

CITY OF COLUMBUS

ORDINANCE 718 – 15

AN ORDINANCE TO REPEAL AND CREATE SECTION 90-288(2), AND CERTAIN SECTIONS OF CHAPTER 102 DEALING WITH BUILDING SEWERS

The Common Council of the City of Columbus, Columbia County, Wisconsin do hereby ordain as follows:

1. Section 90-288(2) is repealed in its entirety and recreated to now read as follows:
 - (2) The subdivider shall install building sewer from the public main to a point five feet beyond the street right-of-way line for each lot within the subdivision. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer.

The definition of “building sewer” as set forth in Section 102-192 is hereby repealed and recreated to read as follows:

Building sewer (also commonly referred to as sewer lateral) means the extension from the building drain to the public sewer main or other place of disposal. Once constructed, the portion of the building sewer located within the public right-of-way, including the connection with the actual sewer main, shall be considered an integral part of the public sewer, and maintenance of this portion of the building sewer shall become the responsibility of the City.

3. Section 102-194 is repealed in its entirety and recreated to now read as follows:

SECTION 102-194 Cost of Sewer Connection. All costs and expenses incident to the initial construction, installation and connection of the building sewer with the public sewer main shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be caused by the initial installation of the building sewer.

4. Section 102-202 is repealed in its entirety and recreated to now read as follows:

SECTION 102-202 User to Keep in Repair. Except as provided for in Section 102-205 of this Code, all users shall keep their own building sewer in good repair

and protected from frost, at the user's own risk and expense, and shall prevent any unnecessary overburdening of the public sewer system.

5. Section 102-203 is repealed in its entirety and recreated to now read as follows:

SECTION 102-203 User Use Only. No user shall allow others or other services to connect to the public sewer system through the user's building sewer.

6. Section 102-205 is repealed in its entirety and recreated to now read as follows:

SECTION 102-205 Maintenance of Services.

- (a) The City shall maintain the public sewer within the limits of the City from the public sewer main, and all areas within the city right of way, including each user's building sewer connection to the public main. The City shall be responsible for the expense of maintaining this portion of the public sewer, except when a building sewer is damaged as a result of negligence or carelessness on the part of the private user, in which case the building sewer shall be repaired by the City at the expense of the private user. All sewer services from the point of the public right-of-way to and throughout the premises shall be maintained free from defective conditions by and at the expense of the private user or owner of the property.
- (b) If a private user notices a malfunction of its building sewer, the private user, at the user's sole expense shall be responsible for taking all steps necessary to determine the cause of the malfunction. The private user may contract with the City to determine the cause and location of the malfunction. If the cause of the malfunction is located in that portion of the building sewer on the private user's property, the user shall complete all repairs at its expense. If the source of the problem is located within that part of the building sewer maintained by the City, the user shall notify the City immediately and the City shall make the repairs to its portion of the building sewer.
- (c) If it is determined that the malfunction cannot be remedied without repair work being done to both the private user's and the City's portion of the building sewer, the private user hereby consents to the City entering the private user's property to make the necessary repairs. The City shall be responsible for making the necessary repairs, shall return the private user's property to the condition it was in prior to the repair being made, and shall then submit an invoice to the user for the materials and labor necessary to make the repairs to the private user's property. The private user shall pay the invoice within 30 days of receipt, and if the user does not pay the invoice in a timely manner, the City may collect this invoice as a special charge.
- (d) The City shall be responsible for determining where the right-of-way line is for each lot. If the City is unable to determine the exact location of the right-of-way line based upon available records, the City shall retain the services of

a surveyor to survey the exact right-of-way line. The cost of the survey work necessary to determine the right-of-way line shall be shared equally by the City and the private user or property owner.

2. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.
3. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this _18_ day of __August__, 2015.

CITY OF COLUMBUS

By: _____/s/_____
Kelly Crombie, Mayor

By: _____/s/_____
Anne Donahue, City Clerk