

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Waiver of First Requested Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *dh*

DATE: June 11, 2008
Agenda Date: September 18, 2008

TITLE: An Ordinance Amending Title 5, Chapter 50, Section 50.065, 50.066, 50.067, 50.068, 50.069 of the Village of Lombard Code in Regard to the Village's Maintenance of Sewer Stubs

SUBMITTED BY: Angela M. Podesta, Utilities Superintendent *AMP*

BACKGROUND/POLICY IMPLICATIONS:

See Attached Memo.

FISCAL IMPACT/FUNDING SOURCE:

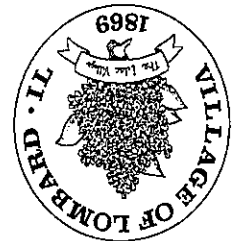
None

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date _____
Date _____
Date 9/11/08

NOTE:

All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

To: David A. Hulseberg, Village Manager
From: Angela M. Podesta, Utilities Superintendent *AMP*
Through: David P. Gorman, Acting Director of Public Works *DPA*
Date: September 10, 2008
Subject: Sewer Stub Ordinance

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 sanitary sewer stubs (services) within the Village right-of-way. The Sewer Stub Ordinance was revised in 1995 to give Public Works (PW) control over the process because plumbers were not providing adequate information to either the residents nor PW. When a resident experiences a sewer backup, they are to notify 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, then 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 Ordinance currently states that the Village will call a plumber for the resident and give the resident the option to put the rodding charges on their water bill. Staff became aware that the Ordinance did not reflect current practice and submitted the changes to the Public Works Committee at their August 12th meeting. The Committee reviewed the changes and directed staff to revise the Sewer Stub Ordinance to reflect the following practices:

- The Village should have a contract with a plumber with set rates for rodding;
- Residents should have the option of using the Village's contracted plumber, another plumber, or doing the rodding themselves;
- When using the Village's contracted plumber, rodding costs for blockages within Village Right-of-Way should be charged directly to the Village;
- When using another plumber, rodding costs for blockages within Village Right-of-Way should be reimbursed at the rates that were set in the Village's contract with the plumber; and
- Applies equally to all properties within the Village, regardless of land use.

Staff incorporated the Committee's recommendations and resubmitted the proposed Sewer Stub Ordinance to the Committee for their review. The Public Works Committee concurred with the revisions and recommended that the Village Board approve the Sewer Stub Ordinance at their September 18, 2008 meeting.

Recommendations

Staff requests the Village Board review and approve, with waiver of first reading, the proposed Sewer Stub Ordinance at their September 18, 2008 meeting.

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, or as a result of the actions of the property owner.

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 building connection.

PROPERTY OWNER. The owner or occupant of any building located within the Village.

PUBLIC RIGHT-OF-WAY. Real property which has been formally dedicated for right-of-way purposes, is subject to an easement for right-of-way purposes or is subject to a public utility easement.

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

SEWER SERVICE LINE. The sewer line running from the main sewer line under the jurisdiction of the Village to the building connection.

SEWER STUB. That portion of the sewer service line that lies within the public right-of-way.

§ 50.066 INDEMNITY.

It is the intent of Sections 50.065 through 50.069 of this Code to set forth the circumstances under which, and the procedures pursuant to which, a property owner can be reimbursed for, or the Village will be billed directly for, the cost of the mechanical rodding of the sewer service line.

§ 50.067 ELIGIBILITY.

Any property owner, that requires the mechanical rodding of a sewer service line, shall be eligible to have the cost of said mechanical rodding paid for, or reimbursed, by the Village, as provided for in Section 50.068 of this Code. There shall, however, be no payment/reimbursement for a mechanical rodding that constitutes a cleaning or for a repair of a private sewer service.

§ 50.068 PROCEDURE.

(A) Any property owner who desires to possibly have the Village pay for the cost of the mechanical rodding of a sewer service line shall comply with and abide by the following requirements:

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

(2) The Village will verify that the backup is not as a result of a problem with the main sewer line under the jurisdiction of the Village. If the backup is not a result of a problem with the main sewer line, the property owner shall either contact the plumber under contract with the Village, or hire a plumber of the property owner's choosing, to perform a mechanical rodding. A representative of the Village must be present to witness the mechanical rodding for plumbers not under contract with the Village.

(3) If mechanical rodding clears the sewer service line, and roots or a collapsed pipe in the sewer stub were not the problem, the mechanical rodding shall be deemed a cleaning, no monetary reimbursement shall be made to the property owner as a result of the mechanical rodding, and the property owner shall be responsible for paying the plumber for the cost of said mechanical rodding.

(4) If the mechanical rodding reveals that the sewer backup was a result of roots or a collapsed pipe in the sewer stub, and the property owner has hired the plumber under contract with the Village, the plumber under contract with the Village shall bill the Village for the cost of the mechanical rodding at the price as set forth in said plumber's contract with the Village.

(5) If the mechanical rodding reveals that the sewer backup was a result of roots or a collapsed pipe in the sewer stub, and the property owner has hired a plumber other than the plumber under contract with the Village, the Village shall reimburse the property owner for the actual cost of the mechanical rodding, not to exceed the amount that would have been charged by the plumber under contract with the Village.

(B) A repair to the sewer stub shall be performed by the Village, unless the Public Works Department authorizes the plumber chosen by the property owner to perform said repair in conjunction with a repair to the private sewer service, with any repair to the sewer stub being at the Village's cost. A repair to the private sewer service shall be performed by a plumber chosen by the property owner at said property owner's cost.

§ 50.069 APPEAL TO BOARD OF TRUSTEES.

Any property owner who disagrees with the determination of the Public Works Department as to whether payment/reimbursement is in order relative to the mechanical rodding of a sewer service line, may take an appeal to the Village Board by submitting a letter of request to the Village Clerk within ten (10) days of the date of the decision of the Public Works Department not to pay for/reimburse the cost of the mechanical rodding of the sewer service line. Upon receipt of such letter, the Village Clerk shall place the matter on the next Village Board regular meeting agenda for consideration by the Village Board. No change in the Public Works Department's determination shall be approved by the Village Board unless it is approved by the favorable vote of two-thirds of all members of the Village Board