



MEMORANDUM

TO: Mayor Laurel L. Prussing and Members of the City Council
FROM: William R. Gray, Public Works Director
Gale L. Jamison, Assistant City Engineer
Bradley M. Bennett, Senior Civil Engineer
DATE: May 30, 2013
RE: Sewer Lateral Repair in Public Right-Of-Way Policy Revision

Introduction

Ordinance 2013-02-016, approved on March 18, 2013, revised the reimbursement program for property owners for the cost of sewer lateral repairs located under City streets and sidewalks. The reimbursement program was intended to ease the financial burden for property owners who have to remove and replace a City street, alley, or sidewalk to repair their sewer service laterals. The percentage of City reimbursement was increased from 50% to 75% for public street, alley, or sidewalk removal and replacement costs for a sewer lateral repair; the maximum City reimbursement amount was increased from \$3,000 to \$4,500.

At the April 22nd and April 28th Committee of the Whole Meetings, the City Council discussed five options regarding City policy on sewer lateral repairs. The City Council directed the Public Works Department to expand the City's sewer lateral pavement reimbursement program to incorporate the following revisions:

- Increasing the limit of maximum reimbursement by the City from \$4,500 to \$6,000 for sewer lateral repairs in the public right-of-way.
- Increasing the percentage of City reimbursement from 75% to 100% for public street, alley, or sidewalk removal and replacement for sewer lateral repairs in the public right-of-way.
- Keeping the percentage and maximum reimbursement amount for the illegal connection program unchanged at a 50% reimbursement and \$4,000 maximum reimbursement.
- Increasing the maximum reimbursement and reimbursement percentage effective on the date that the attached ordinance is signed.

Fiscal Impact

It is estimated that the average cost of a sewer lateral pavement reimbursement within the public R.O.W. will be \$6,000. It is estimated that there would be fourteen sanitary service lateral pavement reimbursements annually resulting in a total program cost of \$84,000. Presently, \$42,000 in Sewer Benefit Tax is budgeted for the sewer lateral pavement reimbursement program. The Sewer Benefit Tax will need to be increased to generate the additional \$42,000 in revenues for the expense of the expanded sewer lateral pavement reimbursement program.

Recommended Action

It is recommended that the attached ordinance revising Section 24-49 of the City Code be adopted.

It is also recommended that the attached ordinance repealing the existing sewer lateral pavement reimbursement program be adopted.

Attachments: An Ordinance Amending Urbana City Code Chapter Twenty-Four, Section 24-49
 An Ordinance Repealing Ordinance No. 2013-02-016

ORDINANCE NO. 2013-06-050

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWENTY-FOUR,
SECTION 24-49

(Reimbursement for sanitary sewer repairs)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 24-49 to establish criteria by which the City will reimburse property owners for certain costs of repairing sanitary sewer connections within the City; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 24, "Utilities," Article II, "Sewers," Division 4, "Illegal Discharge and Connection," Section 24-49, "Reimbursement for illegal connections," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 24-49. - Reimbursement for ~~illegal connections~~ sanitary sewer repairs.

- (1) Illegal sanitary sewer connections. ~~The city shall reimburse the property owner for fifty (50) per cent of the cost up to four thousand dollars (\$4,000.00) of actual costs for eliminating an illegal sanitary sewer connection to the storm sewer system within city rights-of-way. If an illegal sanitary sewer connection to the storm sewer system is found in a city right-of-way, the city shall reimburse the property owner up to four thousand dollars (\$4,000) or fifty percent (50%), whichever is lower, of the reasonable costs of materials, equipment, and labor involved in the removal and repairs to alley or street pavement and sidewalk and necessary backfill to effectuate such removal and replacement.~~
- (2) Sanitary sewer laterals. If sanitary ~~and storm~~ sewer lateral repairs are required in a city rights-of-way, the city shall reimburse ~~to the property owner up to six thousand dollars (\$6,000) up to fifty (50) per cent of theof the~~ reasonable costs of materials, equipment, and labor involved in the removal and repairs to alley or street pavement and sidewalk and necessary backfill to effectuate such removal and replacement. ~~materials and labor involved in the removal and repairs to alley or street pavement, and sidewalk and necessary~~

~~backfill to effectuate such removal and replacement up to three thousand dollars (\$3,000.00).~~

- (3) Reimbursement is limited to one time for any sanitary sewer service lateral.
- (4) The city's reimbursement obligation shall cease immediately and without the requirement of further payment if in any fiscal year the city council fails to appropriate or otherwise make available funds for reimbursement.
- (5) The public works director shall develop such written requirements as may be necessary to implement this section, which shall be effective upon approval of the city council.
- (6) The public works director shall have sole authority to determine eligibility for reimbursement, prioritization of requests, and compliance with this section. Any appeal of decisions of the public works director shall be made to the mayor; and the mayor shall be the final authority.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2013-06-051

AN ORDINANCE REPEALING ORDINANCE NO. 2013-02-016

(Reimbursement policy for sanitary and storm sewer repairs)

WHEREAS, the City Council heretofore did on the 18th day of March 2013, pursuant to Ordinance No. 2013-02-016, approve a Council policy regarding a reimbursement program for illegal connections of private sanitary sewer service laterals to the storm sewer system and repair of sanitary and storm sewer service laterals; and

WHEREAS, after due and proper consideration, the City Council finds that the best interests of the City are served by repealing Ordinance No. 2013-02-016.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Ordinance No. 2013-02-016 is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed Ordinance.

Section 2.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor