

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> April 16, 2013	<b>AGENDA ITEM NUMBER</b>
---------------------------------------	---------------------------

**TO:** Mayor Shoji and City Council

**FROM:** Jennifer Wirsing, Engineering Service Coordinator  
Jim Hossley, Public Works and Development Director

**Through:** Rodger Craddock, City Manager *pee*



**ISSUE:** Presentation of Report Related to the Evaluation of Municipal Code 13.15.180:  
Owner Responsibility of Maintenance and Repair of Laterals

**BACKGROUND:**

The City of Coos Bay's Municipal Code currently places the onus upon the private property owner to maintain and keep in good working order his or her own private service (sewer) lateral from the structure to the public sanitary sewer main including the connection. If the lateral and or connection fail the owner must repair the failure at their own expense. City Council requested that staff analyze the feasibility of changing the code and taking ownership of the lateral within the right of way. Staff has prepared a report that provides a background for the current code, analyzes the option to assume ownership of the lateral within the right of way, provides preliminary cost estimates, and provides additional considerations that may need to be addressed if this code is modified.

**ADVANTAGES:**

If the Council chooses to take ownership of the lateral within the public right of way the City could better manage and control Inflow and Infiltration provided funding was also approved to perform the necessary construction.

**DISADVANTAGES:**

Taking over the private laterals, located within the right of way, could have significant cost implications. Additional expenditures will have to be taken to hire additional staff and purchase additional equipment.

**BUDGET IMPLICATIONS:**

Should Council decide to move forward and further explore taking ownership of the private lateral within the public right of way, Staff will need to work with a financial consultant to determine the new rate increase that is necessary to fund this new policy.

**ACTION REQUESTED:**

Options for future actions have been provided in the report. Provide direction to Staff regarding what option they would like to see Staff take. If Council decides to move forward and further evaluate a solution, a work session could be scheduled. There are many items to be considered that need to be determined prior to moving forward with a policy change. These items can include but are not limited to understanding all alternatives and options, examining new alternatives not discussed in report, determining the preferred alternative, and funding of the new policy.

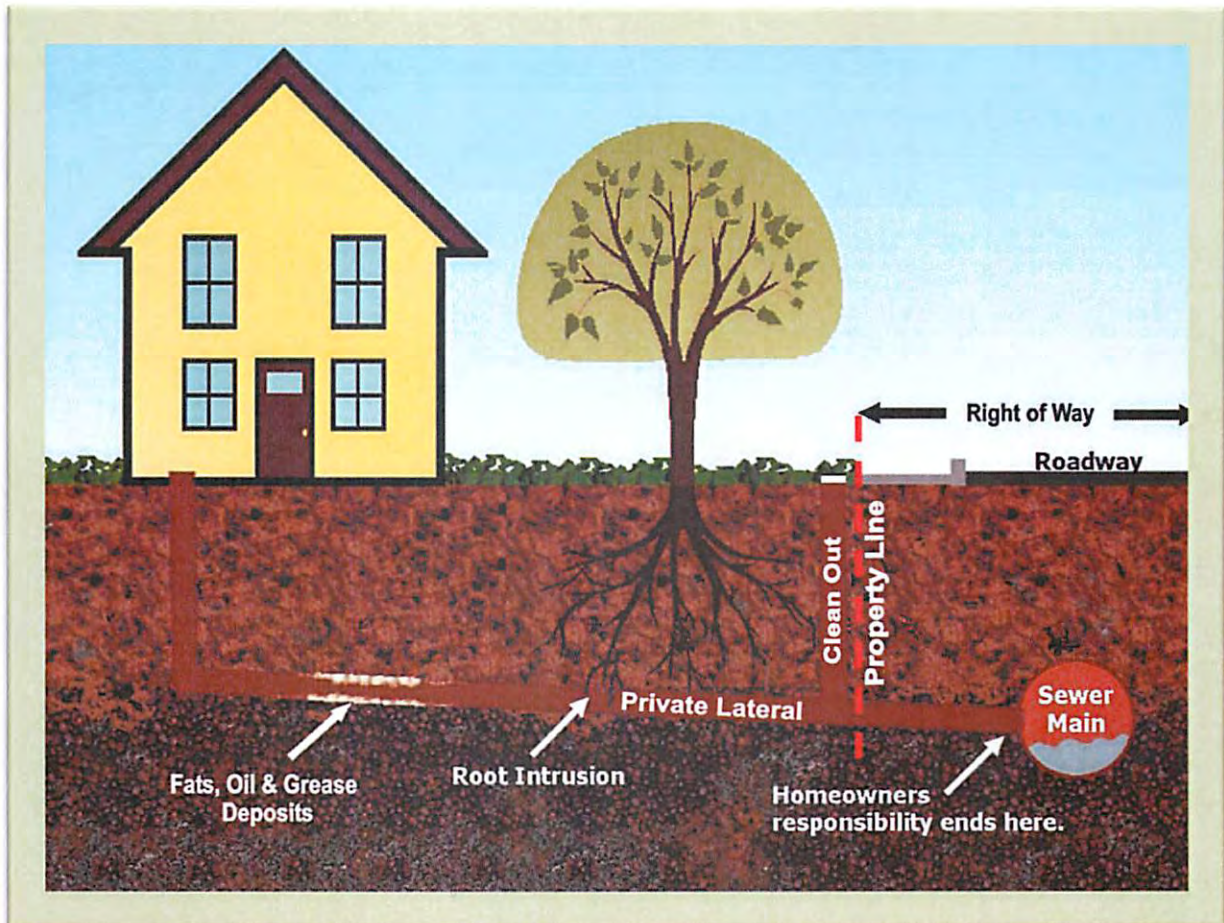
**ATTACHMENT**

February 2013 report titled, *Evaluation of Municipal Code 13.15.180: Owner Responsibility of Maintenance and Repair of Laterals*



Evaluation of Municipal Code  
13.15.180: Owner Responsibility of Maintenance  
and Repair of Laterals

February 2013



Prepared By  
City of Coos Bay  
Public Works – Engineering Division  
500 Central Avenue  
Coos Bay, Oregon 97420



**INTRODUCTION**

The City of Coos Bay's Municipal Code currently places the onus upon the private property owner to maintain and keep in good working order his or her own private service (sewer) lateral from the structure to the public sanitary sewer main including the connection. If the lateral and or connection fail the owner must repair the failure at their own expense. City Council requested that staff analyze the feasibility of changing the code and taking ownership of the lateral within the right of way. This report provides a background for the current code, analyzes the option to assume ownership of the lateral within the right of way, provides preliminary cost estimates, and provides additional considerations that may need to be addressed if this code is modified.

**DEFINITIONS**

This report contains several words and/or phrases that need definition and clarification:

**Public Sanitary Sewer Main**

An underground pipe owned and maintained by the City of Coos Bay which conveys sewer from more than one residence, parcel or property to eventually be treated at one of two Coos Bay Waste Water Treatment Plants.

**Private Service Lateral**

An underground pipe owned by a private entity which transports sewer from one building to the Public Sanitary Sewer Main.

**Right of Way**

An area utilized by the City of Coos Bay for public infrastructure. The infrastructure can consist of sidewalk, roadway, public sanitary sewer mains, storm drains, etc.

**Cleanout**

A plumbing trap or opening that is usually covered by a cap, plate, or door and is provided for cleaning out a service lateral.

**CURRENT CONDITION**

The City of Coos Bay owns and operates the Waste Water System. The system includes two waste water treatment plants and two outfall pipes that discharge treated effluent into the bay. The system also includes 23 waste water pumping stations, 93 miles of public sanitary sewer main (not including private laterals), over 1,700 sanitary sewer manholes, and one large sludge storage lagoon in Eastside. The Waste Water System is a valuable asset to the City and in total is estimated to have a current worth of approximately \$200 million. The system serves approximately 16,000 people in Coos Bay and also accepts and treats the sewer generated from both the Charleston and Bunkerhill Sanitation Districts.

As stated above the, the City owns and maintains 93 miles of public sanitary sewer main, but that does not include the private sanitary sewer laterals. As an estimate, if lineal footage of the service laterals was calculated it would at least double the current mileage of pipe that the City owns. There are many areas within the City in which the laterals are more than a hundred years old and in some cases the lateral is even older. Typically a design life for a sewer pipe is 40 years. Overall, the City's waste water system is old and in need of repair and that is not limited to the public main but also includes the private laterals.

Currently the City of Coos Bay's Municipal Code states the following:

*13.15.180 Owner responsibility for maintenance and repair of laterals.*

*(1) Private Laterals. The owner of a building connected to the waste water system is responsible for the maintenance and repair of the private lateral and any appurtenances, including the connection to the collection line. The owner shall keep the private lateral in*



*good condition and repair and shall replace, at the owner's expense, any portions which, in the opinion of the director, have become unfit for further use because of damage to or disintegration of the private line.*

In other words, homeowners are required to maintain and repair the lateral from their home to the public sewer main. Maintaining the entire length of the lateral includes keeping the lateral line flowing and free of debris such as roots or grease. Typically the public sanitary sewer main is located in the street. As such, there normally will be portions of the lateral located under asphalt, concrete, rock, landscaping, etc.

Sewer backups can cause tremendous damage to the interior of a home. In order to minimize these, the City provides continual maintenance services and video investigation of the public sewer main. Our contractor is required to clean every foot of the entire system at least once every 5 years. Unfortunately, private service laterals seldom receive any maintenance by private property owners until a disaster strikes. Right or wrong, out of sight and out of mind is a typical approach to sewer lateral maintenance and operation.

As stated above, the City performs video investigations on the public sewer main. These investigations can be routine or in response to a sinkhole that was observed. When it is determined that a lateral connection has failed or the sinkhole is a result of a damaged private lateral, the City will issue a letter to the private property owner requiring that they fix the situation. The Municipal Code allows for the owner to take up to 90 days to remedy the situation. If the situation is not remedied, then the City has the option of intervening and fixing the situation and invoicing the owner for the work. If the invoice is not paid, the City can place a lien on the property. However, in the last three years, City Staff has successfully worked with private property owners to fix damaged laterals and connections and no liens have been placed on property as a result of this protocol.

**COST ESTIMATES**

Last year the City issued twenty two sewer connection permits and twenty sewer repair permits to private owners. Sewer connection permits consist of new connections and repair of failed connections. Sewer repair permits consists of repairing the sewer lateral due to a failure that occurred in the lateral somewhere within the right of way between the property line and the public main. Depending on the extent of failure will depend on the cost of the project. Currently we do not have staff to do this type of work therefore the following estimates assume that the work has to be contracted out. The following estimates include typical trench installation with asphalt replacement. The estimates also assume that the trench will not exceed a depth of seven feet.

<b>Scope</b>	<b>Cost Estimate</b>
Repair & Replace Connection	\$5,000/connection
Spot Repair on Lateral In R/W	\$4,000/repair
Replacement of Entire Lateral In R/W	\$9,000/repair
Replacement of Lateral & Connection In R/W	\$10,000/repair
Install Clean Out at Property Line	\$2,000/install

Based on the quantity of permits issued for 2012, if the City is to assume responsibility for the lateral within the right of way, the sewer connections would have cost approximately \$110,000 and the sewer repairs would have cost approximately \$80,000 to \$200,000 depending on the extent of the repair. This does not include the installation of the cleanout which would have



been an additional \$84,000. In total for the year 2012, if the City were to assume responsibility for lateral repair within the right of way, the expense could have been between \$274,000 to \$394,000.

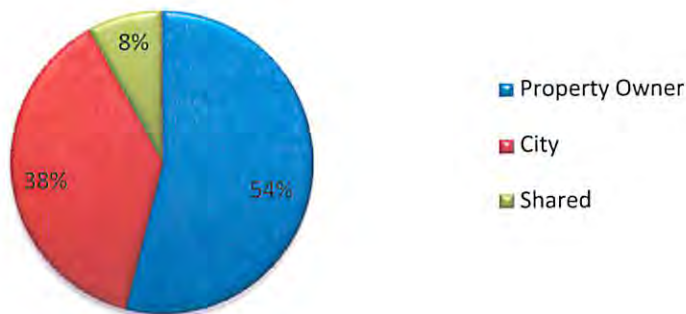
Currently the City does not have the resources and in-house staff to do this work but there are several local contractors who are qualified to do this type of work. If the City decides it would be cost effective to perform this work in-house, the City would need to hire at least a three person crew (operator and two pipe layers). Also additional equipment will be necessary. The equipment may include but is not limited to an excavator, dump truck, survey equipment, camera and video recording capability, and a compactor. While the City has the majority of this heavy equipment, this equipment is typically being utilized by the operations department. Due to the quantity of work, additional equipment may need to be purchased in order for the collections crew to perform their work full time.

**ADDITIONAL RESEARCH**

City Staff researched policies, codes, and/or ordinances for other Oregon municipalities with respect to lateral responsibility. We polled 50 cities including numerous coastal cities and cities that had similar populations to that of Coos Bay. The results determined that approximately 54% of the cities have the same ordinance as the City of Coos Bay with respect to lateral responsibility. In other words, 54% of the cities polled place the responsibility of lateral maintenance and repair for the entire private service lateral from the structure to the public sewer main on the private property owner.

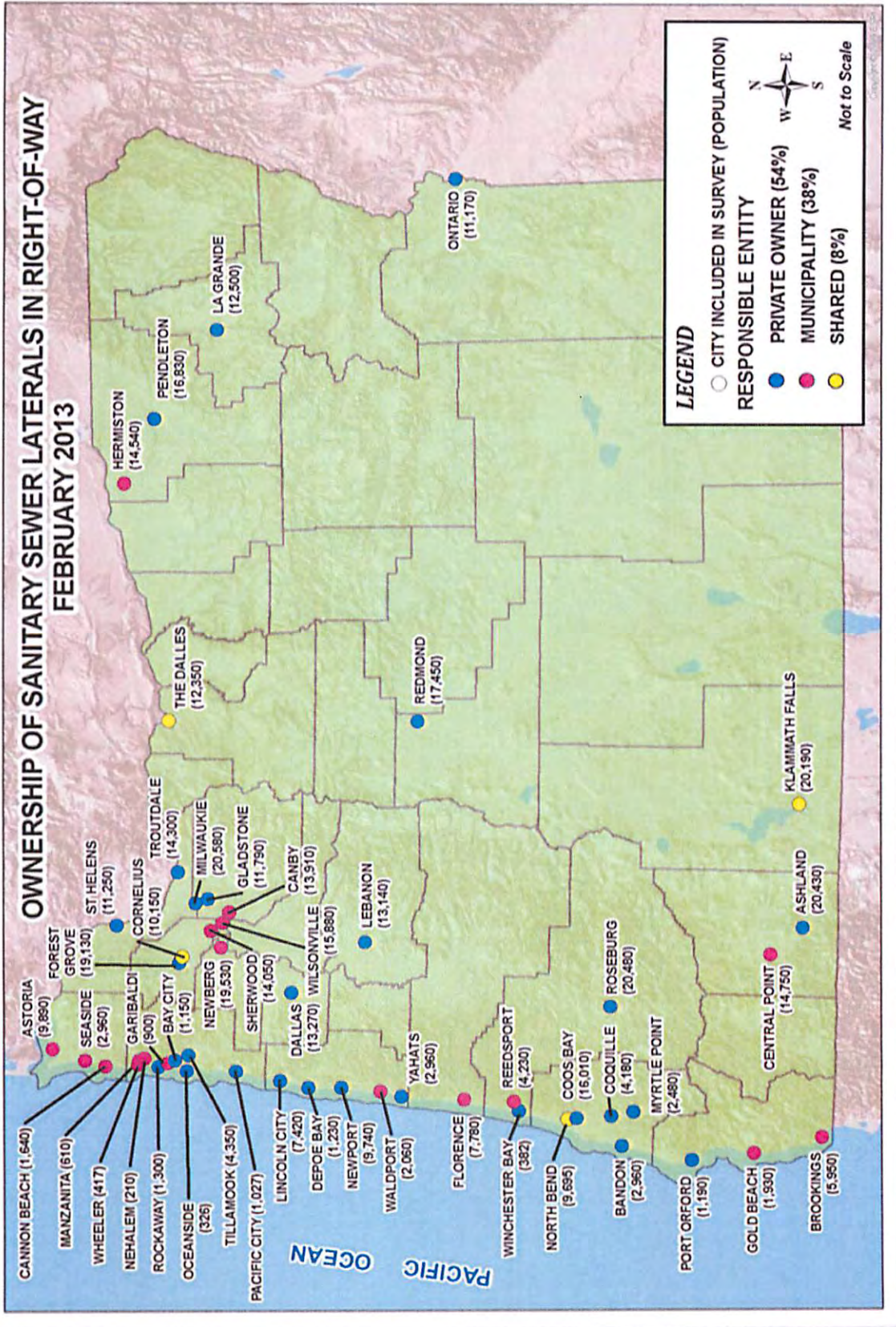
The research determined that there were three different categories that the municipalities fell into. With respect to the responsibility of the lateral within the right of way, 27 cities placed this responsibility on the owner, 19 cities placed this responsibility on themselves, and 4 cities shared responsibility if it was not a structural issue (i.e. roots, fats, oil, or grease). The following chart illustrates these three categories:

**Ownership of Private Laterals  
in the Right of Way**



The following graphic identifies the cities that were contacted for this research. The graphic shows the location of the City, the population, and the city's policy with respect to the private laterals.







### ADDITIONAL CONSIDERATIONS

If the City is going to explore the possibility of taking ownership of the lateral within the right of way, some additional considerations should be taken into account. These items have been listed below with a brief discussion:

- **CH2M HILL-OMI Contract** - Current contract with CH2M HILL-OMI does not include repairs deeper than 5 feet. Also the number of repairs shall not exceed 20 in any given year. If we were to consider contracting with CH2M HILL to perform the maintenance and repair of the service laterals it could significantly increase the cost of the contract.
- **Equipment and Staff** – Currently the City does not have equipment and staff to maintain and repair laterals. It may be cost beneficial to obtain staff with the expertise of sewer repair however there will be a cost in obtaining this staff in addition to the extra equipment that will also be needed.
- **Cleanout Installation** - If the City is to maintain the portion of the lateral within the right of way, a clean out will have to be installed at the property line. A cleanout will allow the City to maintain the portion of lateral within the right of way and remove a blockage. Crews cannot access the lateral through the main line. The cleaning and video equipment cannot make 90 degree turns and “climb” into the lateral. Additionally, the City’s current cleaning equipment and cameras are designed for pipes larger than 6 inches. Typically service laterals are 4 inches. The only way to access the lateral is either through a cleanout or the private building. Accessing a private building may not always be feasible. Also, there is a potential for significant liability if damage were to occur.
- **Street Repair** - The cost to repair a lateral does not only include the portion of the lateral that is damaged. The street will also have to be removed and replaced. Asphalt removal and replacement is typically estimated at \$120/ton.

### OTHER SOLUTIONS

Due to financial constraints, the City may not be able to take responsibility and ownership of the laterals within the right of way. With that said there are other avenues that the City can explore.

#### **Education**

Educating property owners is one option for the City to explore. Often times homeowners are not even aware that it is their responsibility to maintain the private lateral. Education will achieve the goal of making property owners aware that this maintenance is their responsibility and lowering the risk of an overflow entering into a private structure. If property owners took these simple steps it could reduce blockages and prevent costly overflows and damage. This information can be distributed in flyers, mass mailers, in conjunction with sewer and water bills, at town hall meeting, and/or in a public service announcement. The education can consist of but not be limited to the following information:

- Maintain private laterals through proper cleaning, repair, and replacement on a regular schedule.
- Install a backflow preventer and cleanout in your sewer lateral.
- Do not place improper items into the sewer or make improper connections to the sewer
  - Keep rainwater out of the sewer lines as it overwhelms the capacity of the sewer lines and may cause sewer spills.
  - Do not pour fats, oils, and grease in your drains as these products harden and stick to the inside of the sewer pipes. Over time accumulations may cause a blockage in the sewer pipe.



### **Funding Programs**

Many of our residents are on a fixed income or have considerable financial obligations. This is not an uncommon situation. As such, another option for the City to consider is a grant or loan program. The Grants Program could consist of funding 50% of the repair cost for a single family residence whose income is not higher than a designated percentage of the median income of Coos County. A Low Interest Loan Program could also be considered that would cover 100% of the cost of repair and replacement at a low interest rate over the course of 1-3 years for a single family residence.

Other communities are employing a loan deferred program. Residents who experience regular sewer back-ups and overflows or are experiencing a failure of their private lateral would be eligible. The loan deferred program would provide a low interest loan up to \$10,000 to repair or replace the private sewer lateral. These loans, secured by a Deed of Trust, are deferred and no monthly payments are required. The loans, along with the interest, are repaid when the property changes title or sold to a new owner.

The purpose of the lateral assistance program, regardless of the program's format, is to facilitate the physical rehabilitation of privately owned sewer laterals. These types of programs would help encourage property owners to repair their sewer lateral through the issuance of a loan or grant, thereby contributing to the protection of public health and the environment through the reduction of waste water spills. Additionally, the repair of sewer laterals and connection would also help reduce the effects that inflow and infiltration have on the overall waste water system. Defective sewer lateral lines can allow rain and irrigation water to make its way into the line. Sewer systems are not designed to handle this additional water flow (inflow and infiltration) which can overtax the system and contribute to sewer overflows onto the street and Bay. Proper maintenance also eliminates the possibility of sewer lateral overflows caused by line defects and blockages, which can result in significant sewer water damage both inside and outside a property.

### **FUTURE ACTIONS**

There are several different options that can be further explored. The options have been presented below.

#### **Option 1 – Current Conditions**

This option has two subcategories that could be explored

##### **Option 1A - Maintain Current Conditions**

Based on the research that Staff performed it does not appear that Coos Bay is upholding a policy that is uncommon. In fact, over half of the cities that were contacted have the same policy that is currently employed here at Coos Bay. A major consideration is the additional cost impact that a policy change would have on the City. To avoid additional costs one option would be to maintain the current condition and keep the responsibility for laterals with the private property owner.

##### **Option 1B - Maintain Current Conditions & Educate the Public**

This option is the same as option 1A with the addition of education. Education can consist of information distributed in flyers, mass mailers, in conjunction with sewer and water bills, at town hall meetings, and/or in a public service announcement.

#### **Option 2 – Accept Responsibility for Laterals and Contract the Work**

This option has two subcategories that could be explored with the City contracting out this work in both cases. There are several qualified local contractors that have the resources, training,



and equipment. However, the City could also expand their current contract with CH2M HILL-OMI to include lateral repair. These two are summarized below:

**Option 2A – Contract the Work to Local Plumbers**

Cost estimates have been provided in this report, however the City's financial consultant would have to determine the rate increase to fund this new responsibility. Additionally, the City may have to put limitations on how many projects are performed in a given year, or have a budget for this new line item.

**Option 2B – Contract the Work to CH2M HILL-OMI**

Currently CH2M HILL-OMI's contract does not include repairs deeper than 5 feet. The contract could be expanded to include this scope of work. However, in addition to the increased contract costs, the City will also have to obtain equipment. This equipment could consist of but is not limited to the following: excavator, dump truck, survey equipment, camera and video recording capability, and a compactor.

**Option 3 – Accept Responsibility for Laterals and Perform Work In-House**

The City could obtain a crew that was solely responsible for pipe installation and sewer repair. The City will also have to obtain equipment. This equipment could consist of but is not limited to the following: excavator, dump truck, survey equipment, camera and video recording capability, and a compactor.

**Option 4 – Maintain Current Condition and Offer a Grant and Loan Program**

The City would maintain its current condition and the responsibility for sewer lateral maintenance and repair would remain with the private property owner. However the City would offer a Grant and/or Loan program to assist private owners financially.

**CONCLUSION**

If Options 2 and Option 3 are explored further, detailed policy issues should be considered. If the lateral failure is due to roots, fats, oil, and grease then the city should not be responsible for the repair. Also, the city will need to have a cleanout at the property line in order to maintain the lateral in the right of way. Without a cleanout, maintenance will not be possible. Additionally, if the lateral at the property line is in disrepair then the owner must be responsible to repair the portion of the lateral on private property prior to installation of a clean out.

There are many avenues that the City can explore. This report was created to present the options and provide information. It is anticipated that City Council will review the report and provide direction to Staff on how to proceed.