

CITY OF HUBBARD, OHIO
RECORD OF ORDINANCES AND RESOLUTIONS

THE FRED PROCTER CO., CINTI, O.

RESOLUTION NO.

ORDINANCE NO. 4-22

PASSED April 5 2020

AN ORDINANCE

AUTHORIZING THE CITY OF HUBBARD AND THE CITY OF HUBBARD WATER DEPARTMENT TO PURSUE AND PARTICIPATE IN THE OHIO EPA PROGRAM, H2OHIO, OR OTHER GOVERNMENT FUNDED PROGRAM FOR THE PURPOSE OF REPLACING IDENTIFIED LEAD AND GALVANIZED WATER SERVICE LINES WITHIN THE CITY RIGHT OF WAY AND ON PRIVATE PROPERTY OF CONSENTING PROPERTY OWNERS.

WHEREAS, high levels of lead in water create serious health risks to residents of the City of Hubbard, particularly young children, and using lead service lines between public water mains and properties increases the risk that the lead content of drinking water to the properties served will increase to a dangerous level; and

WHEREAS, the Ohio EPA and federal regulators have recently implemented more stringent requirements regarding lead in water, and are contemplating further tightening of restrictions; and

WHEREAS, Council must provide authority to the City of Hubbard Water Department to require property owners participating in the H2Ohio program, or other government funded program to replace the portion of the lead service lines located on private property, because without this authority the City of Hubbard Water Department will not be able to cure the potential lead service line health issues because private lead services lines will remain connected to private properties; and

WHEREAS, Council wishes to establish standards and inspection procedures to ensure that replacement of lead service lines meets health, safety, and construction standards for property owners; and

WHEREAS, Council finds that instituting a program to authorize and empower City of Hubbard Water Department to replace lead service lines is in the best interest of the public health, safety, morals, and general welfare; now, therefore,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hubbard, Trumbull County, Ohio:

SECTION 1: The City of Hubbard and City of Hubbard Water Department is hereby authorized to pursue and participate in the Ohio EPA Program, H2Ohio, or other government funded program, for the purpose of replacing lead and galvanized water service lines within the City right of way and on private property of consenting property owners.

SECTION 2: This legislation in limited to lead service lines replaced through the H2Ohio Program, or other government funded program, and is therefore contingent upon obtaining funding through H2Ohio, or other government funding.

SECTION 3: Administrative procedures for implementation of this Program and replacement of lead service lines funded through H2Ohio, or other government program, are attached as Exhibit A and are incorporated by reference as if fully rewritten herein.

SECTION 4: Lead service line replacement work shall be performed by qualified outside contractor's as selected in accordance with bidding procedures established by Ohio law. Supervision of the work shall be performed by the City of Hubbard Water Department or any government agency with applicable jurisdiction.

SECTION 5: This Ordinance is hereby declared to be an emergency Ordinance for the health, safety, and welfare of the City of Hubbard and as such shall take effect upon its passage and approval by the Mayor, or in the alternative, from the earliest time permitted by law.

SECTION 6: All prior Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 7: All formal actions of the City Council of Hubbard, Ohio relating to the adoption of this Ordinance, and all deliberations of the City Council of Hubbard, Ohio and any of its committees leading to such action, were in meeting open to the public as required by law.

0-4-22

PASSED IN COUNCIL THIS 5TH DAY OF April, 2022.

William Williams
PRESIDENT OF COUNCIL

ATTEST:
Jamie Brown
CLERK OF COUNCIL

APPROVED:
Janis A. Kyle
MAYOR

APPROVAL DATE: 4-5-22

FIRST READING: 3-21-22

SECOND READING: 4-5-22

THIRD READING: _____

I hereby certify that the foregoing Ordinance was published in the News of Hubbard on the dates hereinbelow set forth and was posted at the Hubbard City Administration Building and the Hubbard Police Station on the day hereinbelow set forth.

DATES OF PUBLICATION:
____ day of _____, 2022
____ day of _____, 2022
____ day of _____, 2022

POSTED:
7TH day of APRIL, 2022

EXHIBIT A

PROCEDURES AND PROTOCOLS FOR LEAD SERVICE LINE REPLACEMENT UNDER THE H2OHIO, OR OTHER GOVERNMENT PROGRAM

1. Authorizing Lead Service Line Replacement Program.
 - (a) The Department is authorized to expend funds as furnished by the H2Ohio, or other government funded program, hereafter referred to as the PROGRAM, for the costs of replacing Lead Service Lines.
 - (b) As a part of the Lead Service Line replacement PROGRAM, the City of Hubbard (City) is authorized to replace private Lead Service Lines in the City to reduce the risk of releasing lead into drinking water.
 - (c) When the Department replaces a private Lead Service Line as part of the Lead Service Line replacement PROGRAM, the property owner's cost responsibility, if any, will be communicated to the property owner prior to the work and will be made clear in the Department's contract for the work.
 - (d) The replacement PROGRAM may include replacement of Lead Service Lines in conjunction with water main replacement, targeted neighborhood replacement of Lead Service Lines without water main replacement, or replacement of individual Lead Service Lines.
 - (e) The Department shall have discretion to prioritize replacement of Lead Service Lines based on public health risk and economic considerations, including the ability to prioritize replacement of Lead Service Lines that provide water to any school, childcare provider, or other business or activity frequented by children.
2. Procedure for Requiring Private Lead Service Line Replacement.
 - (a) When the Department intends to replace a Lead Service Line as part of the Lead Service Line replacement PROGRAM, the Department shall serve written notice upon the owner of the parcel(s) of real property in which the Lead Service Line is situated advising that the private Lead Service Lines must be replaced.
 - (1) The written notice shall be served in the same manner as a service of summons in civil cases: by certified mail addressed to the owner's last known address or tax mailing address, or as otherwise provided in Ohio Revised Code 729.06.
 - (2) The notice shall provide the owner no more than thirty days from the date of service to complete the authorization form granting the City or the City's contractor permission to perform the work.
 - (3) The notice shall state that if the private Lead Service Line is not replaced within the allotted time in the notice, the Department may: (i) complete the work; (ii) bill the costs of the work to the owner, which shall include construction costs plus an administrative charge of 5% of the construction costs; and (iii) certify any amounts unpaid as assessments against the property as provided in this chapter.
3. Inspection and Certification of Lead Service Line Replacement.

(a) When the property owner causes a Lead Service Line to be replaced, the owner and the contractor performing the replacement shall be responsible to ensure each of the following:

- (1) The work is performed by a qualified contractor as selected by the City.
- (2) The replacement service line replaces the entire private portion of the prior service line with Lead-Free pipe.
- (3) The City of Hubbard is informed of timing of the work and provided access for inspection of the replacement service line; and
- (4) The work and the replacement service line comply with all the City of Hubbard Water Department and EPA technical and functional specifications and requirements.

(b) The new service line shall not be used, and water service shall not be restored until City of Hubbard Water Department personnel inspect and approve it.