



To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager 

Date: December 3, 2015

Initiated By: Megan O'Callaghan, PE, Director of Public Works
Jennifer D. Readler, Assistant Law Director

Re: Ordinance 93-15 - An Ordinance Amending Chapters 51 and 52 of the Codified Ordinances Revising the Connection Requirements for the Sanitary Sewer and Water Systems

Public Water Utility and Sanitary Sewer Utility Extensions to Existing Developed Property Policy

Background

The important issue of public water utility and sanitary sewer utility extensions to areas that do not have access to these public services ("hereinafter referred to as "Extension Areas") has been the subject of ongoing discussions. Many tasks have been completed as significant progress has been made toward finalizing both a policy and implementation plan.

Extensive background information was provided as part of City Council's November 12, 2015 packet for the November 16, 2015 Council meeting. A presentation was also delivered by staff at the November 16, 2015 Council meeting focusing on three primary topics:

1. Developed parcels that are currently within 100 feet of public sanitary sewer and/or water systems. Staff explained that the existing codified ordinances would require these parcels to connect to the public systems within 90 days unless the property owner proves hardship or extraordinary circumstances, or excessive costs to make the required connection and the City Manager, with concurrence of City Council, grants relief.
2. Draft Public Water Utility and Sanitary Sewer Utility Extensions to Existing Developed Property Policy (hereinafter referred to as "draft Policy").
3. Ordinance 93-15, which proposed amending Chapters 51 and 52 of the Codified Ordinances revising the connection requirements for the sanitary sewer and water systems. The language would have provided property owners two (2) years after the date of official notice to connect to a public sewer or public water system. The language would have also established guidance and procedures to determine whether to grant relief to a property owner due to economic hardship or unusual and compelling circumstances.

Public comment was heard during the City Council meeting, staff has met with residents to discuss the proposed Ordinance and draft Policy, and staff has performed additional research and benchmarking with other local agencies. All the public comment has been taken into consideration and staff has made several revisions to the proposed draft Policy and Ordinance 93-15. The revisions are outlined below.

Summary

Chapters 51 and 52 of the Codified Ordinances of the City of Dublin, Ohio currently stipulate once the City extends sanitary sewer and water public services to within 100 feet of the property line, property owners are required to connect to the public systems at their expense within 90 days after the date of official notices to do so. In the event that a property owner proves hardship or extraordinary circumstances, or excessive costs to make the required connection, the City Manager, with concurrence of City Council, may grant relief.

As mentioned above, staff has taken the feedback from the public under consideration and performed additional research regarding the current connection requirements. Water and sanitary sewer services are addressed separately below.

Sanitary Sewer

Staff recommends residents with current access to public sanitary sewer, as well as residents with access to sanitary sewer once it is extended, not be required under Dublin City Code to connect to it as has been previously codified. Instead, staff recommends Dublin work with Franklin County Public Health (FCPH) to require residents to connect to the nearest accessible public sanitary sewer system when:

- a household sewage treatment system (HSTS) is inoperable or malfunctioning and a public sewer system is accessible within 200 feet of the structure
- an application for a permit to install a new HSTS is submitted to FCPH and a public sewer system is accessible within 200 feet of the structure.

FCPH has the authority under the Ohio Administrative Code to require connection to an accessible public sanitary sewage system. FCPH and Dublin will continue to work together to ensure inspections of HSTS in Dublin occur on a regular basis. Should inspections reveal inoperable or malfunctioning HSTS, FCPH has processes in place to require connection to the nearest accessible sanitary sewer. The FCPH process map for those circumstances is attached.

Staff has reviewed FCPH's authority, due process, and typical enforcement practices and is satisfied the public health, safety, and welfare as it relates to an HSTS in Dublin will be protected.

Water

The focus of the utility extension discussion to date has primarily been on sanitary sewer and the associated potential public health risks associated with HSTS. The existing Codified Ordinances handle sanitary sewer and water in the same manner with regard to the connection requirements. However, the State of Ohio, FCPH, and several other local agencies staff has identified do not require connection to the public water system. The rationale for not requiring connection to the public water system is any risk associated with a private well would most likely pose a risk to the private property owner as opposed to the general public.

Accordingly, staff has amended Ordinance 93-15 to repeal sections 51.40 Use of Public Sewers Required and 52.00 Use of Public Water System Required of the Codified Ordinance of the City of Dublin.

Water Utility and Sanitary Sewer Utility Extensions to Existing Developed Property Policy

The attached version of the Policy remains largely the same as the previous version that was

presented to Council on November 16, 2015. In summary, the process to extend public sanitary sewer and water services to an Extension Area may be initiated either by the City or by the property owners within an Extension Area as follows:

1. City's Five-Year Capital Improvements Program (CIP) Planned Extensions

The CIP planned extension initiation process remains as previously proposed with one exception that is underlined below. City Council may decide to extend public utility mains to provide public sanitary sewer and/or water services to an Extension Area. City Council's decision to extend utility services would typically be based on protecting the public health, safety, and welfare of the community as well as the opportunity to leverage a planned capital improvement project.

In the case of a CIP planned extension, the City will fund 100% of the design and construction of the public utility main extensions. Property owners will be responsible to pay for the installation of service lines from the public main lines to their structure and any modifications to existing interior plumbing necessary to connect to the water and/or sewer main lines. The previous version of the Policy provided an incentive while referencing the Dublin City Code required connection timeframe. Staff has removed the reference to the code and replaced it with a two-year timeframe. As an incentive to connect, property owners will be eligible for a waiver of fifty percent (50%) of the City of Dublin's current tap fees and capacity charges so long as connection is made within a two-year timeframe of receipt of notification that the public utility services are available. The City of Columbus' connection charges will not be eligible for the waiver.

2. Petition for Extension by Property Owners

The petition process remains as previously proposed with one exception that is underlined below. The Owners of property within an Extension Area desiring to obtain access to public sanitary sewer and/or water services may submit a Utility Extension Application consisting of a cover letter, identification of the Extension Area, petition signed by no less than 85% of the property owners in the Extension Area (hereinafter referred to as Petitioners), and an affidavit to the City prior to March 1st of any given year. The affidavit will indicate the property owners' commitments to connect to the utilities as well as donate, at no expense to the City, all necessary easements for the placement of the public sewer and/or water utility services.

In the case of a petitioned extension, the City will fund 100% of the design and construction of the public utility main extensions. Property owners will be responsible to pay for the installation of service lines from the public main lines to their structure and any modifications to existing interior plumbing necessary to connect to the water and/or sewer main lines. Petitioners must pay Dublin's current tap fees and capacity charges prior to the City advertising the construction contract for the installation of utility main lines. The City will withdraw funding for the project in cases where all Petitioners fail to pay the required tap fees and capacity charges prior to the City advertising the construction contract. The previous version of the Policy provided an incentive while referencing the Dublin City Code required connection timeframe. Staff has removed the reference to the code and replaced it with a two-year timeframe. As an incentive to connect, property owners will be eligible for a waiver of fifty percent (50%) of the City of Dublin's current tap fees and capacity charges so long as connection is made within a two-year timeframe of receipt of notification that the public utility services are available. The City of Columbus' connection charges will not be eligible for the waiver.

Public Water Utility and Sanitary Sewer Utility Extension 15-Year Implementation Plan

Staff recommends proceeding with the 15-year implementation plan to construct the public water utility and sanitary sewer utility extensions that was previously presented to City Council. City Council approved the first few years of design and construction of extensions as part of the 2016-2020 CIP. The majority of the extensions programmed in the CIP leverage transportation and utility CIP projects that are also included in the 2016-2020 CIP. The implementation also occurs in the areas identified as having greater potential for health risks along the Scioto River.

Staff continued this prioritization effort past the five-year CIP horizon with the goal of developing a conceptual citywide build out of the sanitary sewer and water service extensions. Using the potential for health risk information as the guiding criteria and reserving those areas that have future development potential, a conceptual build out plan for the sanitary sewer and water service extensions was prepared. This preliminary conceptual plan is based on what staff knows at this time and will be reevaluated on an annual basis. Additionally, this plan may be adjusted based on any changes in potential for health risk, opportunities to leverage CIP projects, available resources, property development, and any petitioned areas.

By proceeding with constructing the system extensions we believe Dublin is furthering the overarching goal of protecting the public health, safety, and welfare of residents by having the public water and sanitary sewer systems readily available to property owners.

Developed Parcels Currently within 100 Feet of Public Sanitary Sewer and/or Water Systems

Should Ordinance 93-15 be approved as submitted -- repealing the required connections to the sanitary sewer and public water systems, the specific issue of developed parcels that are currently within 100 feet of the public utility systems is no longer relevant.

Communication

Staff recommends launching a communication campaign with property owners that are currently near the existing public utility systems but not connected to ensure they are aware that these systems may be accessible and offer assistance with the connection processes. The extension policy will also be shared on the City's website for residents to reference. Staff also recommends correspondence be sent as a part of the annual CIP process to property owners in Extension Areas programmed within the five-year program notifying them of the City's intent to proceed with the main line utility extensions, and informing them of the process for connection to these utility systems. Staff would also offer face-to-face meetings with residents to discuss the policy and processes.

Recommendations

Staff recommends City Council take the following actions on December 7, 2015:

1. Approve Ordinance 93-15 at the second reading/public hearing repealing Sections 51.40 and 52.00 of the Codified Ordinances.
2. Adopt the attached version of the Public Water Utility and Sanitary Sewer Utility Extensions to Existing Developed Property Policy.

RECORD OF ORDINANCES

Ordinance No. 93-15 (Amended)

Passed Page 2 of 2, 20

~~(A) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated in an area of the municipality where the city, through use of city revenues, has extended the public water system, is hereby required at the property owners' expense to connect to the public water system, within 90 days after the date of official notice to do so, provided that such public water system is within 100 feet or 30.5 meters of the property line.~~

~~(B) In the case of proven hardship or extraordinary circumstances or proven excessive costs to make the required connection to the public water system, the City Manager, with concurrence of City Council, may grant relief from such required connection to the public water system or allow for an extension of time in which to connect into the public water system.~~

Section 3. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance.

Section 4. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this _____ day of _____, 2015.

Mayor - Presiding Officer

ATTEST:

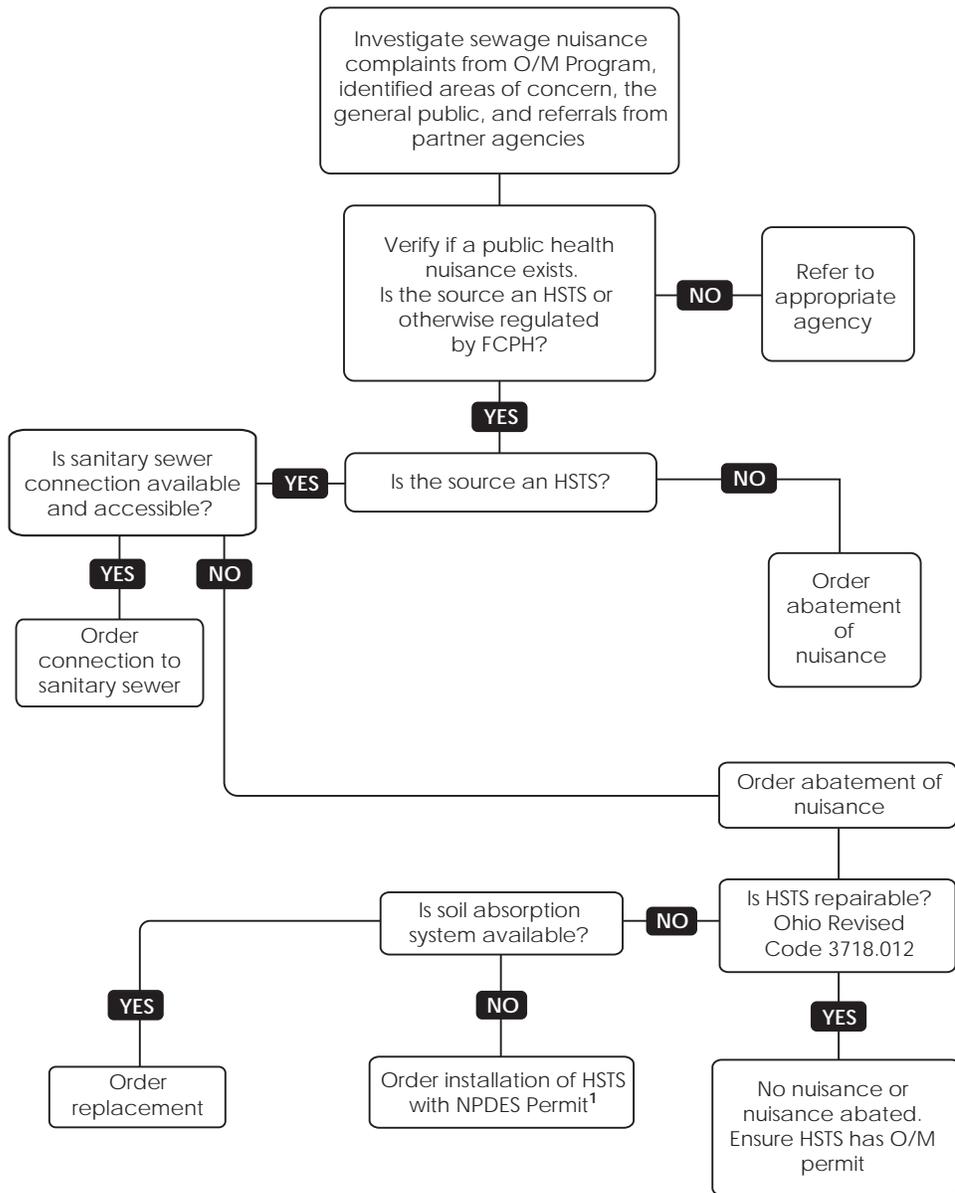
Clerk of Council

Appendix H: Flow Chart of Public Health Nuisance Abatement Process



Franklin County Public Health
 280 East Broad Street
 Columbus, Ohio 43215-4562
 (614) 525-3160
 www.myfcph.org

**Household Sewage Treatment Systems (HSTS)
 Public Health Nuisance Abatement**
 November 2013



¹ NPDES: National Pollutant Discharge Elimination System

**Public Water Utility and Sanitary Sewer Utility Extensions to Existing Developed
Property Policy
City of Dublin, Ohio, USA
As adopted by Dublin City Council on December 7, 2015**

I. Background

Dublin City Council desires to protect the public health, safety, and welfare of the Dublin community. The majority of Dublin's developed properties are serviced by public water and sanitary sewer services; yet, there are developed areas within the City of Dublin that are not serviced by public water and sanitary sewer services. Furthermore, it is the intent of City Council to provide residential properties with reasonable access to safe drinking water and minimize the potential threat to public health and welfare that may be associated with private household sewage treatment systems (HSTS). Public health concerns may arise with regard to failing septic tanks, failing aeration systems, possible water well contamination and/or poorly functioning private on-site water and sanitary sewer systems.

II. Purpose

The purpose of this policy (hereinafter referred to as "Policy") is to establish an equitable, documented, uniform, and systematic mechanism by which the City of Dublin can plan and extend its public water and/or sanitary sewer utility services to those developed areas not currently served by the same that are within the City of Dublin corporation limits. City Council has determined that this Policy serves a public purpose and will benefit all citizens of the City of Dublin.

This policy replaces all previous policies related to the extension of water or sanitary sewer services to existing residential neighborhood and/or individual private parcels or properties.

III. Definitions

Affected Property shall mean each individual lot, parcel of record, or dwelling unit within the Extension Area that would benefit from public utility service.

Affected Property Owners shall mean the title holders and record owners of Affected Property within the Extension Area that is recorded by the County Auditor of the appropriate county.

Extension Area shall mean an area of parcels, subdivision, or development defined by the City of Dublin and located wholly within the City of Dublin that does not have public water and/or public sanitary sewer services. An Extension Area shall include all lots

bordering a public street as shown on the General Location Map of the Water/Sanitary Sewer Extension Areas as identified in Exhibit "A".

Petition Representative is an owner of an Affected Property for which a Utility Extension Application and Utility Extension Petition is being submitted and who is responsible for the circulation and submission of the Utility Extension Application and Utility Extension Petition.

Private Connection Costs means the costs to Affected Property Owners for pipes, labor, connection fees (current tap fees and capacity charges), and other appurtenances that may be necessary to properly connect a dwelling unit to the public water and/or sanitary sewer system.

Project shall mean the design, construction, installation, and extension of the public water and/or sanitary sewer facilities and all action necessary to administer the same.

Utility Extension Application shall mean a written request to extend public water and/or sanitary sewer services to an Extension Area, which shall in every case include a Utility Extension Petition signed by no less than eighty-five percent (85%) of the Affected Property Owners.

Utility Extension Petition shall be submitted by the Petition Representative and shall contain the printed name, address, signature and date of at least eighty-five (85%) of the Affected Property Owners who desire to have public water and/or sanitary sewer utilities extended to their Affected Property by the City of Dublin, Ohio. The Utility Extension Petition will provide a list of terms with which the Petitioners acknowledge and agree. If an Affected Property Owner controls more than one Affected Property in the Extension Area, s/he must sign for each Affected Property separately on the Utility Extension Petition.

IV. Extension of Only Water or Sanitary Sewer

The extension of public water or sanitary sewer utilities, but not both, is applicable only when the City Manager determines that the Affected Property is served by one utility and not the other. Any Affected Property Owner who does not have both public water and sewer shall not be eligible to receive just one (1) utility service.

V. Initiation Processes

a. City's Five-Year Capital Improvements Program (CIP) Planned Utility Extensions

Dublin City Council may decide to extend public utility mains to provide public water and/or sanitary sewer services to an Extension Area. City Council's decision to extend

utility services would typically be based on protecting the public health, safety, and welfare of the community as well as the opportunity to leverage a planned CIP project.

b. Petition for Extension by Affected Property Owners

Affected Property Owners may request the City Council to extend public utilities to and within an Extension Area. The request shall be initiated by the Petition Representative submitting a signed Utility Extension Application to the City Manager.

Affected Property Owners may submit a Utility Extension Application to the City Manager no later than March 1 of each year for consideration and possible inclusion in the City's next update of the five-year CIP, which is generally adopted in September of each year. The completed Utility Extension Application must include:

- o a cover letter outlining the request for the public utility extension;
- o a completed Utility Extension Petition supporting the request, signed by no less than eighty-five percent (85%) of the Affected Property Owners;
- o a properly executed Affidavit by the Petition Representative indicating the Affected Property Owners' commitments to connect to the utilities as well as donate, at no expense to the City, all necessary easements for the placement of the public water and/or sanitary sewer utility services.
- o Identification of the Extension Area desiring extension of public utility services with a list of all Affected Property addresses; and
- o an indication whether an extension of public water or sanitary sewer services is requested, or both.

VI. Utility Extension Prioritization Factors

The City Manager shall take the following factors into consideration when prioritizing public utility extensions:

- a. **Public Health and Safety Risk Potential** – Although interest in utility extensions expressed by Affected Property Owners is part of the decision-making process, a greater goal of this Policy is the protection of the public health and welfare of the community.
 - i. Whether any environmental and/or public health issues may arise by not extending public water and/or sanitary sewer services;
 - ii. Whether there is any potential for depletion or contamination of groundwater at or near an Affected Property;
 - iii. Whether any of the Affected Properties in the Extension Area contain any failing HSTS or non-functioning and/or contaminated domestic water wells as the result of changes to the aquifer from which the well draws water;
 - iv. Whether there are any other factors or issues that may negatively impact the public health, safety, and welfare of Dublin residents or the community at large.

- b. **Future Development Potential** – In areas within Dublin where future development can occur and, as a result, will require the extension of public water and/or sanitary sewer utility lines, the City would typically expect the future development to extend the lines.
- c. **Potential to Leverage a Planned Transportation or Utility CIP Project** – In Extension Areas where a planned transportation or utility CIP project is programmed and, as a result, efficiencies could be realized to extend the public water and/or sanitary sewer lines as a part of that project, the City should coordinate the timing of such utility extension with those CIP projects.
- d. **Cost Effectiveness** – Whether there are other remedies to repair or otherwise extend the life of the Affected Property Owner’s on-site HSTS and/or private domestic water source system, or to replace said system, as a more cost effective means than extending public utilities.
- e. **Cost Estimate and Available Resources** – The City will develop a preliminary design in order to estimate the project costs and any significant issues associated with potential utility extensions.
- f. Whether there are any other factors, issues, or considerations that may negatively impact the environment, public health, or public utility systems; and

VII. Annual Monitoring and Reporting Requirements

The City Manager will submit a Public Water Utility and Sanitary Sewer Utility Extensions to Existing Developed Property Policy Report to City Council as a part of the annual review of the City’s five-year CIP and will include:

- Number and quantity of known private HSTS in the City;
- number and quantity of known private water systems in the City;
- updated list of properties that have public sanitary sewer and water services available but are not connected;
- updated map of Extension Areas;
- updated preliminary project cost estimate for the design and construction of public water and/or sanitary sewer utility service extensions;
- recommendation reports related to any Utility Extension Applications received prior to March 1 of that year;
- recommended Extension Areas to program for the next five-year CIP update; and
- copies of communications providing notices to Affected Property Owners located within Extension Areas proposed to receive utility extensions during the upcoming CIP timeframe.

In addition, condition assessments of private HSTS will be performed periodically and a report will be provided to Council.

VIII. Advanced Notification to Affected Property Owners of Programmed Utility Extension Projects

In the event City Council programs a utility extension project in the five-year CIP, staff shall send correspondence to the Affected Property Owners in the Extension Area notifying them of the City's intent to proceed with the utility extensions and informing them of the process for connection to the utility systems.

IX. Implementation of Programmed Utility Extension Projects

- a. City Design of Public Utility Extensions** - The City will fund and prepare plans to extend public water and sanitary sewer utility services into the Extension Area. The timing and funding will be determined by City Council.
- b. Affected Property Owners' Connection to the Public Utility Lines** – Affected Property Owners shall be responsible for all Private Connection Costs including payment of tap fees and capacity charges to the City of Dublin and City of Columbus. Affected Property Owners shall also be responsible for all expenses necessary for the installation of all private service lines from the public utility main lines to their structure and any modifications to existing interior plumbing necessary to connect to the public utility lines.
 - i. Petitioning Property Owners
 - 1. Property owners petitioning for utility extensions shall pay their required tap fees and capacity charges in full, prior to the City advertising the construction contract for bids for the utility extension.
 - 2. The City shall withdraw funding for a utility extension in cases where petitioning Affected Property Owners fail to pay the required tap fees and capacity charges prior to the City advertising the construction contract for bids.
 - ii. As an incentive to connect, Affected Property Owners will be eligible for a waiver of fifty percent (50%) of the City of Dublin's current tap fees and capacity charges so long as connection is made within a two year timeframe of receipt of notification that the public utility services are available. The City of Columbus' connection charges will not be eligible for this waiver.
- c. City Construction of Public Utility Extensions** - The City will fund and construct utility extensions into the Extension Area. The timing and funding of the Project will be as determined by City Council.

- i. Alignment and Location of Proposed Utility Extensions - The City reserves the right to choose the alignment and location of the requested utility extensions. The City shall not be obligated to replace landscaping, irrigation systems, or any other privately owned obstructions within the existing right-of-way or utility easement at the time of construction, nor will the City be obligated to compensate property owners for the removal of such obstructions.
- ii. Once the construction of a Project is complete, the City will notify the Affected Property Owners in writing that the Project is complete and the public utility services are available and informing them of the process for connection to the utility systems.

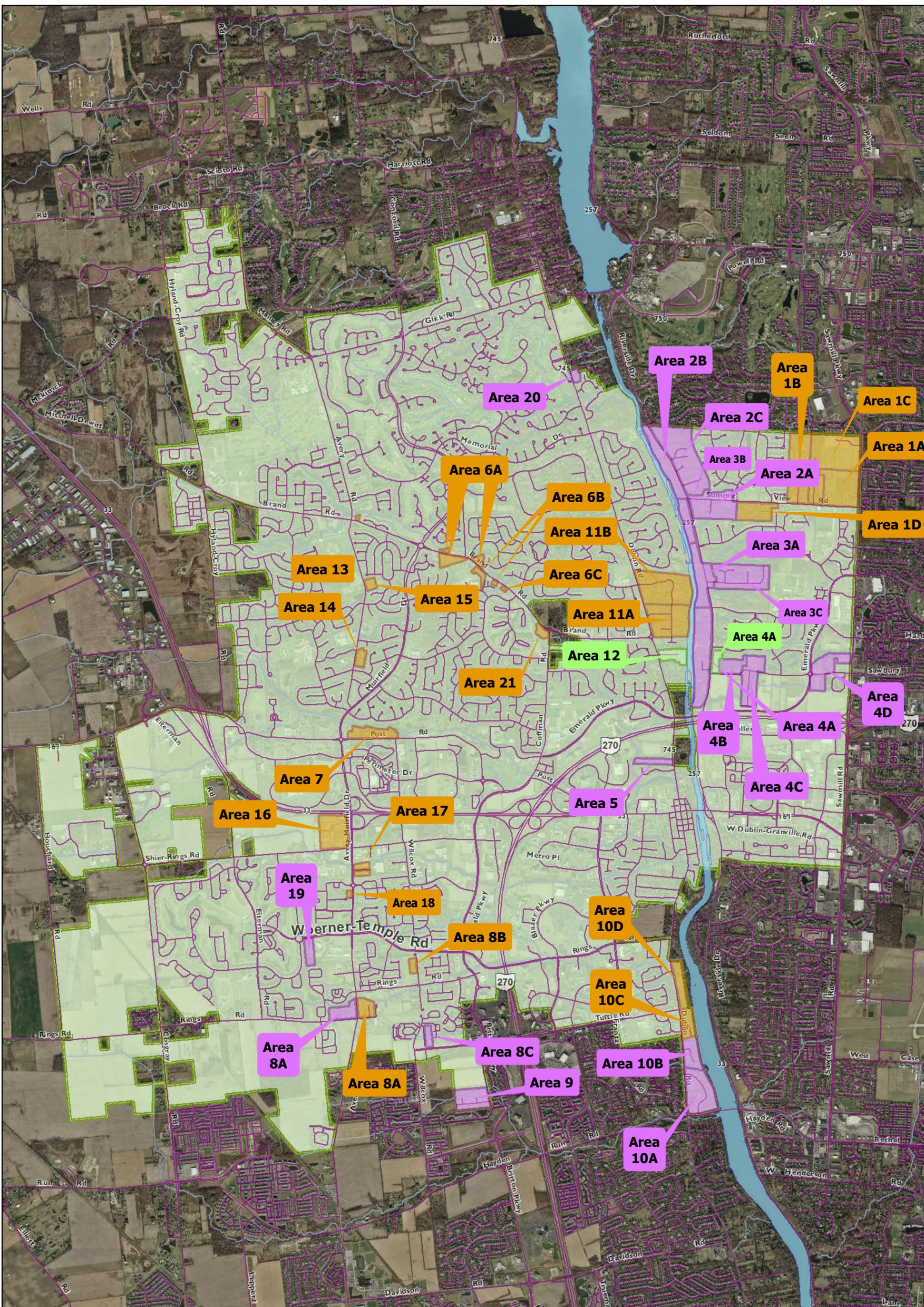
X. Other

At any time, City Council reserves the right, without setting precedence, to extend public utility services for the public health, safety and welfare of residents or the community at large by the means it deems necessary.

Nothing in this Policy shall be deemed to abridge the authority and powers granted unto the City of Dublin and its City Council by law.

Exhibits Listing

A – General Location Map of the Public Water/Sanitary Sewer Extension Areas



**Water/Sewer Extension Areas
General Location Map
August 3, 2015**

- Utility Extension Areas**
- Sewer Only
 - Sewer and Water
 - Water Only