

## ARTICLE II

### CONTROL OF SEWERS

#### **Section 201 Control**

All public and private sanitary and combined sewers, and all private sanitary and combined sewers which discharge into public sewers, in the Metropolitan Sewer District service area shall be controlled by the Director.

#### **Section 202 Ownership**

All public or private sanitary and combined sewers shall continue to be owned by the respective public or private owners now owning same until such time as the owner and the Board mutually agree to a transfer of ownership to the Board.

#### **Section 203 Approval of Construction**

No public or private sanitary or combined sewer shall be constructed within the jurisdiction of the District without the prior written approval of the Director.

#### **Section 204 Connection to WTS**

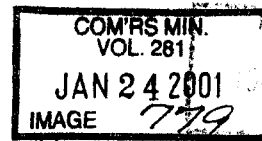
Any connection to a public or private sanitary or combined sewer within the jurisdiction of the District shall be subject to these Rules and Regulations and to any charges, rates, fees and assessments which are or may be established by the Board as being applicable, and shall be made under permits issued by the Director.

#### **Section 205 Extension or Modification**

No extension or modification shall be made to any sanitary or combined sewer, controlled by the District, without the prior written approval of the Director.

#### **Section 206 Construction of Structures Over Sewers**

The policy of the Board of County Commissioners of Hamilton County (BOCC) regarding the construction of structures over public sewers and appurtenances and regarding the construction of public sewers and appurtenances beneath structures within the jurisdiction of MSD is as follows:



MSD will permit no structure of any kind which can interfere with access to a public sewer or exert loading upon a public sewer to be placed in or upon a permanent sewer easement, excepting items such as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial.

MSD will permit no public sewer to be constructed beneath a structure of any kind which can interfere with access to the said public sewer or exert loading upon the said public sewer, excepting items such as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial.

Any deviation from the aforesaid restrictions may be allowed only by BOCC. An owner may petition for an exception by written request to BOCC. Each such request shall be considered on an individual basis, and BOCC will grant any such exceptions by resolution.

### **Section 207 Sewer Easement Restrictions**

All easements for public sanitary and combined sewers obtained or granted after September 13, 1978, shall be subject to the following restrictions:

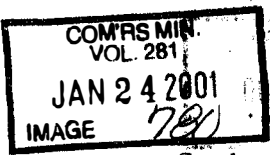
No structure of any kind which can interfere with access to said public sewer shall be placed in or upon a permanent sewer easement, excepting items such as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress and egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial. Any of the aforesaid surfaces, paved areas, plants, trees, shrubbery, fences, landscaping or other similar items which may be placed upon such said permanent easement shall be so placed at the sole expense of the property owner, and the grantees or assigns of any permanent easement henceforth shall not be responsible to any present owners of the property, nor to their heirs, executors, administrators or assigns, for the condition, damage to, or replacement of any such aforesaid items, or any other items placed upon the easement, resulting from the existence or use of the said permanent easement by the grantees or assigns.

Any structure constructed on said property in which said permanent sewer easement exists shall be kept not less than three (3) feet outside the permanent sewer easement line nearest the site of the proposed structure.

Any deviation from the aforesaid restrictions shall be petitioned by written request to the Board or their assigns. Each such request shall be considered on an individual basis.

### **Section 208 Infiltration/Inflow to Private Sewers**

The owner of a private sanitary sewer shall be responsible for any future updates necessary to prevent excessive infiltration and/or inflow from entering the private sewer system.



## Section 209 Degree of Protection from Flooding

MSD does not guarantee protection from flooding to those consumers who connect to the public sewer system. Potential for flooding varies with the geographic location and elevation of the property served. Varying conditions may affect the operation and maintenance of the sewer mains, building connections, pump stations and other sewer system appurtenances. It is recommended that consumers and their representatives investigate and become aware of local sewer conditions and topography, laws, rules and regulations so that the desired degree of protection for new construction can be designed and achieved.