

19-244

EXHIBIT A

927.01 AUTHORITY OVER PRIVATE SEWER LATERALS.

(A) The County shall have the authority to establish and enforce regulations concerning the construction, installation and use of private sewer laterals. The basis of the authority is the home rule police power derived from the County Charter which permits regulation in areas concerning the health, safety and welfare of the public.

(1) All sanitary sewers and appurtenances, of every kind and nature within the territory of the Summit County Metropolitan Sewer District shall be under the care and control of the Director of Sanitary Sewer Services.

(2) Subject to other provisions of this chapter, property owners are responsible for the installation, maintenance, destruction, operation, or upkeep of private sewer laterals.

(3) Notwithstanding the provisions of subsection (A)(2) of this section, upon discovery, if a sanitary sewer lateral serving a residential property ("Private Sewer Lateral" as defined below) breaks within the County's portion of the sanitary sewer ("Public Sewer Lateral" as defined below), and the break was not caused by any fault on the part of the property owner or occupant, the County will repair or replace that sanitary sewer. By assuming responsibility for such repairs, the County does not forfeit any defenses, claims, rights, or causes of action it may have against any third party other than the property owner.

(i) The Public Sewer Lateral serving a residential property extends from the public sewer to the property owner's property line.

(ii) The Private Sewer Lateral serving a residential property includes any portion of the sanitary sewer on the property owner's property.

(iii) If the property owner's property line is within or abuts a County owned easement or right-of-way, the dividing point between the Public Sewer Lateral and the Private Sewer Lateral is at the easement or right-of-way line.

(4) Where it has been determined by the Director of Sanitary Sewer Services that a break exists in any sanitary sewer lateral, and that the County is not responsible for repair or replacement of the sanitary sewer lateral under subsection (A)(3) of this section, the Director shall give notice by regular mail to the property owner to repair or replace the sanitary sewer lateral. If the property owner fails to make the needed corrections to the sanitary sewer lateral within thirty (30) days of receipt of such notice, the Director may perform the work necessary to repair or replace the sanitary sewer lateral. The cost of such work shall be charged to the property owner and shall become immediately payable to the Department of Sanitary Sewer Services upon written notice of the amount to the property owner. If the property owner does not make full payment, then any delinquent fees associated with the repair(s) or

replacement(s) shall be certified to the Fiscal Officer of the County of Summit, to be placed on the property owner's tax list and duplicate and collected as other taxes are collected.

(5) Nothing herein shall be construed to be a waiver of any defenses and immunities available at law to the County.

(B) Additional authority for such regulations is found in the December 17, 1974 agreement between the County and the Board of Health of the Summit County General Health District which authorizes the County to perform the following services previously performed by the Board of Health:

- (1) Issue permits and inspect the construction of all private sewer laterals in the County's sewer district.
- (2) Enforce private sewer lateral standards established by the Board of Health.
- (3) Collect fees for the cost of issuing permits and inspecting private sewer laterals.
- (4) Register private sewer lateral installers (pursuant to the February 24, 1975 letter of clarification from the Health Commissioner).

(C) The provisions of the Environmental Health Code of the Summit County General Health District pertaining to private sewer laterals and private sewer lateral installers, as they may be amended from time to time, are incorporated herein as if fully rewritten hereof. The County shall enforce the applicable provisions of the Environmental Health Code except in the event of a conflict with the provisions of this Title Five - Sewers and Wastewater in which case the provisions of this Title shall control.

(Res. 92-824. Approved 12-29-92.)