



CITY OF NAPOLEON, OHIO
LAW DEPARTMENT

255 W. RIVERVIEW AVENUE, PO BOX 151
NAPOLEON, OH 43545

PHONE: (419) 592-4010 FAX: (419) 592-4723

August 29, 2016

**VIA CERTIFIED MAIL
AND ORDINARY MAIL**

Robert Behrman
711 Beckham Street
Napoleon, OH 43545

Re: 709 Beckham Street sewer tap

Dear Mr. Behrman:

City records indicate you previously received letters from the City of Napoleon Department of Public Works regarding the failure of 709 Beckham Street to be connected to the City of Napoleon public sewer system, violating Rule 6.1(B) of the City of Napoleon Rules for Water and Sewer Service. (A copy of the April 9, 2015, May 8, 2015 and July 24, 2015 letters are enclosed for your reference.) The City has also made attempts to contact you via telephone, but messages left for you were not returned.

"Per Rule 6.1:

Availability of Residential Sewage Service

(A) Residential service for sewage (also known as "residential sewer service") is available to persons having a premises that qualifies for "residential service". Such service shall be considered available to the premises when the premises is located within the corporate limits of the City and where public sanitary sewer lines are installed within two hundred (200') feet of a building or structure foundation wall that is to be served on the residential premises.

(B) The sewer service line and tap shall be installed by property owner at property owner's expense and the complete installation shall conform to City's standards and inspection requirement. No sanitary sewer connections will be permitted until the tap charge, as prescribed by the City, has been paid in full to the City."

Per Rule 6.1(A), you are required to connect to the public sewer system.

City Law Director
Lisa L. Nagel
lnagel@napoleonohio.com

You are hereby given notice that you have until Friday, September 30, 2016 to connect to the public sewer system; continued failure to do so may result in a disconnection of the water service per Rule 15.1(A) of the City of Napoleon Rules for Water and Sewer Service, as well a violation of Rule 27(C). Please also be advised that the Penalty Section in Rule 27(C) states any person failing to comply ". . . shall be deemed guilty of a misdemeanor of the minor degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation."

If this is not corrected by Friday, September 30, 2016, the City has the right to impose the following penalties, as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio, along with any other remedies to which the City is entitled:

Penalties for Misdemeanors

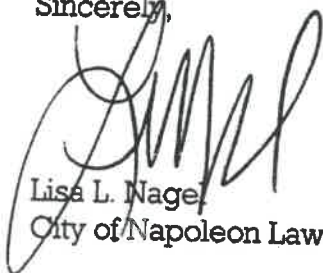
"(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(2) (E) Fines: for a minor misdemeanor, not more than one hundred fifty dollars (\$150.00)" [Please remember each day a violation continues constitutes a separate violation.]

Please contact Marty Crossland at the City of Napoleon's Engineering Department to arrange for all required inspections and specifications, or any questions you may have regarding this issue.

Your prompt attention to this matter is appreciated. If the violation is corrected by the due date shown, the City will refrain from filing suit against you.

Sincerely,



Lisa L. Nagel
City of Napoleon Law Director

Enclosures: April 9, 2015, May 8, 2015, and July 24, 2015 letters

cc: Marty Crossland, Staff Engineer
Chad Lulfs, Director of Public Works
Monica Irelan, City Manager

LLN/tam

City Law Director
Lisa L. Nagel
lnagel@napoleonohio.com



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Luffs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

May 8, 2015

711 Beckham Street
Napoleon, Ohio 43545

Attn: Robert Behrman

Re: 709 Beckham Street Sewer Tap

Dear Mr. Behrman,

Per your request, our office performed additional research into this issue. As part of the sanitary sewer project on Beckham several years ago, sanitary sewers and taps were installed to all of the properties except for yours. The reason for your property being omitted was due to a planned subdivision development by you.

The original plan was to install a new sanitary sewer in the future right-of-way of a future street that you were planning to develop. The existing sewer outlet on your property would then be intercepted by this proposed sewer. However, that development was never constructed.

You are now required to connect to the City of Napoleon's sanitary sewer system. You may connect to the manhole in front of your property if you so choose. Because this is a new connection, it is the property owner's financial responsibility for all work, including the work required to tie into the mainline sanitary sewer located in the right-of-way. The City of Napoleon is only financially responsible for sewer taps in the right-of-way when they are in need of replacement, not for new construction.

All work shall be done to the City of Napoleon's specifications. Inspections will be required. Please contact us to obtain all required permits and to schedule inspections. You were given 90 days to complete this work in prior correspondence. Please be mindful of this deadline: July 9, 2015. If you have any questions, please contact the City of Napoleon's Engineering Department.

No. 285
CERTIFICATE OF OCCUPANCY
THE CITY OF NAPOLEON

ENGINEERING DEPARTMENT
DIVISION OF INSPECTION

This is to certify that the Building or Land as herein described complies with all the building and health laws and ordinances and with the provisions of the Zoning Ordinance.

Location of Occupancy 709 BECKHAM STREET Occupancy HOME OCCUPATION
Owner of Property BILLY L. LATTA Address 709 BECKHAM ST.
Issued to BILLY L. LATTA Address 709 BECKHAM ST.
Zoning B RESIDENTIAL Bldg. Permit No.

Substantial qualifications of occupancy MAIL ORDER BUSINESS- NO EMPLOYEES OTHER THAN THE

.....IMMEDIATE FAMILY RESIDING IN THE DWELLING-NO RETAIL SELLING WITHIN THE DWELLING.....

This certificate is issued by the City Building Inspector, as provided by law, and is to certify that construction is completed substantially in conformity with the approved plans and permission is hereby granted to occupy such building in compliance with such legal use and occupancy as authorized under the provisions of the ordinances of the City of Napoleon.

Issued this 12 th day of Dec. 19..... 83.....

This is a valuable record for owner or lessee and should be so preserved.

Signed

Richard G. Kayman
City Building Inspector