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MEMORANDUM
Utilities Department

TO: Ed Lavallee, City Manager
FROM: Tim Hochuli, Utilities Director *TAH 1/30/17*
DATE: January 30, 2017
RE: Assessment of Code Section 74-127

The issues raised in the Mayor's email dated December 22, 2016 include the following:

- Older style cleanouts located underground
- Extent of sewer service responsibility (Code Section 74-127)

Regarding the cleanouts of a different style where they are located underground, Utilities has been told that some older homes have a piping arrangement exiting the property that is not piped for a cleanout as we would today. The description Utilities was given for this piping arrangement would not allow easy access for either the City or a plumber because none of the piping rose to grade. The piping finished below grade where any party involved would have to excavate for access which would entail not only excavation, but the excavating party would have to know that the piping was constructed in this fashion, which might only be apparent from televising from the property owner side of the piping and also where to excavate, because the location would not be obvious. These unknowns make these older piping arrangements of little to no functional use and should be upgraded as problems occur in the system. The current City Code allows the property owner to install a cleanout that meets current standards and then the downstream sewer service lateral below the new cleanout would be maintained by the City.

Regarding the property owner potentially having to repair a City or County street, that is a possibility under the current code. Given modern rehabilitation techniques it would not be a common occurrence, but it is certainly possible. Any work performed would require the appropriate permitting and inspection so it is unlikely that there would be any damage to City property.

Based on an informal polling of neighboring communities, including Sarasota County, City of Sarasota, City of Bradenton and City of Palmetto, the following was determined:

- All entities assume maintenance responsibility of a sewer lateral from the main to the property line regardless of whether a cleanout exists or not. As currently written, the City of Venice places the maintenance responsibility for the entire

sewer lateral on the customer if no cleanout exists. If a cleanout exists, the City of Venice is comparable to the other entities.

- If a customer call is received, several of the entities will install a cleanout as part of the resolution of the call, if the cause of the problem can not be easily determined.
- If a customer contacts the entity after the plumber has performed a repair seeking reimbursement without any prior involvement from the entity, they typically will not reimburse the customer. We do have cases where the plumber informs the customer that the work they performed extended into what they perceive to be the City system and they recommend to the customer that they seek reimbursement from the City. Without the City being involved we would not recommend reimbursement of these costs based on a third party's evaluation of the situation.
- Although numbers are not readily available, it appears the City of Venice may have many more locations where cleanouts do not exist than these other local entities. This may mean that a minor staffing increase would be necessary if the City were to change our process to the installation of cleanouts as these other local entities have done.

Conclusions:

- The City's current code regarding sewer lateral maintenance does delineate clear lines of responsibility between customer and the City. Basing maintenance responsibility on a property line and a third party's assessment of where a repair is made can lead to disputes that do not currently exist.
- The City's current code is not the standard of the industry, but has been modified to fit the City's specific situation, which is the small number of sewer cleanouts in the City compared to neighboring utilities.
- Having a customer be responsible for sewer lateral repairs all the way to the sewer main could be challenging for a customer due to plumber licensing responsibilities typically being on private property only and not within a public ROW. This can cause a second contractor to have to be involved, at a minimum, and the resulting coordination effort needed when multiple contractors are involved.
- Typically, there are minimal cases where a sewer lateral needs to be excavated for repair within the ROW as long as access from the property owner's side is available, which is almost always the case due to cleanouts being located within a few feet of most homes.
- If a change is made to the current code that delineates the line of responsibility as the property line, regardless of whether a cleanout exists, City staff would either have to adopt the policy of installing a cleanout to help determine the location of the problem or obtain property owner's permission to work on private property with the associated risk associated with damaging the owner's above ground and

below ground property. An assessment of a potential staffing increase or overtime increase would also be needed or the understanding that an increase in response time may be a result due to other staff having to be reassigned to address the cleanout issue. In the worst case, outside contractors would have to be brought in which could delay completion of the work significantly, if a contractor could be found to perform the work at all given the current heavy contractor workloads in the area.

- A final consideration is whether the City should adopt a policy, with the associated cost, that simply benefits a single customer yet is paid by all customers.

Recommendation:

- Given the extremely limited problems that Utilities staff are aware of from customers under City Code as written, we recommend that no changes to the Code be made at this time. If future issues arise, this recommendation can be reevaluated.

cc: Len Bramble, Assistant City Manager
Tom West, Assistant Utilities Director
Mickey Healy, Field Operations Supervisor

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Lori Stelzer

From: John Holic
Sent: Thursday, December 22, 2016 3:25 PM
To: Edward Lavallee
Cc: Judy Gamel; Lori Stelzer
Subject: Ordinance 2013-13

Ed,

I would like to put pages 11 and 12 of Ordinance 2013-13 on the agenda for review; we may have had some unintended consequences as a result of this Ordinance. Section 74-127 removed the responsibility for maintenance of city sewer lines from the city and placed it on the customer from the collection main to the property line cleanout and did not make an exception for older homes that used cleanouts of a different style. Rather, it placed the entire burden of sewer cleanout on the homeowner beyond the right-of-way all the way from the dwelling to its point of connection to the city's sewer. This could, in theory, mean that a citizen would have to rip up a city street and then patch it in order to clean out a sewer line. Newer homes are constructed with above ground cleanouts at or near the property lines, but older homes had theirs underground; many of them are old and may not be usable anymore.

I do not recall discussing this when the Ordinance was passed and I think it causes undue burden on the homeowner and could cause damage to City property if not carried out properly.

Thanks,

John

Need to Report an Issue? SeeClickFix Venice Connect is available as an app for Android and iPhone. Select SeeClickFix from your app store on your device and choose Venice, Florida. There is also a link to the program on the city's website, www.venicegov.com, or go directly to SeeClickFix at <http://www.seeclickfix.com/Venice>

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Classification	Meter Size (inches)	Water Plant Capacity Charge
Each individually metered single-family dwelling unit (includes manufactured homes)	N/A	\$1,210.00
Each multifamily dwelling unit	N/A	\$1,075.00
Each hotel and motel unit	N/A	\$575.00
Commercial (by meter size)	¾	\$1,210.00
	1	\$3,025.00
	1½	\$6,050.00
	2	\$9,680.00
	3	\$19,360.00
	4	\$30,250.00
	6	\$60,500.00
	8	\$96,800.00
	10	\$139,150.00

Classification	Meter Size (inches)	Water Plant Capacity Charge
Each manufactured home dwelling unit	N/A	\$937.00
Each multifamily dwelling unit	N/A	\$1,075.00
Each hotel and motel unit	N/A	\$575.00
Each individually metered single-family dwelling unit and each commercial (by meter size)	¾	\$1,210.00
	1	\$3,025.00
	1 1/2	\$6,050.00
	2	\$9,680.00
	3	\$19,360.00
	4	\$30,250.00
	6	\$60,500.00
	8	\$96,800.00
	10	\$139,150.00

Sections 74-73 through 74-126 no change.

Sec. 74-127. Maintenance responsibilities of city and property owner.

~~The city shall be responsible for maintenance of its sewer main and the service line from the collection main to the cleanout at the property line. The property owner shall be responsible for maintenance of all house service piping providing service to the building.~~

*The City of Venice Code of Ordinances is amended as follows
with ~~strike through text~~ identifying deletions and underlined text indicating additional language.*

- a) Existence of a sanitary sewer cleanout: If a sanitary sewer cleanout approved by the utilities department does exist at or near the right-of-way, maintenance of the sewer service lateral from the city's sewer main to and including the cleanout shall be the responsibility of the city, and maintenance of the sewer service lateral between the cleanout and facility it serves shall be the responsibility of the customer.
- b) Absence of a sewer cleanout: If no sanitary sewer cleanout approved by the utilities department exists at or near the right-of-way, maintenance of the sewer service lateral shall be the responsibility of the customer from the dwelling all the way to its point of connection to the city's sewer main.
- c) Construction of sewer cleanout: The utilities department encourages sewer customers to consider the installation of an approved sewer cleanout on the customer's sewer service lateral in order to facilitate removal of blockages and to more easily delineate maintenance responsibilities. In order for a new sewer service line cleanout to be eligible for approval both the cleanout and the sewer service lateral between the cleanout and the city's sewer main must be clearly demonstrated to be in good working condition and accepted by the utilities department.
- d) Location of cleanout may vary: In order for a sanitary sewer cleanout to be readily accessible for maintenance activities, it may be necessary for its location to be modified. For a newly constructed cleanout the customer should obtain approval of the cleanout location prior to its construction. For an existing cleanout where accessibility of the cleanout has become impractical or impossible due to construction or placement of physical features by the customer, responsibility for maintenance of the service line from the cleanout to the sewer main shall revert to the customer until the customer has remedied the cleanout access issue to the satisfaction of the utilities department.
- e) Sewer mains and services not in rights-of-way: While most city sewer mains are located within a street right-of-way, some are located within utility easements. For sewer service to city sewer mains within easements the application of the term "right-of-way" and "easement" shall be interchangeable.

Sections 74-128 through 74-161 no change.

Sec. 74-162. Amount.

The wastewater plant capacity charge shall be assessed according to the following schedule:

*The City of Venice Code of Ordinances is amended as follows
with strike-through text identifying deletions and underlined text indicating additional language.*