

Ordinance 2-12-2007

**An Ordinance Replacing Ordinance No. 4-10-2006 Regarding
Procedures for Assignment and Dedication to the District of Sewers
and Related Facilities Constructed Under Private Contract**

Whereas, the Clay Township Regional Waste District (Hereinafter the District) is a collection and treatment utility for wastewater and sanitary sewage and has compliance responsibility under the National Pollutant Discharge Emission System (NPDES) and other environmental laws of the United States and the State of Indiana; and,

Whereas the District desires to provide an orderly process for its assumption of maintenance responsibility for sewers and related facilities constructed under private contract which will provide assurance to the District that the condition of such sewers and facilities is in compliance with applicable federal and state standards, and with the construction standards and specifications of the District:

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES (HEREINAFTER THE BOARD) OF THE DISTRICT ON THIS 12th day of February 2007:

This Ordinance will be effective for all dedication approvals after February 12, 2007 unless otherwise approved by the Board.

Prior to dedication of any main sewer, interceptor sewer, local sewer, outfall sewer, force main, lift or pumping station or other sewer improvement built by private contract, the Owner/Developer shall fully comply with the requirements of this Ordinance.

PRE-CONSTRUCTION REQUIREMENTS

1. The Owner/Developer shall agree to abide by all conditions of the District's ordinances as a condition of initial project approval.
2. Such agreement shall be so incorporated into permit or project approval forms as may be designed by the District prior to submission of sanitary sewer plans to the Indiana Department of Environmental Management for State of Indiana permits as may be required by Indiana statute.

POST CONSTRUCTION REQUIREMENTS

1. The Owner/Developer shall submit final "as built" drawings to the District prepared by a licensed surveyor or engineer. Such as-built drawings shall consist of one set of prints and 1 set of mylars to the District's main business office and an archival copy of the same in electronic format such as AutoCAD or similar as may be determined by the District.
2. Upon completion of construction of the sewers under private contract the Owner/Developer shall proceed with the Final Inspection which shall consist of above ground visual inspection by authorized District representatives, completion of all required air, vacuum and mandrel or other testing in accordance with the District's most recent construction specifications for main line sewers.
3. If it is determined by the District that the sewers may no longer be in compliance with District specifications after all other utilities have been installed in the development, the Utility Director or designee may require the Owner/Developer to conduct a below ground inspection by televising, at their expense, all sewers eight (8) inches in diameter or larger with an authorized District representative in attendance during the televising. Upon completion of the televising, the Owner/Developer shall then provide the District with an archival copy of the videotape or other formatted electronic media such as digital computer videography as may be available under the then current technology available in the industry.
4. Any deficiencies detected by the required testing procedures or above ground visual inspection, or through any below ground video inspection as required, shall be corrected by the Owner/Developer at its expense and appropriate procedures repeated to demonstrate that the deficiencies have been corrected.

DEDICATION PROCESS

1. The Owner/Developer's licensed engineer shall file with the District the approved "Engineer's Certificate" stating that the improvements to be dedicated have been constructed in strict conformity with the approved plans and specifications and that the improvements have passed all tests required under state law and/or the rules and ordinances of the District. The Board may at its discretion request and review comments from a consulting engineer of its choosing prior to the acceptance of any improvements into the sewerage system of the District.
2. The Owner/Developer shall provide the District with final recorded plats or surveys as the case may be, with the recorded instrument number(s) clearly visible, showing all road right-of-ways, utility easements and boundary lines

- for the development project in which such sewer improvements are located, and a certification that all constructed sewer lines lie within easements as depicted on the recorded plat. If such easements or surveys extend beyond the development, then copies of the recorded, file stamped easements must be provided to the District using the approved exclusive sanitary sewer easement or non-exclusive sewer and general utility easement.
3. The Owner/Developer shall dedicate and convey the sewers and facilities to the District utilizing the District's approved "Bill of Sale" if such facilities are located within public right-of-ways or platted easements, or by the District's approved "Grant of Sewer Easement and Bill of Sale" if such facilities are located outside public right-of-ways or platted easements.
 4. If the Board agrees to accept the dedication of a lift station constructed under private contract, the lift station shall be conveyed to the District by use of the District's approved General Warranty Deed. The Owner/Developer also shall provide the District with an appropriate title insurance commitment for the real estate to be conveyed, issued by an insurance company acceptable to the District, showing merchantable title to the real estate in the Owner/Developer's name, free and clear of all liens and encumbrances except current taxes.
 5. The Owner/Developer shall enter into a three (3) year Maintenance Agreement using the District's approved maintenance agreement. The term of the maintenance agreement shall begin with the date of acceptance of dedication by the District Board of Trustees.
 6. All of the foregoing conditions shall be satisfied by the Owner/Developer to the satisfaction of the District's Utility Director or Designee, in their sole discretion, prior to scheduling the Owner/Developer's request for dedication on the meeting agenda for a District Board meeting.

FINAL DEDICATION REQUIREMENTS/ACCEPTANCE BY DISTRICT

1. Upon satisfactory completion of all the foregoing pre-construction requirements post construction requirements and other dedication requirements, the sewer facilities shall be placed upon the agenda for a Board Meeting.
2. The Owner/Developer will then file with the District a three (3) year Maintenance Bond equal to ten percent (10%) of the documented construction costs of the improvements being dedicated.
3. Prior to the release of the Maintenance Bond by the District at the conclusion of the three (3) year period, an additional above ground visual inspection by authorized District representatives shall be completed at Owner/Developer's

cost. Owner/Developer's shall correct or repair any deficiencies noted. Below ground video inspection procedures may also be required by the District at its sole discretion with any deficiencies noted being corrected or repaired at the expense of the Owner/Developer.

VARIANCES

The Board may provide variances from this Ordinance if, in its opinion and sole discretion, such variance will not adversely affect the District's operations or security and such variance is deemed necessary by the District's Board to prevent an Owner/Developer from incurring any unreasonable hardship in complying with this Ordinance. Such requests for variances must be submitted to the District in writing and placed on the Board's meeting agenda for action by the Board.

ENFORCEMENT

Failure by the Owner/Developer to comply with any of these dedication procedures may result in administrative penalties which could include a cessation of connection permit availability, the levying of fines or assessments, the placement of liens, working with other jurisdictions to withhold Certificates of Occupancy, or other penalties as determined by the District's Utility Director or designee. Appeals of the administrative decisions of the Utility Director or designee shall be made in writing by the Owner/Developer to the Board whereupon the appeal will be placed on the agenda for a Board meeting for action by the Board.

Signed and Adopted by the District's Board of Trustees:

By: _____
Ronald Houck

By: _____
David DeVilbiss

By: _____
Michael McDonald

By: _____
Michael Claytor

By: _____
Eric Hand

By: _____
Marilyn Anderson

By: _____
Michael Kostrzewa

By: *Absent*
Ronald Hagan

By: *Absent*
William Karns