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TO: North Ogden City Mayor and City Council
FROM: Jonathan Call, North Ogden City Attorney
DATE: May 6, 2015
RE: Sewer Lateral Language

Council,

I was asked to review the City's sewer policies to determine if clarification was necessary to eliminate confusion. Based on my review of the policies, both written, and unwritten the City should look at adopting some new language to make it clear the obligations of the City and residents pertaining to the various types of sewer lines within the right of way.

Though the existing ordinance can continue to be interpreted as the City has always done to require residents not only to install the original lines, but to continue to maintain those lines. It would be helpful for the residents as well as City staff to have an official written policy for the staff to rely upon when questions about the sewer trunk lines and laterals are brought up.

Recommendation I recommend the Council consider the language which has been suggested in the proposed Ordinance and adopt some of the clarifying language.

ORDINANCE 2015-

AN ORDINANCE OF NORTH OGDEN CITY CODIFYING HISTORICAL SEWER LATERAL POLICY

WHEREAS: The City owns and maintains main sewer trunk lines within its jurisdiction; and

WHEREAS: The City has recently had several questions from residents regarding the official sewer policy of the City; and

WHEREAS: The City has for many years relied upon language found in City Code to make interpretations relative to the responsibilities for sewer laterals which connect to the City's main trunk lines; and

WHEREAS: The Public Works Department has never taken responsibility for the maintenance and installation of the individual lateral sewer lines; and

WHEREAS: North Ogden City believes an official policy should be adopted describing the ownership of the sewer laterals which connect private property to the main trunk lines to add clarification for municipal officials as well as City residents.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the language in Section 1 below shall be added to and modified as outlined below in the North Ogden City Code in 9-3 Sewer Regulations. Any provisions in 9-3 not changed by this Ordinance remain unaffected.

SECTION 1:

9-3-1 General Provisions

- A. Maintenance of Sewers – The City's obligation to maintain sewer facilities is limited to the main public sewer trunk lines within the road right-of-way or other easements obtained by the City for such purposes. The City is not obligated to maintain, repair, replace or otherwise perform any work on private sewer facilities installed by the owners of houses, buildings, or other properties as outlined under the section 9-3-1(B) below.

- B. Connection Required – The owner of all houses, buildings or properties used for human occupancy, employment, commercial, institutional, recreational or other like purposes, any part of which building is within three hundred feet (300') of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by or lying within the corporate limits of the city is in existence and use is required at his expense to install suitable facilities ("sewer laterals") therein, and to connect and maintain in perpetuity, including repair and replacement, such facilities and sewer laterals with the proper public sewer in accordance with the provisions of this chapter within ninety (90)

days after the date that the public sewer line is available for use, provided such public sewer line is within three hundred feet (300') of any part of such building discharging sanitary or industrial waste.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this _____th day of 2015.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	___	___
Council Member Satterthwaite:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
Council Member Urry:	___	___
(In event of a tie vote of the Council):		
Mayor Taylor	___	___

ATTEST:

S. Annette Spendlove, MMC
City Recorder