

ORDINANCE NO. 13-2024

AN ORDINANCE AMMENDING SECTION 66-41, SANITARY SEWER LATERALS, OF THE BEAVER DAM MUNICIPAL CODE

- A. **WHEREAS**, the current City of Beaver Dam municipal code does not sufficiently address responsibility of replacing shared sanitary laterals especially in the event of an absentee property owner, and
- B. **WHEREAS**, shared sanitary laterals are a common occurrence with the replacement of utility mains in older subdivisions of the city,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BEAVER DAM HEREBY ORDAINS
:

1. The repealing and replacing of Section 66-41 as follows:

Sec. 66-41. Sanitary sewer laterals.

- (a) *Intent and purpose.* The Common Council finds that it is in the public interest to establish a comprehensive program to identify certain issues with sanitary sewer laterals that may cause harmful impacts to the sanitary sewer system and to properties served by such system. This includes the identification and removal of shared sewer laterals and the identification of leaking, cracked, or otherwise defective private sewer laterals. The purposes of this section are as follows:
- (1) To prevent sewer backups and the significant inflow and infiltration of water into the sanitary sewer system and to protect public health, safety, and welfare by assuring that private laterals are tested, inspected, maintained, and repaired or replaced.
- (2) To identify whether sewer laterals are maintained and free of defective conditions, including excessive inflow and infiltration and prohibited connections.
- (b) *Responsibility; Definitions.* The City is responsible for that portion of the sanitary sewer lateral located within the paved roadway (from the sewer main to the curb or road pavement edge) and other portions that may be owned by the City in special circumstances or for which the City has accepted responsibility by written agreement. Each owner is responsible for the remainder of the sanitary sewer lateral. For the purposes of this section:
- (1) “Director of Utilities” means the City Director of Utilities or the Director’s designee.
- (2) “Owner” means the record owner or owners of the property or properties served by a private sewer lateral or shared lateral.
- (3) “Private sewer lateral” means that portion of any sanitary sewer that is the responsibility of the property owner under this paragraph (b), including any sewer located within such building or structure.
- (4) “Shared lateral” means a private sewer lateral that is connected to and conveys wastewater from structures located on separate parcels or from multiple buildings on the same parcel that are not in common ownership.
- (c) *Sanitary system reconstruction (sewer main replacement).*
- (1) *Inspection required.* The Director of Utilities shall televise all private sewer lateral connections to that portion of the public sanitary sewer main designated for replacement at the time that such sewer main is to be reconstructed:

- a. Prior to the reconstruction of the sewer main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - b. The following shall be considered a defect for a private sewer lateral: Any visible leak; evidence of pipe or joint deterioration; root intrusion through the pipe joint or existing crack; a misaligned pipe segment or sag; a downspout, drain, or other connection that allows stormwater to enter the sanitary sewer system; or any wye, tee, or other connections or junctions that result in a shared lateral.
 - c. In the event that the private sewer lateral is not defective, the City shall reconnect the same to the sanitary sewer system at an appropriate point near the right-of-way line.
 - d. Any private sewer lateral not meeting the requirements of this section shall be considered noncompliant and in need of replacement or repair.
 - e. In the event that any private sewer lateral is found to be defective or otherwise noncompliant, the Director of Utilities shall provide the owners with written notice identifying such defects and a recommendation for the repair or replacement of such lateral. Options for repair may include open cut construction, pipe bursting, or any other method permitted under state law.
- (2) *Owner to repair or replace the private sewer lateral.* At the request of the Director of Utilities, every owner shall, at the owner's expense, repair or replace any defective sewer lateral. The repair or replacement of the private sewer lateral shall conform to all applicable rules and regulations, including any building and plumbing codes. In all cases, the Director of Utilities may designate the location at which a private sewer lateral must connect to any sewer main. If required to repair, remove, or replace any defective sewer lateral, the owner may elect to:
- a. Contract with a licensed contractor to complete the work. Within 30 days of the giving of notice of deficiency under subsection (b)(1)e. or such additional time approved in writing by the Director of Utilities, the owner or owners shall provide proof to the Director of Utilities that such work has been completed.
 - b. Have the City contractors, if available and if permitted by the City, complete the repair or replacement, subject to the following:
 1. In conjunction with any sewer main reconstruction project, the City may, at its sole discretion, require the contractor to provide unit prices to calculate the costs of repairing or replacing private sewer laterals.
 2. The City will charge the owner for the entire cost of repairing or replacing the private sewer lateral as set forth in the City's contract to perform such work. The owner shall pay to the City the entire amount owed within 30 days of receipt of such bill.
- (d) *Authority to repair or replace a defective lateral.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding the repair, removal, or replacement of noncompliant private sewer laterals, no sooner than 60 days after the giving of notice as provided in this section, the City may repair, remove, relocate, or replace the private sewer lateral as it deems necessary at the expense of the owner or owners. The City shall provide reasonable notice and an opportunity for a hearing before the operations committee or another body designated by the Common Council prior to performing such work. The owner or owners shall pay to the City the entire amount within 30 days of receipt of such bill or such additional time as permitted by the City in writing. The owners of all buildings or structures served by a shared lateral shall be jointly and severally responsible for the cost of the removal of the shared lateral and each building owner and property owner will be responsible for the cost of installation of a separate lateral serving the owner's affected parcel.
- (e) *Excessive inflow and infiltration, private sewer lateral.* If the City discovers that the presence of excessive inflow or infiltration of water into any private sewer lateral in the course of regular maintenance activities, the City may require the repair or replacement of such laterals in either of the following circumstances:

- (1) If inflow or infiltration into the private sewer lateral inhibits the rehabilitation, reconstruction, or maintenance of the city portion of the lateral or the sewer main.
- (2) If the inflow or infiltration of water into the private sewer lateral contributes to any impairment of the sanitary sewer system, including the wastewater treatment plant.

If the City determines that the owner is required to repair or replace the private sewer lateral, the City shall provide written notice to the property owner at least 30 days prior to the date that such work must be completed. The work shall be completed by the date specified in the notice unless the Director of Utilities has approved an extension of such time in writing. If the owner fails to complete such work by the applicable deadline, the City may perform such work pursuant to subsection (d).

- (f) *Shared Laterals.* No person may construct or maintain any shared lateral without the express written approval of the Director of Utilities. The Director of Utilities may require that any shared lateral be removed and replaced with separate sewer laterals, in accordance with the following:
 - (1) The Director of Utilities shall provide written notice to the owner or owners of the property served by such shared lateral at least 30 days prior to the date on which such work must be completed. The work shall be completed by the date specified in the notice unless the Director of Utilities has approved an extension of such time in writing.
 - (2) If the owner or owners fail to complete such work by the applicable deadline, the City may perform the work pursuant to subsection (d).
- (g) *Emergency Action.* Notwithstanding any provision to the contrary, the City may take all reasonable action to prevent or mitigate any harm or damage to persons or property that has occurred or is likely to occur as a result of any defects in any private lateral, including any blockages or backups in any sewer lateral. Such actions include the repair, removal, relocation, or replacement of any private sewer lateral at the expense of the owner. The City shall make reasonable efforts to contact the property owner prior to or within a reasonable period of time following the performance of such work.
- (h) *Violations.* An owner who fails to complete the work required under subsections (c)(2), (e), and (f) by such date specified by the Director of Utilities shall be subject to a penalty as provided in section 1-9 of this Code.

2. This ordinance shall become effective upon its passage and publication.

Adopted: August 5, 2024
Tracey M. Ferron, City Clerk
Approved: August 5, 2024
Michael Wissell, Mayor