

**CITY OF NORMANDY, MISSOURI  
AN ORDINANCE**

**1<sup>st</sup> READING 02/08/2024  
2<sup>nd</sup> READING 02/08/2024**

**BILL NO. 24-05  
ORDINANCE NO. 805**

**AN ORDINANCE UPDATING AND CODIFYING A SEWER LATERAL REPAIR PROGRAM FOR RESIDENTS OF THE CITY OF NORMANDY, MISSOURI**

**WHEREAS**, Section 249.422 of the Revised Statutes of Missouri authorizes any city located within the boundaries of a sewer district established pursuant to Article VI, Section 30(a) of the Missouri Constitution to levy and impose an annual fee not to exceed fifty dollars for the repair of lateral sewer service lines or connecting residential property having six or less dwelling units; and

**WHEREAS**, the City of Normandy, satisfying the criteria of Section 249.422, has previously adopted a sewer lateral program levying an annual fee of \$28.00; and

**WHEREAS**, on August 8, 2023, a proposal to consolidate the City of Normandy and the City of Glen Echo Park was submitted to and approved by a majority of voters of both municipalities; and

**WHEREAS**, pursuant to the August 8, 2023, approval of the aforementioned proposal, a majority of the qualified voters of the City of Normandy voting thereon approved an increase to the current levy for the sewer lateral program; and

**WHEREAS**, the City Council of the City of Normandy, Missouri wishes to amend its existing sewer lateral repair program to increase the existing levy according to the rate approved by a majority of qualified voters voting thereon and to make certain changes to the structure and the implementation of the existing program, such amendments being found to be in the best interest of the health and safety of the City and its residents;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORMANDY, MISSOURI, AS FOLLOWS:**

**Section One.**

The City Code of the City of Normandy is hereby amended by the enactment of a new Section 255 of the Code of Ordinances of the City of Normandy, which will read as follows:

**CHAPTER 255                      SEWER LATERAL PROGRAM**

**Section 255.010                  Sewer Lateral Program**

1.     DEFINITIONS

    A.     As used in this Section, the terms herein shall be defined as follows:

1. *Eligible Property.* Any single-family lot, residential property having six or less dwelling units thereon, or condominiums that have six or less condominium units per building.
2. *Eligible Line.* Any portion of a private sewer lateral line servicing an Eligible Property, extending from the public sewer main to five (5) feet from the foundation of the structure serviced by the private sewer lateral line.

## 2. ELIGIBILITY

- A. This policy will be effective February 8, 2024.
- B. The owner of any Eligible Property may recover one hundred percent (100%) of the authorized costs (not to exceed ten thousand dollars (\$10,000.00)), in repairing defective sewer lateral service lines serving the property of the owner, in compliance with the City's policy and procedures governing this program.
- C. Each owner of an Eligible Property shall be assessed fifty dollars (\$50.00) per year on their annual general tax levy bill for each such property. Owners of Eligible Property who are delinquent in paying any City taxes, fees, or assessments will not be allowed to participate in the program until all taxes, fees, assessments, and interest have been paid.
- D. This program will not cover any costs associated with sewer lateral repairs performed prior to February 8, 2024.
- E. Applicants bear the burden to show that there is an eligible repair to the sewer lateral service line serving their property pursuant to the coverage, exclusions, and processes outlined herein.

## 3. COVERAGE

- A. The following are authorized for repair or reimbursement under the program up to a maximum of ten thousand dollars (\$10,000.00):
  1. Repair to an Eligible Line.
  2. Repair any crack or damage to a portion of the Eligible Line that prevents the line from properly functioning or poses a threat to property or the environment.
  3. The repair of any damage to a public sidewalk or public street caused by an eligible repair through the sewer lateral program.
  4. Backfilling with rock and/or soil and seeding and strawing the area after an eligible repair.

5. Installation of a sewer lateral clean out after a repair, as needed, solely at the discretion of the City of Normandy.

4. EXCLUSIONS

- A. The following are not authorized for repair or reimbursement under the program:

1. The cost of interior clean-up or other damage to the interior of the home or personal property caused by sanitary sewer back-ups resulting from the failure of the sanitary sewer lateral.
2. The cost of lost wages or income to the property owner or occupant due to absence from work necessary to work with the City or contractors to complete the repairs under the program.
3. The cost of cabling, jetting, or other methods to attempt to clear the blockage prior to repair or the cost of any camera inspection made before application to the program.
4. Any cost determined in the City's sole discretion to be the result of a natural disaster, negligence, or damage caused during the course of other excavation or construction on the site.
5. Replacement of or repairs to any flowers, bushes, trees, landscaping, and other similar yard improvements.
6. Replacement of or repairs to any utilities, lawn irrigation systems, low voltage and high voltage wiring, and other similar equipment, materials, or related devices.
7. The repair or replacement of any septic tank or private treatment systems.
8. The repair or replacement cost of any sod, decks, concrete work (except for public sidewalk and street repair), retaining walls, or outbuildings that may be damaged during the repair of the sewer lateral.
9. Any cost over the ten-thousand-dollar (\$10,000.00) maximum for any single repair.
10. The cost of a video camera inspection if no damage eligible for coverage is found.
11. The repair of any damage to a commercial, industrial, mixed-use, or multi-family properties with more than six dwelling units.

12. Any damage to a sewer lateral line other than an Eligible Line as defined in this Section.
13. Any backup or clog of a sewer lateral caused by roots or poor maintenance practices.
14. The repair or installation of a vertical clean-out that does not cause the lateral to be defective and is not incidental to a covered repair.

5. APPLICATION AND REPAIR

- A. Eligible applicants may make an application to the City of Normandy on an application provided by the City.
- B. Applicants must show proof that there is likely an eligible break in their Eligible Line in the form of:
  1. A recent cabling or jetting bill from within the last 90 days that did not alleviate the sewer backup;
  2. A statement from a licensed plumber that a broken sewer lateral line is suspected;
  3. A dye test showing from the sewer main that there is a break in the sewer lateral; or
  4. A camera inspection showing a break in the sewer lateral line.
- C. A deposit of three hundred dollars (\$300.00) to the Sewer Lateral Repair Fund shall be required from the property owner or agent upon application. The deposit will be returned if an eligible break is found, and a repair is made pursuant to the program. If a covered defect in the line is not found, the deposit shall be forfeited to the City in order to cover the cost of conducting a camera inspection and administrative costs. Applicants with a dye test showing a break shall not be required to submit a deposit.
- D. Upon approval of the application and the successful location of the covered defect in the sewer lateral line, the City shall select a qualified contractor to conduct the repair in accordance with Chapter 145 of the City of Normandy Code of Ordinances. If the repair involves the removal or destruction of property not covered by the program, the written consent of the homeowner shall be required. Once a contractor is selected, the property owner shall be responsible for scheduling the time of repair with the contractor and allowing the contractor access to their property to make the repair.

6. FUND

- A. No single repair shall be charged against the fund in an amount of more than ten thousand dollars (\$10,000.00). Any costs more than this amount shall be the responsibility of the property owner.
- B. A special account shall be created solely for the purpose of paying for all or a portion of the cost reasonably associated with and necessary to administer and carry out the repair of Eligible Lines. All interest generated on deposited funds shall be accrued to the special account established for the repair of Eligible Lines and shall be known as the Sewer Lateral Repair Fund. Reimbursements to homeowners will be based on a first come first served basis. Reimbursements shall not exceed the amount in the fund at any time. If the fund becomes insolvent during any calendar year, applicants must wait for reimbursement out of the next year's fund revenue.
- C. For each repair made pursuant to this program, the Sewer Lateral Repair Fund shall transfer one hundred (\$100.00) to the General Fund of the City to pay for administrative costs required to administer the program.
- D. The City Council may periodically amend these guidelines in the best interest of the City and its homeowners as allowed by State law.

#### **Section Two.**

It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect.

#### **Section Three.**

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

#### **Section Four.**

The Chapter, Article, Division, and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, at the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

#### **Section Five.**

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

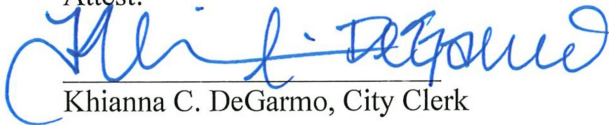
**PASSED** by the Council of the City of Normandy and **APPROVED** by the Mayor this **8th** day of **February, 2024**.



Honorable Mark Beckmann, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman, City Attorney