

**ORDINANCE NO. 2023-22**

**AN ORDINANCE AMENDING CHAPTER 921 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “SEWERS GENERALLY” SPECIFICALLY, SECTION 921.12, TITLED “REPAIR OF LATERAL SEWERS OR CONNECTIONS WITHIN THE MUNICIPAL RIGHT OF WAY,” AND DECLARING AN EMERGENCY.**

WHEREAS, the Council of the City of Willowick has been advised of the need to amend Section 921 of the Codified Ordinances to correct conflicting text within the subsections of Chapter 921.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, AND STATE OF OHIO:

SECTION 1. That Chapter 921 of the Codified Ordinances of the City of Willowick, Ohio, titled “SEWERS GENERALLY;” specifically Section 921.12 titled “REPAIR OF LATERAL SEWERS OR CONNECTIONS WITHIN THE MUNICIPAL RIGHT-OF-WAY is hereby amended to read and provide as follows:

**921.12 REPAIR OF LATERAL SEWERS OR CONNECTIONS WITHIN THE MUNICIPAL RIGHT OF WAY.**

The policy statement regarding the maintenance of house service connections and lateral sewers within the City right of way as contained in Section 921.06(a), is hereby modified, subject to the following rules:

~~(a) The cost of lawful work done to repair lateral sewers and/or connections, within the Municipal right of way, pursuant to permit, where such repairs are made on or after November 6, 1985, may be reimbursed by the City to the property owner who has paid for such repairs.~~

~~(b) For repairs contracted for by property owners between November 6, 1985 and December 31, 1985, pursuant to permit and properly completed, property owners may be reimbursed by the City for repairs of lateral sewers or connections within the Municipal right of way; provided however, that no reimbursement shall be authorized under favor of this section unless such contract, prior to the commencement of work on such repairs, has been submitted to the Finance Director and approved by him in writing as to form and substance.~~

~~(c) No reimbursements shall be made by the City, under favor of subsections (a) or (b) hereof before March 31, 1986.~~

(a) Subject to the terms and provisions of subsection (b) hereof, all repairs of lateral sewers and/or connections within the Municipal right of way ~~discovered during a point-of-sale inspection as defined in Chapter 1355 made on or after January 1, 1986,~~ shall be made by the City, its contractors, agents or employees.

(b) The responsibility of the City for ~~reimbursements authorized by subsection (a) or (b) hereof and/or~~ repairs authorized by subsection (a) hereof is ~~hereby made~~ expressly contingent upon the availability of funds, and the proper appropriation thereof, which are the proceeds of a one mill real estate tax levy (ad valorem tax) approved by the voters of

the City of Willowick on November 5, 1985. Nothing contained in this section shall be construed as authorizing the expenditure of City revenues from any other source to pay the expenses or costs of carrying out the program and/or policies expressed in this section.

(c) Where repair of a lateral sewer or connection within the Municipal right of way is mandated by subsection (a) hereof, the property owner shall, if such lateral sewer beyond the Municipal right of way is determined by the City to be defective, cause the repair of such defective sewer beyond the Municipal right of way **by a Contractor approved by the City, at the property owner's own expense.**

(d) No property owner shall be entitled to reimbursement under this section **for repairs undertaken at the property owner's expense. ~~unless such person has complied with all applicable provisions of this section and/or all other applicable City ordinances and State laws.~~**

(e) **The City's responsibility for repairs of lateral sewers and/or connections within the Municipal right of way as provided in subsection (a) hereof is limited to one (1) repair at the same property or combined parcel within a twenty (20) year period as reflected in the records maintained by the Willowick Service Department.**

**Section 2.** The existing Section 921.12 of the City's Codified Ordinances is hereby repealed in that said Section to the extent inconsistent herewith is superseded by this legislation.

**Section 3.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**WHEREFORE**, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2023

\_\_\_\_\_  
Council President

Submitted to the Mayor: \_\_\_\_\_, 2023

\_\_\_\_\_  
Michael J. Vanni, Mayor

Approved by the Mayor: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Christine Morgan, Clerk of Council