

P/C 4-4-23 Legislative  
CA 4-11-23  
1st R 4-18-23  
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**CITY OF BROOK PARK, OHIO**

**ORDINANCE NO: 11327-2023**

**INTRODUCED BY: MAYOR ORCUTT AND COUNCIL AS A WHOLE**

**AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE  
PRIVATE PROPERTY LATERAL REPLACEMENT PROGRAM,  
AND DECLARING AND EMERGENCY**

**WHEREAS**, the goal of the Private Property Lateral Replacement Program is to reduce the risk of basement backup events, by reducing the amount of clear water that enters the sanitary sewer system through private property infiltration and inflow points.

**WHEREAS**, infiltration from groundwater/storm water that enters the sanitary sewer system through defects in sanitary and storm sewer pipes. The defects in sanitary sewers (laterals) include cracks, open joints, root intrusion points, and faulty connections into the sanitary sewer. These infiltration points give a pathway where clear water may enter the sanitary sewer system.

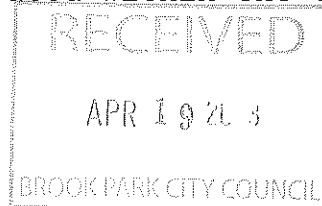
**WHEREAS**, inflow is the addition of clear water into the sanitary sewer system at points of direct connection to the sanitary sewer system. Some examples of inflow points are roof drain downspout connections, foundation drain connections, and storm drain cross connections that are connected into the sanitary sewer system, rather than the storm sewer system.

**WHEREAS**, most infiltration and inflow is caused by aging infrastructure that needs maintenance or replacement.

**WHEREAS**, peak inflow can occur during heavy storm events when storm sewer systems are surcharged, resulting in back-ups. In Brook Park, a high percentage of basement back-ups during a storm event are the result of infiltration and inflow.

**WHEREAS**, City Council shall appropriate funds from the Sewer and Drains Fund #100 to provide relief from Private Property Lateral Replacement Program due to storm water;

**WHEREAS**, the City of Brook Park encourages the improvement and maintenance of real property located within the City; and



**WHEREAS**, in an effort to maintain low cost and high quality, the work to remediate and repair residential laterals will be done in-house by Brook Park Service Department personnel.

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** The Mayor shall implement the Private Property Lateral Replacement Program to single family homeowners of Brook Park dwellings upon the following terms and conditions:

1. City personnel will identify residential properties that have compromised sanitary "test T" by visually inspecting with a camera.
2. "Test T" that are determined to be compromised will be replaced at no charge by City Personnel.
3. Once the inspections have been completed, property owners will be made aware of the Private Property Lateral Replacement Program.
4. Property owners will be given the opportunity to pay \$1,500.00 to replace storm and sanitary laterals with PVC, between the foundation and sidewalk, including a clean out access point. Payment is due prior to any work commencing.
5. Property owners will be provided with a date of the "Test T" replacement. The homeowner will notify the City prior to the replacement date if they also want to participate in the Private Property Lateral Replacement Program.
6. The homeowner is responsible for removing any trees prior to work being started. Tree lawn trees will be the responsibility of the City to remove, if applicable.
7. The City is responsible for back fill only. The Private Property Lateral Replacement Program is only to replace existing piping with modern material to help in mitigating infiltration and inflow.
8. The property owner is responsible for all final restoration work and costs including, but not limited to: top soil, grass reseeding, watering, trees, shrubs, plants, rocks or gravel, landscaping, sidewalks, pavement, fences, long term settlement (removing excess or adding additional fill), etc.
9. To be part of the program, the homeowner needs to sign a release form.

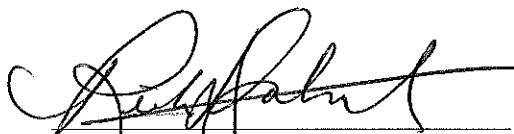
**SECTION 2:** The money needed for aforesaid program shall be paid by the City from Fund #429 appropriated for the Private Property Lateral Replacement Program.

**SECTION 3:** 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


**SECTION 4:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason implement the Private Property Lateral Replacement Program; this Ordinance receives the affirmative vote of at least five (5) 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.

PASSED:

April 18, 2023

  
PRESIDENT OF COUNCIL

ATTEST:

  
Clerk of Council

APPROVED:

  
MAYOR

**CERTIFICATE**

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11327-2023 passed on the 18 day of April 2023, by said council.

  
Clerk of Council

4-18-23  
DATE

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/ resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location: City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing

April 19, 2023

  
CAROL JOHNSON  
Clerk of Council  
I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS.

  
DIRECTOR OF LAW

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>