



🏠 **Location:** 1 Benjamin Franklin Way  
📅 **Date:** Monday, June 7, 2021  
🕒 **Time:** 6:00 PM

## **City Council Regular Meeting Agenda**

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the May 17, 2021 Meeting.
5. Reception of Visitors.
6. Presentation.
  - A. None.
7. Public Hearing.
  - A. None.
8. New Business.
  - A. RESOLUTION 2021-43 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE STATE ROUTE 123 AT COMMUNITY PARK INTERSECTION IMPROVEMENT PROJECT (Barry Conway)
  - B. RESOLUTION 2021-44 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE BEAL ROAD RESURFACING PROJECT (Barry Conway)
9. Introduction of New Legislation.
  - A. ORDINANCE 2021-09 REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 911.11 TITLED "BACKFLOW PREVENTION DEVICE" OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO (Barry Conway)
    - a. Exhibit A
    - b. Exhibit B

- B. ORDINANCE 2021-10 REPEALING AND RESTATING PART THIRTEEN, BUILDING CODE, TITLE SEVEN, PROPERTY MAINTENANCE CODE, CHAPTER 1375, REFERENCED STANDARDS UNDER NEW CHAPTER 1376 AND ENACTING NEW CHAPTER 1375, PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS (Jonathan Westendorf)
  - a. Exhibit A
  - b. Exhibit B
  
- C. ORDINANCE 2021-11 AUTHORIZING THE ESTABLISHMENT OF THE “AMERICAN RESCUE PLAN ACT FUND” FOR THE PURPOSE OF SEPARATELY ACCOUNTING FOR FEDERAL FUNDS RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT AND IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO (Cindy Ryan)
  
- D. ORDINANCE 2021-12 AMENDING AND RESTATING TITLE THREE – UTILITIES, CHAPTER 911 – WATER SERVICE, SECTION 911.10 SERVICE APPLICATION AND DEPOSIT REQUIREMENTS AND CHAPTER 919 – SEWER RENTAL, SECTION 919.05 SERVICE APPLICATION AND DEPOSIT REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO (Cindy Ryan)
  
- E. ORDINANCE 2021-13 AUTHORIZING THE ESTABLISHMENT OF THE “WATER SECURITY DEPOSIT FUND” AND THE “SEWER SECURITY DEPOSIT FUND” THROUGH AMENDMENT AND RESTATEMENT OF TITLE FIVE – ADMINISTRATIVE CODE, CHAPTER 162, WATER AND SEWER DIVISION FOR THE PURPOSE OF HOLDING WATER AND SEWER SECURITY DEPOSITS PAID BY CUSTOMERS IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO (Cindy Ryan)
  - a. Exhibit A
  
- 10. **City Manager’s Report.**
  
- 11. **Council Comments.**
  
- 12. **Executive Session.** To consider the purchase of property for public purposes and to consider the sale of property at competitive bidding as premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. To consider the appointment and employment and compensation of a public employee or official.
  
- 13. **Adjournment.**

## CLERK'S JOURNAL

### CITY COUNCIL

**Brent Centers, Mayor**  
**Todd Hall, Vice Mayor**  
**Michael Aldridge**  
**Denny Centers**  
**Debbie Fouts**  
**Paul Ruppert**  
**Matt Wilcher**

### CITY STAFF

**Jonathan Westendorf, City Manager**  
**Karisa Steed, Assistant to the City Manager**  
**Lynnette Dinkler, Law Director**  
**Cindy Ryan, Finance Director**  
**Brian Pacifico, Acting Police Chief**  
**Barry Conway, City Engineer**  
**Steve Inman, Public Works Director**  
**Khristi Dunn, Clerk of Council**

Members of the Franklin City Council met in regular session on Monday, May 17, 2021, 6:00 PM in the Council Chambers located at 1 Benjamin Franklin Way, Franklin, Ohio 45005.

1. **Call to Order.** Mayor Brent Centers called the regularly scheduled meeting of the Franklin City Council on Monday, May 17, 2021 to order at 6:00 PM.
2. **Roll Call.** Ms. Dunn called roll which showed:

MR. MATT WILCHER	PRESENT
MR. DENNY CENTERS	PRESENT
MR. PAUL RUPPERT	PRESENT
VICE MAYOR TODD HALL	PRESENT
MAYOR BRENT CENTERS	PRESENT
MR. MICHAEL ALDRIDGE	PRESENT
MRS. DEBBIE FOUTS	PRESENT

Mr. Conway, Ms. Dinkler, Ms. Dunn, Mr. Inman, Lt. Pacifico, Ms. Ryan, Ms. Steed and Mr. Westendorf were also present. There were three guests in attendance.

3. **Pledge of Allegiance.** The pledge of allegiance was led by Mayor B. Centers.
4. **Approve the Clerk's Journal and Accept the Tapes as the Official Minutes of the May 3, 2021 Meeting.** Mayor B. Centers asked if there were any amendments to the Clerk's Journal. Hearing none, he called for a motion. Mr. Ruppert made the motion to approve the Clerk's Journal and accept the tapes as the Official Minutes of the May 3, 2021 general meeting; seconded by Mr. Wilcher. The vote:

MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	abstain
MR. MATT WILCHER	yes

Motion passed.

5. **Reception of Visitors.** Mayor Brent Centers opened and closed the Reception of Visitors at 6:01 PM as none asked to be heard.

6. **Presentation.**  
A. None.

7. **Public Hearing.**  
A. **ORDINANCE 2021-07 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2022 (Khristi Dunn)**

This is the second of three steps Council must act upon to implement the annual street lighting assessments for 2022. \$170,000 is the total projected cost for lighting of the streets, lanes and public ways for 2022. The City funds 2% of the total, or \$3,400 and the Property Owner's share is \$166,600.

The Mayor opened and closed the Public Hearing at 6:02 PM as none asked to be heard.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-07** as submitted; seconded by Mr. Aldridge. The vote:

MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes

Motion passed.

B. **ORDINANCE 2021-08 ESTABLISHING A 180 DAY MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY OF FRANKLIN (Lynnette Dinkler)**

This Ordinance places a 180-day moratorium upon the establishment or commencement of medical marijuana cultivators, processors and or retail dispensaries to allow the City to research and receive

input from key city officials (newly appointed and to be appointed) on how to best serve its citizens, including the most vulnerable drug afflicted citizens, within the framework of House Bill 523, which made medical marijuana operations/use legal in Ohio.

House Bill 523 took effect on September 8, 2016. The bill established a Medical Marijuana Control Program, to be administered by the Ohio Department of Commerce and the State Board of Pharmacy. The Ohio Medical Marijuana Control Program became operational on September 8, 2018. This relatively new law and its regulatory scheme provides City Council with the authority to adopt regulations to prohibit or limit the number of retail dispensaries, and the location of cultivators, processors and dispensaries through zoning regulations. At this time, the City is undertaking a study to address blight issues within the City. The City is situated within a High Intensity Drug Trafficking Area, as identified by the United States Drug Enforcement Administration. The City has been hard hit by the opioid epidemic, leaving many of its citizens struggling with the life-long effects of drug addiction. The City's Police and Fire Divisions continue to identify ways to address the City's otherwise challenging drug related criminal activity and the City also partners with the Warren County Drug Task Force to fight the war on drugs. The City and its Municipal Court are proactively, with success, addressing, respectively, these important and sensitive issues with its Hope Program and intensive supervised probation program, to bring sobriety and stability to one person and his/her family at a time.

At the beginning of this year, Mr. Westendorf was appointed City Manager, leaving the Fire Chief position vacant. While Fire Chief, Mr. Westendorf was responsible for the creation and implementation of the Hope Program, a program which has received national attention. Chief Whitman retired shortly after Mr. Westendorf was appointed City Manager, leaving the Chief of Police position vacant. Both Chief vacancies are in the process of being filled. The City is in need of input from the recently appointed and to be appointed leadership, as well as the findings from the blight engineering study, before all issues associated with what is in the City's best interest vis-a-vis the medical marijuana industry given the unique needs and challenges present within the City related to drug activity and addiction.

No retail dispensaries, cultivators, or processors are operating or have applied to operate within the City.

The Mayor opened and closed the Public Hearing at 6:05 PM as none asked to be heard.

The Mayor opened the floor for Council deliberation. He asked if there were any questions or comments. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **ORDINANCE 2021-08** as submitted; seconded by Mr. Aldridge. The vote:

VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes

MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes

Motion passed.

## 8. New Business.

### A. RESOLUTION 2021-40 APPOINTING MEMBERS TO THE CITY OF FRANKLIN CHARTER REVIEW COMMISSION (Brent Centers)

Section 7.04 of the City's Charter requires Council to appoint a Charter Review Committee at least every five years (The last Committee was appointed in 2016). The purpose of the Committee is to recommend to Council any changes to the Charter it deems advisable. The Committee will have until April 30, 2022 to submit any such proposed changes to Council. This deadline will give Council the necessary time to review the proposed amendments, if any, before deciding whether to place them on the November 2022 ballot. The following persons were proposed for appointment to the City of Franklin Charter Review Commission:

Sonny Lewis	Rodney Roberts
Mikayla McClanahan	David Hopper
Dionne Swift	Terasa Crocker

Vice Mayor Hall spoke well of Ms. Dionne Swift and Mr. David Hopper. Council thanked the volunteers for their willingness to serve.

The Mayor asked if there were any additional questions or discussion. Hearing none, he called for a motion. Mr. Ruppert made the motion to adopt **RESOLUTION 2021-40** as submitted; seconded by Mr. D. Centers. The vote:

MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes

Motion passed.

**B. RESOLUTION 2021-41 AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2021 MUNICIPAL PAVING PROJECT (Barry Conway)**

The Engineer's estimated cost for this Project was \$475,000, which will include:

- Cedar St. from Park Ave. to Spring Ave.
- Chestnut St. from Park Ave. to north terminus
- Elm St. from Park Ave. to Lake Ave.
- Fourth St. from Riley Blvd. to Sunnybrook Dr.
- Home Ave. from Pine St. to Maple Ave.
- Lake Ave. from the Levee to Walnut St.
- Maple St. from Park Ave. to Home Ave.
- Pine St. from Park Ave. to Home Ave.
- Wilson Dr. from S. Dixie to North Terminus

On May 12, 2021, the City opened bids for this project and received four bids. Staff recommends that we accept the bid in the amount of \$463,996.95 from Barrett Paving Materials, Inc. as the lowest and best bid.

Mr. Aldridge asked if Barrett had done work for the City previously. Mr. Conway replied that they had and recommended accepting the bid.

Mr. D. Centers asked if staff would coordinate with Duke to ensure that any projects that required the street being dug up be done prior to the paving. Mr. Inman confirmed that this was already being coordinated.

The Mayor asked if there were any additional questions or discussion. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-41** as submitted; seconded by Mrs. Fouts. The vote:

MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes

Motion passed.

**C. RESOLUTION 2021-42 AUTHORIZING THE CITY MANAGER TO SUBMIT A NATUREWORKS GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES ON BEHALF OF THE CITY OF FRANKLIN (Barry Conway)**

This Resolution authorizes the City Manager to apply for a NatureWorks Grant to install new equipment at the baseball and soccer restrooms at Community Park. This work would include new toilets, sinks, urinals, flooring, surrounds, auto locking doors, a garage door and plumbing. The basketball courts at Community Park would also be repainted. Two automatic vehicle gates will be installed for security. The cost of this project is currently estimated at \$70,000, and the City's share would be \$17,500. If the City's application for the grant is approved, the NatureWorks Grant Program is a reimbursement-type program, so the City would have to pay the entire project cost upfront, and the City would then be reimbursed \$52,500 under the Grant Program. The costs for this Project would be paid out of the Recreation Fund.

Vice Mayor Hall asked the floors in the restrooms would be the same as the new floors at the pool. Mr. Inman confirmed. Mr. Ruppert complimented staff on the updates at the pool. There was continued discussion regarding the gates and lights that resulted in a Council request to add additional LED lights around the exterior of the pool for security.

There was also discussion regarding taking ownership of the SAY soccer concession stand as it has fallen into disrepair. The SAY soccer representatives were supportive of the idea.

The Mayor asked if there were any additional questions or discussion. Hearing none, he called for a motion. Vice Mayor Hall made the motion to adopt **RESOLUTION 2021-42** as submitted; seconded by Mr. Wilcher. The vote:

MRS. DEBBIE FOUTS	yes
MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes

Motion passed.

## 9. Introduction of New Legislation.

A. None.

**10. City Manager's Report.** Mr. Westendorf was pleased to be back in person for Council meetings and is happy with how staff and Council has managed the pandemic.

The Memorial Day parade was scheduled for Monday, May 31, 2021 at 10:00 AM.

The Independence Day parade is scheduled for Saturday, July 3, 2021 at 10:00 AM. Fireworks are scheduled for that evening at 10:00 PM. Due to construction at Dial Park, the fireworks will launch from



Community Park, which will be closed for safety at 8:00 PM on July 3. The festival and normal fireworks launch will return in 2022.

The Fire Chief Assessment Center took place on Saturday, May 15, 2021. Six candidates participated. The Police Chief application window had closed with 17 candidates applying. The assessment center will take place on June 5, 2021.

The mural at Sixth and Main Street needs repairs due to other building repairs and an accident where a truck ran into the building. Insurance claims could help offset the cost of repairs to the mural.

There ride vendor for FallFest is no longer an option. Mr. Westendorf is exploring other options. Fallfest is on pause until further notice.

## **11. Council Comments.**

Mr. Wilcher said it was pleasure to be back in person. He congratulated Mayor Centers on his run for Congress. He says that the Mayor is a genuine person and he wishes him luck in his campaign.

Mrs. Fouts agreed with Mr. Wilcher and enjoyed the Mayor's kickoff event.

She asked if the street signs downtown were supposed to be lit and reported that they are not lighting. Mr. Westendorf said they would be fixed.

She commented on the progress of overall cleanup occurring throughout the city. She excited about everything that is going on.

Mr. Aldridge congratulated the class of 2021. He told the Police Department great work on the recent pursuits and resulting felony apprehensions. He enjoyed seeing Demeter on Channel 5 and said it is great press for Franklin and for the Fire and EMS staff. He appreciates them being leaders in the field and the passion that was apparent in the interviews.

Mr. D. Centers was glad to be back in person. He was impressed with the Mayor's announcement and he is proud. He commented on the Cohen property cleanup and how extensive the cleanup process is. He appreciated the report on the police department pursuits and was impressed with a job well done.

Mr. Ruppert said that the City looks great and things seem to be going well. He attended the Parks and Recreation Commission meeting and reported that finances are a hinderance to many items that are needed. The Commission is appreciative of all the work that is being done. He appreciated being invited to the meeting.

His foundation presented awards to the senior class and hopes to be able to do so for many years to come.

Vice Mayor Hall complimented the Mayor on his kickoff campaign and wishes him the best. He thanked Ms. Swift and Mr. Hopper, who were in attendance, for their willingness to serve on the Charter Review Commission. A citizen wrote to Council over the weekend complaining about a property and he agrees that this needs to be addressed. He had another issue to bring to staff but Mr. Lovelace had already addressed it.

Mrs. Fouts added that there is buzz all over town about the Police Department and she appreciates the work being done by the officers.

The Mayor agreed with Mrs. Fouts about the efforts of the Police Department. He is glad to be back in person. He recently did a ride-along with the Police Department and was excited about the enthusiasm and professionalism of the new officers he rode with. He was happy to see the good press surrounding Demeter, but is also pleased with how Demeter is serving our area First Responders.

**12. Executive Session.** Mayor Brent Centers called for a motion to enter into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

Mr. D. Centers made the motion to enter into executive session; seconded by Mr. Aldridge. The vote:

MR. MATT WILCHER	yes
MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes
MRS. DEBBIE FOUTS	yes

Motion passed.

Council entered into executive session at approximately 6:34 PM with no planned action to follow.

Mr. Wilcher made the motion to adjourn out of executive session; seconded by Vice Mayor Hall. The vote:

MR. DENNY CENTERS	yes
MR. PAUL RUPPERT	yes
VICE MAYOR TODD HALL	yes
MAYOR BRENT CENTERS	yes
MR. MICHAEL ALDRIDGE	yes

MRS. DEBBIE FOUTS yes

MR. MATT WILCHER yes

Motion passed.

Council adjourned out of executive session at approximately 8:41 PM.

**13. Adjournment.** The Mayor called for a motion to adjourn the meeting. Vice Mayor Hall made the motion; seconded by Mr. Aldridge. The vote:

MR. PAUL RUPPERT yes

VICE MAYOR TODD HALL yes

MAYOR BRENT CENTERS yes

MR. MICHAEL ALDRIDGE yes

MRS. DEBBIE FOUTS yes

MR. MATT WILCHER yes

MR. DENNY CENTERS yes

Motion passed.

Mayor B. Centers adjourned the meeting at 8:42 PM.

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Brent Centers, Mayor

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Khristi Dunn, Clerk of Council

# Legislative Cover Memo

**Meeting Date:** June 7, 2021

**Agenda Item:** **Resolution 2021-43**  
AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE STATE ROUTE 123 AT COMMUNITY PARK INTERSECTION IMPROVEMENT PROJECT

**Submitted By:** Barry Conway, City Engineer

**Scope/Description:** The OPWC's Issue II process operates on a two-year cycle. Projects submitted this year are considered for funding two years from now. A pre-application is due for any projects requesting funding in Program Year 2023 (PY 37).

City staff recommends submitting the State Route 123 at Community Park Intersection Improvement Project for funding.

The State Route 123 at Community Park Intersection Improvement Project includes the construction of a roundabout at the intersection. The new Franklin High School driveway will also be located at this roundabout. A Rectangular Rapid Flashing Beacon will be installed to help with pedestrian traffic crossing SR 123.

**Budgetary Impact:** The State Route 123 at Community Park Intersection Improvement Project would cost an estimated total of \$2,113,000, which would be paid as follows:

- 30% in CMAQ funds (\$628,000)
- 41% in local share/City funds (\$866,330)
- 29% in OPWC funds (\$618,670)

**Recommendation:** Approval to prepare and submit the application and execute any contracts as required to participate in the program.

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-43

**AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE STATE ROUTE 123 AT COMMUNITY PARK INTERSECTION IMPROVEMENT PROJECT**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure;

WHEREAS, the City of Franklin is planning to make capital improvements by completing the State Route 123 at Community Park Intersection Improvement Project; and

WHEREAS, the infrastructure improvement project herein above described are considered to be a priority need for the community and is a qualified project under the OPWC programs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The City Manager is hereby authorized to apply to the OPWC for funds for capital improvements and/or local transportation improvements for the Program Year 2023 (PY 37) for the State Route 123 at Community Park Intersection Improvement Project.

Section 2. The State Route 123 at Community Park Intersection Improvement Project is currently estimated to cost a total of \$2,113,000, which would be paid as follows:

- 30% in CMAQ funds (\$628,000)
- 41% in local share/City funds (\$866,330)
- 29% in OPWC funds (\$618,670)

Section 3. The City Manager is further authorized to complete and execute any agreements as may be necessary and appropriate to obtain financial assistance for this Project.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 5. This Resolution shall be effective immediately upon its passage.

ADOPTED: June 7, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 7, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

# Legislative Cover Memo

**Meeting Date:** June 7, 2021

**Agenda Item:** **Resolution 2021-44**

AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE BEAL ROAD RESURFACING PROJECT

**Submitted By:** Barry Conway, City Engineer

**Scope/Description:** The OPWC's Issue II process operates on a two-year cycle. Projects submitted this year are considered for funding two years from now. A pre-application is due for any projects requesting funding in Program Year 2023 (PY 37).

City staff recommends submitting the Beal Road Resurfacing Project for funding.

Beal Road would be milled and resurfaced from just east of the Beal Road Bridge to the eastern Corporation Limit. Thermoplastic centerline and edge lines would be included in the project.

**Budgetary Impact:** The Beal Road Resurfacing Project would cost an estimated total of \$440,000, which would be paid as follows:

- 51% in local share/City funds (\$225,000)
- 49% in OPWC funds (\$215,000)

**Recommendation:** Approval to prepare and submit the application and execute any contracts as required to participate in the program.

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-44

**AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS, AS REQUIRED, FOR PROGRAM YEAR 2023 (PY 37) FOR THE BEAL ROAD RESURFACING PROJECT**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure;

WHEREAS, the City of Franklin is planning to make capital improvements by completing the Beal Road Resurfacing Project; and

WHEREAS, the infrastructure improvement project herein above described are considered to be a priority need for the community and is a qualified project under the OPWC programs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The City Manager is hereby authorized to apply to the OPWC for funds for capital improvements and/or local transportation improvements for the Program Year 2023 (PY 37) for the Beal Road Resurfacing Project.

Section 2. The Beal Road Resurfacing Project is currently estimated to cost \$440,000, 51% in local share/City funds (\$225,000) and 49% in OPWC funds (\$215,000).

Section 3. The City Manager is further authorized to complete and execute any agreements as may be necessary and appropriate to obtain financial assistance for this Project.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 5. This Resolution shall be effective immediately upon its passage.

ADOPTED: June 7, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 7, 2021.

\_\_\_\_\_, Khristi Dunn, Clerk of Council

## Legislative Cover Memo

**Introduction:** June 7, 2021  
**Public Hearing:** June 21, 2021  
**Effective Date:** July 21, 2021

**Agenda Item:** **Ordinance 2021-09**  
REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER  
911.11 TITLED “BACKFLOW PREVENTION DEVICE” OF THE  
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** These proposed changes were directed by Ohio Environmental Protection Agency (OEPA). The OEPA directs the City of Franklin to have a more comprehensive and enforceable Backflow Prevention Ordinance to improve protection to the public potable water supply from contaminants or pollutants which could backflow through the service connection of a consumer’s water system into the public potable water system.

**Vote Required for Passage:** Per Section 4.03 of the City Charter, the approval of a majority of the members of Council present is required for passage.

**Exhibits:** Exhibits A and B.

**Recommendation:** Approval.



CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-09

**REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 911.11 TITLED “BACKFLOW PREVENTION DEVICE” OF  
THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO**

WHEREAS, the City of Franklin must comply with the directives of the Ohio Environmental Protection Agency (OEPA); and

WHEREAS, as a result, the City’s regulations regarding Backflow Prevention must be updated to remain in compliance with the Drinking Water Standards of the OEPA; and

WHEREAS OEPA has issued directives regarding more comprehensive and enforceable Backflow Prevention Device local legislation to improve protection to the public potable water supply from contaminants or pollutants which could compromise the public potable water system absent proper backflow protection.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of the members elected thereto concurring, that:

Section 1. Existing Chapter 911.11, of the Codified Ordinances of the City of Franklin, Ohio, attached hereto as Exhibit A, is repealed in its entirety.

Section 2. The attached Exhibit B, Chapter 911.11, titled “Backflow Prevention Device,” replaces the repealed Chapter 911.11 and is enacted into law. Said Chapter shall be added to the Codified Ordinances of the City of Franklin under Part Nine – Streets, Utilities and Public Service Code, Title Three – Utilities, Chapter 911 – Water Services.

Section 3. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2021-09 passed by that body on June 21, 2021.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

Approved as to form: \_\_\_\_\_  
Lynnette Dinkler, Law Director

Exhibit A

911.11 Backflow Prevention Device

1. ~~Authority of the Service Director: If, in the judgment of the Public Works Director, an approved backflow prevention device is necessary for the safety of the public water system, the Director will give notice to the water consumer to install such an approved device. The water consumer, at his or her expense, shall install such an approved device at a location and in a manner approved by the Director, and shall have inspections and tests made of such approved devices, as required by the Director.~~
2. ~~Inspection Fees: All backflow devices that require testing by the Ohio EPA shall provide proof of an annual inspection by a certified plumber and shall pay a twenty five dollar (\$25) administrative fee for each backflow device that requires testing.~~

(Ord. 1994-29. Passed 6-20-94; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17.)

Exhibit B

911.11 BACKFLOW PREVENTION DEVICE

- (a) **INSTALL PREVENTION DEVICE:** If, in the judgment of the supplier of water an approved backflow prevention device is necessary for the safety of the public water system, the supplier of water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at their own expense, install such an approved device at a location and in a manner approved by the supplier of water and shall have inspections and tests made of such approved devices as required by the supplier of water. All backflow devices that require testing by the Ohio EPA shall provide proof of an annual inspection by a certified plumber and shall pay a twenty-five dollar (\$25) administrative fee for each backflow device that requires testing.
- (b) **UNAUTHORIZED CONNECTIONS:** No persons, firm or corporation, shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of Franklin may enter the supply or distributing system of the municipality, unless such private, auxiliary or emergency water supply and method of connection and use of such supply shall have been approved by the supplier of water of the City of Franklin and by the Ohio Environmental Protection Agency.
- (c) **SURVEYS AND INVESTIGATIONS:** It shall be the duty of the supplier of water to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the supplier of water shall deem necessary.
- (d) **INSPECTIONS:** The supplier of water of the City of Franklin or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distributing system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees, or occupants of any property so served shall furnish to the supplier of water any information which he may request regarding the piping system or systems, or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the supplier of water, be deemed evidence of the presence of improper connections as provided in this chapter.
- (e) **DISCONNECTIONS:** The supplier of water in the City of Franklin is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this chapter.
- (f) **RULES AND REGULATIONS FOR CROSS CONNECTION CONTROL:**
  - (1) Cross Connection Control: General Policy.

- (A) Purpose: The purpose of these rules and regulations is:
    - (i) To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
    - (ii) To promote the elimination or control of existing cross-connection, actual or potential, between the public or consumer's potable water system and non-potable water systems. Plumbing fixtures and sources or systems containing process fluids.
    - (iii) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water systems.
  - (B) Application: These rules and regulations shall apply to all premises served by the public potable water system of the City of Franklin.
  - (C) Policy: The supplier of water shall be responsible for protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the supplier of water or his authorized representative a backflow prevention device is needed they shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or services at his own expense, and failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such devices have been installed.
- (2) Definitions. The following definitions shall apply in the interpretation and enforcement of these rules and regulations:
- (A) "Administrator" means the City of Franklin City Manager or his duly authorized representative.
  - (B) "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supply water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
  - (C) "Approved" means that a backflow prevention device or method has been accepted by the water purveyor and the Administrator as suitable for the proposed use.
  - (D) "Auxiliary water system" means any water system on or available to the premises other than the public water system and includes the water supplied by the system.

These auxiliary waters may include water from another purveyor's public water system; or water from a source such as wells, lakes, or streams or process fluids or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

- (E) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
- (F) "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system.
- (G) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
- (H) "Consumer's water system" means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system. A household plumbing system is considered to be a consumer's water system.
- (I) "Contamination" means an impairment of the quality of the water by sewage or process fluids or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- (J) "Cross-connection" means any arrangement whereby backflow can occur.
- (K) "Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.
- (L) "Director" means the Director of the Ohio Environmental Protection Agency.
- (M) "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- (N) "Health hazard" means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health and well being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
- (O) "Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
- (P) "Non-potable water" means water not safe for drinking, personal, or culinary use.

- (Q) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.
- (R) "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.
- (S) "Potable water" means which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio EPA.
- (T) "Process fluids" means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
  - (i) Polluted or contaminated waters;
  - (ii) Process waters;
  - (iii) Used waters originating from the public water system which may have deteriorated in sanitary quality;
  - (iv) Cooling waters;
  - (v) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
  - (vi) Chemicals in solution or suspension;
  - (vii) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.
- (U) "Public water system" means any publicly or privately owned potable water system subject to Ohio R.C. 6109.13.
- (V) "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

- (W) "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
  - (X) "Supplier of water" means the owner or operator of a public water system.
  - (Y) "System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
  - (Z) "Pollution hazard" means a condition through which an anesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
  - (AA) "Used water" means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.
  - (BB) "Water purveyor" means the owner or operator of a public water system.
- (3) Water System.
- (A) The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
  - (B) The public potable water system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the supplier of water up to the point where the consumer's water system begins.
  - (C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public distribution system.
  - (D) The public distribution system shall include the network of conduits used for delivery of water from the source to the consumer's water system.
  - (E) The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.
- (4) Cross Connection Prohibited.
- (A) No water service connection shall be installed or maintained to any premises where actual or potential cross-connection to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the supplier of water.

- (B) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary supply and the method of connection and use of such supply shall have been approved by the supplier of water and by the Director of the Environmental Protection Agency as required by Ohio R.C. 6111.15.

(5) Survey and Investigations.

- (A) The consumer's premises shall be open at all reasonable times to the supplier of water, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminates, or pollutants could backflow into the public potable water system.
- (B) On request by the supplier of water, the consumer shall furnish information on water use practices within his premises.
- (C) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to their water system through which contaminants or pollutants could backflow into his or the public potable water system.

(6) Where Protection is Required.

- (A) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in judgment of the supplier of water or the director, actual or potential hazards to the public potable water system exist.
- (B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
  - (i) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the supplier of water and the source is approved by the Ohio Environmental Protection Agency.
  - (ii) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the supplier of water.
  - (iii) Premises having internal cross-connections that, in the judgment of the supplier of water are not correctible or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.



- (iv) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
  - (v) Premises having a repeated history of cross-connections being established or re-established.
  - (vi) Others specified by the supplier of water or the director.
- (C) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the supplier of water or the director determines that no actual or potential hazard to the public potable water system exists.
- (i) Hospitals, mortuaries, clinics, nursing homes.
  - (ii) Laboratories
  - (iii) Piers, docks, waterfront facilities.
  - (iv) Sewage treatment plant, sewage pumping station or storm water pumping station.
  - (v) Food or beverage processing plants.
  - (vi) Chemical plants.
  - (vii) Metal plating industries
  - (viii) Petroleum processing or storage plants.
  - (ix) Radioactive materials processing plants or nuclear reactors.
  - (x) Car wash.
  - (xi) Others specified by the supplier of water or the director.
- (D) An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the supplier of water and the source is approved by the Ohio Environmental Protection Agency.

(7) Type of Protection Required.

- (A) The type of protection required under subsection (6)(A), (B) and (C) of these regulations shall depend on the degree of hazard which exists as follows:
  - (i) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
  - (ii) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
  - (iii) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- (B) The type of protection required under subsection (6)(D) of these regulations shall be an approved air gap separation or an approved interchangeable connection.
- (C) Where an auxiliary water supply is used as a secondary source of water for a fire protection system, the provisions of subsection (7)(B) for an approved air gap separation or an approved interchangeable connection may not be required providing:
  - (i) At premises where the auxiliary water supply may be contaminated with substances that could cause a system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device.
  - (ii) At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly.
  - (iii) The public or consumer's potable water system shall be the primary source of water for the fire protection system.
  - (iv) The fire protection system shall be normally filled with water from the public or consumer's potable water system.
  - (v) The water in the fire protection system shall be used for fire protection only with no regular use of water from the fire protection system downstream from approved backflow prevention device.
  - (vi) The water in the fire protection system shall contain no additives.

(8) Backflow Prevention Devices.

- (A) Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the supplier of water and director and shall comply with the following:
- (i) An air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
  - (ii) A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the supplier of water and shall appear on the current "list of approved backflow prevention devices" of the Ohio Environmental Protection Agency.
  - (iii) An interchangeable connection to be approved shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The tell-tale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.
- (B) Existing backflow prevention devices approved by the supplier of water or the Ohio Environmental Protection Agency at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded for the requirement of subsection (8)(A) of this regulation providing the supplier of water is assured that they will satisfactorily protect the public water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the supplier of water finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

(9) Installation.

- (A) Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by the supplier of water and shall be installed by and at the expense of the water consumer. In addition, any backflow prevention device required by subsection (6) hereof of these regulations shall be installed at a location and in a manner approved by the Ohio Environmental Protection Agency as required by Ohio R.C. 6111.15.

- (B) Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- (C) Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump pump or a suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit inspection and testing of the backflow prevention device.

(10) Inspection and Maintenance.

- (A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
  - (i) Air separation shall be inspected at time of installation and at least every twelve months thereafter.
  - (ii) Double check valve assemblies shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter, they shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.
  - (iii) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
  - (iv) Interchangeable connections shall be inspected at time of installation and at least every twelve months thereafter.
- (B) Inspections, tests, and overhaul of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the supplier of water or a person approved by the supplier of water as qualified to inspect, test and overhaul backflow prevention devices.
- (C) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired, or replaced at the expense of the consumer without delay.
- (D) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhaul shall be submitted to the supplier of water.

- (E) Backflow prevention device shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the supplier of water.

(11) Booster Pumps.

- (A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gage or less.
- (B) It shall be the duty of the water consumer to maintain the low-pressure cut-off device in proper working order and to certify to the supplier of water at least once a year, that the device is operable.

(12) Violations.

- (A) The supplier of water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises where any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the supplier of water or if it is found that the backflow prevention device has been removed or by-passed, or if unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- (B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the supplier of water.

(Ord. 1994-29. Passed 6-20-94; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17; Ord. 2021-09. Passed 6-21-21.)

# Legislative Cover Memo

**Introduction:** June 7, 2021  
**Public Hearing:** June 21, 2021  
**Effective Date:** July 21, 2021

**Agenda Item:** **Ordinance 2021-10**  
 REPEALING AND RESTATING PART THIRTEEN, BUILDING CODE, TITLE SEVEN, PROPERTY MAINTENANCE CODE, CHAPTER 1375, REFERENCED STANDARDS UNDER NEW CHAPTER 1376 AND ENACTING NEW CHAPTER 1375, PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** This Ordinance will relocate a chapter and enact a new chapter in the City's Property Maintenance Code. The City of Franklin does not currently have an ordinance in its Property Maintenance Code requiring owners of real estate to first obtain a pre-sale inspection and a certificate of occupancy before selling to new owners and/or leasing to new tenants. This pre-sale inspection program is expected to increase property values, reduce nuisance and blight, and reduce crime. Influenced by the success in the City of Oakwood, Ohio, it would be in the City of Franklin's best interest to similarly pass an ordinance enacting a new section in the City's Property Maintenance Code. Since 1968, the City of Oakwood has operated a successful pre-sale inspection program as part of its property maintenance code. Before an owner of real estate is permitted to transfer title or lease to a new tenant, that owner must first arrange for a pre-sale inspection to then obtain a certificate of occupancy. Violation of such is a minor misdemeanor. Due to its long-standing pre-sale inspection and certificate of occupancy program, the City of Oakwood has experienced years of virtually no substandard housing or commercial premises, due in large part to the fact residents and property owners are encouraged to maintain their surroundings by the pre-sale inspection and certificate of occupancy program.

**Exhibits:** EXHIBIT A – Part Thirteen, Building Code, Title Seven, Property Maintenance Code, Chapter 1375, Referenced Standards, is hereby repealed and restated in its entirety as Chapter 1376  
 EXHIBIT B - Part Thirteen, Building Code, Title Seven, Property Maintenance Code, Chapter 1375, Pre-Sale Inspection and Certificate of Occupancy Required for New Owners and Tenants

**Budgetary Impact:** This program will require some additional staff hours, which have been discussed in Finance Committee.

**Vote Required for Passage:** Per Section 4.03(b) of the City Charter, the passage of this Ordinance requires the affirmative vote of a majority of the members of Council present.



# Legislative Cover Memo

**Recommendation:**

Passage is in the best interest of the City of Franklin. With a pre-sale inspection and certificate of occupancy requirement before transferring title to new owners or changing tenants in residential and business uses premises, the City will experience improved property maintenance, which in turn will protect the health, safety, and welfare of the City's residents and those working and frequenting commercial premises.

CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-10

**REPEALING AND RESTATING PART THIRTEEN, BUILDING CODE, TITLE SEVEN,  
PROPERTY MAINTENANCE CODE, CHAPTER 1375, REFERENCED STANDARDS  
UNDER NEW CHAPTER 1376 AND ENACTING NEW CHAPTER 1375, PRE-SALE  
INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS  
AND TENANTS**

**WHEREAS**, Council believes it is in the City's best interest, and is beneficial to the public health, safety, and welfare, to enact and operate a pre-sale inspection and certificate of occupancy program that includes an administrative search warrant procedure; and

**WHEREAS**, the pre-sale inspection and certificate of occupancy program is in the City's best interest because it will list repairs and other work necessary to eliminate any unsafe or hazardous conditions existing on both residential and commercial real estate premises, including rental premises, to ensure that real estate premises are in compliance with all applicable Property Maintenance Code, Fire Code, Zoning Code, and other ordinances; and

**WHEREAS**, the housing stock and commercial real estate stock primarily consists of older structures which require frequent and proper upkeep and maintenance, issues which will be timely and consistently addressed through the administration of a pre-sale inspection and certificate of occupancy program that aims to maintain health, safety and welfare issues related to enforcement of standards such as property maintenance, fire, electrical, plumbing, structural, access and paint, all of which impact and affect a person's health, safety and welfare, aid in preventing fires and collapsing structures upon residential and commercial premises, and impact neighboring homes and businesses due to the fact many structures in the City are situated close together; and

**WHEREAS**, residential and commercial sellers, buyers, tenants and occupants, as well as the community as a whole, will be protected by the implementation of this pre-sale inspection and certificate of occupancy program because most sellers, buyers, tenants and occupants do not know what to specifically look for in order to maintain, or make corrections to assure, a premise's structural and other safety; and

**WHEREAS**, the pre-sale inspection and certificate of occupancy program is reasonably expected to maintain and increase over time residential and commercial real estate values in the City as a result of improved property upkeep and maintenance, and is reasonably expected to decrease the amount of substandard housing in the City; and

**WHEREAS**, the pre-sale inspection and certificate of occupancy program will require sellers and owners of real estate to undergo a code compliance inspection which contains an administrative search warrant provision to protect and balance Fourth Amendment constitutional interests, correct any noted defects, and obtain a certificate of occupancy for their buyers and tenants; and



**WHEREAS**, inspections and permits will protect the public's safety as structures are updated and maintained over the course of time.

NOW, **THEREFORE, BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO, a majority of the members of the Council present concurring, that:

Section 1. Part Thirteen, Building Code, Title Seven, Property Maintenance Code, Chapter 1375, Referenced Standards, is hereby repealed and restated in its entirety as Chapter 1376, and shall be codified as set forth in Exhibit A, attached.

Section 2. Part Thirteen, Building Code, Title Seven, Property Maintenance Code, Chapter 1375, Pre-Sale Inspection and Certificate of Occupancy Required for New Owners and Tenants, is hereby enacted and shall be codified as set forth in Exhibit B, attached.

Section 3. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 5. This Ordinance shall go into effect on July 21, 2021

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, Law Director

## Exhibit A

### Repealed:

#### **CHAPTER 1375 Referenced Standards**

##### *City of Franklin Building Code*

~~1332.03, 1338.01.5, 1343.03, 1346.01.1, 1346.19, 1347.01.3, 1348.01.1, 1352.03, 1357.05, 1360.01, 1360.05.1, 1364.02, 1364.03, 1366.03.1.1, 1366.03.2.1, 1371.03, 1372.07, 1373.01.2, 1373.04.2~~

##### *City of Franklin Zoning Code*

~~1332.03, 1343.03, 1360.05.1, 1364.02, 1364.03~~

##### *Ohio Fire Code*

~~1332.03, 1338.01.5, 1343.03, 1360.05.1, 1364.02, 1364.03, 1336.03.1.1, 1366.03.2.1, 1371.01, 1371.02, 1371.03, 1372.02, 1372.07, 1373.01, 1373.01.2, 1373.01.3, 1373.03, 1373.03.1, 1373.04.2, 1373.04.3, 1373.05.1, 1373.06.4, 1374.01~~

##### *Warren County Combined Health District Regulation for the Installation, Maintenance, Testing and Inspection of Plumbing*

~~1357.05, 1360.01, 1360.05.1, 1364.02, 1364.03~~

~~(Ord. 2009-21 Passed 10-05-09; E-Ord. 2019-06 Passed 8-05-19; E-Ord. 2019-07 Passed 8-05-19; E-Ord. 2019-08 Passed 8-05-19; Res. 2019-41 Passed 8-5-19; Res. 2019-42 Passed 8-05-19; Ord. 2019-09 Passed 8-19-19; Ord. 2019-10 Passed 8-19-19; Ord. 2019-11 Passed 8-19-19)~~

### Restated and Replaced:

#### **CHAPTER 1376 Referenced Standards**

##### *City of Franklin Building Code*

*1332.03, 1338.01.5, 1343.03, 1346.01.1, 1346.19, 1347.01.3, 1348.01.1, 1352.03, 1357.05, 1360.01, 1360.05.1, 1364.02, 1364.03, 1366.03.1.1, 1366.03.2.1, 1371.03, 1372.07, 1373.01.2, 1373.04.2*

##### *City of Franklin Zoning Code*

*1332.03, 1343.03, 1360.05.1, 1364.02, 1364.03*

##### *Ohio Fire Code*

*1332.03, 1338.01.5, 1343.03, 1360.05.1, 1364.02, 1364.03, 1336.03.1.1, 1366.03.2.1, 1371.01, 1371.02, 1371.03, 1372.02, 1372.07, 1373.01, 1373.01.2, 1373.01.3, 1373.03, 1373.03.1, 1373.04.2, 1373.04.3, 1373.05.1, 1373.06.4, 1374.01*

##### *Warren County Combined Health District Regulation for the Installation, Maintenance, Testing and Inspection of Plumbing*

*1357.05, 1360.01, 1360.05.1, 1364.02, 1364.03*

*(Ord. 2009-21 Passed 10-05-09; E-Ord. 2019-06 Passed 8-05-19; E-Ord. 2019-07 Passed 8-05-19; E-Ord. 2019-08 Passed 8-05-19; Res. 2019-41 Passed 8-5-19; Res. 2019-42 Passed 8-05-19; Ord. 2019-09 Passed 8-19-19; Ord. 2019-10 Passed 8-19-19; Ord. 2019-11 Passed 8-19-19; Ord. 2021-10 Passed \_\_\_\_*

**EXHIBIT B**

**CHAPTER 1375 PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY  
REQUIRED FOR NEW OWNERS AND TENANTS**

- 1375.01 Pre-Sale Inspection and Certificate of Occupancy Required Before Transfer of Title to New Owners or Change of Tenants**
- 1375.02 After Vacancy Inspections for Residential Rental Premises**
- 1375.03 After Vacancy Inspections for Business Uses Premises**
- 1375.04 Notices, Orders and Pre-Sale Inspection**
- 1375.05 Responsibility for Correcting Defective Items**
- 1375.06 Water and Sewer Bills to be Paid Immediately as a Condition of Occupancy Certificate**
- 1375.07 Certificate of Occupancy Required for New Owner or Change of Tenant**
- 1375.08 Disclosure of Violations to New Owner**
- 1375.09 Fees for Inspections and Certificates of Occupancy**

**1375.01 Pre-Sale Inspection and Certificate of Occupancy Required Before Transfer of Title to New Owners or Change of Tenants**

- (a) *It shall be unlawful for the owner of any real estate premises to transfer legal or equitable ownership of that premises ("title"), or change of tenant, without having obtained a pre-sale inspection of it under this Property Maintenance Code. This inspection will enable the Code Official to work toward accomplishing and enforcing the purposes of this Property Maintenance Code and other relevant ordinances by listing any violations, repairs or other work necessary to correct and eliminate any unlawful nuisance, unsafe or hazardous conditions. Such an inspection and list shall be part of the process of issuing the required certificate of occupancy.*
- (b) *Application for a pre-sale inspection shall be made on such form and in such manner as may be prescribed from time to time by the Code Official. The City may charge a fee for this service as provided for under Chapter 1701.*
- (c) *Within 21 days after application was made for a pre-sale inspection, the Code Official shall have completed the inspection, compiled a list of any items to be brought into compliance with this Code and applicable provisions of the Fire Code, Zoning Code and other ordinances, and shall have issued a violation letter to the owner or lienholder of a premises. This period of time may be extended by the Code Official if a delay is caused by any matter beyond the reasonable control of that official.*
- (d) *A certificate of occupancy shall be valid for one year after the violations have been corrected to the satisfaction of the Code Official or until 60 days after the premises may be transferred to a new owner or tenant, whichever occurs sooner.*
- (e) *If the owner, occupant, or agent thereof does not consent to the proposed inspection, the Code Official may appear before any judge in a court of competent jurisdiction and seek*

*an administrative search warrant to allow an inspection in accordance with Section 1334.03 Right of Entry and the following additional obligations which apply only to Chapter 1375.*

*(1) The administrative search warrant application shall be made within 10 calendar days after the non-consent. The application for the administrative search warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the Code provisions identified in Chapter 1375. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether an administrative search warrant shall issue:*

- i. Eyewitness account of violation;*
- ii. Citizen complaints;*
- iii. Tenant complaints;*
- iv. Plain view violations;*
- v. Violations apparent from city records;*
- vi. Property deterioration;*
- vii. Age of property;*
- viii. Nature of alleged violation;*
- ix. Condition of similar properties in the area;*
- x. Documented violations on similar properties in the area;*
- xi. Passage of time since last inspection;*
- xii. Previous violations on the property.*

*(2) If a warrant is issued, no owner, occupant, or agent thereof shall fail or neglect, upon presentation of an administrative search warrant, to properly permit entry therein by the Code Official or his/her duly authorized designee for the purpose of inspection and examination pursuant to Chapter 1375 in general, this Section in particular, and consistent with the terms of the administrative search warrant. If the court declines to issue an administrative search warrant, or if no warrant is sought, the inspection shall still take place, but the scope thereof shall be limited to such areas as are in plain view and otherwise consistent with the protections afforded under the Fourth Amendment of the United States Constitution. A limited-scope inspection conducted pursuant to this paragraph shall be considered an "inspection" for purposes of Chapter 1375 and all other applicable provisions of the Property Maintenance Code as they apply to Chapter 1375. No criminal penalty shall attach, nor shall any certificate of occupancy be denied, solely by reason of the owner's, occupant's, or agent's refusal to consent to a full inspection.*

*(f) A certificate of occupancy signed by the Code Official shall be evidence that the premises comply with the requirements of this Code and all other applicable ordinances; provided, however, that if a limited-scope inspection is conducted pursuant to subsection (e)(2) above, the certificate of occupancy shall note that fact and shall not constitute evidence of Code compliance as to any uninspected portions of the premises. If the*

*inspection disclosed aspects of the premises not in compliance, the certificate shall only constitute a conditional certificate of occupancy. The condition shall be that the defective aspects of the premises must be brought into compliance with this Code within such reasonable length of time as may be set forth in the certificate.*

- (g) *Such a conditional certificate shall be deemed to be a notice under Sections Chapter 1337 Notices and Orders, and Sections 1375.04 and/or 1375.05 of the Codified Ordinances of the City of Franklin that the premises and its owners are in violation of this Code or other applicable ordinances and that the unlawful conditions must be corrected.*

### **1375.02 After Vacancy Inspections for Residential Rental Premises**

*Pre-sale inspections applicable to residential rental premises shall be conducted as soon as reasonably practicable after the tenants have vacated a dwelling unit. Included in this inspection is inspection of the dwelling unit and any other areas of the premises available for use by the tenants of that dwelling unit ("accessory property"). The owner or operator of the dwelling shall complete an inspection form upon notice of change of occupancy of any dwelling unit and schedule an appointment for a time during normal business hours for the owner or operator to admit the Code Official.*

*The owner or operator of a premise with a rental unit is subject to have the interior of its structures and rental units inspected, at any time, in responses to a complaint of an alleged violation of any of the provisions of this Chapter or the provisions of the applicable City of Franklin code. For purposes of this provision, a complaint shall be deemed to have been "received" if it is:*

- (a) Submitted in writing;*
- (b) Includes a description of the real estate or dwelling premise sufficient for identification;*
- (c) Includes the name of the landlord, managing agent, or operator and contact information sufficient to contact the landlord, managing agent, or operator;*
- (d) Includes a clear statement of the alleged violation or condition that leads to the belief that a violation exists.*

*Where an inspection of an occupied residential rental premises is required under this Chapter and absent the existence of emergency measures, the Code Official shall first make a reasonable effort to locate the occupant, giving at least 24-hours notice of right to refuse entry before conducting the inspection.*

*All non-conflicting provisions within this Chapter apply to all inspections of residential rental premises, including but not limited to the administrative warrant provision.*

### **1375.03 After Vacancy Inspections for Business Uses Premises**

*Pre-sale inspections applicable to business uses premises shall be conducted upon a change of tenant or ownership.*

*All inspections must be conducted as soon as reasonably practical after being vacated by tenants or in contemplation of a change in ownership as required by 1375.01. Such commercial rental units must be*

*brought into compliance with requirements of this Property Maintenance Code in connection with each change of occupancy by new tenants.*

*All non-conflicting provisions within this Chapter apply to all inspections of business uses premises, including but not limited to the administrative warrant provision.*

**1375.04 Notices, Orders and Pre-Sale Inspection**

*In addition to the requirements and restrictions contained in Chapter 1337 and 1338, notices and orders issued by the Code Official under Chapter 1375 shall also be controlled by and comply with the following:*

- (a) With regard to notices, the Code Official shall include explanations, where relevant, as provided below:*
  - (1) Where the notice is in the form of a conditional occupancy certificate resulting from a pre-sale inspection under this Chapter which lists aspects of the premises not in compliance with other sections of this code, it shall include an explanation of the certificate of occupancy procedures and the possibility of the owner shifting responsibility for correcting those unsafe or unlawful items to the new owner through a written agreement between the parties under 1375.05 as well as a warning regarding Section 1337.06 Transfer of Ownership.*
  - (2) All notices shall include an explanation warning of Sections 1333.05 Fees, 1335.05 Abatement of Violations, and Chapter 1339 Emergency Measures, and provide at least a period of 30 days for corrective action except for where emergency measures exist.*
  - (3) All notices shall include an explanation that, as an alternative to performing the corrective work within the reasonable time allowed in the notice (and to avoid the City entering upon the property to perform that work if the owner fails to do so), the owner or any lienholder of record may enter into a written contract to be negotiated with the City in which that owner or lienholder gives a written promise, guaranteed by a sufficient surety (described below), that the work will be completed within such additional reasonable time as may be agreed to between those parties. Such a sufficient surety must be a performance bond, letter of credit or cash deposited with the City in the amount of one and one-half times the cost of the work, as reasonably estimated by the City, with the terms, conditions and issuing company or bank to be satisfactory to the City Law Director.*
- (b) With regard to orders, the Code Official shall include an explanation of the owner's and any lienholder's right to appeal the decision of the Code Official under Chapter 1341 Means of Appeal.*
- (c) With regard to notices and orders directed to lienholders in addition to all others provided for in this code, service upon lienholder shall comply with Section 1337.03 Method of Service.*
- (d) Where inspection reveals the premises requires the Code Official to take action under Chapters 1338 Unsafe Structures and Equipment and/or 1339 Emergency Measures, any notice or order issued under this Chapter 1375 will be in addition to those required under Chapters 1338 and 1339.*

**1375.05 Responsibility for Correcting Defective Items**

*The responsibility for making repairs or completing such work as may be necessary to correct any defective aspects of the premises shall rest upon the person who was the owner immediately before the inspection which was the basis for a notice under 1375.01 or who remains the owner where the premises is a residential or business uses dwelling. Such responsibility may be shifted to a new owner in compliance with Section 1337.04. Transfer of Ownership in addition to entering into a written agreement in which that new owner assumes the responsibility, after having been given a copy of the conditional certificate of occupancy including the list of violations. A signed copy of such agreement shall be filed with the Code Official. A written assumption by the new owner shall release the previous owner from responsibility to the City under this code.*

*If responsibility is so assumed, the new owner shall be obligated to comply with the requirements of the conditional certificate of occupancy within the time required by the Code Official.*

**1375.06     Water and Sewer Bills to be Paid Immediately as a Condition of Occupancy Certificate**

*To obtain either a certificate of occupancy or a conditional certificate of occupancy, all outstanding water and sewer bills for the property must be paid at once and in full.*

**1375.07     Certificate of Occupancy Required for New Owner or Change of Tenant**

*It shall be unlawful for any person who requires legal or equitable title to a premise, or change of tenant, to occupy or to use the premises without having obtained from the Code Official or other previous owner a valid certificate of occupancy (absolute or conditional) for that premises. As explained in 1375.01, a certificate of occupancy is valid for only one year after its date or until 60 days after title to the premises is transferred to a new owner, or change of tenant, whichever occurs sooner. No new occupancy certificate shall be issued for the premises without a new inspection (which may or may not reveal and require correction of additional unsafe or unlawful matters).*

**1375.08     Disclosure of Violations to New Owner**

*It shall be unlawful for the owner of any property upon whom a notice of violation has been served (in the form of a list of defects or violations attached to a conditional certificate of occupancy or as a result of violations otherwise noted by the Code Official) to transfer legal or equitable ownership title of the property to another, or change of tenant, until the defects and violations listed in that notice have been corrected, or until the owner or a lien holder has entered into a written contract to make the corrections in accordance with 1375.04, or until such owner furnishes the proposed new owner a true copy of that notice and obtains a signed receipt that he has done so and that the proposed new owner is aware of the pending notice and it's requirement of corrective work.*

**1375.09     Fees for Inspections and Certificates of Occupancy**

*Fees to be charged for inspections and the issuance of occupancy permits under Chapter 1375 shall be as set by Section 1333.05 and Appendix A of Part 17, Title 1, Chapter 1701. These fees shall be paid at the*

*time an individual requests an inspection under Chapter 1375 and no inspection required under Chapter 1375 shall be conducted until such time as the required fee is received by the City.*

*No fee, however, shall be required for a residential rental unit interior inspection prompted by a complaint submitted under Section 1375.02 unless violations are noted. Where violations are noted because of the residential rental unit interior inspection prompted by a complaint the inspection fee shall be charged.*

*Money collected under this Section shall be used exclusively for purposes of conducting inspections and issuing certificates of occupancy in accordance with Chapter 1375.*





# Legislative Cover Memo

**Introduction:** June 7, 2021  
**Public Hearing:** June 21, 2021  
**Effective Date:** July 21, 2021

**Agenda Item:** **Ordinance 2021-11**  
AUTHORIZING THE ESTABLISHMENT OF THE “AMERICAN RESCUE PLAN ACT FUND” FOR THE PURPOSE OF SEPARATELY ACCOUNTING FOR FEDERAL FUNDS RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT AND IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

**Submitted by:** Cindy, Ryan Finance Director

**Scope/Description:** This governmental fund is necessary to account for funds received under the American Rescue Plan Act.

**Vote Required:** At least four (4) members of the Council elected thereto concurring.

**Exhibits:** None.

**Recommendation:** Approval.

CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-11

**AUTHORIZING THE ESTABLISHMENT OF THE “AMERICAN RESCUE PLAN ACT FUND” FOR THE  
PURPOSE OF SEPARATELY ACCOUNTING FOR FEDERAL FUNDS RECEIVED UNDER THE AMERICAN  
RESCUE PLAN ACT AND IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF  
FRANKLIN, OHIO**

WHEREAS, Chapter 141 Finance Division, Section 141.03(b)(6)(B) of the City’s Codified Ordinances states:

(6) Other Special Funds -

- (A) The Finance Director is hereby authorized to create other special funds which are established or required by law, either specifically or in general.
- (B) Council may establish, with the approval of and in the manner prescribed by the Ohio State Auditor, other such special funds that are not established by law, either specifically or in general, as may be needed or desirable. Special funds which are needed for a period of less than five (5) years may be established by resolution, and special funds which are needed for a period of five (5) years or more shall be established by ordinance. Any ordinance or resolution establishing a special fund may provide that money derived from specified sources other than the general property tax shall be paid directly into such special fund;

and

WHEREAS, the City of Franklin must comply with local, state and federal law and administrative orders and guidelines directing and requiring the establishment of certain funds to maintain financial integrity of the public monies it receives and spends; and

WHEREAS, in order to comply with mandates and guidelines requiring American Rescue Plan Act funds to be held separately to allow for the audit of fund spending, and in the absence of conclusive federal and/or state guidance related to same, the creation of this fund, the “American Rescue Plan Act Fund,” is necessary; and

WHEREAS, this type of fund, a government fund, is authorized under Ohio Revised Code Section 5705.12.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. In accordance with Chapter 141 Finance Division, Section 141.03(b)(6)(B), Ohio Revised Code Section 5705.12, the American Rescue Plan Act, and all relevant federal and state law and mandatory guidance, the Finance Director is authorized to establish a fund called the “American Rescue Plan Act Fund.”

Section 2. The purpose of this fund shall be to separately account for funds received and spent under the American Rescue Plan Act.

Section 3. Interest earned to this fund shall be handled in accordance with governing law.

Section 4. Auditor of State approval for the creation of this permanent fund is not required.

Section 5. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 6. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

Approved as to form:

\_\_\_\_\_  
Lynnette Dinkler, Law Director

# Legislative Cover Memo

**Introduction:** June 7, 2021  
**Public Hearing:** June 21, 2021  
**Effective Date:** July 21, 2021

**Agenda Item:** **Ordinance 2021-12**  
AMENDING AND RESTATING TITLE THREE – UTILITIES,  
CHAPTER 911 – WATER SERVICE, SECTION 911.10 SERVICE  
APPLICATION AND DEPOSIT REQUIREMENTS AND CHAPTER  
919 – SEWER RENTAL, SECTION 919.05 SERVICE  
APPLICATION AND DEPOSIT REQUIREMENTS OF THE  
CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

**Submitted by:** Cindy Ryan, Finance Director

**Scope/Description:** The amendment to Sections 911.10 and 919.05 are required to correct errors. Section 911.10 needs to properly reflect the existence of a “fund” as opposed to an “account.” Section 919.05 needs to be amended to correct a verbiage error. These corrections were discovered when investigating the need to create separate water and sewer security deposit funds, the subject of Ordinance 2021-13.

**Budget Impact:** None.

**Exhibits:** None.

**Vote Required:** At least four (4) members of the Council elected thereto concurring.

**Recommendation:** Approval.

CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-13

**AMENDING AND RESTATING TITLE THREE – UTILITIES, CHAPTER 911 – WATER SERVICE, SECTION 911.10  
SERVICE APPLICATION AND DEPOSIT REQUIREMENTS AND CHAPTER 919 – SEWER RENTAL, SECTION 919.05  
SERVICE APPLICATION AND DEPOSIT REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF  
FRANKLIN, OHIO**

WHEREAS, amendment to Sections 911.10 and 919.05 are required to correct errors discovered when investigating the need to create separate water and sewer security deposit funds; and

WHEREAS, amendment to Section 911.10 is necessary to properly reflect the existence of a “fund” as opposed to an “account;” and

WHEREAS, amendment to Section 919.05 is necessary to correct a verbiage error.

WHEREAS, the City of Franklin must comply with local, state and federal law and administrative orders and guidelines directing and requiring the establishment of certain funds to maintain financial integrity of the public monies it receives and spends; and

WHEREAS, in order to create a separate Water Security Deposit Fund and a Sewer Security Deposit Fund, these two corrections must first be made to each respective Section.

NOW, **THEREFORE, BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO, at least four (4) members of the Council elected thereto concurring, that:

Section 1. Section 911.10 (b)(2) is amended and restated, and codified in the City of Franklin Ordinances, as follows:

**911.10 SERVICE APPLICATION AND DEPOSIT REQUIREMENTS.**

(a) Service Application: Application for water service shall be made by the owner of the premises, a tenant or occupant. Prior to service being rendered, one of the below-listed alternatives shall be complied with:

(1) The owner of the premises shall sign a service agreement, stating that the owner is responsible for and shall pay all water services rendered to the premises. The bills shall be sent to the owner, tenant or occupant, as the owner shall direct.

(2) In the alternative, the tenant or occupant of any leased or rented premises shall deposit with the Utility Billing Administrator a fee to assure payment for water service in accordance with the following schedule of deposit fees:

A. Each dwelling unit - \$100.00.

B. All other users - \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one-month period.

(3) The required service agreement or security deposit shall be received by the Utility Billing Administrator before service shall be provided.

(b) Security Deposits.

(1) Depositors whose accounts, including relocations within the City, were opened after January 1, 1980, that have not been charged for delinquencies or late payments for eight consecutive quarters (2 years) shall receive, upon request, a refund equal to the full amount of the water security deposit made. Depositors who fulfill the requirements of receiving a refund of their water security deposit shall not be required to make an additional deposit should they relocate within the City limits.

(2) All security deposits required under this Section shall be placed in a separate ~~account~~ **fund** and used for no other purpose than to offset any unpaid bills. Upon cessation of water services, any unpaid amounts may be deducted from the security deposit before the balance is returned to the depositor. The posting of the deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of the liability for amounts due in excess of the security deposit.

(3) If water service is discontinued under Section [911.09](#), the security deposit may be applied to the delinquency.

(4) The depositor shall receive no interest on the deposit.

(c) **Liability for Unpaid Service:** The owner of the property, as well as the lessee, tenant or occupant, shall be liable to the City for unpaid charges made for such service, in accordance with Section [911.09](#).

(Ord. 1984-37. Passed 9-17-84; Ord. 2000-61. Passed 1-15-01; Ord. 2010-10. Passed 4-19-10; Ord. 2017-26. Passed 11-20-17.)

Section 2. Section 919.05 (b)(2) is amended and restated, and codified in the City of Franklin Ordinances, as follows:

#### **919.05 SERVICE APPLICATION AND DEPOSIT REQUIREMENTS.**

(a) **Service Application.** Application for sewer service shall be made by the owner of the premises, a tenant or occupant. Prior to service being rendered, one of the below-listed alternatives shall be complied with.

(1) The owner of the premises shall sign a service agreement, stating that the owner is responsible for and shall pay all sewer services rendered to the premises. The bills shall be sent to the owner, tenant or occupant, as the owner shall direct and with the concurrence of the Utility Billing Administrator.

(2) In the alternative, the tenant or occupant of any leased or rented premises shall deposit with the Utility Billing Administrator a fee to assure payment for sewer service in accordance with the following schedule of deposit fees:

A. Each dwelling unit - \$100.00.

B. All other users - \$100.00 for each 1,333 cubic feet, as measured by the water meter, estimated to be used in a one-month period.

(3) The required service agreement or security deposit shall be received by the Utility Billing Administrator before service shall be provided.

(b) **Security Deposits:**

(1) Depositors whose accounts, including relocations within the City, were opened after January 1, 1980, that have not been charged for delinquencies or late payments for eight consecutive quarters (2 years) shall receive, upon request, a refund equal to the full amount of the sewer security deposit.

(2) All security deposits required under this section shall be placed in a separate fund and used for no other **purposed** than to offset any unpaid bills, or returned to the depositor upon cessation of services, after deduction of any unpaid balance. The posting of the deposit and the use of the deposit to offset unpaid amounts shall not relieve the depositor of any liability for amounts due in excess of the security deposit.

(3) If sewer service is discontinued under Section [919.04](#), the security deposit may be applied to the delinquency.

(4) The depositor shall receive no interest on the deposit.

(c) **Liability for Unpaid Service:** The owner of the property, as well as the lessee, tenant or occupant, shall be liable to the City for unpaid charges made for such service, in accordance with Section [919.03](#).

(Ord. 1980-41. Passed 11-3-80; Ord. 1984-38. Passed 9-17-84; Ord. 2000-62. Passed 1-15-01; Ord. 2008-08. Passed 3-3-08; Ord. 2017- 26. Passed 11-20-17.)

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 5. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

Approved as to form:

\_\_\_\_\_  
Lynnette Dinkler, Law Director

## Legislative Cover Memo

**Introduction:** June 7, 2021  
**Public Hearing:** June 21, 2021  
**Effective Date:** July 21, 2021

**Agenda Item:** **Ordinance 2021-13**  
AUTHORIZING THE ESTABLISHMENT OF THE “WATER SECURITY DEPOSIT FUND” AND THE “SEWER SECURITY DEPOSIT FUND” THROUGH AMENDMENT AND RESTATEMENT OF TITLE FIVE – ADMINISTRATIVE CODE, CHAPTER 162, WATER AND SEWER DIVISION FOR THE PURPOSE OF HOLDING WATER AND SEWER SECURITY DEPOSITS PAID BY CUSTOMERS IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

**Submitted by:** Cindy Ryan, Finance Director

**Scope/Description:** The creation of separate funds to hold Water Security Deposits and Sewer Security Deposits is necessary to segregate these funds which shall only be used to offset any unpaid utility bills.

**Vote Required:** At least four (4) members of the Council elected thereto concurring.

**Exhibits:** Exhibit A – AMENDMENT TO CHAPTER 162

**Recommendation:** Approval.



CITY OF FRANKLIN, OHIO  
ORDINANCE 2021-13

**AUTHORIZING THE ESTABLISHMENT OF THE “WATER SECURITY DEPOSIT FUND” AND THE “SEWER SECURITY DEPOSIT FUND” THROUGH AMENDMENT AND RESTATEMENT OF TITLE FIVE – ADMINISTRATIVE CODE, CHAPTER 162, WATER AND SEWER DIVISION FOR THE PURPOSE OF HOLDING WATER AND SEWER SECURITY DEPOSITS PAID BY CUSTOMERS IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO**

WHEREAS, Chapter 141 Finance Division, Section 141.03(b)(6)(B) of the City’s Codified Ordinances states:

(6) Other Special Funds -

- (A) The Finance Director is hereby authorized to create other special funds which are established or required by law, either specifically or in general.
- (B) Council may establish, with the approval of and in the manner prescribed by the Ohio State Auditor, other such special funds that are not established by law, either specifically or in general, as may be needed or desirable. Special funds which are needed for a period of less than five (5) years may be established by resolution, and special funds which are needed for a period of five (5) years or more shall be established by ordinance. Any ordinance or resolution establishing a special fund may provide that money derived from specified sources other than the general property tax shall be paid directly into such special fund;

and

WHEREAS, the City of Franklin must comply with local, state and federal law and administrative orders and guidelines directing and requiring the establishment of certain funds to maintain financial integrity of the public monies it receives and spends; and

WHEREAS, the creation of separate funds to hold Water Security Deposits and Sewer Security Deposits is necessary to segregate these funds which shall only be used to offset any unpaid utility bills; and

WHEREAS, These types of funds, proprietary funds, are authorized under Ohio Revised Code Section 5705.12; and

WHEREAS, amendment to Title Five – Administrative Code, Chapter 162, Water and Sewer Division for the purpose of holding water and sewer security deposits paid by customers in compliance with law is required.

THE CITY OF FRANKLIN HEREBY ORDAINS, at least four (4) members of the Council elected thereto concurring, that:

Section 1. Certain Sections of Title Five – Administrative Code, Chapter 162, Water and Sewer Division, for the purpose of holding water and sewer security deposits paid by customers in compliance with law, are amended and restated, and shall be codified in the City of Franklin Ordinances, as reflected in Exhibit A, attached.

Section 2. In accordance with Chapter 141 Finance Division, Section 141.03(b)(6)(B), Title Five – Administrative Code, Chapter 162, Water and Sewer Division, and Ohio Revised Code Section 5705.12 the Finance Director is authorized to establish a fund called “Water Security Deposit Fund” and “Sewer Security Deposit Fund.”

Section 3. The purpose of these funds shall be to serve as a holding fund for security deposits of newly established water sewer accounts respectively.

Section 4. No Interest earned shall be credited to this fund.

Section 5. The Finance Director shall forward a copy of this Ordinance to the Auditor of State and shall perform all required action and execute any required applications to the Ohio Auditor of State in order to obtain all necessary approval for the creation of the Water Security Deposit Fund and Sewer Security Deposit Fund.

Section 6. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 7. All ordinances in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

Approved as to form:

\_\_\_\_\_  
Lynnette Dinkler, Law Director

EXHIBIT A

## CHAPTER 162 Water & Sewer Division

[162.01](#) Establishment.

[162.02](#) Water & Sewer Superintendent.

[162.03](#) Functions.

[162.04](#) Water Fund.

[162.05](#) Water System Improvement Fund.

**[162.06](#) *Water Security Deposit Fund.***

**[162.067](#) *Sewer Fund.***

**[162.078](#) *Sewer System Improvement Fund.***

**[162.09](#) *Sewer Security Deposit Fund.***

### **162.01 ESTABLISHMENT.**

In accordance with Section [6.01](#) of the City's Charter, a Division of Water & Sewer is hereby created within the Public Works Department, which shall have such officers, deputies, clerks, and other employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Public Works Director.

(Ord. 2016-16. Passed 11-21-16.)

### **162.02 WATER & SEWER SUPERINTENDENT.**

(a) Appointment: The Water & Sewer Superintendent shall be appointed by the City Manager, with the consent of the Public Works Director.

(b) Powers and Duties: The Water & Sewer Superintendent shall perform such duties and have such obligations and responsibilities as are set forth in the City's Streets, Utilities and Public Services Code and all other ordinances and resolutions passed by the Council, or applicable statutes of this State relative to the provision and establishment of municipal water and sewer services.

(c) Reports to Public Works Director: The Water & Sewer Superintendent shall be under the supervision and control of the Public Works Director.

(d) Unclassified Service: In accordance with Section [8.02](#) of the City's Charter, the position of Water & Sewer Superintendent shall be in the unclassified service.

(Ord. 2016-16. Passed 11-21-16.)

### **162.03 FUNCTIONS.**

(a) Powers and Duties: The Water & Sewer Division, under the supervision and direction of the Water & Sewer Superintendent, shall perform the following functions:

- (1) Manage and control the operation of the City's water and sewer systems;
- (2) Administer and carry out the provisions of all agreements, contracts, and other legal obligations pertaining to the City's water and sewer systems;
- (3) Control and maintain all property and equipment of the City's water and sewer systems;
- (4) Perform and comply with any necessary EPA tests or requirements;
- (5) Control and maintain all property and equipment associated with the City's well fields; and
- (6) Manage or supervise all extensions, repairs, improvements, or construction related to the City's water and sewer systems.

(b) Additional Powers and Duties: The Water & Sewer Division may also perform any other functions consistent with the maintenance and control of the City's water and sewer systems as may be necessary or as the Council, City ordinances, State law or Federal law may designate.

(Ord. 2016-16. Passed 11-21-16.)

#### **162.04 WATER FUND.**

(a) Establishment: There is hereby established the Water Fund to account for moneys received from the collection of charges for use of the City's water service, along with such other amounts as are collected for tap-in charges or from any operation of the City's water system.

(b) Use of Fund:

(1) Amounts within the Water Fund shall be used only for the payment of costs and expenses including, but not limited to, administration and personnel expenses, related to the operation, maintenance, construction, enlargement, extension, repair, and management of the City's water works system, and to the extinguishment of any indebtedness created therefor.

(2) After payment of the expenses of conducting and managing the City's water works system, any surplus may be applied to the repairs, enlargement, or extension of the system, the payment of debt charges on bonds issued for construction, enlargement, or extension of the system and/or any parts thereof, or for the creation of a sinking fund for the payment of any indebtedness so incurred.

(Ord. 2016-16. Passed 11-21-16.)

#### **Statutory reference:**

*Water supply, see ORC 715.08*

*Disposition of surplus funds, see ORC 743.05*

*Proceeds from water works to be a separate fund, see ORC 743.06*

*Establishment of funds, see ORC 5705.09*

#### **162.05 WATER SYSTEM IMPROVEMENT FUND.**

(a) Establishment: There is hereby established a Water System Improvement Fund to account for moneys transferred from the Water Fund and the General Fund, and to receive Federal or State grant and/or loan moneys for capital improvement projects related to the City's water system.

(b) Use of Fund: Moneys within the Water System Improvement Fund may only be used for the installation, improvement, repair and maintenance of the City's water system including, but not limited to, acquisition of property or materials having a life expectancy of over five (5) years, the purchase of vehicles or equipment used in installing, improving, maintaining or repairing, when such vehicles or equipment have a life expectancy of over five (5) years, services related to planning, engineering, legal or other services required for installation, improvement, repair and maintenance projects. Any moneys within the Water System Improvement Fund that are received from a Federal or State grant and/or loan shall only be used in accordance with the terms of the Federal or State grant and/or loan.

(Ord. 2016-16. Passed 11-21-16.)

#### **Statutory reference:**

*Reserve balance accounts - special revenue fund - capital projects fund, see ORC 5705.13*

#### **162.06 WATER SECURITY DEPOSIT FUND.**

**(a) Establishment: There is hereby established the Water Security Deposit Fund to account for moneys received from tenants or occupants of any leased or rented premises under Chapter 911.10, Service Application and Deposit Requirements.**

**(b) Use of Fund:**

**(1) Amounts within the Water Security Deposit Fund shall be used for no other purpose than to offset any unpaid bills.**

**(2) All terms and conditions created under 911.10 apply to the administration of the Water Security Deposit Fund.**

**162.07 SEWER FUND.**

(a) Establishment: There is hereby established the Sewer Fund for moneys received from the collection of charges for use of the City's sanitary sewer service, along with such other amounts as are collected for tap-in charges or from any operation of the City's sanitary sewer system.

(b) Use of Fund:

(1) Amounts within the Sewer Fund may only be used for the payment of costs and expenses including, but not limited to, administration and personnel expenses, related to the management, maintenance, operation, and repair of the City's sanitary sewer system and sewage pumping, treatment, and disposal works.

(2) After payment of the expenses of conducting and managing the City's sanitary sewer system, any surplus may be used for the enlargement or replacement of the system and works; for construction and reconstruction of mains and interceptors, for the payment of debt charges on bonds issued for construction, enlargement, or extension of the system and/or any parts thereof, or for the creation of a sinking fund for the payment of any indebtedness so incurred.

(Ord. 2016-16. Passed 11-21-16.)

**Statutory reference:**

Funds from sewer rentals deposited into sewer fund, see ORC 729.52

Establishment of funds, see ORC 5705.09

**162.08 SEWER SYSTEM IMPROVEMENT FUND.**

(a) Establishment: There is hereby established a Sewer System Improvement Fund to account for moneys transferred from the Sewer Fund and to receive Federal or State grant and/or loan moneys for capital improvement projects related to the City's sanitary sewer system.

(b) Use of Fund: Moneys within the Sewer System Improvement Fund may only be used for the installation, improvement, repair and maintenance of the City's sanitary sewer system including, but not limited to, acquisition of property or materials having a life expectancy of over five (5) years, the purchase of vehicles or equipment used in installing, improving, maintaining or repairing, when such vehicles or equipment have a life expectancy of over five (5) years, services related to planning, engineering, legal or other services required for installation, improvement, repair and maintenance projects. Any moneys within the Sewer System Improvement Fund that are received from a Federal or State grant and/or loan shall only be used in accordance with the terms of the Federal or State grant and/or loan.

(Ord. 2016-16. Passed 11-21-16.)

**Statutory reference:**

Reserve balance accounts - special revenue fund - capital projects fund, see ORC 5705.13

**162.09 SEWER SECURITY DEPOSIT FUND.**

(a) Establishment: There is hereby established the Sewer System Security Deposit Fund to account for moneys received from tenants or occupants of any leased or rented premises under Chapter 919.05, Service Application and Deposit Requirements.

(b) Use of Fund:

(1) Amounts within the Sewer Security Deposit Fund shall be used for no other purpose than to offset any unpaid bills.

(2) All terms and conditions created under 919.05 apply to the administration of the Water Security Deposit Fund.