

**RESOLUTION #105-5-1-18-2 OF THE FORT WAYNE BOARD OF PUBLIC WORKS  
APPROVING A NEW POLICY REGARDING PUBLIC AND PRIVATE WASTEWATER (SEWER) SYSTEM  
INFRASTRUCTURE AND EXTENSION OF SEWER MAINS AND AMENDING THE FORT WAYNE WATER  
POLLUTION CONTROL UTILITY RULES AND REGULATIONS ACCORDINGLY**

**WHEREAS,** Fort Wayne City Utilities owns, operates and maintains infrastructure systems that collect, transport and treat wastewater; and

**WHEREAS,** The Board of Public Works of the City of Fort Wayne, Indiana (Board) has promulgated general rules and regulations that govern the ownership, operation and maintenance of these utility infrastructure systems; and

**WHEREAS,** from time to time extensions and additions are made to utility infrastructure systems with such extensions and additions being funded by private entities; and

**WHEREAS,** the Board desires to document and clarify conditions under which utility system extensions and additions will be accepted as part of the publicly-owned wastewater collection systems and will become part of the utility systems that are owned, operated, maintained, repaired and replaced as needed by City Utilities for the benefit of its customers and the community at-large.

**NOW, THEREFORE, BE IT RESOLVED BY THE FORT WAYNE BOARD OF PUBLIC WORKS:**

**SECTION 1.** That the “Policy of the Fort Wayne Board of Public Works Regarding Public and Private Wastewater (Sewer) System Infrastructure and Extension of Sewer Mains” attached hereto as Exhibit A is hereby ratified, confirmed, and approved in all respects.

**SECTION 2.** That a new Section 20 titled “INCORPORATION OF WATER POLLUTION CONTROL UTILITY POLICIES” is added to the Fort Wayne Water Pollution Control Utility General Rules and Regulations, as follows:

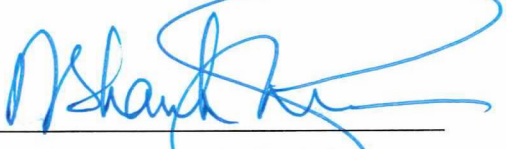
**20. INCORPORATION OF WATER POLLUTION CONTROL UTILITY POLICIES**

The following policies of the Fort Wayne Water Pollution Control Utility are hereby incorporated by reference into these Rules as if fully set forth herein.

- Policy of the Fort Wayne Board of Public Works Regarding Public and Private Wastewater (Sewer) System Infrastructure and Extension of Sewer Mains

APPROVED THIS 1 DAY OF May, 2018.

**BOARD OF PUBLIC WORKS**

BY:   
Shan Gunawardena, Chair

BY:   
Mike Avila, Member

BY:   
Kumar Menon, Member

ATTEST:   
Michelle Fulk, Clerk

## EXHIBIT A

### Policy of the Fort Wayne Board of Public Works Regarding Public and Private Wastewater (Sewer) System Infrastructure and Extension of Sewer Mains

#### PUBLIC UTILITY INFRASTRUCTURE

##### Sewer

Sewer system extensions should typically be constructed as “public” with the intention that the sewer pipes and other appurtenances will become part of the public sewer system upon completion and acceptance by the Board of Public Works. Sewer system extensions should be made part of the public utility for future operation, maintenance, and repair when any one or a combination of the following conditions exists:

- The sewer extension may provide a future opportunity for overall system improvement to the Utility, i.e. redundancy, system expansion, etc.
- The extension is proposed to be located within a public right of way or an approved, dedicated or platted easement of sufficient width to permit maintenance functions (including future replacement).
- The extension facilitates the provision of service to unserved real estate and/or upon a further extension thereto, could provide service to additional areas in the future.
- The extension could provide economic development opportunities.
- The property or properties proposed to be served by the extension will have multiple ownerships, or there is a distinct possibility the served property will be subdivided or multiple ownerships may exist in the future.
- The extension is being constructed or paid for (fully or partially) with City Utilities or other public funds.

All public sewer system extensions shall comply with:

- General Rules and Regulations of the Fort Wayne Water Pollution Control Utility
- City Utilities’ Development Services and Engineering plan review and approval processes and all appropriate fees must be paid
- Fort Wayne City Utilities Design Standards Manual
- Indiana Department of Environmental Management (IDEM) rules & regulations

Public sewer system extension processes include:

- Plans will be prepared according to the standards and specifications of City Utilities and submitted to Development Services for review.
- The system extension plans must be prepared by a registered professional engineer employed by the developer.
- Construction of a sewer system extension shall not commence until all plans have been reviewed and approved by the Fort Wayne Water Pollution Control (sewer) Utility through Development Services. Once plans are approved, the sewer system extension shall be constructed in accordance with the approved plans.
- A contract shall be executed between City Utilities and the developer who is funding the sewer system extension project and shall include provisions under which the extension will be

accepted by City Utilities for future ownership, operation, maintenance, repair and replacement.

- Construction shall be inspected and overseen by City Utilities Engineering representatives
- All testing and quality control processes are completed and overseen by City Utilities Engineering
- Upon completion of construction and inspection by City Utilities, the developer shall provide a completion affidavit and maintenance bond.
- Upon finding the project to be acceptable and in full compliance with the standards and specifications of City Utilities, the Board of Works will issue a Letter of Acceptance to the contributor and all rights, title, and interest in the sewer system shall be transferred to and remain in the City of Fort Wayne.

## **PRIVATE UTILITY INFRASTRUCTURE**

### **Sewer**

City Utilities may, at its sole discretion, determine that a **PRIVATE SEWER SYSTEM EXTENSION** should be constructed rather than a public one when any one or combination of the following conditions exist:

- The extension will provide service to only the real estate served by the extension and there is no physical possibility or anticipated need for the system to be extended to serve adjacent property.
- The configuration of the proposed extension within a development is such that (i) there is insufficient space provided for required easements or for the usual and customary maintenance activities associated with public sewers, or (ii) if the sewer system is to be located within a street, the street is not being constructed to City standards and is not intended to become part of the City's transportation system.
- The extension would not provide the opportunity for overall public system improvement.
- The land to be served by the system extension, if it is served by a public water supply, will use a master water meter at the point of connection to the public main for the purposes of billing for sewer consumption.
- The sewer lines will not be located within public rights of way.
- Some or all of the sewage collected by the system will be pumped by a lift station that will remain private and/or will not comply with City Utilities' standards and specification for public lift stations (back-up power, telemetry, metering, etc.)
- A lift station is included in the project is being sized to serve only the area being served by the sewer system extension.

Plans for private sewer system extensions should be prepared and submitted to Development Services as part of a site plan or development plan review and approval process.

- Development Services will review the sewer extension plans to determine if the proposed sizing is adequate for the number of properties to be served.
- Development Services will review the proposed location for connection of the private sewer system to the public sewer system to determine if adequate downstream capacity exists and to ensure that the proposed connection configuration complies with City Utilities standards and specifications and to determine if Sewer Area Connection Fees or other assessments are owed.

## ACCEPTANCE OF PRIVATE INFRASTRUCTURE INTO THE FORT WAYNE UTILITY SYSTEM

City Utilities may, at its sole discretion, accept private sewers or sewage collection systems into its public system when all of the following conditions exist:

- A public purpose will be served by the acceptance of the private lines.
- The affected property owners have petitioned to accept the existing private system as part of the public system. The percentage of owners who must agree and the mechanism by which they make a decision to petition shall be as set forth in the subdivision plat and covenants, neighborhood association by-laws or other document governing how decisions are to be made by the petitioners. Where such document does not exist, 51% of the affected property owners must agree and provide documentation demonstrating their desire to have City Utilities accept the private infrastructure for public ownership and future operation, maintenance, repair and replacement.
- The private sewer lines are located within a public right of way or an easement of a width acceptable to the utility, making the sewers easily accessible for maintenance. If the sewers are not located within public right-of-way or dedicated easements acceptable to the utility, the following conditions must be met:
  - Right-of-way plats are developed by a Professional Surveyor with the cost of such plat preparation to be paid by the petitioners and the plats are reviewed and approved by City Engineering and accepted by Board of Works; or
  - Easement plats are developed by a Professional Surveyor with the cost of such plat preparation to be paid by the petitioners and the plats are reviewed and approved by City Utilities Engineering, accepted by Board of Works, and recorded.
- Documentation exists, and is available for review by the utility, showing that the sewers and appurtenances were constructed in accordance with City Utilities' specifications and materials standards in effect at the time of the private sewer construction. This documentation could include:
  - Record Drawings of the sewage collection system within the affected area based on inspection done at the time of installation and certified by a Professional Engineer.
  - If the sewers were not inspected by City Utilities during installation, the petitioner must provide documentation from a Professional Engineer who has inspected the system certifying that, based on his/her inspection, the sewer system meets the utility's specifications and materials standards. Documents provided to the utility must accomplish the following:
    - Confirm the location of the sewer lines and other appurtenances that are the subject of the petition, which shall include, at a minimum, GPS mapping of all infrastructure
    - Confirm the materials used in constructing the sewer system, confirm condition of the asset and perform testing as necessary to provide such confirmation. City Utilities Engineering should be on-site to observe these activities which may include:
      - Digging up sewer lines (minimum of one location per run/branch of pipe)
      - Televising sewers
      - Conducting smoke testing of sanitary/combined sewers and providing results to City Utilities

- Inspection reports of appurtenances, structures and equipment to document compliance with utility’s standards and local codes, if these exist
- Petitioners have provided any existing maintenance and repair records for the private infrastructure in question.

The process for acceptance will generally include:

- Review and approval by Development Services of all submitted information
- Correction of any deficiencies noted in materials/installation by petitioner
  - All work should be inspected by City Utilities Engineering
- Recommendation to Board of Works from City Utilities that some, all or none of infrastructure at issue in the petition be accepted as part of the public system.
- Acceptance of the infrastructure by the Board of Works.

## **FEES**

Development Services will assess and collect fees for plan review and inspection services based on the amount of staff time required to investigate petitions for acceptance of private utility infrastructure.

## **APPEAL PROCESS**

Any party aggrieved by an order or determination of Development Services or the Board of Public Works may, within fifteen (15) days after notice of the order or determination is provided, appeal such order or determination to the Board of Public Works by filing a petition seeking such appeal with the Clerk of the Board of Public Works. The petition should state the basis of such appeal, including the alleged error in the order or determination. After receipt of such petition, the Board of Public Works or its designated hearing officer, after due and proper notice to all parties, shall hold a hearing on said petition and at the conclusion thereof or within thirty (30) days thereafter, enter a decision either affirming, denying, revising, amending, altering, or modifying such order or determination as the Board of Public Works, by majority vote, shall so rule. A party or person aggrieved by the outcome of the appeal shall have the right to judicial review of such determination in accordance with and pursuant to the same provision of the Indiana Administrative Adjudication Act (4-21.5-5 *et seq.*) as are applicable to appeals and review of decisions of agencies of the State of Indiana.