

ORDINANCE NO. 0037-2024

AN ORDINANCE AMENDING CHAPTER 927 SEWER REGULATIONS OF THE
MAUMEE CODIFIED ORDINANCES AND ORDINANCES RELATED THERETO

WHEREAS, Chapter 927 of the Maumee Codified Ordinances and Ordinances related thereto need to be amended to update provisions for sanitary sewers within the City of Maumee, to allow for repairs of sewer laterals, to provide for elimination of clean water connections to the sanitary sewer, to authorize funding for private property sanitary sewer lateral repairs, and to modify other provisions of this Chapter;

WHEREAS, many properties within the City of Maumee are not in compliance with Maumee Codes, State of Ohio Codes, and Federal Codes and Regulations;

WHEREAS, sewer laterals which are in poor condition or allow infiltration of clean water have a significant impact upon the sewer system, causes overloading of the sanitary sewers, basement flooding, higher treatment costs for the City and its residents, and leads to sanitary sewer overflows, (SSOs) health risks to the public, damage to the environment and negatively affects quality of life;

WHEREAS, unless private sanitary sewer laterals are repaired or replaced along with public sanitary sewer laterals, the City and its residents will face; increased treatment costs, civil and/or criminal penalties from the EPA, health risks to the public, damage to the environment, and will negatively affect quality of life:

WHEREAS, The purpose of these amendments is to protect the public's health, safety and welfare which includes those which exist with regard to the sanitary sewer system, which if left unresolved will prolong public health issues and impact the public. This Code shall not be construed to prevent the enforcement of other provisions of City of Maumee Codes, or State or Federal laws and regulations.

WHEREAS, Maumee City Council finds and determines that in establishing these objectives, the City has determined that, clearly articulated regulations and standards will effectively promote high quality property requirements that allow the City to alleviate and/or correct environmental issues with properties throughout the City of Maumee. All defective and substandard sewer laterals not conforming with the provisions of this chapter are hereby declared a nuisance. It is further declared and determined that the regulations contained in this chapter are the minimum regulation necessary to abate sewer lateral nuisances that exist within the City of Maumee as to sewer laterals and to achieve the purposes of this chapter; and

WHEREAS, City council has examined each item in this legislation that involves public funds or use of City property or city employees, or use of City of Maumee resources in resolving nuisance conditions and have determined and find that any action or expenditure set forth in this legislation, would be for and serve a public purpose as defined by Ohio law; that the expenditure of funds and/or use of public property and/or provision of city employees would be for the general good

of the residents and taxpayers of the City of Maumee and the general public; and promotes the public health and general welfare of the citizens of the City of Maumee and the general public:

WHEREAS, City Council finds that the expenditure of public funds for private sewer lateral repairs would be more cost effective than paying for unneeded sanitary sewer treatment for clean water, and would be more cost effective than building storage tanks and related additional conveyance capacity for capturing and storing sanitary sewer overflows;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. That Chapter 927 of the Maumee Codified Ordinances and Ordinances related thereto be amended in part as follows:

CHAPTER 927

Sewer Regulations

927.01 Definitions.

(25) "Sewage" means any discharge into the sanitary sewer system including but not limited to storm water, clean water, unpolluted water, ground water, wastewater contributed by reason of human occupancy and shall include wastes from households, water closets, urinals, laboratories, sinks, bathtubs, showers, household laundries, cellar floors and other drains, bars, soda fountains, cuspidors, refrigeration units, drinking fountains, stable floor drains, pumps, swimming pools and liquid waste of any kind or character resulting from commercial, manufacturing or industrial operations or processes.

(26) "Sanitary Sewer System" means pipelines or conduits, sewer laterals, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities that convey sewage and other liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions to a central sewage treatment plant.

927.05 PUBLIC SEWER TAP-IN REQUIRED.

The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, 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 sewer is hereby required at their expense, to install and use suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter.

SEWER RATES AND CHARGES

927.06 PURPOSE OF SEWER CHARGES.

It is hereby determined and declared to be necessary for the protection of the public health, safety, welfare and convenience of the residents of the City, to establish, levy and collect charges or rentals upon all lots, lands, buildings and premises served by or having connections with the sanitary sewerage system of the City or having the connections available to the same.

927.07 SANITARY SEWER FUND.

(a) There is hereby created and established a Sanitary Sewer Fund. All moneys received in accordance with this chapter shall be deposited with the Director of Finance and kept in such Fund.

(b) Moneys in such Fund shall be used, when appropriated by Council, for the payment of the cost and expense of handling, transmission, pumping and disposal of sewage and the management, maintenance, operation and repair of the sanitary and combined sewerage system, and to the extent permitted or authorized by law, for the construction, enlargement or replacement of such system or sewerage works.

(c) Moneys in said fund, grants and loans shall also be used for inspections related to sewer laterals, inspections related to clean water connections and repair or replacement of sewer laterals that are determined to be a nuisance as defined herein for properties that are eligible for the use of said funds, grants or loans as determined by programs established by the City. The inspections, repair or replacement of sewer laterals on private property that involves expenditure of public funds or use of City property or city employees, or use of City of Maumee resources in resolving nuisance conditions, would be for and serve a public purpose as defined by Ohio law; that the expenditure of funds and/or use of public property and/or provision of city employees would be for the general good of the residents and taxpayers of the City of Maumee and the general public; and promotes the public health and general welfare of the citizens of the City of Maumee and the general public. The expenditure of public funds for inspections and private sewer lateral repairs would be more cost effective than paying for unneeded sanitary sewer treatment for clean water, and would be more cost effective than building storage tanks and related additional conveyance capacity for capturing and storing sanitary sewer overflows;

927.25 BUILDING SEWER MATERIALS AND LINING MATERIALS

All material used for construction, repair or lining of sewers or sewer laterals shall be new and of first quality and shall be on the approved list provided by the Service Director or approved in writing by the Service Director or authorized by contract.

Lining materials shall meet or exceed ASTM F-1216, ASTM D-790, ASTM D-638, ASTM C-581, ASTM D 2990 or such other standards as established by the service director.

927.35 SEWER LATERAL MAINTENANCE OR REPAIR.

A property owner is responsible for maintenance, repair, or replacement of the building sewer (lateral) to include the point of connection (sanitary sewer tap) to the City of Maumee sanitary or storm sewer, except as otherwise provided for by programs for the repair or replacement of private sewer laterals and except when the property owner is eligible for grants and loans for replacement or repair of their sewer lateral and has entered into an agreement with the City for the sewer lateral repair or replacement.

927.56 SEWER LATERALS-NUISANCE CONDITIONS

It is hereby declared that a public nuisance shall exist when any of the following exist or remain on a property: Any sewer lateral that is broken or cracked, is substandard, is constructed of a non-approved material, or is otherwise defective, or otherwise allows or could allow the infiltration of clean water into the sanitary sewer system. This nuisance declaration for sewer laterals only applies to the lateral itself, not the entire property. If the nuisance involves a private sewer lateral the property owner shall be provided with a timetable to repair or replace the sewer lateral or make other necessary repairs. The property owner shall also be provided with information as to eligibility for funds for the replacement or repair of the sewer lateral as established by grant and loan programs as established by the City and provided the opportunity to enter into an agreement with the City for repair or replacement of the private sewer lateral.

927.57 CLEAN WATER CONNECTIONS TO THE SANITARY SEWER-NUISANCE CONDITIONS

It is hereby declared that a public nuisance shall exist when any of the following exist or remain on a property: Any clean water connection to the sanitary sewer. This nuisance declaration applies only to the clean water connection, not the entire property.

927.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of an unclassified misdemeanor with fines up to \$1000 as determined by the court, and is also subject to civil liability as set forth herein. Each calendar day during which any such violation continues shall be deemed a separate offense. The criminal penalty provisions and civil liability provisions in this chapter shall not apply to residential clean water connections to the sanitary sewer or residential defective or substandard residential sewer laterals as set forth in 937.56 where an agreement has been entered into with the property owner for the elimination of the clean water connection, or for the repair or replacement of the residential sewer lateral. Any criminal penalties in this chapter may also be waived for a non-residential property owner with a clean water connection or defective lateral as set forth in 937.56 who reach an agreement with the City that provides for timely removal of the clean water connection from the sanitary sewer system or timely repair of a defective or substandard sewer lateral condition as set forth in this chapter.

(b) Whoever violates any provision of this chapter shall be liable to the City for any expense, including but not limited to charges imposed by Maumee for discharges into the storm or sanitary sewers, treatment costs, cleanup costs or any other loss or damage occasioned the City by reason of such violation, notwithstanding whether such person or entity may have been prosecuted criminally for a violation of the terms of this chapter.

(c) Any person, entity, business, corporation, governmental agency or trustee violating State and/or Federal regulations as a consequence of violating any provision of this chapter shall be subject to any penalties imposed by State and/or Federal regulations, irrespective of the provisions of this chapter.

SECTION 2. STATUTORY CONSTRUCTION & SEVERABILITY.

(a) This Ordinance shall be construed so as not to conflict with applicable Maumee Code not modified herein, Federal or State of Ohio laws, rules, or regulations. Nothing in this Ordinance authorizes any City department to impose any duties or obligations in conflict with regulations established by Maumee Code not modified herein, Federal or State of Ohio law at the time such action is taken.

(b) In the event that a court or agency of competent jurisdiction holds that a Federal or State of Ohio law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Ordinance that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect without the invalid provision or application, and to this end the provisions are severable..

SECTION 3. That all prior Codified Ordinances or Ordinances or provisions within such Codified Ordinances or Ordinances in conflict with the provisions of this Ordinance are hereby

amended or repealed. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City, shall prevail. Failure of the City to recognize conditions or to take or recommend corrective measures shall not relieve the site or property owner, tenant or property manager from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 Revised Code of Ohio.

First Reading November 18, 2024

Second Reading December 2, 2024

Motion to waive Third Reading:

Seconded

Yeas Nays

Motion to Pass:

Seconded:

Yeas Nays

Passed December 2, 2024

Mayor.

ATTEST:

Municipal Clerk.

APPROVED AS TO FORM:

Law Director