

Chapter 1141 PRIVATE SEWERS

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1141.01 Definitions.

For the purpose of this chapter, "private sewer" shall mean a privately constructed sewer, other than a service lateral, not less than eight (8) inches in diameter, connecting with and discharging directly into the city's sewer system, or indirectly into the system, through an authorized extension. The construction of a privately constructed sewer cannot be financed with sanitary enterprise funds and it shall be designed to provide local service for property abutting the sewer or which may in the future abut an extension thereof.

(Sec. 38.9; Ord. 1341-2006 § 1 (part).)

1141.02 Connections with city sewers.

The Director of Public Utilities is authorized and directed for and on behalf of the city to enter into agreements with any person, hereinafter referred to as the owner, for the construction of private sewers by a licensed sewer contractor in public streets, alleys and other public places or in easements across private property in the city, for purpose of providing sewer service to a property where service is not available, is not adequate or is inaccessible, subject to the following requirements.

(Ord. 478-92; Ord. 1341-2006 § 1 (part).)

1141.03 Conformity with city standards.

Plans and specifications for privately constructed sewers shall conform to the current design standards of the Division of Sewerage and Drainage and shall be submitted for review and approval by the Administrator of the Division of Sewerage and Drainage prior to the construction of the work.

(Ord. 478-92; Ord. 1341-2006 § 1 (part).)

1141.04 Portions extending under public places.

The owner of a privately constructed sewer shall pay all costs of extending the sewer under any public street, alley, public place, or easement in the city. The owner shall also obtain and pay for street opening and right of way permits, and comply with all ordinances and specifications required by the Transportation Division for such work.

(Ord. 478-92; Ord. 1341-2006 § 1 (part).)

1141.05 Building requirements.

A privately constructed sewer shall be built in accordance with the approved plans and specifications by a licensed sewer contractor and inspected as the Administrator of the Division of Sewerage and Drainage may require. The cost of inspection shall be at the expense of the owner.

(Sec. 38.9; Ord. 1341-2006 § 1 (part).)

1141.06 Filing of information.

Upon completion of a privately constructed sewer, the owner shall submit a project cost statement containing the entire cost of the sewer. Completion shall mean installation of all pipe, manholes, structures and other features of the sewer, restoration of all disturbed ground, and the sewer has passed all required tests. The project cost statement will be submitted on a form provided by the city and will include the allowable design and construction costs incurred by the owner. The project cost statement must be submitted before the privately constructed sewer is approved for use.

(Sec. 38.9; Ord. 1341-2006 § 1 (part).)

1141.07 Extension.

A privately constructed sewer may be extended by the city or the city may authorize others to extend the sewers to serve property within the corporate limits of the city of Columbus; provided, such extension shall not be inconsistent with the capacity limitations of the sewer as originally built.

(Ord. 1813-87; Ord. 1341-2006 § 1 (part).)

1141.08 Service laterals for abutting property.

Service laterals for any abutting property within the corporate limits of the city of Columbus, may be connected to a privately constructed sewer if in the opinion of the Administrator of the Division of Sewerage and Drainage, the connection is in the best interest of the city. Prior to connecting the service lateral to the privately constructed sewer, written permission must be obtained from the owner of the sewer. The owner of a privately constructed sewer may charge a fee for permission to connect to the sewer based on frontage benefited, and shall not exceed the proportionate value of the total cost to construct the private sewer. The permission for the connection, including capacity and permit fees shall be submitted to the Division of Sewerage and Drainage prior to the sewer permit being issued.

In the event, however, that the parties in interest cannot agree as to the amount of such consideration then it shall be determined by the Administrator of the Division of

Sewerage and Drainage. The amount, as determined by the Administrator shall be based upon the project costs statement and any other factors deemed necessary. The amount as so determined shall be binding upon both parties.

In the event that ownership of a privately constructed sewer cannot be determined, or in the event that the owner cannot be located at such time, or if for any other reason, permission to make the connection cannot be secured from the owner, the city may then issue the necessary permits for a connection and may collect a connection fee as described above.

In the event the owner of the privately constructed sewer has not submitted the cost statement herein required, the sum of money shall be deposited in the City Treasury and there held, subject to the demand of the owner, or his heirs or assigns, for a period of six (6) years after the date of collection. At the expiration of six (6) years if such sum has not been claimed by the owner, or his heirs or assigns, it shall then and thereafter be the property of the city and shall be credited to the sewer fund of the city.

(Ord. 1813-87; Ord. 1341-2006 § 1 (part).)

1141.09 Maintenance deposits.

Upon application to construct a private sanitary sewer the owner thereof shall deposit with the city a maintenance deposit to cover the cost of maintenance/ repairs performed by city maintenance personnel while the sewer remains under private ownership. The maintenance deposit may take the form of a cash deposit, an escrow agreement acceptable to the city, or any other form acceptable to the city. Any monies not charged to the maintenance deposit account will be refunded to the owner when final dedication to the city has occurred. The maintenance deposit shall be calculated in the following manner:

- A. Minimum deposit of one dollar and twenty-five cents (\$1.25) per lineal feet of pipe plus fifty dollars (\$50.00) per manhole.
- B. Maximum deposit of five thousand dollars (\$5,000.00).

For projects that are constructed in phases, each phase will be considered a separate project. An exception to this requirement is when the owner constructs all phases under one construction inspection deposit and the project phases will be finalized simultaneously. Any maintenance charges that surpass the maintenance deposit amount will be billed to the sewer owner and final dedication will be delayed until those charges are satisfied.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.10 Assignment of rights.

The owner of a privately constructed sewer shall make no assignment of any or all of his or her rights or obligations without the consent of the city.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.11 Owner's liability.

The owner of the private sewer shall indemnify the city and hold it free and harmless from any and all damages or claims for damages which may arise or grow out of the construction of such private sewer and shall defend at his own expense any and all suits for the recovery of damages arising or growing out of the construction of such sewer and which may be brought or prosecuted against the city.

(Sec. 38.10; Ord. 1341-2006 § 1 (part).)

1141.12 Dedication to city.

The owner shall dedicate the privately constructed sewer to the city, subject to its acceptance, following which the city shall be responsible for all maintenance and repair.

Prior to requesting the city to accept a dedication of a private sewer, the owner shall perform a video inspection of the interior of the pipe and a visual inspection of all manholes, castings and surface areas over the trench of the installation. The owner shall then, at his or her own expense, make all necessary repairs. If the owner cannot be located or if the owner is unable to perform this work, the city will have the work completed and charged against the maintenance deposit.

Prior to dedication to the city, the city may, provided access to the sewer is available through the manholes and subject to the approval of the Administrator for the Division of Sewerage and Drainage, assume responsibility for the cleaning and removal of any stoppages that may occur, but all other maintenance and repair work required to keep the sewer in operation shall be the responsibility of the owner. The owner will be required to reimburse the city for all time and materials involved in cleaning the privately constructed sewer from the maintenance deposit.

If the owner fails to dedicate the privately constructed sewer to the city within the five (5) year period because all the possible connections have not been made, or for any other reasonable explanation, an extension of one additional five (5) year period may be granted by the city but only upon the basis of a written application-submitted to the Director of Public Utilities prior to the expiration of the first mentioned five (5) year period.

The owner of a privately constructed sewer may request the city to accept a dedication of the sewer as follows:

1. The one year warranty of the privately constructed sewer has expired.
2. All possible connections to the privately constructed sewer have been completed.
3. The city will assume ownership after expiration of the five (5) year period.

If dedication of the privately constructed sewer is not made, or an application for a time extension is not made or if such extension of time is not granted, or if the owner fails to dedicate the sewer within any extension of time that may be granted, then, upon the expiration of the five (5) year period, or upon the expiration of any extension of time, the sewer, together with all the rights and obligations of the owner shall, then, and

thereafter become the responsibility of the city, unless the private sewer agreement entered into by the city and the owner provides otherwise.

(Ord. 478-92; Ord. 1341-2006 § 1 (part).)

1141.89 Administrative fines.

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000.00) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.

Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.

Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in Section 1145.82.

(Ord. 1341-2006 § 1 (part).)

1141.90 Legal action.

Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

(Ord. 1341-2006 § 1 (part).)

1141.91 Civil penalty.

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation.

(Ord. 1341-2006 § 1 (part).)

1141.99 Criminal penalty.

Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000.00) or imprisonment for not more than six months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000.00), and not to exceed five thousand dollars (\$5,000.00) in addition to any imprisonment provided under this section.

(Ord. 1341-2006 § 1 (part).)