

SECOND AMENDED ORDINANCE NO. 27 – 20

By: Richard Sharp

An Ordinance to authorize the Mayor to create a Bexley Sanitary Sewer Inspection and Remediation Program, and to appropriate \$300,000 from the Sewer Fund, and to declare an emergency.

WHEREAS, on March 20, 2020 and May 19, 2020, central Ohio experienced two significant flood events that surged sanitary and storm sewers throughout the region; and

WHEREAS, during periods of heavy precipitation, rain water can enter into the Sanitary Sewer System, causing it to become overwhelmed; this is known as “inflow and infiltration” or “I/I.” Significant I/I causes the Sanitary System to overflow into streams and rivers (which events are known as “sanitary sewer overflows” or “SSOs”) and also causes the System to backup into basements (known as “water in basements” or “WIBs”); and

WHEREAS, the State of Ohio, in 2002, filed suit against the City of Columbus for these SSO events, alleging that they violate R.C Chapter 6111, the State’s water pollution control law. The City of Columbus and adjoining Cities, including Bexley, ultimately entered into a Consent Order with the State requiring the City of Columbus to prepare and implement a System Evaluation and Capacity Assurance Plan (“SECAP”) to eliminate SSOs and WIBs; and

WHEREAS, the City of Bexley submitted its DFFO Summary Report to Ohio EPA in 2014, following an extensive study of I/I in the City; and WHEREAS, the Bexley DFFO Summary Report identified a series of storm and sanitary improvements necessary to address I/I in the Bexley system; and

WHEREAS, the City of Bexley has invested substantially in storm and sanitary sewer upgrades and capital maintenance over the past fifteen years, and continues to invest in and plan for improvements to underlying storm and sanitary sewer systems; and

WHEREAS, due to the City of Bexley’s sanitary sewer system interconnection with the City of Columbus, and its reliance on that system, regardless of improvements made within the City of Bexley, the City will still be impacted by surges experienced in upstream and downstream sanitary lines within connecting Columbus infrastructure; and

WHEREAS, in addition to focusing on improvements to municipal infrastructure, the City of Bexley has determined that a significant source of the I/I is from leaking and/or deteriorated private sanitary laterals as well as downspouts and foundation drains which are connected to the System; and

WHEREAS, the City has also determined that an important method of addressing the contribution from these sources is to ensure the rehabilitation or replacement of private sanitary laterals as well as to disconnect and/or redirect downspouts away from the perimeter of the house and to encourage the installation of sump pumps in order to redirect water pressure away from foundations; and

WHEREAS, SSOs and WIBs allow sewage to escape from the System and potentially allow human contact with the raw sewage. Raw sewage contains many pathogens which are associated with illnesses; and

WHEREAS, this Council has determined that excessive I/I which results in SSOs and WIBs are a potential threat to public health, safety and the environment and other natural resources and thereby constitute public nuisances; and

WHEREAS, Council has determined that it is necessary and appropriate and in the best interest of the City and its inhabitants to establish a program to inspect and to provide a remediation plan and partial reimbursement for the abatement of the nuisance conditions caused by excessive I/I in those residences most adversely affected by the recent flooding;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Mayor is hereby authorized to create the Bexley Sanitary Sewer Inspection and Remediation Program under the following terms and conditions:

1. Program Eligibility.

Property owners shall be eligible to be considered for the program if they:

- A. Experienced a Water in Basement (“WIB”) event at an owner-occupied residential property on or after March 1, 2020,
- B. Completed the City’s Flooding and Backup Questionnaire,
- C. Consent to the terms of the Inspection and Remediation Program, which shall include, but may not be limited to, the following:
 - i. Consent to an initial inspection of sewer infrastructure on their property;
 - ii. Agreement to remedy any property side issues discovered in the initial inspection and/or any subsequent inspection within ten years
- D. The initial round of applicants to the Bexley Sanitary Sewer Inspection and Remediation Program will be selected on a first-come, first-served basis, based upon the availability of funds. Property owners who apply for the program and whose completed applications are received after the initial round of funding has been allocated will be placed on a wait list, subject to the availability of future funding.

2. Initial Inspection.

- A. The Service Director (“Director”) and/or their designee shall review the application to preliminarily determine whether or not a WIB event was suspected to be due to a sanitary sewer system and or I/I related issue, and shall arrange for a City paid inspection of the property to assess the condition and connection of sanitary sewer laterals, downspouts, and foundation drains.
- B. The inspection report will identify the issues that are contributing to WIB events and give remediation recommendations needed to be performed by:
 - i. The Property Owner - to be completed within 10 years, with one post-remediation inspection paid for by The City (post remediations inspections performed for future remediations will be the responsibility of the Property Owner)
 - ii. The City – to be completed within 1 year if feasible.

3. City Assistance for Property Side Issues

- A. Items identified by the report to be completed by the Property Owner will be:

- i. Eligible for consideration of up to \$2,000 in remediation reimbursement
 - ii. Eligible for consideration to participate in a City-funded loan program to pay for the remediation, repayable via a special assessment.
- B. In order to be eligible for City assistance, property owners must agree to remediate all property side issues discovered during the initial inspection.
- C. The City's maximum remediation reimbursement shall be the lesser of: \$2,000, or 80% of the total cost of remediation.

4. City Infrastructure Improvement Obligations

As part of the Program, the City of Bexley will work to remediate any issues associated with City owned sewer system improvements that are identified by the pre-remediation inspection

5. Property Owner Acknowledgement

Prior to the remediation repairs, eligible residents/property owners must certify and consent to the following:

A. Acknowledgment that water in basement events are often the result of a variety of factors and that backflow preventers will not mitigate other underlying factors, including hydrostatic pressure, surface flooding, and foundation flooding.

B. Certify that any future foundation drains and downspouts will not be connected to the sanitary sewer system and that the sanitary sewer lateral will be maintained in adequate condition to prohibit inflow and infiltration and consent to inspection as deemed necessary by the Director.

C. In the instance of a backflow prevention device being installed, acknowledgement that it is the property owner's responsibility to

i. Maintain the backflow prevention device.

ii. Acknowledge that occupants of the property should not use drains and water-based appliances, including toilets, showers, sinks, bathtubs, dishwashers, and washing machines, in the home while the backflow prevention device is activated.

D. Any other information, acknowledgement, or consent deemed necessary by the Director.

6. Waiver of Competitive Bidding Requirements

City Council determines that, in accordance with Section 59 of the Charter, it is in the best interests of the City to waive formal bidding requirements. In lieu of formal bidding requirements, the Director shall seek competitive pricing from three or more contractors for an agreed-upon fixed price for any associated projects in excess of \$50,000.

7. Program availability

Program availability will be subject to funding and inspection and contractor scheduling availability.

Section 2.

That \$300,000 is appropriated from the Sewer Fund for the purpose of funding the initial phase of the Bexley Sanitary Sewer Inspection and Remediation Program.

Section 3.

That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, and safety and shall go into full force and effect upon the approval of the Mayor.


Passed JAN. 12, 2021



Lori Ann Feibel, President of Council

Attest:  _____, 2021
William Harvey, Clerk of Council

Approved: Jan 12, 2021



Benjamin Kessler, Mayor