violator subject to license and permit revocation.

1133.89 Administrative Fines

1133.90 Legal Action

1133.91 Civil Penalty

1133.99 Penalty.

### **1133.01 Only sewer builders licensed sewer contractors to make excavations.**

It shall be unlawful for any person, except a sewer builder contractor duly licensed by the Board of ~~Examiners of Plumbers of the City, Review of Plumbing and Sewer Contractors and Journeymen Plumbers,~~ to make any excavation in any ~~lot, street, avenue, alley, private way or other place,~~ public right of way, easement or private property, for the purpose of constructing, reconstructing, repairing, examining or locating any sewer, drain, catch basin, inlet, manhole, flush tank, trap or any device pertaining to such sewer or drain. ~~(Sec. 38.1.)~~ other sewer or drain appurtenance.

### **1133.02 Excavation permits. Deleted**

~~It shall be unlawful for any sewer builder, duly licensed as aforesaid, to make any such excavation for the purpose above expressed without first having obtained from the Chief Sewerage Engineer of the City a permit to do so. There shall be paid for the permit issued by the Chief Sewerage Engineer to such licensed sewer builder the sum of one dollar and fifty cents (\$1.50), for work inside the property line and three dollars (\$3.00) for work outside the property line except that there shall be no charge for a permit issued for the purpose of locating any old connections. (Sec. 38.1.)~~

### **1133.03 Line and grade of sewers.**

All sewers shall be laid as ~~nearly~~ straight as possible and to a uniform grade, and ~~shall be laid to a line when so ordered by the Chief Sewerage Engineer or Building Inspector. (Sec. 38.33.)~~ not less than the appropriate minimum grade per the design requirements of the Division of Sewerage and Drainage for the size of sewer being constructed.

### **1133.04 Regulations for sewer builders. contractors.**

It shall be unlawful for any sewer builder, contractor, licensed as set out in ~~C.C. 1133.01 and 1133.02,~~ this chapter, to do any work that does not conform to the provisions of this chapter. ~~(Sec. 38.2.)~~

### **1133.05 Installing, repairing sewer or drain pipe. Deleted**

~~No sewer or drain pipe shall be put in or repaired except by a licensed sewer builder and tapper. (Sec. 38.2.)~~

### **1133.06 Bond- Deleted**

~~Each sewer builder shall furnish a bond of five hundred dollars (\$500.00) to procure his license. (Sec. 38.2.)~~

### **1133.07 Permits.**

~~Permits shall be taken out to open any street, alley, avenue, private way, lot or other place. No person shall open any public right of way, easement, or private property for the purpose of constructing, reconstructing, repairing, locating or cleaning any sewer or house connection, before the work is started. (Sec. 38.2.)~~ service lateral without obtaining a permit from the Division of Sewerage and Drainage, before the work is started. Failure to do so will result in a penalty as described in Section 1133.99. Each permit application shall be accompanied by a non-refundable fee of eighty-five (\$85.00) dollars and shall be paid to the Division of Sewerage and Drainage, and deposited with the City Treasurer to the credit of the Sewer Operating Fund. All permits shall expire ninety (90) days from the date of issuance. Permits may not be transferred.

### **1133.08 Information required for permit.**

~~The sewer builder must furnish the number of the lot, street, between what streets, and the division, or subdivision, and the house number in order to secure a permit for sewerage work. (Sec. 38.2.)~~ The person applying for a sewer permit is required to furnish the certified address, property owner name, domestic water tap size, subdivision, lot number and the name of the licensed sewer contractor who will perform the work.

### **1133.09 Arranging for location of tap- Deleted**

~~Sewer builders must arrange for the location of the tap when they take out the permit. (Sec. 38.2.)~~

### **1133.10 Notification for inspection of tap.**

~~The Sewer Inspector must be notified at least three hours before the sewer tap is ready for connection, and the tap and connection shall be made in his presence if mortar joint is used. (Sec. 38.2.)~~ The licensed sewer contractor shall schedule an inspection through the Sewer Permit Office at least 24 hours prior to commencing work on a sewer. No person shall backfill any part of the service lateral installation until it has been inspected and approved by the Sewer Inspector.

### **1133.11 Retention of permit number- Deleted**

~~The sewer builder must retain and report the number of his permit so that the Inspector may save time and know the exact locality of the sewer to be inspected. (Sec. 38.2.)~~

### **1133.12 Privy vaults. Deleted**

~~The emptying of the contents of old privy vaults into public or private sewers will not be permitted, but all such vaults and cesspools must be thoroughly cleaned before by-pass connection is made with the sewer. (Sec. 38.2.)~~

### **1133.13 Backfilling. Deleted**

~~The sewer builder shall backfill and ram the trench in six-inch layers full and solid, and level with the former grade in such a manner as to use all the excavated material in the backfilling. (Sec. 38.2.)~~

### **1133.14 Manholes. Deleted**

~~In constructing private sewers in public streets, standard manholes shall be placed on the line of the sewer at each change of grade or change of direction, and at intervals not exceeding two hundred and fifty feet. (Sec. 38.2.)~~

### **1133.15 "Y" branches. Deleted**

~~In making future connections in all pipe sewers where "Y" branches have not been inserted at the time of the building of the sewer, a "Y" branch will be required to be inserted. The breaking of the shell of a pipe sewer and the insertion of a house connection will not be permitted. To remove the pipe from the sewer, it shall be broken in pieces with a hammer, care being taken not to break the adjacent pipe; then with a cold chisel the upper half of the bell facing the opening shall be broken off, the space between the pipes where the "Y" branch is to be inserted and the "Y" branch shall then be measured to determine what space is necessary to allow the "Y" branch to be placed; then if necessary the upper part of the pipe ahead of and adjoining the "Y" branch shall be cut enough to permit the insertion of the "Y" branch. In no case shall any part of the bell of the "Y" branch be removed. In some cases it may be necessary to shorten the "Y" branch in order to insert it. Portland cement and brick shall be substituted for the portions of the sewer pipes broken off. (Sec. 38.2.)~~

### **1133.16 Breaking or cracking pipe. Damage to pipe or structures.**

~~In breaking the cap or plug out of a solid branch care must be taken not to break any part of the pipe; if broken the pipe should be replaced with a new one, as in C.C. 1133.15; if the branch is cracked it may be left in place but should be surrounded with rich cement concrete well compacted. (Sec. 38.2.)~~ If any person breaks a pipe or structure during work performed under a sewer permit, the permit holder shall repair or replace the damaged pipe or structure to the satisfaction of the Administrator of the Division of Sewerage and Drainage.

### **1133.17 House connections. Deleted**

~~The grade of each drain or sewer shall not be less than one fourth inch per foot, and shall be laid as nearly straight as possible, using curved pipe to connect the "Y" branch. All joints and connections shall be made in accordance with the Building Code. The interior of each length of pipe shall be made perfectly clean and free of the jointing material before the next length is laid down. The connection at its junction with the main sewer shall be well and solidly supported, so that the weight of the backfilling will not settle the pipe, causing the sockets to break and destroy the tightness of the joints; house connections shall be made above and near the springline, never in the top of the same or into any manhole or catch basin without special permission from the Chief Sewerage Engineer. House connections and house sewers shall be graded by line and pole, the line being first levelled from the building to the main or lateral sewer then lowered at the end where the connection is to be made, enough to establish the required fall which is determined by the length of the house connection or sewer to be laid. (Sec. 38.2.)~~

### **1133.18 Subdrainage pipes. Deleted**

~~Sewer builders will use care not to break the line of tile pipe subdrainage in street foundations, and they will restore the subdrainage pipes in good condition. (Sec. 38.2.)~~

### **1133.19 Precautions when pipes pass under other pipes. Deleted**

~~At all points where house connections or other drainage pipes pass under another sewer or drainage pipe the sewer or pipe passed under must be supported by substantial brick or concrete masonry, and extra precautions will be required in the backfilling, and tamping the trench in order to avoid any danger of a break, settlement or crack in the sewer passed under. (Sec. 38.2.)~~

### **1133.20 Permission required to tunnel for a sewer. Deleted**

~~No tunneling for a sewer will be permitted without the special permission of the Chief Sewerage Engineer. (Sec. 38.2.)~~

### **1133.21 Securing permit for someone not licensed.**

~~To procure a permit in the interest of someone who is not licensed will be considered sufficient cause for revoking a license. (Sec. 38.2.)~~ No person shall procure a permit in the interest of someone who is not licensed under this chapter. Any person who procures a permit in the interest of someone not licensed shall have his or her permit revoked.

### **1133.22 Violator subject to license and permit revocation.**

~~Any violation of this chapter will subject the builder contractor to a revocation of his or her license, and a refusal to issue him further permits. (Sec. 38.2.)~~ pursuant to Chapter 4114.



### **1133.89 Administrative fines.**

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.

Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.

Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in section 1145.82.

### **1133.90 Legal Action.**

Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

### **1133.91 Civil Penalty.**

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation.

### **1133.99 Penalty- Criminal Penalty.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not exceeding two hundred dollars (\$200.00), or imprisoned for not more than ten days, or both. Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be

fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section.

## ~~Chapter 1135 SEWER TAPPING OR CONSTRUCTION PERMITS Deleted~~

### Cross-References

1135.01 Permit regulations.

1135.02 Notification for inspection of tap.

1135.03 Inspector to be present at tapping.

1135.99 Penalty.

## CHAPTER 1137 SPECIAL PERMIT OR AGREEMENTS TO TAP OR USE SEWERS

### Sections:

- 1137.01 Tapping sewer where property not assessed.
- 1137.02 ~~Discharge of sanitary sewage outside corporate limits. Deleted~~
- 1137.03 ~~County use of sewerage system. Deleted~~
- 1137.04 ~~Trade waste~~ Industrial wastewater and surface water.
- 1137.05 Well water used for cooling purposes

### **1137.01 Tapping sewer where property not assessed.**

Upon application ~~being made to tap any main trunk or lateral sewer built or owned by the City for the purpose of draining the house sewer of any property directly into such main trunk or lateral sewer service lateral of any property directly into such sewer,~~ the Director of Public Utilities shall ~~cause~~ require a fee of ~~twenty-five dollars (\$25.00) effective January 1, 1997; thirty-five dollars (\$35.00) effective January 1, 1998 and forty-five dollars (\$45.00) effective January 1, 1999~~ per foot of width of ~~said property to be exacted~~ front-footage be paid for the privilege of making such a direct connection from the ~~house sewer service lateral to such~~ the main or lateral sewer before a permit is issued. ~~therefor, provided that~~ This charge shall not be imposed if the owner of the property concerned can show that ~~he or his~~ the owner or the owner's predecessor in title paid, or is paying a special assessment for the construction of the ~~main trunk or lateral sewer sought to be tapped or that the sewer to be tapped was constructed at his own~~ no expense ~~constructed all or a part of such main trunk or lateral sewer sought to be tapped.~~ to the sanitary enterprise fund. The number of feet to be paid for shall be determined by one of the following applicable methods:

- (a) (1) Lots or parcels of ground having the same width at the front and rear and the same depth on each ~~side~~ shall be charged for on the basis of the actual frontage.

~~;~~ provided, however, that in the event the depth of such lot or parcel of ground abuts on a street or other public way and the owner elects to construct a building fronting on the street or public way abutting such depth, the fee shall be exacted for such depth.

(b) (2) Lots or parcels of ground which are of irregular shape shall be charged for on the basis of the width of ~~such~~ the property as measured on a line forty (40) feet from the front lot line and parallel to the center line of the street upon which ~~such~~ property is to face, except that for lots or parcels of ground having curved frontage the width to be charged for shall be measured on a line parallel to and forty (40) feet distant from a line tangent to ~~such~~ the curved frontage at a point midway between the sides of the lots or parcels of ground.

~~(c) The number of feet to be paid for shall be determined by the use of an engineer's scale applied to the record drawings of the sewers sought to be tapped, on file in the office of the chief sewerage engineer, and the widths so determined by the clerk issuing the permit shall be final. The amounts as collected shall be placed to the credit of the sewer fund. (Ord. 478-92; Ord. 2527-96 § 1.)~~

The width of front-footage to be paid for shall be determined by the use of an engineer's scale applied to the record drawings of the sewers sought to be tapped, on file in the office of the Division of Sewerage and Drainage, and the widths so determined by the clerk issuing the permit shall be final. The amounts collected shall be deposited to the credit of the sewer fund.

The Director of Public Utilities may, in his or her sole discretion, may reduce the amount of the front footage fee if the fee is disproportionate to the benefit to the property due to a significant portion of the property not being subject to development. The director shall promulgate a rule to implement this section.

#### **~~1137.02 Discharge of sanitary sewage outside corporate limits. Deleted~~**

~~Repealed by Ordinance 1813-87.~~

#### **~~1137.03 County use of sewerage system. Deleted~~**

~~Repealed by Ordinance 1813-87.~~

#### **1137.04 ~~Trade waste~~ Wastewater and surface water.**

Permission to discharge ~~trade waste~~ wastewater of any sort or surface water into the sewer system of the city from areas not under service contract to the City or within the City shall be granted only by special contract approved by the council.

#### **1137.05 Well water used for cooling purposes.**

~~In the~~ The use of water from any ~~drilled~~ well for cooling purposes in the City ~~such water~~ shall be returned to the earth by means of an additional ~~drilled~~ well for such purpose. All such wells and return wells shall be ~~drilled~~, installed, cased, maintained and operated under rules established by ~~and with the approval of the director of public utilities. the Ohio Department of Natural Resources,~~ Division of Water, and with the approval of the Director of Public Utilities. However, if the flow

from such cooling system is ~~of such amount and the water of such condition as not to~~ within a quantity and quality so as to not interfere with the operation of or cause to damage to the sewer or drainage system of the City, any person operating such cooling system may, upon the issuing of a permit therefor by the Director of Public Utilities, on the recommendation of the Administrator of the Division of Water, convey such water through a meter to the sewerage or drainage system of the City. ~~Such~~ The meter shall be installed by and at the expense of ~~such~~ the owner under the supervision of the Director of Public Utilities and be read by the regular water meter readers of the City quarterly and be billed and paid for under the same rules and regulations as are provided for by the Division of Water for the sale of water. Such amounts when ~~so paid into the city treasury shall be credited to the general fund.~~ shall be deposited to the City treasury and credited to the sewer fund.

In addition to any penalty prescribed for violation of this section, any person who ~~shall fail~~ fails to pay the charge as herein levied and assessed for the conveying of water into ~~such~~ the sewer or drainage system within ten (10) days from the date the ~~same shall become~~ charge shall be due and payable ~~shall be~~ and subject to ~~have the~~ having the conveyance pipe disconnected from ~~such sewerage or drainage system of the city and no connection thereafter shall be made to such sewer or drainage system~~ until such person shall have paid all amounts due. ~~and a charge of one dollar (\$1.00) for reconnecting the same.~~

## Chapter 1139

### **HOUSE SEWER SERVICE LATERAL CONSTRUCTION OR REPAIR**

~~Gross References Sections:~~

~~1139.01 Application—Work done by city.~~ Separate sewer connections

~~1139.02 Work done by licensed sewer builder.~~

~~1139.03 Schedule of prices.~~

~~1139.04 Grades and joints of house connections.~~ service laterals

~~1139.05 Diameter of house connections.~~ service laterals

~~1139.06 Kind of pipe used in house connections.~~

~~1139.07 Pipes passing under other pipes.~~

~~1139.08 Tunneling.~~ Trenchless sewer construction

~~1139.09 Backfilling.~~

~~1139.99 Penalty.~~

#### **1139.01 Application—Work done by city. Separate sewer connections.**

~~All persons desiring to build or repair house sewers in paved public streets, alleys or ways of the city shall apply in person or by agent at the office of the chief sewerage engineer of the division of sewerage and drainage of the department of public utilities of the city. Except as otherwise~~

~~hereinafter provided, they shall upon such application pay to the city such amount of money as the director of public utilities shall designate to cover the cost of constructing or repairing such house sewer from the main or lateral sewer to the lot line of the property to be sewered, or to such other point outside the paved portion as the chief sewerage engineer may designate, together with the restoration of all pavements opened for such purpose. Thereupon the director of public utilities shall cause such house sewer to be constructed or repaired under the direction and supervision of the chief sewerage engineer. (Ord. 478-92.)~~

Every parcel having a building(s) with plumbing fixtures installed and intended for human habitation or occupancy that abuts a street, alley or easement in which there is a public sewer shall have a separate connection to the sewer. Multiple buildings on the same parcel shall not be prohibited from connection to a common service lateral that connects to the public sewer providing that the common service lateral is on the same parcel as the buildings being served. In order for a service lateral to be considered common, it must not directly serve any individual building but must terminate at a clean-out. Separate connections can then be made between the clean-out and the public sewer.

~~1139.02 Work done by licensed sewer builder (deleted)~~

~~1139.03 Schedule of Prices (deleted)~~

#### **1139.04 Grades and joints of ~~house connections.~~ service laterals.**

~~The grade of each drain or sewer intended for a house connection~~ service lateral shall not be less than one-fourth inch per foot, and shall be laid as nearly straight as possible, using curved pipe to connect with the "Y" wye branch. The interior of each length of pipe shall be made perfectly clean and free of the jointing material before the next length is laid down. The ~~connection lateral~~ at its junction with the main sewer shall be well and solidly supported, so that the weight of the backfilling will not settle the pipe, causing the ~~sockets pipe and/or fittings~~ to break and destroy the tightness of the joints. ~~House connections~~ Service laterals shall be made above and near the springline, never in the top of ~~such springline~~ the pipe or into any manhole or catch basin without special permission from the Chief Sewerage Engineer. ~~House connections and house sewers shall be graded by line and pole, the line being first levelled from the building to the main or lateral sewer then lowered at the end where the connection is to be made, enough to establish the required fall which is determined by the length of the house connection or sewer to be laid. All joints on house sewers between adjacent sections of pipes and fittings shall be made gas and watertight by the use of an approved asphalt, plastic or cement mortar. Division of Sewerage and Drainage.~~

#### **1139.05 Diameter of ~~house connections.~~ service laterals.**

~~House connections~~ Service laterals shall be not less than six inches in inside diameter. (Sec. 38.13.)

~~1139.06 Kind of pipe used in house connections. (deleted)~~

#### **1139.07 Pipes passing under other pipes.**

At all points where ~~house connections~~ service laterals or other drainage pipes pass under another sewer or drainage pipe, the sewer or pipe passed under must be properly supported. ~~by substantial brick or concrete masonry, and~~ Extra precautions must be taken in the backfilling and tamping of the trench in order to avoid any danger of a break, settlement or crack in the sewer passed under.

**1139.08 Tunneling. Trenchless sewer construction.**

It shall be unlawful to do any tunneling for sewers or sewer connections without special permission of the Chief Sewerage Engineer. (Sec. 38.17.) trenchless sewer construction for sewers or sewer connections without special permission. The Division of Sewerage and Drainage shall approve any trenchless sewer construction methods prior to issuance of a permit and prior to commencement of construction.

**1139.89 Administrative fines.**

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.

Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.

Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in section 1145.82.

**1139.90 Legal Action.**

Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

**1139.91 Civil Penalty.**

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation. (

**1139.00 99 Criminal Penalty.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not exceeding two hundred dollars (\$200.00) or imprisoned not more than ten (10) days, or

~~both. Any such violation shall constitute a separate offense on each successive day continued. Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section.~~

## **Chapter 1141 PRIVATE SEWERS**

Sections:

1141.01 Definitions.

1141.02 Connections with City sewers.

1141.03 Conformity with City standards.

1141.04 Portions extending under public places.

1141.05 Building requirements.

1141.06 Filing of information.

1141.07 Extension.

1141.08 ~~House sewers~~ Service Laterals for abutting property.

1141.09 Costs.

1141.10 Assignment of rights.

1141.11 Owner's liability.

1141.12 Dedication to city.

1141.89 Administrative fines.

1141.90 Legal action.

1141.91 Civil penalty.

1141.99 Penalty.

### **1141.01 Definitions.**

For the purpose of this chapter, "private sewer" shall mean a privately constructed sewer, other than a ~~house sewer, service lateral~~, not less than eight (8) inches in diameter, connecting with and discharging directly into the ~~sewerage system of the City, City's sewer system~~, or indirectly into ~~such~~ the system, through an authorized extension. ~~thereof~~, The construction of ~~which is financed entirely or in part with other than public funds and which is a privately constructed sewer cannot be financed with sanitary enterprise funds and it shall be~~ designed to provide local service for property abutting the sewer or which may in the future ~~abut~~ an extension thereof.

#### **1141.02 Connections with City sewers.**

The Director of Public Utilities is authorized and directed for and on behalf of the City to enter into agreements with any person, hereinafter referred to as the owner, ~~providing~~ for the construction of private sewers by a licensed sewer ~~builder or tapper employed by such owner~~ contractor in the public streets, alleys and other public places or in easements across private property in the City, for purpose of providing sewer service ~~for to a property for which such~~ where service is not ~~and cannot otherwise be made~~ available, is not adequate or is inaccessible, subject, ~~however~~, to the following ~~conditions~~. requirements.

#### **1141.03 Conformity with City standards.**

Plans and specifications for ~~private~~ privately constructed sewers shall conform to the current design standards ~~for similar work performed by or for the City and shall carry the approval of the Chief Sewerage Engineer of the Division of Sewerage and Drainage of the City as a prerequisite to the construction of the work. Such plans and specifications may be prepared by the Division of Sewerage and Drainage provided the work involved in preparing them is not so extensive as to interfere with or seriously delay the regular work of the Division.~~ of the Division of Sewerage and Drainage and shall be submitted for review and approval by the Administrator of the Division of Sewerage and Drainage prior to the construction of the work.

#### **1141.04 Portions extending under public places.**

~~That portion of such sewers which extends under the paved part of any public street, alley or other public place or easement in the City shall be constructed by the City for and at the expense of the owner; provided, however, that when conditions are such that construction of such portion of the work within a reasonable period of time by City forces is not feasible, the Director of Public Utilities may extend the scope of the agreement with the owner to include such portion except that the pavement disturbed or destroyed during the construction of the work shall, as and when directed by the Chief Sewerage Engineer, be replaced by a temporary surface to be installed by and at the expense of the owner. Such temporary surface shall be maintained by the City at the expense of the owner and the permanent repaving shall be installed by the City at the expense of the owner, for both of which purposes the owner shall pay to the City as provided such sum of money as the Chief Sewerage Engineer may designate. When conditions are such that the repaving over the trench by City forces is not feasible the Director of Public Utilities may provide for such repaving under private contract as authorized by C.C. 1143.01 to 1143.09. (Ord. 478-92.)~~ The owner of a privately constructed sewer shall pay all costs of extending the sewer under any public street, alley, public place, or easement in the City. The owner shall also obtain and pay for street opening and right of way permits, and comply with all ordinances and specifications required by the Transportation Division for such work.



### **1141.05 Building requirements.**

~~A private~~ privately constructed sewer shall be built in accordance with the approved plans and specifications by a licensed sewer contractor and inspected as the Administrator of the Division of Sewerage and Drainage may require. ~~sewer builder or tapper licensed by the City to lines and grades established by the Chief Sewerage Engineer and under such inspection as the Chief Sewerage Engineer may require, provided that~~ The cost of inspection shall be at the expense of the owner.

### **1141.06 Filing of information.**

~~Upon completion of the construction of such private sewer the owner thereof shall file with the Chief Sewerage Engineer, on a form provided by the City, a statement setting forth the entire cost of such sewer to the owner. a privately constructed sewer, the owner shall submit a project cost statement containing the entire cost of the sewer. In order to insure the submission of such statement the owner shall deposit with the City the sum of twenty five dollars (\$25.00) to be held by the City until such time as such statement is submitted whereupon such deposit will be refunded to the owner. In the event, however, that the owner should fail to file such statement within one year from the date of the agreement then the twenty five dollars (\$25.00) shall become the property of the City and shall be credited to the general fund of the City. (Sec. 38.9.)~~ Completion shall mean installation of all pipe, manholes, structures and other features of the sewer, restoration of all disturbed ground, and the sewer has passed all required tests. The project cost statement will be submitted on a form provided by the City and will include the allowable design and construction costs incurred by the owner. The project cost statement must be submitted before the privately constructed sewer is approved for use.

### **1141.07 Extension.**

~~Such private sewers~~ A privately constructed sewer may be extended by the city or the city may authorize others to extend ~~such private~~ the sewers to serve property within the corporate limits of the City of Columbus ~~not abutting the sewer as built~~; provided, such extension shall not be inconsistent with the capacity limitations of the sewer as originally built.

### **1141.08 House sewers Service laterals for abutting property.**

~~House sewers~~ Service laterals for any abutting property within the corporate limits of the City of Columbus, may be connected to ~~such private~~ a privately constructed sewer if in the opinion of the chief sewerage engineer such connection with reference to the best interests of the city and the sewerage system of the city can or should be made and provided the person desiring to make such connection shall first secure and submit to the chief sewerage engineer the written permission of the owner and provided further that the consideration for such permission shall not exceed in value the proportionate amount, based on frontage benefited, of the total cost to the owner constructing such private sewer. Administrator of the Division of Sewerage and Drainage, the connection is in the best interest of the City. Prior to connecting the service lateral to the privately constructed sewer, written permission must be obtained from the owner of the sewer. The owner of a privately constructed sewer may charge a fee for permission to connect to the sewer based on frontage benefited, and shall not exceed the proportionate value of the total cost to construct the private sewer. The permission for the connection, including capacity and permit

fees shall be submitted to the Division of Sewerage and Drainage prior to the sewer permit being issued.

In the event, however, that the parties in interest cannot agree as to the amount of such consideration then it shall be determined by the ~~chief sewerage engineer in such amount, as is, in his judgment just and equitable to both parties which amount as so determined shall be binding upon both parties.~~ Administrator of the Division of Sewerage and Drainage. The amount, as determined by the Administrator shall be based upon the project costs statement and any other factors deemed necessary. The amount as so determined shall be binding upon both parties.

In the ~~further~~ event that ownership of ~~such private sewer~~ a privately constructed sewer cannot be determined, ~~at the time application is made for the connection thereto of a house sewer or within a reasonable time thereafter,~~ or in the event that the owner cannot be located at such time, or if for any other reason, permission to make ~~such~~ the connection cannot be secured from the owner, the City may then issue the necessary permits for ~~such~~ a connection and may collect ~~therefor~~ such sum of money, not exceeding the proportionate amount based on frontage benefited of the ~~total actual cost to the owner,~~ a connection fee as described above.

~~or estimated cost as determined by the chief sewerage engineer if the owner has not submitted the cost statement herein required, of constructing such private sewer, as is in the judgment of the chief sewerage engineer just and equitable, which sum~~ In the event the owner of the privately constructed sewer has not submitted the cost statement herein required, the sum of money shall be deposited in the City Treasury and there held, subject to the demand of the owner, or his heirs or assigns, for a period of six (6) years after the date of collection. At the expiration of six (6) years if such sum has not been claimed by the owner, or his heirs or assigns, it shall then and thereafter be the property of the City and shall be credited to the ~~general~~ sewer fund of the City.

#### **1141.09 Costs. Maintenance Deposits**

Upon application to construct such a private sanitary sewer and ~~prior to the commencement of construction the owner thereof shall pay to the city an amount of money sufficient to cover the cost of maintenance of the temporary surface installed by the owner, the cost of permanent repaving to be installed by the city, if any, and the cost of inspection during construction of the work together with the sum of twenty five dollars (\$25.00) to guarantee submission of the cost statement. The amounts required for inspection, maintenance of temporary surface and repaving shall be such amounts as the chief sewerage engineer may estimate and in the event the actual costs are less than such amounts the difference shall, upon completion of the work, be refunded to the owner and in the event the actual costs should be more than such amounts the owner shall, upon demand, pay such additional amounts to the city as may be needed fully to cover the cost of the work. The owner shall be refunded the twenty five dollar (\$25.00) guarantee deposit upon the submission of the statement herein required. (Sec. 38.10.)~~ the owner thereof shall deposit with the City a maintenance deposit to cover the cost of maintenance/ repairs performed by City maintenance personnel while the sewer remains under private ownership. The maintenance deposit may take the form of a cash deposit, an escrow agreement acceptable to the City, or any other form acceptable to the City. Any monies not charged to the maintenance deposit account will be refunded to the owner when final dedication to the City has occurred. The maintenance deposit shall be calculated in the following manner:

- A. Minimum deposit of \$1.25 per lineal feet of pipe plus \$50.00 per manhole.
- B. Maximum deposit of \$5,000.

For projects that are constructed in phases, each phase will be considered a separate project. An exception to this requirement is when the owner constructs all phases under one construction inspection deposit and the project phases will be finalized simultaneously. Any maintenance charges that surpass the maintenance deposit amount will be billed to the sewer owner and final dedication will be delayed until those charges are satisfied.

#### **1141.10 Assignment of rights.**

The owner of ~~such private~~ a privately constructed sewer shall make no assignment of any or all of his or her rights or obligations ~~thereto~~ without the consent of the City.

#### **1141.11 Owner's liability.**

The owner of the private sewer shall ~~save~~ indemnify the City and hold it free and harmless from any and all damages or claims for damages which may arise or grow out of the construction of such private sewer and shall defend at his own expense any and all suits for the recovery of damages arising or growing out of the construction of such sewer and which may be brought or prosecuted against the city.

#### **1141.12 Dedication to city.**

~~Upon the completion of all possible connections to a private sewer, but in any event prior to the expiration of a ten (10) -year period after the date of the agreement, the owner shall dedicate such sewer to the city, subject to its acceptance, following which the city shall be responsible for all maintenance and repair. Prior to such dedication the city may, provided access to the sewer is available through the manholes and subject to the approval of the chief sewerage engineer, assume responsibility for the cleaning and removal of any stoppages that may occur, but all other maintenance and repair work required to keep the sewer in operation shall be the responsibility of the owner. Each person making connection with such sewer shall be advised in writing at the time the permit therefor is issued as to the extent of the city's responsibility with respect to maintenance and repair. If the owner fails to dedicate such sewer to the city within the ten (10) -year period he shall be entitled, provided all the possible connections thereto have not been made, to an extension of time for such dedication of one additional ten (10) -year period but only upon the basis of a written application therefor submitted to the director of public utilities prior to the expiration of the first mentioned ten (10) -year period and the director of public utilities is authorized to grant such extension of time. If such dedication or such application is not made or if such extension of time is not granted or if the owner fails to dedicate such sewer within any extension of time that may be granted, then, upon the expiration of the ten (10) -year period, first above mentioned, or upon the expiration of such extension of time, such sewer, together with all the rights and obligations of the owner thereto and thereunder shall, then and thereafter be the property of the city. (Ord. 478-92.)~~

The owner shall dedicate the privately constructed sewer to the City, subject to its acceptance, following which the City shall be responsible for all maintenance and repair.

Prior to requesting the City to accept a dedication of a private sewer, the owner shall perform a video inspection of the interior of the pipe and a visual inspection of all manholes, castings and surface areas over the trench of the installation. The owner shall then, at his or her own expense,

make all necessary repairs. If the owner cannot be located or if the owner is unable to perform this work, the City will have the work completed and charged against the maintenance deposit. Prior to dedication to the City, the City may, provided access to the sewer is available through the manholes and subject to the approval of the Administrator for the Division of Sewerage and Drainage, assume responsibility for the cleaning and removal of any stoppages that may occur, but all other maintenance and repair work required to keep the sewer in operation shall be the responsibility of the owner. The owner will be required to reimburse the City for all time and materials involved in cleaning the privately constructed sewer from the maintenance deposit.

If the owner fails to dedicate the privately constructed sewer to the City within the five (5) year period because all the possible connections have not been made, or for any other reasonable explanation, an extension of one additional five (5) year period may be granted by the City but only upon the basis of a written application-submitted to the Director of Public Utilities prior to the expiration of the first mentioned five (5) year period.

The owner of a privately constructed sewer may request the City to accept a dedication of the sewer as follows:

1. The one year warranty of the privately constructed sewer has expired.
2. All possible connections to the privately constructed sewer have been completed.
3. The City will assume ownership after expiration of the five (5) year period.

If dedication of the privately constructed sewer is not made, or an application for a time extension is not made or if such extension of time is not granted, or if the owner fails to dedicate the sewer within any extension of time that may be granted, then, upon the expiration of the five (5) year period, or upon the expiration of any extension of time, the sewer, together with all the rights and obligations of the owner shall, then, and thereafter become the responsibility of the City, unless the private sewer agreement entered into by the City and the owner provides otherwise.

### **1141.89 Administrative Fines.**

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.

Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.

Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in section 1145.82.

### **1141.90 Legal Action.**

Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

### **1141.91 Civil Penalty.**

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation.

### **1141.99 Criminal Penalty.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not exceeding two hundred dollars (\$200.00) or imprisoned not more than ten (10) days, or both. Any such violation shall constitute a separate offense on each successive day continued. Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section.