

ORDINANCE NO. 15-26
INTRODUCED BY: Mr. Tadych

First Reading 4-13-15

AN ORDINANCE
ENACTING NEW CODIFIED ORDINANCE CHAPTER 916 ENTITLED
“FOUNDATION DRAIN DISCONNECTION”
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting new Chapter 916 to read as follows:

CHAPTER 916
Foundation Drain Disconnection

- 916.01 Districts.**
- 916.02 Disconnection of foundation drain connections required.**
- 916.03 Approved disconnection procedure.**
- 916.04 Non-compliance fee.**
- 916.05 Definitions.**
- 916.06 Payment option program.**
- 916.07 Eligible participants.**
- 916.08 Designee.**
- 916.09 Voluntary participation.**
- 916.10 Scope of work.**
- 916.11 Approved contractors.**
- 916.12 Contractor selection.**
- 916.13 Release.**
- 916.14 Payment.**
- 916.15 Maintenance.**

CROSS REFERENCE

916.01 DISTRICTS.

The foundation drain disconnection districts established under this article include the following areas, each to have the effective date stated for each such district, and if no date is specified, then effective upon publication of the ordinance adopting this article. Additional districts will be created from time to time by amendment hereto.

- A. Foundation Drain Disconnection District 11 shall consist of the areas identified as the Bruce, Russell, Douglas, Lake Road areas. A map of this area can be found at the Bay Village Service Garage. (SSES Map. There are 18 Districts within the City.)

916.02 DISCONNECTION OF FOUNDATION DRAIN CONNECTIONS REQUIRED.

All direct or indirect connections of a foundation drain within the established district shall be disconnected from the sanitary sewer system within one year after the effective date of establishment of the district in which said connection is located. All connections of any such foundation drain systems or devices shall conform to current standards as adopted under City Building codes.

916.03 APPROVED DISCONNECTION PROCEDURE.

The approved disconnection procedure to a direct or indirect foundation connection to the sanitary sewer system must fully comply with the following and must conform to current standards adopted under City Building codes.

1. **Approved System.** An approved system for the termination of foundation drains must be used. If the system does not allow for gravity drain into the storm sewer, the approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location or to an available storm sewer.
2. **Licensed Contractor.** All work for an approved disconnection procedure shall be performed by a master plumber or a residential building contractor duly licensed by the City. Work done by a residential building contractor under this article must remain within the scope of authorized work as defined by current standards as established under the City of Bay Village building codes.
3. **Plugging of existing connections.** Any direct or indirect connection between the foundation drain and the sanitary sewer system serving the building shall be permanently plugged.
4. **Post-construction inspection.** The installation of a sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer, or the approved contractor, shall be responsible to schedule the post-construction inspection.

916.04 NON-COMPLIANCE FEE.

Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one year after the effective date established by City Council will be subject to a monthly fee of \$50.00 for each month of non-compliance. Such fees will continue monthly until the City determines through inspection that the direct or indirect foundation drain connection no longer exists. All unpaid fees, including any administrative costs, will be assessed against the property for collection in the same manner as a property tax, as provided by law.

916.05 DEFINITIONS.

The following definitions shall apply to all sections of this chapter:

- a) "Foundation drain" means any subsurface pipe or conduit located on or around the exterior of the structure or located within a structure for the purpose of conveying ground water, subsurface water, and foundation wall seepage water. Foundation drains may be also commonly referred to drain tiles, footer drains, French drains, curtain drains or subsurface drains.

- b) “Disconnection” means moving foundation drain discharges from the sanitary sewer and redirecting the discharge to a legal clean water conveyance or dispersion system.

916.06 PAYMENT OPTION PROGRAM.

1. All disconnection costs shall be at the owner’s expense. In accordance with this funded program, the City will offer zero-interest, 24-month payment plans.
2. The maximum zero-interest funding available under this program shall be the lesser of the actual cost of the required corrections or \$3,000. For payment plans under this section 916.06, minimum monthly payments of \$50.00 will be required until the end of the 24-month term with a final payment in full. Should minimum or final payments not be made, the plan balance and all applicable fees will be assessed against the property for collection in the same manner as property tax, as provided by law. Payments shall be made to the City of Bay Village Finance Department under the Private Property Maintenance fund.

916.07 ELIGIBLE PARTICIPANTS.

Eligible participants shall be owners of single family homes and duplexes that:

1. Are a violating premise within the City of Bay Village and have a letter from the City stating that their foundation drain is the source of the violation.
2. Request participation in the Program and whose participation is approved by the Director of Public Service and Properties and the Finance Director.
3. Are not delinquent on their property tax or sewer fees.
4. The request must be made within 90 days of the effective date established for each district

916.08 DESIGNEE.

In every instance where the Director of Public Service and Properties is required to act or approve an action, the action or approval may be performed by a person designated, in writing, by the Director of Public Service and Properties or the Finance Director, as his or her designee.

916.09 VOLUNTARY PARTICIPATION.

The Director of Public Service and Properties may implement and make available this program where a property owner has voluntarily requested participation in this program.

916.10 SCOPE OF WORK.

The Director of Public Service and Properties shall determine for each eligible participant property the scope of work which may be paid for with the program funds, with the goal of achieving the most cost-efficient and timely correction. If work paid for under this program does not eliminate foundation drain discharges for the eligible participant property, the Director of Public Service and Properties is not precluded from issuing supplemental orders concerning the participation premises. For each eligible participant property, the maximum cost which may be paid with City funds to an eligible participant or eligible participant selected contractor shall be the funding cap set under 916.06(2). If additional work is required it shall be performed at eligible participant’s expense.

916.11 APPROVED CONTRACTORS.

The Director of Public Service and Properties shall establish a list of private contractors or contractor teams (referred to as “contractor(s)” throughout this section) approved for performing work under this program based on qualifications including experience, quality of work and insurance. Eligible participants may propose additional contractors for inclusion in the approved list.

916.12 CONTRACTOR SELECTION.

To be eligible to participate in the program, participants shall select an approved contractor as designated in section 916.11.

The Director of Public Service and Properties shall review and approve of the contractor’s selection and contract price. The eligible participant shall contract with the selected contractor for performance of the approved scope of work. The City of Bay Village shall not be a party to the contract. The eligible participant’s contract shall require the contractor to secure any building permits as may be necessary and shall specify that the eligible participant’s final payment to the contractor not be made until (1) the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, whose approval shall not be unreasonably withheld and (2) a release of lien from all contractors or subcontractors performing work on the premises is obtained.

916.13 RELEASE.

As a condition to participation in the program the eligible participant shall release the City of Bay Village, and its officers and employees from all liability relating to the work. When work is completed, the property owner will own all property, equipment, devices and materials used to correct the violation.

916.14 PAYMENT.

After the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, the Director of Public Service and Properties shall authorize payment for 100% of the cost of the approved work (subject to the funding cap set under 916.06(2) from funds approved for this purpose.) Payment will be made directly to the contractor.

916.15 MAINTENANCE.

Eligible participants shall be responsible for operating and maintaining any improvements constructed under this program.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR