

AMENDED  
BILL NO. 301

ORDINANCE NO. 292

INTRODUCED BY: Trustees Brockmann, Dresner, Slama, Owens, and Whitmore

AN ORDINANCE AMENDING TITLE V OF THE MUNICIPAL CODE BY CREATING A NEW CHAPTER 525, ENTITLED, "SEWER LATERAL PROGRAM" AND DELETING ARTICLE IX. "FEES", SECTION 500.150 FROM THE CODE OF ORDINANCES:

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**WHEREAS**, the Board of Trustees of the Village of Twin Oaks initiated a sewer lateral program with ordinance No. 01-31 on February 17, 2001; and

**WHEREAS**, in order to service the needs of our residents by keeping the yearly fee at \$28.00 per year instead of the maximum \$50.00 per year allowed by voter approval, it is necessary to make changes to the program.

**NOW, THEREFORE**, BE IT ORDAINED, by the Board of Trustees of the Village of Twin Oaks, Missouri, as follows:

**Section 1.** A new Chapter 525, entitled "Sewer Lateral Program" is hereby created as follows:

#### **CHAPTER 525: SEWER LATERAL PROGRAM**

##### **SECTION 525.010: DEFINITIONS**

As used in this chapter, the following terms shall have the meanings ascribed to them:

**POINT OF BREAK REPAIRS:** Repair of only the portion of the pipe that is defective.

**REIMBURSEMENT:** An amount cap to be determined by the Board of Trustees, which can be changed based on available account funds to be reimbursed to the resident upon payment in full of the repair by the homeowner.

##### **SECTION 525.020: DESCRIPTION OF PROGRAM**

The Sewer Lateral Repair Program reimburses for point-of-break repairs or the entire sewer lateral if it is determined to be necessary by the Village in consultation with a licensed plumber or drain layer. The responsibility of the Sewer Lateral Repair Program is limited to reimbursement of funds paid by the homeowner for excavation and repair of lateral pipe and backfilling in a workmanlike manner. The Village is not responsible for the replacement of sidewalks and parts of paved driveways removed to repair defective laterals.

It will be the responsibility of the property owner to restore landscaping and ground covers, including grass in whatever manner they choose. The Village is not responsible for restoration to a grass or landscaped surface. In the event obstacles such as yard sheds, garages, etc. are in the path of the lateral and lie over the damaged portion of the lateral, the homeowner reserves the

right to reroute the lateral to avoid the necessity of removing the structure. The program does not cover the cost to replace any trees, shrubs, flowers, sod, decks, retaining walls, fencing, tile, carpet or outbuildings that may be damaged during the televising or repair of the sewer lateral.

The Village will reimburse for approved diagnostics and repair charges up to a maximum of \$2,000 per repair of a sewer lateral. All other charges for a single repair will become the responsibility of the resident or homeowner of the covered sewer lateral repair. All fees will be expected to be paid by the homeowner at the time the lateral is repaired. Reimbursement funds will be issued directly to the resident upon receipt or proof that the job has been completed and paid in full.

If a blockage in your lateral occurs that cannot be removed by a plumber or sewer cleaning service or a sinkhole is observed, you may have a broken sewer lateral. If such a condition exists, you should contact a plumber to immediately have the line televised to verify that it is indeed a break in the line and not waste or tree roots, which are not covered under this program. If the tape verifies that there is a need for only sewer cleaning to remove tree roots or buildups, than this is the responsibility of the resident or homeowner.

Inquiries to the office should not be made until an attempt has been made to clean out the sanitary sewer lateral by a plumber or sewer cleaning service and the line has been televised.

Upon receipt of the tape, the Village Administrator will arrange an appointment for review of the tape. If it is found that there is no break and the sewer was simply blocked with tree roots and waste materials, the cost of cleaning and opening the sewer lateral shall be the responsibility of the applicant. If the sewer lateral is found to be eligible for repair, the Village will bear the cost for this cleaning as part of the diagnostic stage, which will be included in the maximum \$2,000 towards the repair of the broken sewer lateral.

As the Village will only pay a reimbursement of up to a maximum of \$2,000 for a single sewer lateral repair, the resident will be required to pay the bill in full and request reimbursement thereafter upon proof of payment.

Excavations that occur in driveways and/or sidewalks will not be the responsibility of the Village. Excavations that occur in the Village streets will be repaired using the same material as was removed for the sewer lateral repair.

The program shall be administered by the Village Administrator or that person's appointee, providing that any delegation of responsibility shall be made only to another Village employee. In administering the program as detailed herein, the Administrator shall possess reasonable discretion in interpreting and enforcing the rules, limits and provisions of the plan.

The program may be amended only by an ordinance adopted by the Trustees. The Administrator shall prepare and submit to the Board of Trustees a brief written review of the program's operation at least annually and may propose amendments at that time, or at any other time determined necessary for the efficient conduct of the program.

**SECTION 525.030: SCHEDULE OF FEES**

A maximum charge of twenty-eight dollars (\$28.00) shall be assessed annually on each residential property having six (6) or less dwelling units to provide funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units. If a payment is not received by the date indicated, a late fee of 1% is assessed monthly.

**SECTION 525.040: PENALTIES**

Any person violating any of the provisions of this Chapter or any of the codes adopted in this Chapter shall be deemed guilty of a misdemeanor and shall be penalized according to the penalty provisions set up in the Code of Ordinances for such purposes.

**Section 2.** The Board of Trustees hereby approves the deletion of Article IX "Fees" in Section 500.150 from the Code as the same language has now been installed into Chapter 525, Section 525.030 of the code.

**Section 3.** This Ordinance shall be printed in the Municipal Code of the Village of Twin Oaks.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and APPROVED this 6 day of May, 2009.

Paul Brochman  
Chairman

ATTEST:

Kate Gled  
Village Clerk

First Reading: 4-15-09

Second Reading: 5-6-09