

**CITY OF CHEVIOT  
STATE OF OHIO**

**ORDINANCE NO. 20-02**

**TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ENTER INTO AN ASSESSMENT AGREEMENT WITH THE CITY OF CINCINNATI, ON BEHALF OF GREATER CINCINNATI WATER WORKS, FOR A LEAD SERVICE LINE REPLACEMENT PROGRAM; TO APPOINT GREATER CINCINNATI WATER WORKS AS CHEVIOT'S DESIGNEE UNDER OHIO REVISED CODE SECTION 729.06; AND TO DECLARE AN EMERGENCY.**

**WHEREAS**, on December 28, 2010, the City of Cheviot entered into an agreement with the City of Cincinnati, whereby the City of Cheviot accepted the July 1, 1987 County Water Contract (hereinafter referred to as "County Water Contract") and agreed to be bound by the terms therein; and

**WHEREAS**, pursuant to Section 17 of the County Water Contract, the City of Cincinnati is authorized to enforce the City of Cincinnati's ordinances, laws, standards, specifications, rules and regulations in the County Water Area, which includes the City of Cheviot; and

**WHEREAS**, the City of Cincinnati, by Ordinance 185-2017, enacted Cincinnati Municipal Code Chapter 401, Division M, which established the Lead Service Line Replacement Program to be administered by Greater Cincinnati Water Works (hereinafter referred to as "GCWW") and sets forth the respective responsibilities of the City of Cincinnati / GCWW and the property owner in replacement of lead service lines; and

**WHEREAS**, as determined by 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**, a property owner's ability or cost to replace lead service lines can be burdensome or prohibitive; and

**WHEREAS**, the above-described Lead Service Line Replacement Program provides a credit against the cost of replacing the privately-owned lead service lines and a mechanism for a private property owner to pay the remaining cost over time and without interest, via an assessment on the real property; and

**WHEREAS**, this Council wishes to participate in the Lead Service Line Replacement Program, as described more fully in the Assessment Agreement, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, the Council wishes to appoint GCWW as the designee to serve notice pursuant to Ohio Revised Code Section 729.06, which allows assessment for the cost for replacement of sewer or water connections.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:**

Section 1. The Safety-Service Director is hereby authorized and directed to execute the Assessment Agreement, which is attached hereto as Exhibit "A" and incorporated herein.

Section 2. The Clerk of Council is hereby directed to designate GCWW to serve notice required by Ohio Revised Code Section 729.06.

Section 3. Nothing in this Ordinance shall prohibit a property owner from retaining a private contractor to perform the lead service line replacement and/or paying for some or all of the work by means other than those set forth in the Assessment Agreement.

Section 4. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary in order to allow the citizens of Cheviot to immediately take advantage of the Lead Service Line Replacement Program.

\_\_\_\_\_  
Mark G. Waters  
President of Council

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Date passed

\_\_\_\_\_  
Samuel D. Keller  
Mayor

\_\_\_\_\_  
Date approved

Attest:

Approved as to form:

\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council

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Kimberlee Erdman Rohr  
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) \_\_\_\_\_, 2020, and
- 2) \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council