

ORDINANCE NO. 19-3611

AN ORDINANCE REQUIRING THE INSTALLATION OF WATER CONNECTIONS TO REPLACE LEAD SERVICE LINES, PROVIDING FOR THE ASSESSMENT OF THE COST THEREOF, AND AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN ASSESSMENT AGREEMENT WITH GREATER CINCINNATI WATER WORKS FOR SUCH ASSESSMENTS AND DECLARING AN EMERGENCY

WHEREAS, pursuant to R.C. 729.06, a municipality such as the Village of Silverton (the “Village”) may require the installation of a sewer or water connections and assess the cost thereof; and

WHEREAS, as determined by Greater Cincinnati Water Works (“GCWW”), lead service lines pose a significant risk to public health, including but not limited to the danger posed by drinking water delivered through lead service lines; and

WHEREAS, GCWW is replacing lead service lines in the public right-of-way when it performs certain work in its discretion, including but not limited to water main replacements; and

WHEREAS, GCWW also determined that multiple private residences in the Village have lead service lines that should be replaced but for which the property owner is responsible; and

WHEREAS, it is in the public interest for the Village to require the replacement of such privately-owned lead service lines when feasible; and

WHEREAS, a private property owner’s ability or cost to replace lead service lines can be burdensome or prohibitive; and

WHEREAS, in addition to replacing publicly-owned lead service lines, GCWW is implementing a program to assist in the replacement of privately-owned lead service lines, including the retention of a qualified contractor to perform the work and financial assistance to pay for the work as needed; and

WHEREAS, the GCWW program provides a credit against the cost of replacing privately-owned lead service lines, and a mechanism for a private property owner to pay the remaining replacement cost over time, without interest; and

WHEREAS, the GCWW program is described more fully in the Assessment Agreement attached hereto as Exhibit A; and

WHEREAS, it is in the best interest of the Village, and would promote the health, safety and general welfare of the Village and its residents and property owners, to require the replacement of privately-owned lead service lines in the manner outlined in the Assessment Agreement and to facilitate financial assistance for doing so as also outlined in Assessment Agreement; and

NOW THEREFORE, BE IT RESOLVED by the Village Council of Silverton, that:

SECTION I.

Upon notice from GCWW, the Village hereby requires the installation of water connections in the form of the replacement lead service lines on private property within the Village according to such schedules and notices as GCWW provides.

SECTION II.

The Village Manager is hereby authorized and directed to execute the Assessment Agreement in substantially the form attached hereto as Exhibit A, subject to such revisions of an editorial or non-material nature as the Village Manager deems necessary. Thereafter, the Village Manager shall

implement the replacement and assessment program as set forth in the Assessment Agreement, as amended, supplemented, or restated.

SECTION III.

Nothing in this Ordinance shall prohibit a private property owner who receives notice to commence lead service line replacement from retaining a contractor to perform the required work and/or paying for some or all of the required work by means other than as set forth in the Assessment Agreement, provided, however, that the required work and any assessment shall proceed as directed by GCWW in its discretion, and all payments for work performed by or on behalf of GCWW must be timely.

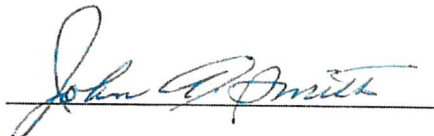
SECTION IV.

Council hereby finds and determines that all formal actions relative to passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and its committees, if any, that resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION V.

This Ordinance is declared to be an emergency measure necessary to preserve the public peace, health, safety and welfare of the citizens of the Village of Silverton; the reason for the emergency being the immediate need to provide this opportunity to the residents of Kenton Avenue so they make take advantage of this opportunity if they so desire. Accordingly, this Ordinance shall take effect and be in force from and after its passage and approval.

Passed this 18th day of April, 2019.



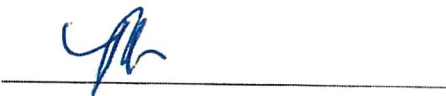
John A. Smith, Mayor

ATTEST:



Thomas M. Carroll, Village Manager

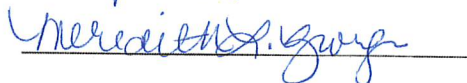
Approved as to form:



Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 19-3611 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing April 19, 2019.



**Meredith L. George
Clerk of Council of Silverton, Ohio**