

# BEREA CITY COUNCIL

*City of Berea, Ohio*

ORDINANCE NO. 2022- \_\_

By: \_\_\_\_\_

Sponsor: Mayor Cyril M. Kleem, Council President Jim Maxwell

Council Members: Leon Dozier, Chris McManis,

Rick Skoczen, Gene Zacharyasz

## AN ORDINANCE

**ESTABLISHING THE COMMON TRENCH SEWER LATERAL IMPROVEMENT PARTNERSHIP PROGRAM  
TO ADDRESS THOSE PROPERTIES IN THE CITY OF BEREA SERVED BY COMMON TRENCH SEWERS,  
WHEREBY THE CITY WILL COMMIT TO IMPROVING THE PORTION OF THE LATERAL SEWER LINE  
LOCATED ON PUBLIC PROPERTY WHEN THE OWNER OF THE PROPERTY SERVED BY THE  
COMMON TRENCH SEWER MAKES THE NECESSARY IMPROVEMENTS TO THE LATERAL SEWER  
LINE ON PRIVATE PROPERTY, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Berea is served by a separate sanitary sewer system with ninety-one percent of the sanitary sewers are separate trench sewers, and with nine percent of the sanitary sewers in a common trench; and

WHEREAS, most common trench sewers were constructed before 1960 and, due to leaks, likely represent the main cause of flooding issues in the South West Interceptor area; and

WHEREAS, a common trench sewer is one in which both the storm sewer and sanitary sewer are placed in the same, or common, trench. Common trench sewers become problematic when the clay pipe degrades which causes leakage into the soil or into the other sewer in the same trench; and

WHEREAS, leaky common trench sewers may contribute large amounts of sanitary sewer stormwater infiltration and inflow, which can cause surcharging; and may allow crossflow of sanitary sewer and storm sewer flows, which can contaminate stormwater; and

WHEREAS, it is common practice for the City to replace the public portion of lateral sewer lines, when the public portion of the line is obstructed or degraded; and

WHEREAS, the Council of the City of Berea and the Mayor find that property owners served by a common trench sewer may benefit if the City replaces and/or relines the public portion of sewer lateral lines at such time that a property owner replaces and/or relines the private portion of sewer lateral lines, even in the absence of obstruction or degradation on the public side; and

WHEREAS, it the intent of this Council and the Mayor to provide this program for an initial period of three years, subject to a yearly appropriation by Council, to provide that the City shall reline or replace the public portion of the lateral sewer line, without regard to its condition, when a private property owner, served by the same common trench sewer, relines or replaces their sewer lines.

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2022- \_\_

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That the Council of the City of Berea authorizes and directs the Mayor or his designee to establish the Common Trench Sewer Lateral Improvement Partnership Program in a manner consistent with the program summary, attached hereto as Exhibit A, and incorporated herein by reference.

**SECTION 2.** That the Mayor or his designee be, and hereby is, authorized to utilize the services of city employees and/or contractors to perform improvement services to the public portion of the lateral lines, and that if the work shall exceed \$50,000, to advertise for bids and, after approval of the Board of Control, to enter into one or more contracts with the lowest, most responsive and responsible bidder(s) replacing and/or relining lateral sewer lines for properties served by a common trench sewer in accordance with plans and specifications on file in the office of the City Engineer.

**SECTION 3.** That the Director of Finance be, and hereby is, authorized and directed to pay out such contract sum(s) and charge the same to, and the funds therefore are hereby appropriated from the Sewer Capital Improvement Fund, designated for accounting purposes as Fund No. 420, for the purposes set forth in Sections 1 and 2, hereinabove.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the public will be best served if the Common Trench Sewer Lateral Improvement Partnership Program begins immediately in order to provide flooding relief to qualified property owners. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

BEREA CITY COUNCIL  
*City of Berea, Ohio*

ORDINANCE NO. 2022- \_\_

PASSED: \_\_\_\_\_

President of Council

ATTEST: \_\_\_\_\_

Clerk of Council

APPROVED: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_

Mayor

\_\_\_\_\_  
Director of Law