

**ORDINANCE NO. OR13-\_\_**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,  
CHAPTER 98, UTILITIES,  
ARTICLE V. SEWER UTILITY,  
DIVISION 2. CONSTRUCTION AND CONNECTIONS  
SECTION 98-197, PRIVATE SEWER LATERALS  
AS IT RELATES TO  
SANITARY SEWER PRIVATE SEWER LATERALS  
IN THE VILLAGE OF OAKFIELD, FOND DU LAC COUNTY, WISCONSIN**

The Board the Village of Oakfield do ordain as follows:

**Section 1:** Chapter 98, Utilities, Article V. Sewer Utility, Division 2. Construction and Connection, Section 98-197 Private Sewer Laterals, is hereby created as follows;

**Sec. 98-197. Private Sewer Laterals**

- (a) *Purpose.* The purpose of this section is to prevent significant water inflow and infiltration into the Village's sanitary sewer system and to protect public health, safety and welfare by assuring that Private Laterals are tested, inspected, maintained and repaired or replaced.
- (b) *Owner Maintenance Required.* The owner of property containing a Private Lateral shall maintain the Private Lateral. Maintenance under this section includes;
- 1) clearing obstructions from the Private Lateral;
  - 2) repairing a defect in the Private Lateral that allows the introduction of extraneous flow or debris into the sanitary sewer system;
  - 3) repairing a defect in the Private Lateral that allows the discharge of sewage on the property;
  - 4) keeping a manhole cover in place or a clean out cap tight and in place; and
  - 5) providing a solid manhole cover.
- (c) *Testing and Notice of Defective Private Laterals.* The manager may periodically perform special tests to confirm the integrity of the sanitary sewer system, including smoke testing, dyed water testing, air testing, hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the utility commission.

The manager may enter private property to inspect or test a Private Lateral as allowed by law.

The manager shall give the property owner no less than 24 hours written notice before city personnel enter private property to conduct an inspection or test, unless;



- 1) city personnel are conducting an investigation of a complaint or responding to a customer request to test or inspect a Private Lateral; or
- 2) sewage is exposed on the property in a manner that creates a potential public health hazard.

The manager may identify defects in a Private Lateral that allow extraneous flow or debris to enter the Private Lateral or the discharge of sewage on the property, or a condition that may interfere with the proper operation of the Private Lateral.

A defect under this section may include;

- 1) any visible leak;
- 2) evidence of pipe or joint deterioration;
- 3) root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
- 4) a misaligned pipe segment, sag, or lack of positive gradient;
- 5) a lack of a necessary cleanout cap or manhole cover;
- 6) all failing materials
- 7) a downspout, drain, or other connection that allows storm water or other extraneous water to enter the sanitary sewer system; or
- 8) a flaw that allows the discharge of sewage on the property or the introduction of extraneous water into the sanitary sewer system.

If the manager identifies a defective Private Lateral or a condition that interferes with the proper operation of the Private Lateral, the manager shall send the property owner written notice of the defect or condition, including a statement that the Private Lateral must be replaced or repaired, or the condition corrected, not later than 90 days after the date of the notice, or within such longer time deemed reasonable by the manager.

(d) *Repair or Replacement Required.* A property owner shall repair or replace a defective Private Lateral from the main sewer line to the building. The property owner shall pay the appropriate fee and obtain a permit from the Village before performing the repair or replacement of a defective Private Lateral. Correction of a defect may include the installation of a sump pit, sump pump and drainage tile.

If sewage is exposed on the property in a manner that makes it a potential public health hazard, a property owner must:

- 1) stop the discharge of sewage immediately;
- 2) remediate the site not later than 24 hours after the owner has notice of the exposed sewage; and
- 3) complete all necessary repairs or replacement of a Private Lateral immediately, but not later than 30 days after the owner has notice of the exposed sewage.



A person who repairs an existing Private Lateral or installs a new or rehabilitated Private Lateral shall perform the repair or installation as prescribed by the sewer utility's sanitary sewer connection standards and the state plumbing code.

The repair or replacement of the Private Lateral and the connection of the Private Lateral to the sanitary sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Village. All connections to the sanitary sewer shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

The property owner is responsible for all costs of Private Lateral repair, replacement, and maintenance from the sewer main line into the building. The Village has the authority to contract for repairs/replacements of laterals in the right-of-way and special assess the cost to the property owner.

Generally the sanitary sewer lateral will be remediated from the main sewer line to the building foundation or the floor drain in the basement. The sanitary sewer lateral between the terrace and the main line sewer that is not remediated at the time of the sanitary sewer lateral repair will be replaced as part of a future street or sanitary sewer construction project. The property owner will be responsible for the cost of the replacement of the remainder of the lateral in the future when that project is undertaken.

(e) *Repair and Replacement Inspection and Testing Requirements.* During the replacement of the Private Lateral the manager shall:

- 1) inspect the Private Lateral to determine that it complies with the sewer utility's sanitary sewer connection standards and the state plumbing code; and
- 2) observe the testing of the Private Lateral per current State code.

If a Private Lateral fails the post-repair or post-replacement inspection or test, the property owners shall perform additional repairs as required by the manager to correct the defect.

(f) *Sanitary Sewer Lateral Remediation Projects.*

The Village recognizes that its public sewer system has a finite life and, in many cases, has exceeded the useful life of the system. The Village also recognizes that private building sewers possess many of the same characteristics as the public sewer system. The Village will undertake the systematic reconstruction of the public sewer system lying within the corporate limits. As part of this reconstruction, the Village will conduct Sanitary Sewer Lateral Remediation Projects.

During a Sanitary Sewer Remediation Project, the Village shall require that the property owner replace/remediate their Private Lateral if the lateral is found to be defective. The property owner shall, at the owner's expense, make the necessary repairs to correct the deficiency (ies). The property owner may elect to:



- 1) Contract with a properly licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the property owner.
- 2) Have the Village contractors complete the repair.

The Village will publically bid all sanitary sewer lateral remediation projects and the property owners, if they elect to have the Village contractors complete the work, will be special assessed for the project costs per the Village's special assessment policy. The sanitary sewer lateral remediation projects may include;

1. replacement or remediation of defective Private Laterals
2. installation of sump pump/pit and drainage tile where required under Section 98-297(d) or any other applicable law or ordinance
3. construction of mini-storm sewers in the terrace per Section 98-196
4. construction of storm sewer laterals per Section 98-196

The property owner will be given the option of selecting the sewer lateral remediation option. Options include but not limited to, open cut construction, slip lining (6-inch laterals only) or pipe bursting or any other method allowed by State code.

Full time on-site inspector will be provided for the replacement/remediation of the sanitary sewer lateral by the Village.

The sanitary sewer lateral remediation project will include patching of basement floors if needed. Any other restoration needed in the building and basement shall be the responsibility of the property owners and will not be done as part of the sanitary sewer lateral remediation project.

Any and all fences, trees, shrubs, swimming pools, decks, sheds, porches, or other landscaping, paving or structures that will need to be removed in order to facilitate the remediation of the Private Lateral, shall be removed and replaced by the property owner at their expense.

Final restoration of the yard will be the responsibility of the property owner. The Village contractor will backfill the trench or holes that are dug and rough grade the top soil. The contractor will not be responsible for final landscaping. It will be the responsibility of the property owner to restore the lawn, pavement or garden areas that are disturbed as part of the sanitary sewer lateral remediation project.

(g) *Sanitary Sewer Lateral Fees*

- 1) Televising refusal fee. A \$50.00 monthly fee is hereby imposed for connection of sewer laterals against every property connected to the Village of Oakfield sanitary sewerage system, in the utility, which owner refuses to consent to televising of the sewer lateral by the village. This fee will be imposed beginning 30 days after request has been made by the village for permission to televise the owner's sewer lateral. This fee will continue until the property owner consents to televising by the village.



- 2) Failure to correct fee. A \$50.00 monthly fee is also hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, in the utility, which owner fails to take corrective action upon request by the village to repair sewer laterals leaking freshwater into the sewerage system. This fee will be imposed beginning 30 days following notice by the village to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken.
- 3) Fee exemptions. The following are the exemptions and procedures from lateral fees:
- a) Televising exemption. Upon request by the Village of Oakfield Wastewater Utility to televise a sewer lateral connected to a sewer main, in the utility, the property owner may grant consent to televise the lateral by signing a consent form approved by the village. Upon receipt of such signed consent form, the city is authorized to access the private sewer lateral and adjacent property for purposes of televising the lateral. Owners complying with this section are exempt from the televising refusal fee.
  - b) Corrective fee exemption. Each owner that repairs all laterals determined by the city to be leaking freshwater into the sewerage system shall be exempt from the failure to correct fee beginning at such time that verification of corrective action has been provided by the owner to the city.

**SECTION III:** This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR13-\_\_ introduced and its adoption moved by Trustee \_\_\_\_\_; and seconded by Trustee \_\_\_\_\_.

Upon a pole vote thereon, the result was as follows:

\_\_\_\_ Votes Cast  
\_\_\_\_ Votes Yes  
\_\_\_\_ Votes No

The Village President declared Ordinance Number OR13-\_\_ adopted, approved and signed the same this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gary Collien  
Village President

Attested:

\_\_\_\_\_  
Tish Brooks  
Village Clerk



DRAFT