

ORDINANCE NO. 05-21

AN ORDINANCE TO AMEND SECTION 943.07 OF THE CONNEAUT CODIFIED ORDINANCES GOVERNING WATER DEPARTMENT ENFORCEMENT, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 943.07 of the Conneaut Codified Ordinances governing the Water Department Enforcement is hereby amended as follows:

943.07 ENFORCEMENT.

- a) The City of Conneaut shall conduct or cause to be conducted an initial assessment and periodic surveys or investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public water system or determine where in the judgment of the City, a pollutional system, health or severe health hazard to the public water system exists. Such inspections, by the City, shall be made between the hours of 9:00 a.m. and 4:00 p.m. or other agreed upon time and date and the City shall at all times cooperate with the applicant in setting up a date and time for such inspections.
- b) The City inspector shall present proper identification to the owner, agent or present occupant of the premises before entering.
- c)
 - (1) In order to safeguard the safety, health and welfare of the public, the Water Treatment Superintendent or his/her duly designated representative, is authorized to gain consensual entry to any dwelling or premises, and any parts thereof, at any reasonable time for the purpose of making surveys and investigations of water use practices within the premises.
 - (2) If any owner, occupant, or other person in charge of a premises subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the dwelling or premises where inspection authorized by this code is sought, the Water Treatment Superintendent, or his/her duly designated representative, shall be permitted to seek, in a court of competent jurisdiction, a warrant for administrative inspection. Nothing in this ordinance shall be construed to state or imply that anyone refusing consensual entry is committing a criminal offense.
 - (3) Any warrant for administrative inspection shall allow for the inspection of the subject premises, and any parts thereof, pursuant to the provisions of this code and shall be so limited in scope.
 - (4) Nothing herein shall be construed to limit the authority of the Water Treatment Superintendent, or his/her duly designated representative, to gain access to any premises in emergency circumstances or otherwise pursuant to law.
- d) Notice of Violation. If during an inspection, the Water Treatment Superintendent or his/her duly designated representative determines a cross-connection or hazard exists, the Water Treatment Superintendent or his/her duly designated representative shall issue a Notice of Violation to the owner of the property, and to the occupant, if applicable, via personal service or USPS Certificate of Mailing. The Notice shall provide the owner with

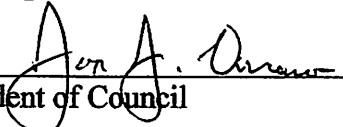
a period of no more than ten (10) days to make the appropriate repairs and shall specifically list the actions required to remedy the violation(s).

- e) **Failure to Comply.** In the event that the owner/occupant of any premises fails to comply with a notice of violation within the time period specified in said notice, the Water Treatment Superintendent or his/her duly designated representative shall cause such violation to be corrected, removed, or abated. The Water Treatment Superintendent or his/her duly designated representative may contract with a private person or firm to accomplish said task. The actual cost of bringing the premises into compliance plus 15% for inspections and administration shall be billed to the owner and/or occupant. If said bill is not paid within thirty days after submission then the Finance Director shall certify said costs together with a 10% penalty to the Ashtabula County Auditor for placement on the tax duplicate to be collected as other taxes for return to the City. The Water Treatment Superintendent may also petition for a preliminary or permanent injunction restraining the owner/occupant from activities that would create further violations or compelling the owner/occupant to perform abatement or remediation of the violation.
- f) Owners not supplying required meter and backflow preventer testing documentation, or not replacing an inaccurate meter, or otherwise violating this Ordinance shall be fined One Hundred dollars (\$100.00) per day until the requirements are met. The City reserves the right to terminate service if the required testing becomes more than 30 days past due or if it presents an imminent threat to public health and safety.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


SECTION 3. That this Ordinance is not declared to be an emergency measure and shall take effect thirty (30) days after passage.

Passed this 22nd day of February, 2021.



President of Council

ATTEST:



Clerk of Council