

ORDINANCE NO. 174-2014

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES
CHAPTER 1040 - SEWERS**

AN ORDINANCE AMENDING CHAPTER 1040, "SEWERS," OF THE BARBERTON CODIFIED ORDINANCES TO INCLUDE THAT PROPERTY OWNERS ARE RESPONSIBLE FOR THE LATERALS CONNECTING THEIR SANITARY SERVICES TO THE CITY LINES, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Chapter 1040.04, "Sewers," of the Barberton Codified Ordinances, be amended by including the following section to said Chapters, as shown in **bold print**:

CHAPTER 1040.04 SANITARY SEWER LATERALS.

(a) Whenever, by reason of Section 1040.02 or of the original installation, sewer service is made available to the owner of any property not participating in the cost of such extension or original installation, the owner of such property may connect a lateral to such extension at his own expense, under the following terms and conditions.
(Ord. 117-1964. Passed 7-6-64.)

(b) The owner shall make an application to the City Engineer, on forms prepared by the Engineer, for a permit to construct the lateral, and the application shall contain the following terms and conditions:

- (1) The total cost of the house lateral shall be contracted for and paid by the applicant.
- (2) The City shall not be responsible for any action, cause of action, damage or claim to person or property or for any claim for labor or material arising out of or in any manner connected with such construction.
- (3) All construction shall be supervised by the City Engineer and shall be subject to his inspection and approval.
- (4) Where a house lateral must be connected to an existing sewer, a Y section shall be inserted by a licensed plumber or sewer tapper or under the direction of the City Engineer. A thirty degree bend must be attached to the Y, and the lateral extended to the house at right angles to the main sewer.
- (5) The construction shall be subject to all the rules, regulations and ordinances of the City and nothing contained in the application shall be construed to exempt the applicant from sewer rental charges levied by the City.
- (6) The City shall not levy any assessment charges for the construction of a sanitary sewer for the property described in the application, but the applicant shall pay an amount equal to the latest cash assessment for the district into which the sanitary sewer feeds, in lieu of such assessment. If a lateral has not been carried to the curb line, a discount of ten percent shall be given to the applicant to compensate him for the cost of carrying such lateral from the main line.

(c) Upon approval of the permit for a lateral connection by the City Engineer and the payment of the required sum of money into the City Treasury, a permit for the lateral connection must be obtained from the City Engineer, and no lateral shall be covered before inspection and approval by the City Engineer.

(d) All contracts and costs in connection with the construction of house laterals shall be the sole responsibility of the owner, and the City will recognize no charges incurred by the owner or private contractors based on either a claim for failure to locate a lateral or main sewer line or compensation for the cost of extending a lateral to the curb line. The discount of ten percent cash assessment shall be received in full payment for all such costs.

(e) Once installed, inspected and accepted, the property owner is solely responsible for the maintenance and replacement of any sewer lateral.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that the amendment go into effect as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2014

Clerk of Council

President of Council

Approved _____ 2014

Mayor