

**ORDINANCE NO. 023-20**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE  
CITY OF NAPOLEON, OHIO WATER AND SEWER RULES,  
SPECIFICALLY RULES 10.1(E) AND 11(E); AND DECLARING  
AN EMERGENCY**

**WHEREAS**, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on May 11, 2020, and reviewed proposed changes to Water and Sewer Rules regarding the approval of building sewers as well as the requirements for the establishment of water/sewer services; and,

**WHEREAS**, the Board of Public Affairs and The Water and Sewer Committee recommended that the City Engineer have the authority to approve exceptions as deemed necessary regarding building sewers as well as the authority to approve exceptions to all future dwelling units established after the effective date of the current rules.

**NOW THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,  
OHIO:**

Section 1. That, Rule 10.1(E) of the City of Napoleon, Ohio Water and Sewer Rules shall be hereby amended and enacted as follows:

"Rule 10.1 Building Sewers and Construction

(E) Unless approved by the City Engineer, ~~a~~~~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."

That, Rule 10.1(E) of the City of Napoleon, Ohio Water and Sewer Rules, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 2. That, Rule 11(E) of the City of Napoleon, Ohio Water and Sewer Rules shall by hereby amended and enacted as follows:

"Rule 11 Contract for Water/Sewer Service

(E) Except as otherwise provided or approved by the City Engineer, the City requires that all future dwelling units established after effective date of these Rules, by individually tapped, metered, and plumbed before water/sewer service is established."

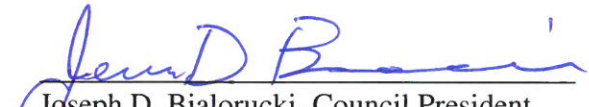
That, Rule 11(E) of the City of Napoleon, Ohio Water and Sewer Rules, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow the amendments to be in place in a timely manner, which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper enforcement of the City Water and Sewer Rules, being essential to the public peace, health or safety, and for further reasons as stated in the Preamble hereof.

Passed: July 6, 2020


  
Joseph D. Bialorucki, Council President

Approved: July 6, 2020

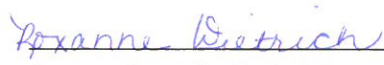
  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 023-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of July, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

  
Roxanne Dietrich, Clerk of Council



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Jeff Rathge, Operations Department Superintendent  
Roxanne Dietrich, Clerk of Council  
**Date:** May 7, 2020  
**Subject:** Water & Sewer Rules ~ Request for Revision

In 2014 Ordinance 026-14 was passed by City Council which revised the rule regarding sewer lateral responsibility. Prior to passage of this legislation, the property owner had ownership of the sewer lateral from the house to the sanitary sewer main. This legislation took ownership from the property owner and gave it to the City from the right-of-way line to the sewer main.

At some point in the development of the Water & Sewer Rules, rules were included which addressed the issue related to the number of properties that could be included in a sewer lateral. Per Rule 10.1(E):

“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.”

Rule 11(E) states:

“Except as otherwise provided, the City requires that all future dwelling units established after the effective date of these Rules, be individually tapped, metered, and plumbed before water/sewer service is established.”

Because the rule causes a potential increased cost for the City, I am requesting that these rules be revised as follows:

Rule 10.1(E)

**Unless approved by the City Engineer, 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.

**Rule 11(E)**

Except as otherwise provided **or approved by the City Engineer**, the City requires that all future dwelling units established after the effective date of these Rules, be individually tapped, metered, and plumbed before water/sewer service is established.

If modified, these rules would provide the City of Napoleon's Engineering Department some discretion related to sewer laterals. This could in turn limit the number of laterals that the City is financially responsible for maintaining.

*CEL*

# CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE

---

## RULE 10 BUILDING SEWERS

---

### *Rule 10.1 Building Sewers And Construction*

- (A) Every person desiring a permit to make a connection with, open, or tap any public sewer or drain shall first make application to the City Engineer, who shall consult his/her records with regard to the sewer or drain desired to be connected with, opened, or tapped. If such connection, opening, or tap can be made, the City Engineer shall give such applicant the exact location with which the connection, opening, or tap is to be made, or if necessary shall cause a stake to be set on the premises at which the connection, opening, or tap is to be made. The City Manager shall issue to the applicant a permit stating that permission is granted to connect with, open, or tap such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the City Manager; however, permits will not be issued unless the City Engineer determines that there is or will be capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.
- (B) For each permit issued by the City Manager, a charge shall be made as established by the City and as may be amended from time to time. A connection charge shall be made for all new buildings, major additions, or alterations; to buildings causing increased sewage discharge; any land use causing the discharge of sewage into the sewage system; and any change in sewage flow distribution ordered by the City Manager when the redistribution of sewage flow requires the construction of a new trunk line sewer and a new service connection thereto. The connection charge shall be an amount as established for each connection inside the corporation and an amount as established for each connection outside the corporation. The connection charge provided herein shall also be made where any dwelling or building is connected to the sewage disposal system. Before the permit can be used, evidence that the connection charge has been paid shall be filed with the City Manager.
- (C) The City Manager shall devise and procure the permit forms. The City Finance Director shall collect all funds as a result of connection charges which will be credited to the sewer fund of the City.
- (D) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner.
- (E) ~~Unless approved by the City Engineer, 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

## CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE

- one (1) building sewer, but the City shall not be liable for damage caused by or resulting from any such single connection aforementioned.
- (F) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City's Engineering Department, to meet all requirements of these Rules.
  - (G) The building sewer shall be of the best quality PVC sewer pipe and having a standard dimension ration (SDR) of not greater than thirty-five (35). The pipe shall have an integral bell, and joints shall be gasketed. The pipe shall be colored green for in-ground identification as sanitary drainage pipe. Connections to unlike types and sizes of pipe shall be accomplished using the proper adapter and/or connector as manufactured by Fernco, Inc., or an approved equal.
  - (H) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
  - (I) Residential sanitary service connections shall be six (6") inches in diameter, or greater, as required to serve the structure and shall be laid at no less than 1.00% slope.
  - (J) Connections or lateral extending to private property from a public sewer or drain shall be in accordance with specifications issued by the City Engineer (see *VIOLATION* section).
  - (K) All connections, tapings, or openings shall be only in the presence and upon the approval of the City Engineering Department. The applicant for the building sewer permit shall notify the City Engineering Department when the building sewer is ready for inspection and connection to the public sewer (see *VIOLATION* section).
  - (L) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. All refilling of the excavation made for such connection shall be in the presence and upon the approval of the City's Engineering Department. Any excavation done within the right-of-way shall not commence until a bond or its equivalent in an amount equal to the total cost of the work performed is posted with the City (see *VIOLATION* section).
  - (M) An applicant shall be given a hearing in front of the City Manager related to the non-issuance of a permit as found in this Rule. Any decision of the City Manager in regard to this permit may be appealed, after hearing, to the water, sewer, refuse, recycling and litter committee of Council in the

## **CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE**

same manner as other appeals are taken under these Rules. No application for a building sewer permit which has been denied by the City Manager shall be resubmitted to the City for a period of sixty (60) days from the date of such denial, except upon the grounds of new and material evidence or proof of changed conditions. The committee's order shall be a final order.

### ***Rule 10.2 Digging And/Or Marking Excavation Site For Sewers***

When any sewer service locating is desired, persons desiring the same shall physically mark the proposed excavation site with white paint, flags, or other acceptable marking methods utilized by the industry and approved by the City. Excavation, the applicant, or property owner must call the utility department forty-eight (48) hours prior to commencement of digging. Damages resulting from failure to contact the utility forty-eight (48) hours prior to digging will be at the expense of the person digging or causing the same to be done. When the City locates service at the excavation site, all cost associated therewith, including time and material, shall be at the expense of the person proposing the excavation if they fail to properly mark the excavation site.



## CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE

---

### RULE 11 CONTRACT FOR WATER/SEWER SERVICE

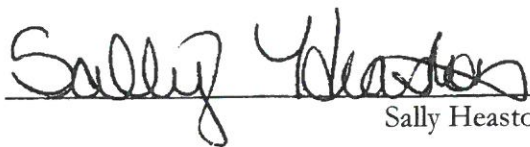
---

- (A) Contract for water/sewer service shall be made in writing at the office of the City Utility Department on its standard form. Customer/designee should be present at the site at any time service is activated.
- (B) All contracts involving an original or new service line installation shall be made by and only in the name of the property owner. By such contract the "property owner" shall agree and commit him/herself to all rules and charges relating to the furnishing and utilization of water/sewer service, except to charges related to daily usage in cases when the utility is removed from the owner's name. Subsequent contract for service may be made by the tenant occupying the premises to be served with water/sewer; however, once a tenant becomes the customer the owner restricts his/her authority to order disconnection of service. An owner may enter into a separate contract with the City to assure non-disconnect when tenant(s) vacate the premises under terms and conditions determined by the City Manager and when approved as to form and correctness by the Law Director.
- (C) Where the customer's installation requirements for water/sewer service are unusual, the utility requires a suitable contract and deposit from the customer so as to protect the City's investment required to render the service involved.
- (D) There shall be set forth in the contract, the class of service to be furnished i.e., residential, commercial or industrial as defined herein. Except as otherwise may be provided, any contract for water and/or sewer service shall be construed as being for an initial term of one (1) month with an automatic renewal for the same duration of time after the initial term and any subsequent term, unless otherwise agreed to in writing by the parties, or unless otherwise terminated by the parties in accordance with the terms of a written contract; however, if no termination terms are contained in a written contract, then in accordance with these rules.
- (E) Except as otherwise provided **or approved by the City Engineer**, the City requires that all future dwelling units established after the effective date of these Rules, be individually tapped, metered, and plumbed before water/sewer service is established.
- (F) The customer shall advise the Utility Department of the purpose for which the water/sewer will be used and the probable quantity required in order that the Utility Department can properly determine the necessary size of the service line and meter required to adequately serve the customer. The size of service line and meter required for any customer will be determined by the City.




STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the **9th day of July, 2020.**

  
Sally Heaston

Subscribed and sworn to before me this  
9th day of July, 2020

  
Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission  
Expires February 13, 2021

Printer's Fee: \$206.55

Notary Fee: \$2.50

**Summary of Ordinance No.(s) 023-20, 027-20, 028-20 and  
Resolution No. 025-20**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance 023-20**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF NAPOLEON, OHIO WATER AND SEWER RULES, SPECIFICALLY RULES 10.1(E) AND 11(E); AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon amended Rules 10.1(E) and 11(E) of the City Water and Sewer Rules.

**Ordinance 027-20**

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 2) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO ORC. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the Finance Director to make appropriation transfers pursuant to ORC. Section 5705.40 for the fiscal year ending December 31, 2020.

**Ordinance 028-20**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2020; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon supplemented the annual appropriation measure for the year 2020.

**Resolution 025-20**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ENTER INTO A DEPARTMENT OF HOMELAND SECURITY PUBLIC ASSISTANCE GRANT AGREEMENT, THROUGH THE OHIO EMERGENCY MANAGEMENT AGENCY, ON BEHALF OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to enter into a Department of Homeland Security Public Assistance Grant Agreement on behalf of the City.

The above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director