

CITY OF FRANKLIN, OHIO
RESOLUTION 2021-64

ADOPTING THE CITY OF FRANKLIN, OHIO SANITARY SEWER BACKUP PREVENTION PROGRAM POLICY

WHEREAS, pursuant to the powers vested in the City of Franklin, Ohio under the Ohio Revised Code and the City Charter, the City owns and maintains over fifty miles of sanitary sewer within its corporate boundaries, designed to transport the ordinary flow of communal sewage produced by the Franklin community;

WHEREAS, following periods of heavy rainfall and flooding, excess water can drain into and overwhelm the sewer system, occasionally resulting in sewer backups in the basements and plumbing systems of certain residential properties susceptible to such backups;

WHEREAS, installation of an approved backflow prevention device on the sewer line connecting a property to the public sewer system can help prevent sanitary sewer backups;

WHEREAS, the City desires to assist residents with preventing sewer backups by reimbursing eligible residents for the cost of installing approved backflow prevention devices, up to a certain maximum amount, pursuant to a new City of Franklin Sanitary Sewer Backup Prevention Program Policy.

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

Section 1. The City of Franklin Sanitary Sewer Backup Prevention Program Policy is hereby adopted in substantially the same form as set forth in Exhibit A, attached hereto.

Section 2. The Sanitary Sewer Backup Prevention Program shall be overseen and administered by the City Manager, in conjunction with the City of Franklin Public Works Department.

Section 3. The funds for the Sanitary Sewer Backup Prevention Program shall be drawn from the Sewer Replacement Fund, to the extent funds remain available and are not otherwise appropriated or reserved for another purpose.

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 occurred 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 become effective immediately upon its passage.

ADOPTED: October 4, 2021

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
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 October 4, 2021.

Khristi Dunn Khristi Dunn, Clerk of Council

Sanitary Sewer Backup Prevention Program Policy

Purpose

The City of Franklin, Ohio owns and maintains over fifty miles of sanitary sewer and over five miles of sanitary force main located within its corporate boundaries. The City's sanitary sewer system is designed to transport the ordinary flow of communal sewage produced by the Franklin community. During periods of heavy rainfall and flooding, excess water drains into and overwhelms the sanitary sewer system. When this happens, the sanitary sewer can occasionally back up into basements and plumbing systems in certain residential areas of the City.

The City created this Sanitary Sewer Backup Prevention Program (the "Program") to assist Franklin residents with preventing sanitary sewer backups on single-family residential properties which are susceptible to such backups. When the City deems a property eligible for assistance under the Program, the City will reimburse the property owner for the cost of installing an approved backflow prevention device on the property's sewer line, up to a maximum amount of \$1,000.

The City of Franklin's continued operation of the Program is expressly conditioned on City Council's appropriation of public funds for the purposes of administering the Program.

Program Assistance Eligibility

A single-family residential property may be eligible for Program assistance (an "Eligible Property") if: (i) a sewer backup occurs on the property; and (ii) a member of the City of Franklin Public Works Department, Sewer Division inspects the property's plumbing and determines the backup was caused by excess water in the City sanitary sewers.

The backup must be reported to the Sewer Division within twenty-four (24) hours of the incident. Backups may be reported to the Sewer Division on Monday – Friday between 7:00 AM and 4:00 PM by calling (937) 746-5001. Backups may be reported to the Sewer Division on Monday – Friday after 4:00 PM, weekends and holidays by calling (937) 746-2882. The Sewer Division will provide information on approved backflow prevention devices upon request.

Backflow prevention devices must be installed by a licensed plumber. Following installation, the property owner must provide the Sewer Division with written documentation from the licensed plumber who installed the device, verifying: (i) an approved backflow prevention device was installed on the property's sewer line; and (ii) the total cost charged to the property owner for the backflow prevention device installation.

An Eligible Property must also be current on its real property tax payments, including special assessments, and compliant all applicable building, zoning and property maintenance codes and regulations.

The City of Franklin has sole discretion to determine when all requirements are met for a property to qualify as an Eligible Property.

Property Owner Program Agreement

If the City of Franklin determines a single-family residential property constitutes an Eligible Property for purposes of receiving Program assistance, the City will deliver to the property owner a copy of the Sanitary Sewer Backup Prevention Program Agreement (the "Agreement"). The Agreement sets forth terms and conditions to which the property owner must agree prior to receiving a reimbursement from the City for backflow prevention device installation costs. All property owners of record for Eligible Property must sign and date the Agreement, and return a fully-executed copy to the City, prior to the City's release of the installation cost reimbursement.

Reimbursable Installation Costs

The City will only reimburse a property owner under the Program for the cost of basic installation of an approved backflow prevention device, up to a maximum amount of \$1,000. The City will not reimburse costs associated with additional or ancillary plumbing work. If additional or ancillary work must be performed in conjunction with installation of the backflow prevention device, the plumber performing the work must itemize the charges to break out the cost of basic installation of the device from other expenses.

Upon the City's receipt of all required Program assistance eligibility documentation, and a fully-executed copy of the Sewer Backup Prevention Program Agreement, the City will reimburse the property owner for the actual cost of the backflow prevention device installation, up to a maximum of \$1,000. Reimbursement will be made by certified check payable to the property owner. The property owner may elect to receive the reimbursement by: (i) retrieving the check in person at the City of Franklin Municipal Building; or (ii) requesting the check be mailed to the property owner at the Eligible Property address. In the event an Eligible Property has multiple property owners of record, the City will only make one (1) reimbursement by certified check payable to one (1) property owner.

Continued Maintenance of Backflow Prevention Devices

Once the backflow prevention device is installed, it becomes part of the property and the property owner is solely responsible for its proper and continuous maintenance. The City has no obligation at any time prior to, during or following installation for the maintenance or care of the device.

No Warranty or Liability

The City makes no warranty or guaranty of any kind with respect the functionality of a backflow prevention device, the suitability of a backflow prevention device for any purpose, or the installation services provided by any plumber installing a backflow prevention device. The City will not be liable for any loss, expense, or damage to person or property associated in any way with a past, present or future sewer backup on an Eligible Property; installation of a backup prevention device; and/or failure of a backup prevention device. Any property owner who wishes to participate in the Program will be required to voluntarily waive all such liability on the City's part in consideration of the City's agreement to reimburse the property owner for backup prevention device installation costs.