

Case Study:  
Village of Campbellsport  
Sewer Lateral Program

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*(Campbellsport Village President)*

**On December 8, 2003, the Campbellsport Village Board of Trustees adopted an ordinance stating that property owners are responsible for all costs associated with repair or replacement of the sewer lateral outside of the main sewer.**

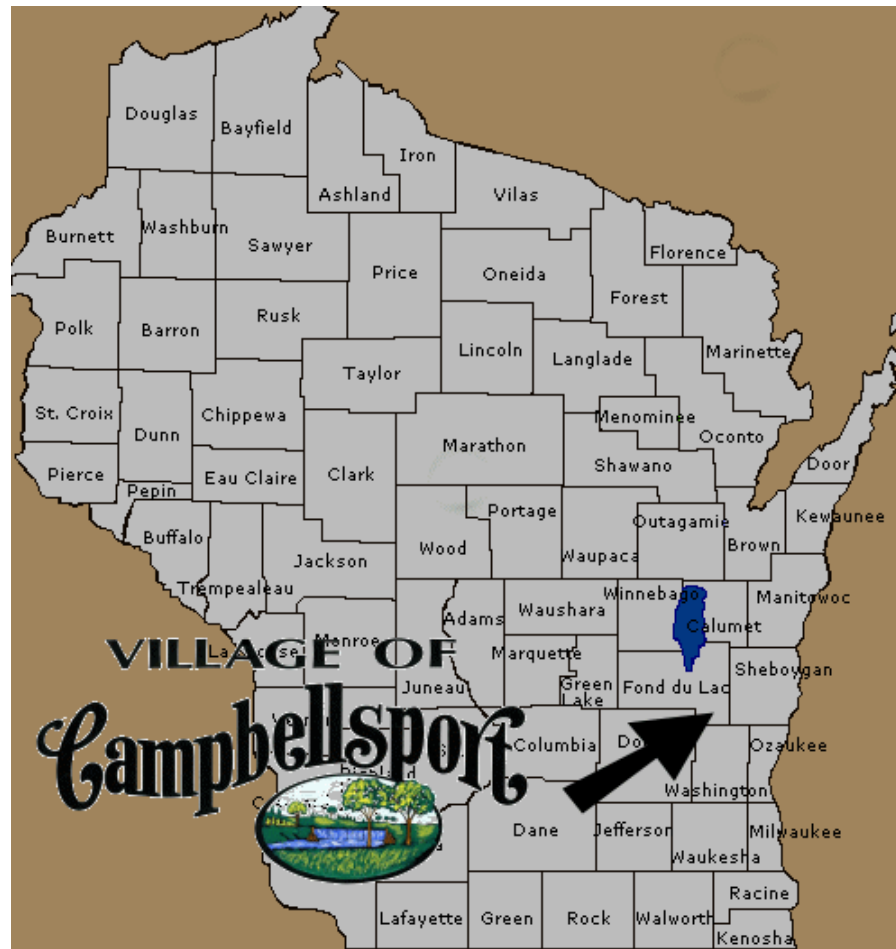
**But...**

**The ordinance also stated that, “The property owner may apply to the Village of Campbellsport for reimbursement for the costs associated with the repair or replacement of the sanitary sewer lateral for those portions of the lateral that lie within the public right-of-way.**

**WHY ? ? ?**

*A little background...*

Campbellsport is located in Fond du Lac County.





VILLAGE OF  
Campbellsport









# Original Ordinance

- 13. 08 . 260 Village not liable for stoppage or damage to certain drains. The village shall not be liable or responsible for any sewer stoppage, leakage or damage, or broken or cracked sewer drains, outside the main sewer. All repair of any sewer, and all repair of any sewer stoppage, leakage or damage, or broken or cracked sewer drain, outside such main sewer, shall be at the expense of the abutting property owners. (Ord. 106A §27, 1936).

# September 5-6, 2001

- Ketter Sewer Blockage Occurs
- Village Crews Provide Assistance
- Failure of Lateral Located at Sewer Main
- Repairs completed by private contractors

**Total Cost:**

**\$5,169.04**

# Who Pays The Bill?

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Meetings

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# Ability to Arbitrate

- 13. 12. 440 Arbitration of differences of opinion. The village board of public works shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the approving authority. (Ord. 195 §906, 1982)



**Should the ordinance be changed?**

# April 2, 2002 Referendum

- Shall the Village amend ordinance stating Village Utility will be responsible for the sewer lateral from the street right-of-way to the sewer main, if the damage was not caused by the property owner and/or his tenants or designee. Yes or No

**Yes: 385**

**No: 22**

# Section 13.08.260 Sanitary Sewer Lateral Repair Responsibilities.

(Adopted October 14, 2002)

A. The Village of Campbellsport shall maintain and repair the sewer service mains and laterals in the public right-of-way without expense to the property owner within the village limits, except when lateral is damaged as a result of negligence on the part of the property owner, tenant or designee.

B. The owner on any property receiving sewer service through any lateral connections shall maintain the sewer lateral from the public right-of-way and all facilities throughout the premises served and must be maintained free of defective conditions by and at the expense of the owner or occupant of the property served. Property owner or occupant shall take steps to clean the lateral between building and the sewer main out in the public right-of-way. Such cleaning, including any root cutting required, shall be at the property owner's or occupant's expense.

C. If during cleaning process or effort the entire lateral cannot be adequately cleaned and reasonable evidence of structural failure can be shown, then the apparent location of the lateral failure shall be determined. Should measurement indicate lateral failure location lies between the building and the public right-of-way line(property edge), then the cost of repair of the lateral and any attempted cleaning costs shall be the responsibility of the property owner or occupant. If lateral failure lies between the sanitary sewer main and property line the Village shall proceed with necessary lateral and pavement repairs at village expense.

D. Procedure for Sewer Lateral Problems shall be followed when call from village resident is received.

# PROCEDURE FOR SEWER LATERAL PROBLEMS

- Upon receiving a call from a village resident stating that their sewer lateral is not working due to a failure of the lateral in the Right of Way of the Village Street. Immediately contact WWTP Supervisor.
- 1. Discuss with Contractor what remedies were explored to correct the situation and what evidence was obtained verifying the failure.
- 2. Evaluate to determine if the failure is in the R/W
- 3. Village contact the contractor to repair the lateral
- 4. A DPW employee must be on site at all times during the repair
- 5. Documentation by way of pictures of the construction site before, during and after construction to verify the site is restored to the same condition.
- 6. Documentation will also be required to determine the failure of the lateral
- 7. All restoration shall be completed weather permitting
- 8. A copy of Ordinance No. 271 A to be given to property owner
- 9. Village will determine what is to be repaired/replaced.



# Test Case #1

Sabish Sewer Lateral

September 28, 2003







**Total Cost:**  
**\$6,338.07**

Although the blockage occurred within the street right-of-way, the Village Board by a vote of 4 to 3 denied any reimbursement because the blockage was caused by tree roots.

# Problems

- The property owner has no incentive to fix a failing sewer lateral until it failed or was completely blocked.
- Figuring out where the blockage occurred and what caused it took time and had to be documented, adding expense. It was also very subjective.
- When the Village was liable, it was essentially a blank-check policy. There was no dedicated source of revenue to pay the bills.
- Every situation is different.
- It's hard to say, "No."

# Proposed Solution

- Repeal the new ordinance and return full responsibility for repairs to the property owner.
- Create a Sewer Lateral Replacement Fund that collects revenue from a separate meter charge.
- Develop a policy for reimbursing property owners from the Fund.
- Create an application form.



# The “New” New Ordinance

The owner of any property receiving sewer service through any lateral connection is responsible for all costs associated with cleaning and maintaining the sewer lateral within the public right-of-way and throughout the premises served. The property owner is also responsible for all costs associated with repair or replacement of the sewer lateral outside of the main sewer. The property owner may make application to the Village of Campbellsport for reimbursement for costs associated with the repair or replacement of the sanitary sewer lateral for those portions of the lateral that lie within the public right-of-way. All applications for reimbursement must be approved by the Village Board of Trustees and the amount of reimbursement is limited by the sewer lateral replacement fund policies as adopted by the Board of Trustees. Attached is a copy of the Village of Campbellsport Sewer Lateral Replacement Fund policy.

# Resolution 531 Creating a Sewer Lateral Replacement Fund

- **BE IT HEREBY RESOLVED**, that effective on adoption of this Resolution, the Village Board of Trustees of the Village of Campbellsport has established a separate restricted account that shall be know as the Sewer Lateral Replacement Fund. The Sewer Lateral Replacement Fund shall be used to reimburse property owners for costs associated with repair or replacement of sewer laterals within the public right-of-way. In order to finance the Sewer Lateral Replacement Fund, a separate fee shall, on a quarterly basis, be added to the sewer portion of the combined water/sewer meter charge that is billed to all customers of the Village of Campbellsport Sewer Utility. All monies collected from that fee shall be deposited in the Sewer Lateral Replacement Fund account. The Village Board of Trustees shall set the fee at a level deemed appropriate to adequately fund the account. The amount of reimbursement available to property owners shall be limited by policies adopted by the Village Board of Trustees. Both the fee and the amount of reimbursement shall be periodically reviewed and adjusted, as the Village Board of Trustees deems necessary.

# Sewer Lateral Replacement Fund Policy

- As per Resolution #531, adopted by the Campbellsport Village Board of Trustees on December 8, 2003, a Sewer Lateral Replacement Fund has been established to help reimburse property owners for the costs associated with the repair or replacement of sewer laterals within the Village right-of-way.

# Property Owner Responsible

- The property owner is responsible for contracting for all services required to repair or replace the sewer lateral. All costs associated with the sewer lateral replacement would legally be the responsibility of the property owner. All bills would be sent to the property owner.

# Maximum Reimbursement

- In order to receive reimbursement, a property owner must complete an application explaining why the sewer lateral needs to be repaired or replaced. The maximum total reimbursement available will be calculated based on a schedule provided on the application. The application must be approved by a majority vote of the Village of Campbellsport Board of Trustees before any funds are released to the property owner.

# Fee Schedule

***Eligibility for reimbursement or repair or replacement of sewer lateral within the public right-of-way is in accordance with the following schedule***

1. Complete replacement of sewer lateral within public right of way.....\$3,000.00
2. Is there any surface or sewer main to which the lateral connects located within five (5) or more feet beyond the center line of the street right-of-way and/or is the main more than ten (10) feet deep at the point of connection?  
**Yes \_\_\_ or No \_\_\_** If yes, add **\$500.00**..... \$ \_\_\_\_\_
3. Is the sewer main more than fifteen (15) feet deep?  
**Yes \_\_\_ or No \_\_\_** If yes, add **\$500.00**..... \$ \_\_\_\_\_
4. Do curb and gutter need to be replaced as a result of such repair or replacement of sewer lateral within the public right-of-way?  
**Yes \_\_\_ or No \_\_\_** If yes, add **\$300.00**.....\$ \_\_\_\_\_
5. Does the sidewalk fronting on the property need to be replaced as a result of the repair or replacement of the sewer lateral within the public right-of-way?  
**Yes \_\_\_ or No \_\_\_** If yes, add **\$300.00**.....\$ \_\_\_\_\_

**Maximum total amount requested to be made available to project:**

**(Add #1 through #5) \$ \_\_\_\_\_**

**Maximum Reimbursement**

**\$4,600.00**

# Documentation Requirements

- Following approval of the application by the Village Board, the Clerk is authorized to release funds. The property owner must provide photocopies of itemized bills for all of the work completed before funds can be released, however. Only costs associated with work completed within the public right-of-way are eligible for reimbursement. Costs in excess of the maximum total reimbursement as calculated from the schedule on the application are the responsibility of the property owner.



# Pre-Approval

- The sewer lateral need not be obstructed for the property owner to apply for reimbursement from the Sewer Lateral Replacement Fund. Property owners who are aware that their sewer lateral is in poor condition, or who believe that failure is imminent may apply for reimbursement before the work is actually scheduled.

# Exceptions

- The Village of Campbellsport reserves the right to refuse reimbursement if it can be determined that blockage of the sewer lateral resulted directly from the negligence of any persons other than employees of the Village of Campbellsport or their designees. “Negligence” includes but is not limited to a failure or blockage caused by foreign objects or items being improperly flushed down a toilet, or to damage to the sewer lateral caused by excavation or the improper use of chemicals or equipment. Failures or blockages that result from normal age-related deterioration of the pipe and the resulting infiltration of soil or tree roots are eligible for reimbursement.

# Must Replace Entire Sewer Lateral

- The Village of Campbellsport requires that, to be eligible for reimbursement, the entire sewer lateral must be replaced both within the public right-of-way, and on private property. A Village designee (either the Director of Public Works or the Superintendent of the Waste Water Treatment Plant) may authorize reimbursement if either determines, upon inspection or review, that total replacement of the sewer lateral is not warranted. A written report detailing how such a determination was reached shall be completed by the Village designee, and shall be attached to the application prior to reimbursement.

# Limits based on available funds.

- The Village reserves the right to limit the number of applications approved each year based on the funds available.

# Test Case #2

Schickert Sewer Lateral

**FROZEN**

Village Cost: \$5,600

# Test Case #3

Muellenbach Sewer Lateral

Village Cost \$1,900

# Reasons to Be Encouraged

- The application process settles most issues in advance and is less confrontational.
- Bad sewer laterals are being replaced, reducing inflow and infiltration.
- We are collecting the revenue needed to pay the bills.

## *Additional Information:*

<http://campbellsport.govoffice.com/>



- Sewer Lateral Replacement Fund Application Forms Available
- Frequently Asked Questions (FAQ) For Sewer Lateral Problems