

RESOLUTION NO. 89-103-27
POLICY CONCERNING COST OF BUILDING SEWER OR TAP REPAIR

WHEREAS, private building sewers, including the tap to the public sewer main, are the responsibility of the owner of the property served to maintain and repair; and

WHEREAS, a broken building sewer or tap may cause damage to the public sewer system or to a street, alley or other surface improvement in the public right of way and become a general detriment to the public; and

WHEREAS, the depth, location and size of the public sewer may have a significant impact on the cost of repairing a building sewer and/or tap; and

WHEREAS, the portion of the building sewer or tap that is most costly to repair is typically the portion within 20 feet of the public sewer main or the portion within the public right of way; and

WHEREAS, the cost of repairing this portion of the building sewer or tap typically exceeds \$3,700.00; and

WHEREAS, The Board of Public Works has previously passed a Resolution No. 80-165-5, which initially addressed the subject of this Resolution; and

WHEREAS, The Board of Public Works desires to revise said Resolution No. 80-165-5 and to establish this policy under which the City and the property owner may share in the cost for repairing that portion of the building sewer most affected by main depth, location and size in those circumstances where the cost exceeds the typical price. Further, the Board of Public Works wishes to provide the property owner with a financing mechanism for its share of the cost when the owner meets the guidelines contained in this policy.

NOW THEREFORE, be it resolved by the Board of Public Works of the City of Fort Wayne, Indiana that:

1. This policy shall only apply to building sewers and taps serving residential properties. A residential property is defined in the *City of Fort Wayne, Indiana Code of Ordinances* 51.050 (A) (12) as “a building used as a one or two-family dwelling.”
2. If the repair is located within 20 feet of the public sewer main or within the public right of way, and the cost of the repair exceeds \$3,700.00, the property owner’s share of the cost may be capped at \$3,700.00 and Fort Wayne City Utilities shall pay the balance of the cost if all other requirements of this policy are met.
3. The cost of the repair undertaken by the property owner shall be documented by a submittal of three written quotes from licensed sewer tap contractors. The Water Pollution Control Maintenance Department (WPCM) shall review quotes. If the WPCM staff determines all quotes are unreasonably high, City Utilities may request quotes from three additional firms. If the WPCM staff finds that the quotes do not represent a fair price for the work, an outside engineering firm may

be retained by City Utilities to review the quotes and/or prepare an estimate of the cost of the repair work.

City Utilities shall pay only the documented amount that is in excess of the \$3,700 cap but shall not pay more than the difference between \$3,700 and the total cost shown in the lowest quote. If the estimate by an outside engineering firm retained by City Utilities is determined to be the fair price for the work, City Utilities shall pay only the difference between the \$3,700 cap and the total amount for the work determined by the outside engineering firm to be reasonable.

4. In order to be considered for the cost share program, the property owner or contractor must notify the Water Pollution Control Maintenance Department of a tap problem before any excavation or repair work is undertaken.
5. WPCM shall determine if the disrepair is causing damage to the public sewer system or to a surface improvement. If no damage is resulting to the public sewer system or to a public surface improvement, and if the disrepair is located more than 20 feet from the public sewer main or is outside the public right of way, Fort Wayne City Utilities is under no obligation to participate in a repair and the property owner is not eligible for a cost share under this policy.
6. The WPCM Department shall have the authority to order property owners to make repairs to a building sewer or tap when it has been determined by WPCM that the disrepair has a detrimental effect on the public sewer system or is causing damage to street, alley or other surface improvement. Such order shall be sent to the property owner by certified-mail, return receipt requested.
7. If the property owner fails to make the necessary repair within ten (10) days of an order to do so, or if WPCM determines that an emergency exists because of damage to the public sewer system or damage to street, alley or other surface improvement, WPCM shall make the repair or have the repair made after notifying the property owner in writing of the decision to do so. Such notification will be sent to the property owner by certified-mail, return receipt requested.
8. If WPCM makes the repair or has the repair made, City Utilities shall have the authority to charge the property owner for the first \$3,700.00 toward the total cost of the repair. The property owner shall pay to City Utilities its share of the cost of the building sewer or tap repairs within 30-days.
9. The property owner may apply to have its share financed over a period of time if the following guidelines are met:
 - A. The property owner's income can be documented to be at or below 100% of median household income as established by the U.S. Department of Housing and Urban Development;
 - B. The property owner has not had service by City Utilities discontinued for non-payment at the repair address or any other address in past two (2) years;
 - C. Housing and Neighborhood Development Services (HANDS) has approved and works with the property owner on a suggested

repayment schedule. In no case shall repayment be extended over a period of longer than 36 months.

10. The financing program shall be administered by HANDS based on application of the guidelines in Section 9 of this policy. HANDS will review each application and make a recommendation to Fort Wayne City Utilities on eligibility, creditworthiness, and suggested repayment schedule. Appeal of the recommendation from HANDS shall be made to the Associate Director of Finance – Fort Wayne City Utilities.

This Resolution represents a revision of Resolution 80-165-5, and shall supersede and replace the previous Resolution on the effective date of this document.

Adopted this 3rd day of April, 2002 and effective on June 1, 2002.

BOARD OF PUBLIC WORKS

By: _____
Ted Rhinehart, Chair

By: _____
John Suarez, Member

By: _____
Lin Wilson, Member

ATTEST _____
Carolyn S. Newport
Clerk