

923.04 BUILDING SEWERS AND CONNECTIONS.

(a) Permit Required for Sewer Connections; Specifications.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Service.

(2) All public sanitary sewers and sanitary sewers constructed by the City or persons, firms, or corporation, in sizes 4-inch to 36 inch in diameter, shall be constructed of vitrified sewer pipes, ASTM specification (C13-54), for standard strength pipe, and ASTM specifications (C-700) for extra strength pipe, (C-425) premium joint or PVC sewer pipes, ASTM specifications (D-3034, minimum pipe stiffness of 46) for pipe diameters of 4", 6", 8", 10", 12", 15" and ASTM specification (F-679, minimum pipe stiffness of 46) for 18" diameter pipe or larger, or as directed by the City Engineer. Manholes shall be constructed as to be permanently leakproof. All sewer joints shall be Tylox, AM-VIT, Wedge Lock, or of materials of equal durability and tightness. Infiltration shall meet the requirements of subsection (k), hereof.

(b) Application.

(1) Whenever application is made for a permit to connect a building sewer to a sanitary sewer to serve a lot which has not been assessed for a portion of the cost of such sanitary sewer, an additional fee for the permit shall be imposed proportionate to the number of lineal feet of the lot which abuts upon the street or way containing the sanitary sewer. The rate of charge shall be the total cost of construction divided by total frontage. Payment for such assessment is due at the time of issuance of permit and payable to the City of Niles Ohio, Sewer Department.

(2) Whenever application is made for a permit to connect a building sewer to a sanitary sewer to serve a lot created by subdivision of a corner lot subsequent to an assessment thereupon of a portion of the cost of such sanitary sewer, and it is clear that the corner lot was not assessed on the basis of anticipated service via the side subsequently subdivided, then there shall be imposed an additional fee for the permit in the same amount provided in subsection (b)(1) hereof.

(3) Provided, however, a new permit will not be issued when it has been determined by the Director of Public Service and/or the Superintendent that there does not exist sufficient capacity in the Sewage Treatment Works including collecting, pumping, treating and disposing of wastes as may be discharged by the applicant of such new permit.

(c) **Responsibility of Owners for Costs; Indemnification of City.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City by bond or cash deposit from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) **Separate and Independent Building Sewer Required.** A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Service to meet all requirements of this chapter.

(f) **Material Specifications.** The building sewer shall be ductile iron pipe with push-on joint, ANSI A21.11 (AWWA C111), or equal; vitrified clay sewer pipe, ASTM specification (C13-54) or (C200-55T); PVC sewer pipes, ASTM specification (D-3034, minimum pipe stiffness 46) for diameters of 4", 6", 8", 10", or 12" or other suitable material approved by the Director of Public Service. Joints shall be tight and waterproof and shall be Tylox or approved equal. Any part of the building sewer that is located within ten feet of water service pipe shall be constructed of ductile iron pipe with approved joints. Ductile iron pipe with approved joints may be required by

the Director where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of ductile iron pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Director.

(g) Size and Slope Requirements of Building Sewer. The size and slope of the building sewer shall be subject to the approval of the Director of Public Service, but in no event shall the diameter be less than six inches. The slope of such six inch pipe shall be not less than one-eighth inch per foot.

(h) Location. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(i) Building Drain. In all buildings which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(j) Excavations; Backfill. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director of Public Service. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

(k) Testing Sanitary Sewers; Joints. All sanitary sewer joints and connections shall be made gastight and watertight. All new construction of sanitary sewers shall be tested in the presence of the Director of Public Service for infiltration. Infiltration shall not exceed 500 gallons per inch of diameter per mile per day. If two consecutive tests for infiltration indicate flows greater than 500 gallons per inch of diameter per mile of length per day, the sanitary sewer shall be uncovered, repaired and again tested as specified herein.

(1) Ductile iron pipe shall be joined by a mechanical joint, push-on joint or other equal jointing process as may be approved by the Director of Public Service.

(2) All joints in vitrified clay pipe or between such pipe and metals shall be made with approved synthetic or rubber jointing material such as Tylox and polyvinyl chloride material or approved equal.

(3) Other jointing materials equal to the jointing materials specified herein and methods may be used only by approval of the Director of Public Service.

(l) Connection Requirements. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Director of Public Service. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about (45o) degrees. A forty-five (45o) ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat encasement in concrete. Special fittings may be used for the connection only when approved by the Director of Public Service.

(m) Inspection Required. The applicant for the building sewer permit shall notify the Director of Public Service when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Service or his representative.

(n) Barricades; Restoration. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(o) Examining Board. There shall be an examining board known as the Examining Board of Sewer Builders consisting of one practical sewer builder, one citizen and the City Engineer. The citizen and the practical sewer builder shall be appointed by the Mayor of the City and serve a two-year term beginning January 1, and ending December 31. The citizen member of the Board shall initially be appointed for a two-year period with each successive member being appointed by the Mayor at the expiration of that member's term.

(p) Duties of the Examining Board. It shall be the duty of the Examining Board to examine all applicants for licenses for Sewer Builder, and to determine the qualifications of such applicants, and perform such other duties as are prescribed by this chapter, and for such purposes the Board is hereby authorized to make its own rules and regulations.

(q) Licenses Must be Obtained. No persons shall, in the City of Niles, engage in or work at the business of sewer building of sanitary sewer laterals until he or she has passed an examination as prescribed by the Examining Board of Sewer Builders, and been granted a license by the Division of Engineering of the City. It is expressly understood that the provision of this chapter shall not apply to storm sewer construction or any connector, trunk line, or other public sewer project under any contract with the City of Niles, Ohio or under its direct supervision and wherein there shall be provided a performance bond as well as inspection by the Division of Engineering.

(1) Any license provided for in this chapter may, at any time, be suspended by the Division of Engineering for incompetency, fraudulent use thereof or violation of the law of the State of Ohio, or the ordinance of the City of Niles, relative to sewer building, until a full and fair hearing by the Examining Board is held.

(2) After the hearing, if in the opinion of the Board, such charges are found to be true, the license shall be revoked.

(3) After revocation for any of the causes aforesaid, no license shall be issued to such party, for the remainder of this license term. In all cases of revocation, an examination shall be had as in the case of original application.

(r) Bond and Manner of Securing License.

(1) Bonds. Applications for licenses for Sewer Builders shall be made on blank forms prescribed and provided, and each application shall be accompanied by a bond with surety to the approval of the City Engineer in the sum of five thousand dollars (\$5,000) conditioned that the applicants will save the City harmless from all damages which may arise from negligence of such applicants and that they will conform to these rules and such other requirements as the Department may make in relation to Sewer Building.

(2) Licenses. An application fee of fifty dollars (\$50.00) shall accompany the application for a Sewer Builder and if the applicant is successful in passing the examination, a fee of twenty-five dollars (\$25.00) is required for the license and each annual renewal. If examination is made on or after July 1, a fee of twelve dollars and fifty cents (\$12.50) is required for the license, and twenty-five dollars (\$25.00) for each annual renewal. All bonds and licenses shall expire December 31, of each year.

A. If the Division of Engineering has not received the renewal fee within thirty days after the license expires, such license is automatically revoked, but the holder of license can have same renewed, without examination, within a period of one year, upon the payment of one-half of the registration fee.

B. All registration and license fees collected under this chapter shall be paid into the City Treasury to the credit of the Sewage Revenue Fund.

(3) Qualification for Sewer Builders. All applicants for a Sewer Builder's License must have reached the age of twenty-one, and be a citizen of the United States, and have had three years' experience as a Sewer Builder; or its equivalent in accordance with the rules and regulations established by the Examining Board, except where applicant is a graduate of a recognized trade school, giving at least a two years' course, then two years' experience as a Sewer Builder will be sufficient.

(4) Charter of examination. No applicant for a license of Sewer Builder shall be eligible to take an examination for any such license except such applicant has the qualifications set out in the paragraph above. The examination for licensing a Sewer Builder shall be conducted and administered by the Examining Board.

Each of the sub-divisions of examination shall be graded by the Examining Board on the basis on one hundred percent (100%) for perfection. The total grades attained by each applicant as determined by the Examining Board shall then be divided by the number of sub-divisions to obtain the average grade attained by such applicant. No applicant taking such examination shall be eligible to receive a license unless he shall attain an average grade of seventy percent (70%) or more.

(5) Re-examination. On the failure of an applicant to pass one examination, he may appear again after the expiration of six months from the date of his first examination.

(s) Violations and Penalties.

(1) Except as otherwise provided, any person, firm or corporation violating any of the provisions of subsections (o) through (s) inclusive shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed two hundred fifty dollars (\$250.00) or by imprisonment for not to exceed three months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

(2) The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which is authorized is lawful.

(3) The issuance of a permit upon plans and specifications shall not prevent the City Engineer from thereafter requiring the correction of errors in such plans and specifications or from preventing construction operations being carried on thereunder when in violation of this chapter, or of any other ordinance of the City.

(4) Every permit issued under the provisions of this chapter shall expire by limitation and become null and void, if the work is authorized by such permit is not commenced within thirty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty days. Before such work can be recommenced, a new permit shall first be obtained so to do.

(Ord. 7-91. Passed 5-15-91.)

(t) Assessments for Interceptor Sewers.

(1) Any and all owners of property bounding and abutting directly on an interceptor sewer who desire to connect directly bilateral to the sewer shall be assessed sixty days (\$60.00) per foot frontage for access to the sewer.

A. Such tapping charge shall be based upon the total frontage owned by the property owner and shall be collected by the Department of Public Service prior to permitting connection to the sewer.

B. All funds collected as a result of sewer assessments shall be deposited in the division of the sewer's cash fund account.