

1 ORDINANCE NO. 2019-339 Late Filing

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE September 9, 2019 COMMITTEE Public Works

6  
7 **An Ordinance amending Section 927.07 of the Codified Ordinances of the County of**  
8 **Summit, entitled “Privately Financed Sanitary Sewerage Facilities,” to expressly authorize**  
9 **the County Executive to execute agreements with developers and any other necessary**  
10 **documents to approve and accept said sanitary sewerage facilities, for the Executive’s**  
11 **Department of Sanitary Sewer Services, and declaring an emergency.**

12  
13 WHEREAS, Section 927.07 of the Codified Ordinances of the County of Summit,  
14 entitled “Privately Financed Sanitary Sewerage Facilities,” authorizes the County to enter into  
15 agreements with developers to approve and accept said sanitary sewerage facilities but fails to  
16 expressly authorize the County Executive to execute said agreements with developers; and

17  
18 WHEREAS, Section 913.12 of the Codified Ordinances, entitled “Agreements for  
19 Constructing Privately Financed Water Lines,” authorizes the County Executive to execute an  
20 agreement with developers for privately financed water lines; and

21  
22 WHEREAS, it is necessary to amend Section 927.07, consistent with provisions of  
23 Section 913.12 of the Codified Ordinances of the County of Summit, to expressly authorize the  
24 County Executive to execute said agreements with developers and any other necessary  
25 documents to approve and accept said privately financed sanitary sewerage facilities; and

26  
27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
28 that it is necessary and in the best interest of the County of Summit to amend Section 927.07 for  
29 the aforementioned reason; and

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31 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
32 of Ohio, that:

33  
34 SECTION 1

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36 Section 927.07 of the Codified Ordinances of the County of Summit, “Privately Financed  
37 Sanitary Sewerage Facilities” is hereby amended as follows:

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39 **“927.07 PRIVATELY FINANCED SANITARY SEWERAGE FACILITIES.**

40 (a) No sanitary sewerage facilities shall be constructed in the Summit County  
41 Metropolitan Sewer District until the plans and specifications for such facilities have been  
42 approved by the Director of Sanitary Sewer Services. The plans and specifications shall be in  
43 conformance with the Standard Detailed Drawings and Procedures unless otherwise specified in  
44 detailed construction drawings approved by the Director.

45 (b) Upon the approval of the plans and specifications, and when the procedures as  
46 stated in Chapter 927 have been adhered to, the County Executive may execute an agreement and  
47 any necessary related documents on behalf of the County with the developer shall enter into an  
48 agreement with the County which specifies the following terms, including but not limited to:

- 49 (1) The performance bond or guaranteed escrow deposit to be submitted by  
50 the developer prior to construction.  
51 (2) The measurements, tests, certifications and tracings to be submitted upon  
52 completion of construction.

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4 SECTION 1 (Cont.)

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6 (3) The maintenance bond in effect after acceptance of the improvement.

7 (4) Acceptance of the improvement by the County for ownership and  
8 operation.

9 (c) In any instance where Summit County is participating in the cost of the  
10 improvements, the County Executive shall prepare, for Council authorization by resolution, an  
11 agreement to be entered into between the County Executive and the developer specifying the  
12 maximum reimbursement due the developer.

13 (e) (d) The contractor or developer shall pay a construction service fee for engineering,  
14 inspection and administrative functions performed by the Department of Sanitary Sewer Services  
15 as specified in Section 923.08.

16 (e) (e) Except where expressly authorized by the Director, all privately financed sanitary  
17 sewerage facilities constructed within the Summit County Metropolitan Sewer District shall be  
18 turned over to the County for ownership, operation and maintenance upon approval and  
19 acceptance by the County.”

20  
21 SECTION 2

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23 This Ordinance is hereby declared an emergency in the interest of the health, safety, and  
24 welfare of the residents of Summit County and for the further reason that it is necessary to  
25 immediately expedite the approval process for, and acceptance of, privately financed sewerage  
26 facilities in Summit County.

27  
28 SECTION 3

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30 Provided this Ordinance received the affirmative vote of eight members, it shall take  
31 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
32 effect and be in force at the earliest time provided by law.

33  
34 SECTION 4

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36 It is found and determined that all formal actions of this Council concerning and relating  
37 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
38 deliberations of this Council and of any of its committees that resulted in such formal action,  
39 were in meetings open to the public, in compliance with all legal requirements, including Section  
40 121.22 of the Ohio Revised Code.  
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5 INTRODUCED August 19, 2019

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8 ADOPTED September 9, 2019

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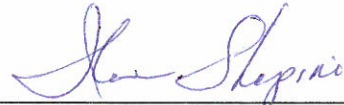
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12 CLERK OF COUNCIL

  
\_\_\_\_\_ PRESIDENT OF COUNCIL

13 APPROVED September 10, 2019

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17 EXECUTIVE

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19

ENACTED EFFECTIVE September 10, 2019

Voice Vote YES: 10-0 Dickinson, Donofrio, Feeman, Koehler,  
McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite  
ABSENT: Hamilton