



City of NAPOLEON

ENGINEERING DEPARTMENT

255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545
Phone: 419-592-4010 - Fax: 419-599-8393

Mayor
J. Andrew Small

Members of Council
Glenn A. Miller
President

Terri A. Williams
Ronald Behm
Travis B. Sheaffer
John A. Helberg
Steven C. Small
Michael J. DeWit

City Manager
Dr. Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
David M. Grahn

City Engineer
Chad E. Lulfs, P.E., P.S.

May 9, 2006

R-386 County Road 15
Napoleon, Ohio 43545

Attn: Joseph Lewis

Re: 1214 Woodlawn Avenue
Sewer Separation Notice

Dear Mr. Lewis,

It has come to our attention that you are currently rehabilitating/reconstructing the sanitary sewer service line on this property and that the service line is combined with the service line for 1220 Woodlawn Avenue. As per Rule 10.1 (E) in the City of Napoleon's Water & Sewer Rules:

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the City shall not be liable for damage caused by or resulting from any such single connection aforementioned.

This letter shall serve as notice that you have ninety (90) days to correct this situation from the date listed above. If corrective actions are not taken by such time, water service to the residence may be terminated. Please contact our office for all appropriate permits and to schedule inspections. If you have any questions or require additional information, please contact me at your convenience.

Yours truly,

Chad E. Lulfs, P.E., P.S.
City of Napoleon Engineer

COPY

cc: Jon A. Bisher, City Manager
Tom Zimmerman, Building & Zoning Inspector
Rex Moll, Construction Inspector

CEL/als



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May 11, 2006

R-386 County Road 15
Napoleon, Ohio 43545

Attn: Lewis Joseph

Re: 1214 Woodlawn Avenue Sewer Separation Notice
Appeals Process Information

Dear Mr. Joseph,

Enclosed is the information you requested regarding the appeals process for the City of Napoleon Rules for Water and Sewer. If you have any questions or require additional information, please contact me at your convenience.

Yours truly,

Chad E. Lulfs, P.E., P.S.
City of Napoleon Engineer

cc: Jon A. Bisher, City Manager
Tom Zimmerman, Building & Zoning Inspector
Rex Moll, Construction Inspector

Encl.

CEL/als

City of Napoleon Rules for Water and Sewer Service

RULE 25 APPEAL PROCESS

Rule 25.1 Appeals In General

All decisions made by those other than the Finance Director or City Manager may be taken to the employees applicable appointing authority for review and decision. *(Amended June 19, 2000 - Ordinance No. 53-00)*

Rule 25.2 Appeals From Decision Of Finance Director

- (A) After hearing by the Finance Director, a decision shall be rendered and either personally delivered or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the Finance Director, after hearing, may be taken to the Water, Sewer, Refuse, Recycling and Litter Committee of Council, so long as notice of appeal is filed in writing with the Finance Director within ten (10) business days after mailing of the decision or order of the Finance Director by regular U.S. mail or five (5) business days after rendering the decision or order by personal service, to the person who filed the appeal.
- (C) Appeals will not stay the finding or order of the Finance Director as a result of his/her decision, after hearing, unless a bond (in cash or other acceptable method) is posted in an amount necessary to guarantee payment of any unpaid charges and any future charges that may incur during the appeal process.
- (D) A filing fee, as established by the City and as may be amended from time to time, will be charged for all appeals to the water, sewer, refuse, recycling and litter committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 25.3 Appeals From Decision Of City Manager

- (A) After a hearing by the City Manager, a decision or order shall be rendered and either delivered by personal service or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the City Manager, after hearing, may be taken to the water, sewer, refuse, recycling and litter committee of Council, so long as notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or

City of Napoleon Rules for Water and Sewer Service

order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal.

- (C) Appeals will not stay the finding or order of the City Manager as a result of his/her decision.
- (D) A filing fee, as established and as may be amended from time to time, will be charged for all appeals to the Water, Sewer, Refuse, Recycling and Litter Committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 25.4 *Scope Of Appeals*

The scope of all appeals to the Committee shall be limited to the question of whether the City Manager or City Finance Director acted unreasonable, arbitrary or capricious in their decision.

Rule 25.5 *Appeal Process/Bond/Disconnect*

The appeal process will not stay a disconnect order unless there is a posting of a bond (in cash or other acceptable method) with the Finance Director in the amount equal to the amount in dispute and including those estimated amounts that may incur during as a result of the appeal process; further, the filing of an appeal does not stay the disconnect order during the appeal process related to Rule 24.6 (Backflow Disconnection), regardless of the posting of bond. *(Amended December 1, 2004 - Ordinance No. 100-03)*

Rule 25.6 *Appealable Decisions*

The appeal process established in this Rule is applicable only to matters identified as appealable decisions of the City Finance Director and City Manager. For issues where the City Finance Director and City Manager both make a decision that is subject to an appeal, then the hearing may be in front of either the City Finance Director or City Manager as assigned by the City Manager; moreover, in the event it is not clear which official should be the hearing officer, then, either the City Finance Director or City Manager may hold the hearing as assigned by the City Manager. *(Amended December 1, 2003 - Ordinance No. 100-03)*