



MEMORANDUM

To: Public Works Committee

From: Angela M. Podesta, Utilities Superintendent *AMP*

Through: David P. Gorman, Acting Director of Public Works *DAG*

Date: August 7, 2008

Subject: Sewer Stub Ordinance Revision

The Sewer Stub Ordinance does not reflect current practices and staff recommends that it be updated with the attached Ordinance.

Background

The Village maintains and repairs as needed, the sewer stub (service) within the Village right-of-way. When a resident experiences a sewer backup, they are to notify Public Works (PW) of the backup and also hire a plumber to open the clogged sewer service. In addition to rodding the sewer service, the plumber is to give the Village information on the type and location of the clog. If the backup is due to tree roots or a collapsed pipe and the clog is within the Village right-of-way, PW will pay the rodding bill (up to a predetermined maximum amount). If the resident experiences two (2) backups within twelve (12) months, PW will install a clean out at the property line, and make additional repairs if needed.

The Sewer Stub Ordinance was revised in 1995 to give PW control over the process because plumbers were not providing adequate information to the residents and PW. Currently, the Ordinance states that the Village will call a plumber for the resident and gives the resident the option to put the rodding charges on their water bill. Prior to June 1, 2008, the practice was to first give the resident the option of hiring a plumber (with the Village to witness the rodding) or using a plumber that the Village contracted with. Since June 1, 2008, the Village no longer has a contract with a plumber so PW has been advising residents to hire a plumber and giving out three (3) plumbers names should the resident ask for a referral. No one plumber is referred over another. To date, the program change does not appear to have an adverse affect on the residents.

Periodically, PW staff has sent out requests for proposals for sewer rodding services to maintain a competitive environment. It was during this year's proposal process that staff became aware that the Ordinance did not reflect current practice and staff felt changing the Ordinance to reflect current practice was more beneficial than vise versa. The following table compares the current ordinance, current practice and the proposed ordinance:

Current Ordinance	Practice Prior to June 1	Proposed Ordinance	Impact
Village Plumber	Village has annual contract with one plumber with set fees. If blockage is determined to be public, plumber bills Village directly.	No reference to Village Plumber. Village does not have a contract with a particular plumber. Resident pays plumber directly and submits the paperwork for reimbursement.	Same amount of paperwork for PW. More checks issued by Finance. More residents with out of pocket costs.
Village calls plumber	Resident calls plumber. If requested, staff gives out Village plumber name & number.	Resident calls plumber. If requested, staff will provide 3 plumbers' names and informs resident prices vary so get more than one price.	More choices for resident to make.
Option to have payment on water bill if blockage on private property	If resident uses Village plumber, they can have the bill added to their water bill.	No option to have payment on water bill.	Approximately 10 residents per year use this option.
	Village staff witness rodding for plumbers other than Village plumber.	Village staff to witness all plumbers.	Increased staff overtime.
Rodding	Only mechanical rodding qualifies for reimbursement.	Defines mechanical rodding, excludes jetting, flushing, televising.	No Change - Clarification
Reimbursement based upon Village plumber fee schedule	Reimbursement based on previous contract. Ave: \$278 day, \$382 night/weekend.	Flat fee adjusted annually (\$275 day, \$375 night/weekend).	FY2009 fee based upon existing data. 70% would receive 100% reimbursement.
Village performs repairs within right of way	Village installs clean out after 2 backups within 12 months.	No Change	No Change

Recommendations

Staff requests the Public Works Committee review and recommend the proposed Sewer Stub Ordinance to the Board of Trustees for their approval at their August 21, 2008 meeting.

AMP

MAINTENANCE OF SEWER STUBS

§ 50.065 DEFINITIONS.

For the purpose of Sections 50.065 through 50.069 of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLEANING. The rodding, flushing, or scouring of the inside of the sewer service line to remove obstructions or blockages caused by the private user.

MECHANICAL RODDING. The process of unclogging a private sewer service and/or sewer stub with a sectional or drum style machine with steel cable and cutter head.

PRIVATE SEWER SERVICE. That portion of the sewer service line from the sewer stub to the house connection.

PUBLIC RIGHT-OF-WAY. That land which has been formally dedicated for roadway, utility, or related appurtenances (including utility easements).

REPAIR. The removal and replacement, alteration, or mending of the structure of the sewer service line, including necessary earth work, pavement replacement, and landscaping.

SEWER STUB. That portion of an individual sewer connection, connecting private property to the public sewer, that lies within the public right-of-way.
(’70 Code, § 13.13.010) (Ord. 2343, passed 10-25-79)

§ 50.066 INTENT.

It is the intent of Sections 50.065 through 50.069 of this Code to set forth the procedures under which the repair of the sewer stubs located within the public right-of-way will be performed by Village employees or a contractor working for the Village.

(’70 Code, § 13.13.020) (Ord. 2343, passed 10-25-79, Ord. 4064, passed 7/20/95)

§ 50.067 ELIGIBILITY.

Any owner, or properly authorized agent of an owner, of property located in the Village that requires the repair of a sewer stub, shall be eligible to have the Village perform such repair work provided the procedures set forth in Section 50.068 of this Code are strictly adhered to. There shall be no cost reimbursement for any costs incurred for those items defined as “cleaning” or for work on private sewer services. In the event that the repair work is done on both the sewer stub and on the private sewer service, the Village will only pay for the work done in relation to the sewer stub within the public right-of-way.

(’70 Code, § 13.13.030) (Ord. 2343, passed 10-25-79, Ord. 4064, passed 7/20/95)

§ 50.068 PROCEDURE.

(A) Any property owner who desires to have the Village to perform the repair of a sewer stub shall comply with and abide by the following requirements:

(1) The property owners shall notify the Public Works Department of a sewer backup in progress.

(2) The Village shall verify that the backup is not as a result of a problem with the main sewer line. If the backup is not as a result of a problem with the main sewer line, the property owner shall either contact a licenced plumber to mechanically rod the private sewer service, or do the rodding on his/her own. A representative of the Village must be present to witness the rodding.

(3) The property owner shall be initially responsible for all costs incurred relative to the mechanical rodding referenced in (2) above. However, if the property owner can present clear and convincing objective evidence to the Public Works Department that the work performed did not constitute a cleaning, and that the blockage was not within the private sewer service, the Director of Public Works is hereby authorized to approve a monetary reimbursement to the property owner to cover the actual cost of the mechanical rodding in an amount not to exceed \$275 for work performed during regular working hours (Monday through Friday, from 9:00a.m. to 5:00 p.m.) or \$375 for work performed other than during regular working hours. The maximum allowable reimbursement will be adjusted annually on June 1st of each year starting in 2009 based upon the Municipal Price Index (MPI) published by the Illinois Municipal League, during the previous twelve (12) months.

(4) If mechanical rodding clears the private sewer service, and roots or a collapsed pipe were not the problem, the mechanical rodding shall be deemed to be a cleaning and will not be eligible for reimbursement. The Village will not reimburse for jetting, flushing, televising, or other services in addition to, or in lieu of, mechanical rodding.

(5) If, based upon the outlined procedures and definitions, the property owner believes they are entitled to a monetary reimbursement, a copy of the paid mechanical rodding invoice shall be submitted to the Public Works Department, along with a description of the problem which necessitated the mechanical rodding and the location of the problem within the private sewer service and/or sewer stub, for consideration. If the Public Works Department determines that the mechanical rodding costs are subject to reimbursement by the Village, the Village will reimburse the property owner up to the approved maximum reimbursement amount for mechanical rodding services performed.

§ 50.069 APPEAL TO BOARD OF TRUSTEES.

Any property owner who disagrees with the determination of the Public Works Department as to whether reimbursement is in order relative to the mechanical rodding, may take an appeal to the Board of Trustees by submitting a letter of request to the Village Clerk within ten (10) days of the date of the reimbursement decision by the Public Works Department. Upon receipt of such letter, the Village Clerk shall place the matter on the next Board of Trustees regular meeting agenda for consideration by the Board of Trustees.