



CITY COUNCIL AGENDA SUBMISSION
March 14, 2022

Agenda Item:

BILL #3000 AN ORDINANCE OF THE CITY OF OLIVETTE, MISSOURI THAT AMENDS SECTIONS OF CHAPTER 535 SEWERS, ARTICLE IV RESIDENTIAL SANITARY SEWER LATERAL REPAIR PROGRAM POLICY AND PROCEDURES

Description:

In October 2022 the Council repealed and replaced Chapter 535 of the Olivette codes substantially altering the sanitary sewer lateral repair program. At that time the goal was to streamline the ordinance by removing program procedures from City Code and placing them in the Public Works departmental operations. Other significant changes included the City paying the contractors directly and an increase in the City's contribution to each project.

The program has operated smoothly within its new framework, however staff is back to request two amendments to the new ordinance. Costs of sewer lateral repairs has increased significantly over the last five months. While staff is unable to state whether these increased costs are temporary or permanent, residents are now having to pay a higher more for the repairs.

A second issue, that is complicated by increase costs, is that we are seeing more difficult repair projects. While the normal sewer lateral line is no more than 9 feet deep, some projects have lines as deep as 13 feet. Substantially increasing repair costs. In addition, laterals in rear yards, crossing other utility lines are adding costs to already increased fees.

To address these issues staff is recommending increasing the City's maximum contribution and adding a new section that addresses projects with exceptional conditions.

Requested Action: First Reading

Attachments:

Bill #3000

Submitted by:

Barbara Sondag
CITY MANAGER

BILL NO.3000

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLIVETTE, MISSOURI THAT AMENDS SECTIONS OF CHAPTER 535 SEWERS, ARTICLE IV RESIDENTIAL SANITARY SEWER LATERAL REPAIR PROGRAM POLICY AND PROCEDURES

WHEREAS, the City of Olivette (City) attempts to provide a clear policy for its Residential Sewer Sanitary Lateral Repair Program (RSSLRP); and

WHEREAS, Chapter 535, Article IV was recently amended to make the program easier for residents to access and understand; and

WHEREAS, since passage of the amended Chapter 535 Article IV, prices for sewer lateral projects have increased in price and complexity; and

WHEREAS, the Sewer Lateral Fund is healthy and can absorb additional fees; and

WHEREAS, staff has determined that the maximum City contribution per project should be increased to \$6000 and an additional \$2000 for projects that are exceptionally difficult.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 535 Article IV Residential Sanitary Sewer Lateral Repair Program Policy Sections 535.160 shall be amended to add a definition of an “exceptionally difficult project.” (See Exhibit A)

Section 2. Chapter 535 Article IV Residential Sanitary Sewer Lateral Repair Program Policy Sections 535.200 shall be amended to increase the City’s contribution for sewer lateral repairs and shall establish a new contribution for exceptionally difficult projects. (See Exhibit A)

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 28th DAY OF March 2023.

Maxine Weil Mayor

ATTEST:

Denise Mandle, Acting City Clerk

Exhibit A

Chapter 535 Article IV Residential Sanitary Sewer Lateral Repair Program Policy

Section 535.150 Collection of Fee.

The Collector of taxes of St. Louis County is hereby directed to collect, on behalf of the City of Olivette, an annual sewer lateral fee in the amount of fifty dollars (\$50.00) on residential property for each lateral sewer service line serving six (6) or fewer dwelling units on that property and condominiums that have six (6) or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of lateral sewer service lines, effective with the billing of 2004 tax year ad valorem taxes to property owners in the City of Olivette.

Section 535.160 Program Eligibility

- A. The owner of a single-family home, duplex, condominium building or multi-family building containing not more than six (6) dwelling units may participate in the Olivette Sewer Lateral Program.
- B. Commercial and industrial properties cannot participate in the program. Multi-family and condominium developments that contain more than six (6) dwelling units per building are not eligible for this program.
- C. Each owner of a single-family home, duplex, condominium building or a multi-family building containing not more than six (6) dwelling units shall be assessed fifty dollars (\$50.00) per year on the owner's annual real estate tax bill. Owners who are delinquent in paying the tax bill will not be allowed to participate in the program.
- D. A lateral sewer service line is a transition line connecting the interior plumbing to the Metropolitan Sewer District sanitary sewer main. A lateral sewer service line may be in a front, side or rear yard.
- E. Lateral sewer service lines connecting the interior plumbing to septic tanks are eligible; however, repairs to all mechanical, electrical and tank components, and the drain field for a septic system, are ineligible. Lateral service lines from a septic tank to the MSD sanitary main are eligible. Property owners are responsible for septic tank elimination as required by St. Louis County code.
- F. A defective lateral sewer service line is defined as a lateral deficiency that inhibits the system's functionality, structural integrity or does not meet public health or plumbing code requirements.
- G. **An exceptionally difficult project meets one or more of the following criteria: lateral repair depth more than 12 feet, lateral repair is under a storm sewer main, lateral repair is located under a main type of public utility service or conflicts with a structural impediment as approved by the program administrator.**

Section 535.170 Program Procedure

The Public Works Director may adopt such policies, procedures, forms, and requirements not inconsistent herewith, as he/she deems appropriate from time to time to administer the Residential Sanitary Sewer Lateral Repair Program (RSSLRP).

Section 535.180 Eligible Reimbursement Costs.

- A. The following costs are eligible for reimbursement under the program, subject to the payment limitation prescribed in Section 535.200:
1. The cost of excavation, backfill and repair or replacement of the defective portion of the lateral sewer service line.
 2. Site restoration is limited to re-establishment of a reasonable grade using materials on-site finished with seed and straw.
 3. Administrative costs incurred by the City including, but not limited to, certain contract services and contract management costs performed by the City under this policy. Such costs shall include recovery of the proportional amount of salary and benefits costs incurred in administration of this program. Such costs shall be reimbursed to the General Fund of the City as miscellaneous income.

Section 535.190 Non-Eligible Costs.

- A. The following costs are not authorized for reimbursement under the program:
1. Any costs associated with interior clean-up or other damage to the interior of the home or personal property caused by sanitary sewer back-ups resulting from the failure or malfunction of the sanitary sewer lateral.
 2. The cost of lost wages or income to the home occupant due to absence from work necessary to work with the City or contractors to complete the repairs necessary under the program.
 3. The initial cost of cabling the sanitary sewer lateral or other similar methods to attempt to clear the blockage prior to repair.
 4. The cost of repair, replacement, relocation or damage to sidewalks, driveways, mailboxes, underground sprinkler systems, underground dog fences, exterior lighting, utility services, trees, shrubs, landscaping, retaining walls, fences, patios, porches, decks, accessory structures, or any damage caused by the performance of the contractor.
 5. All costs, if it is determined that the need for such repair or replacement of the sanitary sewer lateral is determined to be the result of a natural disaster, negligence, or damage during the course of other excavation or construction on the site.

Section 535.200 Program Fund.

- ~~A. The City will pay upfront eligible costs up to a total of three thousand five hundred dollars (\$3,500). Any costs in excess of this amount shall be the responsibility of the owner.~~
- A. The City will directly pay covered costs to the procured contractor for projects once satisfactorily completed up to a maximum of \$6000.00 unless exceptional conditions exist.**
- 1. Exceptionally difficult projects that meet the criteria of section 535.160 G will be eligible for an additional \$2000.00 program participation.**
- B. The City shall invest the money collected for this Fund until needed. Any interest earned shall be added to the Fund. The money in this Fund is dedicated to and shall be used only for sewer lateral repairs, including all administrative costs incurred by the City.
- C. Operation of this program depends on the availability of funds collected pursuant to Section 535.150. Insufficient funds may lead to reduced reimbursement or the denial of reimbursements, as determined by the Olivette City Council.