



Staff Report

DISCUSSION AND DIRECTION TO ADOPT A POLICY FOR MAINTAINING SEWER LATERALS AND RESPONDING TO EMERGENCY SEWER CALL-OUTS

Honorable Mayor and City Council:

Summary

The City Council requested staff to provide the background on the City's sewer lateral maintenance practices for discussion and direction. It is recommended that City Council adopt the policy to continue the current practice of maintaining sewer laterals and responding to emergency sewer call-outs and that the City is not responsible for maintaining and repairing, except on an emergency basis, any private sewer lateral.

Background

Several residents have spoken before the City Council in the past questioning the City's sewer lateral practices. They have opined that the City should be responsible for maintaining and repairing sewer laterals from the property line to the sewer mainline. The reasoning behind this opinion was that this portion of the sewer lateral is within the public right-of-way and, therefore, should be the responsibility of the City.

The Municipal Code (Section 21-1 Sewers and Sewage Disposal) reads "Public sewer (sewer main) shall mean any mainline sewer constructed in any street, highway, alley, place or right-of-way dedicated for public use and accepted by the City. Such term shall not include laterals or house-connection sewers." This definition has remained the same for over 30 years.

All of the sewer laterals from a property to the sewer mainline throughout the City were installed by the builder of the house located on the property. No sewer lateral was ever installed by the City with the exception of public facilities. Even then, the work was undertaken by a private contractor, not City staff.

The City's current practice is to respond to any sewer call. Public Works is on-call at all times and is expected to respond within one hour of any sewer related call. Staff first inspects the sewer mainline to determine whether or not there is any blockage. Public Works will run the private lateral line to clear any obstructions if it is determined the mainline is not blocked and the affected property has a clean-out at the property line. The lateral line will be run from the clean-out to the mainline as well as the clean-out to the house.

It is the practice of staff to provide emergency clean-out of laterals to any property up to two times in a twelve month period. The affected property is notified in writing that no additional emergency clean-outs will be provided to the address and the affected property needs to contact a plumber to address the problems associated to a damaged lateral. Public Works will respond to any emergency call to insure the mainline is clear, but will not clean-out the lateral.

Public Works is always exploring ways to improve our services as we progress towards being more community based government. Public Works recently implemented a program where we will provide the video of the damaged sewer lateral to the affected property. Staff is also available to the affected property owner to explain what the problem is with their sewer lateral. We have found that this actually saves staff time overall dealing with a problem lateral and makes it easier for the affected property owner to understand what needs to be done to correct the problem.

Discussion

The concern expressed by several residents is that the sewer lateral from the property line to the mainline should be the responsibility of the City being that the lateral is within the public right-of-way.

A sewer lateral is much like a driveway to a property. They both provide service to a single private property and both cross a segment of the public right-of-way. Neither are facilities that provide service for the overall good of the community. A private property owner is responsible for the maintenance and repair of their driveway as well as the curb, gutter and sidewalk adjacent to their property even though these facilities are within the public right-of-way.

The City's resources are to provide services to facilities that are for the overall good of the community. The City is responsible for maintaining the sewer laterals and the streets and the City is not responsible for maintaining and repairing, except on an emergency basis, any private sewer lateral.

Many of the problem laterals are a direct result of a failed connection to the mainline as the result of an improper installation. Public Works will only repair these connections if the affected property is not willing to address the problem in a timely manner and the failed connection is a potential health and safety problem. Public Works bills the affected property owner for the time and equipment used to make the repairs.

City staff responds to approximately 240 sewer lateral blockage calls each year. City staff has given notice to property owners that their sewer lateral needs repairing 38 times over the last two years.

Practice of Other Cities

The following table indicates the practice of various cities throughout the County and in the Bay Area:

Agencies that <u>Do Not</u> Provide Any Emergency Sewer Lateral Clean-Outs	Agencies that Provide Emergency Sewer Lateral Clean-Outs, but Do Not Repair Laterals	Agencies that Repair Sewer Laterals Between Approved Property Line Clean-Outs and Mainline
Foster City	Atherton	Burlingame
Los Altos	Daly City	Los Altos
	Fremont	Millbrae
	Menlo Park	Redwood City
	Newark	San Bruno
	Pacifica	San Carlos
	Portola Valley	San Mateo*
		So. San Francisco
		* Only in front yard. No work in rear yard

The table indicates the practice of sewer laterals varies significantly within the County.

General Plan/Vision Statement

No impact.

Fiscal Impact

There is no fiscal impact if the policy is adopted as proposed. The fiscal impact to repair and/or replace the sewer lateral between the clean-out and the sewer mainline varies between \$7,000 and \$13,000 depending upon the location. Based upon the number of letters sent out annually to residents to repair their laterals, the fiscal impact on the Sewer Fund will be between \$133,000 to \$247,000.

Public Contact

Posting of the Council agenda.

Recommendation

It is recommended that City Council adopt the policy to continue the current practice of maintaining sewer laterals and responding to emergency sewer call outs and that the City is not responsible for maintaining and repairing, except on an emergency basis, any private sewer lateral.

Alternatives

1. Take no action.
2. Refer back to staff for further information.

Attachments

- A. Resolution

Respectfully submitted,

Raymond E. Davis III, PE, PTOE
Director of Public Works

Jack R. Crist
City Manager

Staff Contact:

Ray Davis, Public Works Director
650/595-7459
rdavis@belmont.gov

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING
A POLICY FOR MAINTAINING SEWER LATERALS AND RESPONDING
TO EMERGENCY SEWER CALL-OUTS**

WHEREAS, several residents have spoken before the City Council in the past questioning the City’s sewer lateral practices and have opined that the City should be responsible for maintaining and repairing sewer laterals from the property line to the mainline sewer; and,

WHEREAS, the City Council requested staff to provide the background on the City’s sewer lateral maintenance practices for discussion and direction; and,

WHEREAS, the Municipal Code (Section 21-1 Sewers and Sewage Disposal) reads “Public sewer (sewer main) shall mean any mainline sewer constructed in any street, highway, alley, place or right-of-way dedicated for public use and accepted by the City. Such term shall not include laterals or house-connection sewers”; and,

WHEREAS, the City’s current practice for Public works to be on-call at all times and is expected to respond within one hour of any sewer related call to inspect the mainline sewer to determine whether or not there is any blockage and run the private lateral line to clear any obstructions and that the lateral line will be run from the clean-out to the mainline as well as the clean-out to the house; and,

WHEREAS, the City is not responsible for maintaining and repairing any private sewer lateral.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont adopt the policy to continue the current practice of maintaining sewer laterals and responding to emergency sewer call-outs and the City is not responsible for maintaining and repairing, except on an emergency basis, any private sewer lateral.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on July 24, 2007 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont