



CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

MEMORANDUM

TO: Mayor Laurel L. Prussing and Members of the City Council
FROM: William R. Gray, Public Works Director
Gale L. Jamison, Assistant City Engineer
Bradley M. Bennett, Civil Engineer
DATE: May 2, 2013
RE: Sewer Lateral Repair in Public Right-Of-Way Policy Revision

Introduction

Ordinance 2013-02-016 approved on March 18, 2013 revised the reimbursement program for property owners for the cost of sewer lateral repairs located under City streets and sidewalks. The reimbursement program was intended to ease the financial burden for property owners that have to remove and replace a City street, alley, or sidewalk to repair their sewer service laterals. The percentage of City reimbursement was increased from 50% to 75% for public street, alley, or sidewalk removal and replacement costs for a sewer lateral repair and the maximum City reimbursement amount was increased from \$3,000 to \$4,500.

At the April 22, 2013 Committee of the Whole Meeting, the City Council discussed five options regarding City policy on sewer lateral repairs. The City Council directed the Public Works Department to revise the City's ordinances to make the City responsible for the expenses associated with repairing a sewer lateral within the public right-of-way (R.O.W).

Under the new policy, the City will repair the sanitary sewer lateral within the public R.O.W. The property owner will maintain ownership of the lateral and still be responsible for maintaining their lateral. The City will repair the sanitary sewer lateral if the Public Works Department determines that:

- A sinkhole or void has formed in the public R.O.W. as the result of a structural defect with the sewer lateral pipe.
- A back-up in the sewer lateral occurred that could not be cleared by hydro jetting, rodding, root cutting, or other appropriate sewer cleaning and that the blockage is located within the public R.O.W.
- A collapse of sewer later pipe has occurred within the public R.O.W.

Sanitary sewer lateral repairs will be point repairs limited to replacing the collapsed or plugged section of the pipe only. The City is not responsible for replacing the entire lateral due to root intrusion. A City contractor, supervised by Public Works staff, will complete any sanitary sewer lateral repairs.

Fiscal Impact

It is estimated that the average expense for a sewer lateral repair within the public R.O.W. will be \$6,000. It is estimated that there would be fourteen sanitary service lateral repairs annually that would result in a total program cost of \$84,000. The \$42,000 in sewer benefit tax funds allocated to the pavement reimbursement program would be reallocated to the sewer lateral repair expenses.

The Sewer Benefit Tax will need to be increased to generate an additional \$42,000 in revenues for the expense of the sewer lateral repair program. The increase in the Sewer Benefit Tax will be incorporated into the City's Schedule of Fees, which becomes effective on July 1, 2013.

Recommended Action

It is recommended that the attached ordinance revising Section 24-38 of the City Code to establish that the City is responsible for sewer laterals repairs within the public R.O.W. be adopted.

It is also recommended that the attached ordinance repealing the existing sewer lateral pavement reimbursement program be adopted.

The effective date for both ordinances would be July 1, 2013 when the increased Sewer Benefit Tax starts.

Attachments: An Ordinance Amending Urbana City Code Chapter Twenty-Four, Section 24-38
An Ordinance Repealing Ordinance No. 2013-02-016 and Establishing A Cost Reimbursement Policy for Repair of Illegal Connections of Private Sanitary Sewer Service Laterals to the Storm Sewer System

ORDINANCE NO. 2013-04-038

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWENTY-FOUR,
SECTION 24-38**

(Building sewers and connections)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 24-38 to regulate building sewers and connections within the City; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 24, "Utilities," Article II, "Sewers," Division 3, "Waste Discharge," Section 24-38, "Building sewers and connections," Subsection (c), "Installation and maintenance to be borne by owner," is hereby amended and as amended shall read as follows:

(c) Installation and maintenance.

(1) Except as provided in subsection (c)(2) of this section, all costs and expenses incident to the installation, connection, repair, and maintenance of the building sewer shall be borne by the owner, and for such purposes, the owner is granted permission to excavate in the public right-of-way subject to the regulations of the Public Works Director. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or any excavations incident to maintenance and repair.

(2) All costs and expenses incident to the repair of a sanitary sewer lateral located within the public right-of-way shall be borne by the city if the Public Works Director, or director's designee, determines that:

a. A sinkhole or void has formed in the public right-of-way because of a structural defect in the sanitary sewer lateral; or

- b. A back-up in the sanitary sewer lateral has occurred that could not be cleared by hydro-jet cleaning, rodding, root cutting, or other appropriate sewer cleaning method, and the blockage is located within the public right-of-way. Provided, however, that the owner shall bear the costs of reopening the sewer lateral; or
- c. A collapse of the sanitary sewer lateral has occurred within the public right-of-way.

Section 2.

This ordinance will take effect on July 1, 2013.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2013-04-039

**AN ORDINANCE REPEALING ORDINANCE NO. 2013-02-016 AND ESTABLISHING
A COST REIMBURSEMENT POLICY FOR REPAIR OF ILLEGAL CONNECTIONS OF
PRIVATE SANITARY SEWER SERVICE LATERALS TO THE STORM SEWER SYSTEM**

WHEREAS, the City Council heretofore did on the 18th day of March 2013, pursuant to Ordinance No. 2013-02-016, approve a Council policy regarding a reimbursement program for illegal connections of private sanitary sewer service laterals to the storm sewer system and repair of sanitary and storm sewer service laterals; and

WHEREAS, after due and proper consideration, the City Council finds that the best interests of the City are served by repealing Ordinance No. 2013-02-016 and by establishing a cost reimbursement policy for repair of illegal connections of private sanitary sewer service laterals to the storm sewer system as described herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Ordinance No. 2013-02-016 is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed Ordinance.

Section 2.

In place of said Ordinance herein repealed, the City Council hereby establishes a cost reimbursement policy for repair of illegal connections of private sanitary sewer service laterals to the storm sewer system in accordance with the following requirements:

- A. If an illegal sanitary sewer connection to the storm sewer system is found in a City right-of-way, the City shall reimburse the property owner up to four thousand dollars (\$4,000) or fifty percent (50%), whichever is lower, of the reasonable costs of materials, equipment, and labor involved in the removal and repairs to alley or street pavement and sidewalk and necessary backfill to effectuate such removal and replacement.
- B. The City's reimbursement obligation shall cease immediately and without the requirement of further payment if in any fiscal year the City Council fails to appropriate or otherwise make available funds for this policy.
- C. The Public Works Director shall develop such written requirements as may be necessary to implement this policy, which shall be effective upon approval of the City Council.

D. The Public Works Director shall have sole authority to determine eligibility for reimbursement, prioritization of requests, and compliance with this policy. Any appeal of decisions of the Public Works Director shall be made to the Mayor; and the Mayor shall be the final authority.

Section 3.

This Ordinance will take effect on July 1, 2013.

Section 3.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor