

AN ORDINANCE AMENDING CHAPTER 520, SEWER LATERAL PROGRAM, OF THE MUNICIPAL CODE OF THE CITY OF TWIN OAKS, MISSOURI

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Chapter 520 ("Sewer Lateral Program") of the Twin Oaks Municipal Code is hereby amended by repealing Chapter 520 in its entirety and replacing it with a new Chapter 520, to read as follows:

Chapter 520 Sewer Lateral Program

Section 520.010 Definitions.

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

ELIGIBLE OWNER

The owner of record of:

1. Real property on which a single-family home, duplex or other residential building containing not more than six (6) dwelling units is located;
2. A condominium located in a building containing six (6) or less condominium units;
or
3. A condominium responsible for its own individual lateral sewer line.

LATERAL SEWER SERVICE LINE

A sewer line which extends from outside of the building foundation wall or exterior wall to the sewer main. It does not include a sewer line located under any part of a building or structure as defined under Chapter 400 of the Zoning Code. A lateral sewer service line may be in a "front," "side" or "rear yard" (as those terms are defined in Chapter 400 of the Zoning Code).

PROGRAM ADMINISTRATOR

The City Clerk of Twin Oaks or his/her designee, provided that any delegation of responsibility shall be made only to another City employee.

Section 520.020 Description Of Program.

A. *Program Coverage And Administration.* Subject to the Program Cap set forth below, the Program allows an Eligible Owner to recover (1) one-hundred percent (100%) of the Eligible Owner's costs to video the Lateral Sewer Service Line and (2) seventy-five percent (75%) of the Eligible Owner's costs in repairing Lateral Sewer Service Line serving the Eligible Owner's residence ("Eligible Costs"), when a repair is determined necessary by the Program Administrator in consultation with a licensed plumber or drain layer and upon compliance with the City's Sewer Lateral Program. Notwithstanding the above, the

maximum amount available for repayment under this program for any sewer lateral repair shall be \$5,000.00 (the "Program Cap"). The Program Cap may be adjusted from time to time when it is determined by the Board of Aldermen that the available account funds warrant such adjustment. The Program's responsibility is limited to reimbursement of funds paid by the Eligible Owner for videoing, excavation and repair of the damaged Lateral Sewer Service Line and backfilling in a workmanlike manner. The Program is not responsible for the replacement of private sidewalks and parts of paved driveways removed or damaged to repair defective a Lateral Sewer Service Line. In administering the Program as detailed herein, the Program Administrator is hereby delegated reasonable discretion in interpreting and enforcing the rules, limits, and provisions of the Program.

B. *Eligible Owner's Responsibility.* It is the responsibility of the Eligible Owner to restore landscaping, hardscaping, and ground cover, including grass in whatever manner they choose. The Program does not cover the cost to replace any trees, shrubs, flowers, sod, private drives and walks, decks, retaining walls, fencing, tile, carpet, or outbuildings that may be damaged during the videoing or repair of the Lateral Sewer Service Line.

C. *Program Reimbursement.* The Program will reimburse the Eligible Owner for Eligible Costs, as described herein, up to the Program Cap for a repair of a Lateral Sewer Service Line. Any other charges for a single repair will become the responsibility of the Eligible Owner of a covered Lateral Sewer Service Line repair. All costs are to be paid by the Eligible Owner at the time of the videoing of the Lateral Sewer Service Line and/or at the time the Lateral Sewer Service Line is repaired. Reimbursement will be issued directly to the Eligible Owner upon the Program Administrator's receipt of satisfactory documentary proof that the videoing and/or repair has been completed and paid in full.

D. *Clean Before Repair.* Before inquiring with the Program Administrator about eligibility for repair reimbursement, property owners must attempt to clean out the Lateral Sewer Service Line by engaging a licensed plumber or sewer cleaning service.

E. *Review Of Video.* If a blockage in a Lateral Sewer Service Line occurs that cannot be removed by a plumber or sewer cleaning service or a sinkhole is observed, there may be a break in the Lateral Sewer Service Line. If such a condition exists and an Eligible Owner desires to participate in the Program, the Eligible Owner must contact a licensed plumber or drain layer to have the line videoed. The Eligible Owner must arrange to have a city employee designated by the Program Administrator present at the time the line is videoing so that it may be reviewed to verify the break in the sewer lateral. A copy of the video must also be sent to the Program Administrator as part of any application for reimbursement.

F. *Bids Required.* Eligible Owners are required to obtain three (3) bids from a licensed plumber or drain layer for the repair of the Lateral Sewer Service Line. The Eligible Owner then contracts with the lowest bidder for the repair. The Program Administrator may determine if a repair is an emergency and in so doing waive the bidding requirements.

G. *Other Program Requirements.*

1. *Repairs To City Streets.* If a repair to a Lateral Sewer Service Line necessitates cutting into a City street, any bid obtained, or work contracted, by an Eligible Owner shall provide for the owner's contractor to cut and repair the City street

right-of-way subject to obtaining an excavation permit from the City, providing twenty-four-hour notice to coordinate City inspection(s), and performing the work in accordance with Twin Oaks, St. Louis County and the Metropolitan St. Louis Sewer District (MSD) requirements, specifications, and details. The Program will assume responsibility for the inspection and cost of any repairs to City streets made in relation to an eligible repair to ensure consistent and complete repair according to St. Louis County and the MSD requirements, specifications, and details for excavation, backfill, and pavement repair. The Program shall use the Program fund for the costs of the street repairs necessitated by the repair of a Lateral Sewer Service Line.

2. Permits Required. The Eligible Owner or his/her contractor shall obtain all necessary permits. The work must be performed in compliance with applicable codes.
3. No Warranty Or Guarantee. The Program makes no warranty for, makes no guarantee regarding and has no obligation or responsibility for the performance of the Eligible Owner's contractor. The Program shall have no responsibility for any damage caused to the Eligible Owner's property because of sewer line defects or defective repair work.

H. Program Amendments. The program may be amended only by an ordinance adopted by the Board of Aldermen. The Program Administrator shall prepare and submit to the Board of Aldermen 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 520.030 Schedule Of Fees.

Pursuant to Section 249.422, RSMo., and as approved by the voters of Twin Oaks, a maximum charge of twenty-eight dollars (\$28.00) shall be assessed annually on residential property for each lateral sewer service line serving six (6) or less dwelling units on that property and condominiums that have six (6) or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay certain costs of repairs of defective lateral sewer service lines for those dwelling units. If a payment is not received by the date indicated in such assessment, a late fee of one percent (1%) is assessed monthly.

Section 520.040 Violations And Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of an ordinance violation and subject to penalty according to the general penalty provisions set forth in Section 100.220 of this Municipal Code of Twin Oaks.

Section 2. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 5th DAY OF JANUARY 2022.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator