



## **CITY OF WASHINGTON, ILLINOIS**

### **City Council Communication**

**Meeting Date:** October 11, 2021

**Prepared By:** Dennis Carr, P.E. – City Engineer

**Agenda Item:** Sanitary Lateral Ordinance

**Background:**

The Sanitary Lateral Ordinance has two main items. The first addresses the responsibilities and ownership of the sanitary lateral that extends from a home to the City-owned main. We have had several instances in the past where a failing sanitary lateral runs underneath the roadway and causes the repair of the lateral to get exponentially more expensive. This ordinance spells out that the replacement of this lateral from the home to the main is the responsibility of the homeowner. It also spells out that the City will require that the homeowner install a cleanout outside of the road. Once this cleanout is installed, the City would take ownership of the lateral from the cleanout to the main. The City would also repair the roadway after the homeowner has a licensed plumber connect the lateral to the main and install the cleanout.

The second item in the ordinance is the Morton process towards disconnection of sump drains and footing tiles from the sanitary sewer. We do currently have an ordinance that lays out a disconnection procedure in Section 96.03—IMPERMISSIBLE DISCHARGES INTO SANITARY SEWER SYSTEM; ABATEMENT AND OTHER REMEDIES. Our current ordinance only begins when we are made aware of a violation. The City is to then investigate the violation to determine if abatement is necessary. If abatement is necessary, the City will notify the property of the need to abate within 30 days. Our current ordinance also offers a grievance procedure for the resident. If the property owner does not abate the issue, the City may:

- (1) Abatement by the city. The city may abate the violation, under the direction of the City Administrator, and the cost of so doing shall be collected from the person who is responsible for maintaining, allowing, and permitting the violation to exist, with a penalty of ten percent (10%) of such costs, by filing suit in an appropriate court of competent jurisdiction.
- (2) Disconnection of sewer service to premises. The city may abate said violation, under the direction of the City Administrator, by disconnecting or discontinuing sewer service to the premises found to be in violation; including, but not limited to, the capping of the sanitary sewer serving said premises.
- (3) Suit to enjoin violation. In addition to the other remedies and penalties provided in this section, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, damages or for contribution, against any person violating this section.
- (4) Surcharge bar city. The City Administrator may forward the pertinent information to the City Office Manager with instructions that the premises be surcharged. The surcharge shall be calculated by measuring the perimeter of footage of the dwelling, based upon the outside measurement of the dwelling's foundation. A surcharge of twenty five cents (\$0.25) per linear foot so calculated plus ten percent (10%) of the water usage for each billing quarter shall be charged. There shall be no maximum charge for such

surcharge calculation. The surcharges shall be billed with the regular periodic statements for water and sewer use and shall be due and payable and be deemed to become delinquent at the same time. That surcharge will be discontinued when proof is submitted to the city of a proper disconnection from the sanitary sewer system.

The ordinance that was discussed with the Public Works Committee and was at last week's Council meeting is similar to what Morton uses for residential stormwater disconnection from the sanitary sewer. This ordinance spells out the process of the City performing testing to find these connections, and then putting it on the resident to correct the issue. The ordinance spells out if the home is found to have a connection to the sanitary, the homeowner is given 10 days to disconnect a sump pump and 1 year to disconnect footing tiles from the sanitary sewer. If the disconnection is done, the resident would be due to receive a "grant" from the City in the amount of \$500 (maximum) for disconnecting. If the resident were to replace the lateral all the way to the main and add the cleanout within one year, they would be due an additional \$500 (maximum).

The key differences being:

- The new ordinance would look to identify problems and not just react to a violation and lay out a testing procedure.
- The existing ordinance solely covers punishments whereas the new ordinance would incentivize the disconnection.
- The new ordinance also incentivizes the replacement of the entire lateral. Many laterals have leaks and allow ground water in as well so the replacement of the lateral would reduce I&I.
- The new ordinance also includes sump pumps.
- The existing time to repair is 30 days. The proposed ordinance allows for one year for disconnecting footing tiles and one week for sump pumps.

**Recommendation Summary and Action Requested:** Staff just found the current disconnection process in the nuisance section of the code. Staff requests discussion on the first part of the ordinance (lateral ownership) as well as discussion on the disconnection ordinances. We would like to table the ordinance until the next Committee of the Whole meeting so that we can amend the code properly based on Council's direction and bring the new code or amended code back to Council for a final look before a second reading.