

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2022-32

By: Councilman Chris McManis

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 is 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. 2022-32

**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.

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*City of Berea, Ohio*

ORDINANCE NO. 2022-32

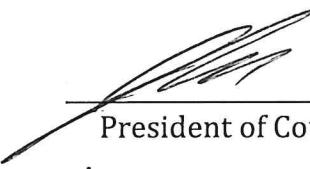
PASSED: June 6, 2022

ATTEST:   
Clerk of Council

APPROVED AS TO FORM:

  
Director of Law

APPROVED:

  
President of Council  
June 7, 2022  
  
Mayor

## CITY OF BEREAL

### COMMON TRENCH SEWER LATERAL IMPROVEMENT PARTNERSHIP PROGRAM

#### **PURPOSE STATEMENT**

The City of Berea is served by a separate sanitary sewer system. Ninety-one percent of the sanitary sewers are separate trench sewers, with nine percent of the sanitary sewers in a common trench.

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.

A common trench sewer is 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.

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.

The purpose of the Common Trench Sewer Lateral Improvement Partnership Program is to replace and/or reline the public portion of common trench lateral sewer lines, without regard to its condition, when the owner of the private property served by the public common trench sewer replaces and/or relines their lateral sewer line.

#### **ELIGIBLE PROPERTIES**

Using data from City records and from the Northeast Ohio Regional Sewer District, the City has identified each address and parcel in the City served by a common trench sewer. These owners of these identified properties, which are actually served by common trench sewers, are eligible to participate in the Common Trench Sewer Lateral Improvement Partnership Program. The list of eligible properties is available in the Department of Public Service or on the City's website.

#### **RESPONSIBILITIES OF THE PRIVATE PROPERTY OWNER**

The owner of the private property served by a common trench sewer will be required to make the following improvements to their property:

1. The entire lateral sanitary line from the house to the property-line (usually to the sidewalk) must be improved by either a total replacement of the sewer line or by lining the existing lateral line with PVC or some other material approved by the City Engineer.

In some cases, both the sanitary and storm sewer laterals be need to be replaced or lined.

2. A "Tee" type of cleanout shall be installed by the private property owner as close to the right-of-way as possible.

The program is also available to those private property owners whom have already replaced and/or relined their entire lateral sewer line. The City shall make a good faith effort to identify those properties already improved, but any property owner believing that their property has been improved may also contact the City Engineer to determine if their improvement qualifies for the program.

### **CITY RESPONSIBILITIES**

Upon completion of the improvement project by the private property owner, the City shall replace or reline the public portion of the common trench sewer that serves the improved private property sewer line.

### **PROCEDURES**

The Common Trench Sewer Lateral Improvement Partnership Program will be administered by the Department of Public Service.

The City shall maintain three lists: (1) Eligible properties; (2) Properties with outstanding building permits to make replace and/or reline the lateral sewer; (3) Private properties where the replacement and/or relining has been inspected and complete.

The City will not begin the improvement the public portion of the sewer until the private property sewer is replaced and/or improved in accordance with the program requirements. While the City will make every effort to complete their portion of the project in a timely manner, there are variables that may dictate the scheduling of the improvement to the public portion. Such factors include, but are not limited to:

- Weather - The weather will be a key factor in scheduling the public improvement will require concrete and asphalt to complete the work.
- Availability of city crews and/or contractors – It is not clear whether public bidding will be required if an outside contractor is used. If work is performed by city employees, it will be subject to their other duties.

Representatives of the Department of Public Service are available by appointment to assist property owners and their contractors.

### **CITY FUNDING**

This program is subject to an annual appropriation by City Council.

In 2022, the Administration committed \$250,000 to spend for sewer improvements in Ward 1. While these funds may be used for other Ward 1 sewer improvements, they may also be used for the Common Trench Lateral Sewer Improvement Partnership Program. In 2022, the City's priority will be to make improvements to the public side of those private properties served by a common trench sewer that have already been replaced and/or relined. However, all eligible properties are encouraged to participate as soon as possible.

Permit fees will be waived for private property owners.

It is the intent of this Council and Administration to offer the program during calendar years 2022, 2023 and 2024, and may be renewed by Council.

**FINANCIAL ASSISTANCE FOR PRIVATE PROPERTY OWNERS**

At this time, the City is aware of two programs that may assist private property owners.

(1) Heritage Home Program – (216) 426-3116 or at [hhp@heritagehomeprogram.org](mailto:hhp@heritagehomeprogram.org)

(2) Housing Enhancement Loan Program – (216) 443-2149 or at

<https://www.cuyahogacounty.us/development/residents/home-repair-and-remodeling/housing-enhancement-loan-program>

Check the Department of Public Service's webpage for updates: <http://www.cityofberea.org/270/Service>