



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 13, 2025
Department:	Utilities
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Utilities Director K. Marie Strandwitz, PE
Engineering Services Manager Bryant Green, PE

ITEM TO BE CONSIDERED

Subject: Ordinance Amending Chapter 14 Article 3 – Modify Town and Customer Sewer Lateral Responsibilities

Attachments:

Ordinance

Summary:

This ordinance is to modify the code to establish public ownership of existing private sewer laterals from the public main to the road right-of-way or edge of sewer easement where there is no sewer cleanout to delineate public versus private responsibility. The current long-standing policy in this situation, as expressed in several town code sections and the Utilities Standards and Specifications, requires installation of a sewer cleanout at the right of way and evaluation of/replacement of the existing sewer lateral to the main to be performed by the property owner before the town will accept and maintain the portion in the public right-of-way.

In spring 2025, a customer with a failed sewer lateral beneath the road pavement without an existing cleanout experienced cost and contractor complexities, ownership and responsibility ambiguity from a plumber, and delays in repair. At its April 14, 2025 meeting, the customer requested the board consider town ownership in public right-of-way or easement due to cost, encroachment approval, complexity of repairs beneath pavement and contractor-homeowner agreement implications.

The proposed ordinance addresses this request yet still requires the customer to install a sewer cleanout at the right-of-way. This installation must be performed by a licensed professional hired by the owner, or town staff (if agreed upon by the town to perform the work and be reimbursed). The customer is still responsible for installing new or evaluating/replacing a defective or undersized sewer lateral to the main per town guidance and specifications for new connections or redevelopment as defined in existing code.

This code change only addresses existing active sewer laterals not under redevelopment that fail due to condition within the road right-of-way or sewer easement and puts responsibility on the town to repair or replace failed sewer laterals due to condition. This could include pipe collapse, holes or cracks due to corrosion or root intrusion, obstructions that can't be cleared by jetting, or by being undersized and experiencing a problem conveying private sewage to the collection system. It is intended that due to workload such replacements will be under a reactive manner when a problem occurs rather than initiating an effort to find and assess all laterals without a known cleanout.

Some minor clarifications and cleanup are also incorporated into this article.

Financial impacts:

Actual impacts are hard to estimate as failures are unpredictable. We estimate between 3-6 laterals per year could fall under this scenario. From tracking time, materials and equipment on past work, we know that sewer lateral replacements can cost between \$2,000 and \$15,000 depending on complexity, who owns the roadway, if it needs to be relocated, if special equipment is needed, etc.

Staff recommendation and comments:

There is not currently a complete count of sewer services without existing cleanouts, and it would be a big effort to catalog this given the few matters like this that arise compared to our customer base each year. These conditions are restricted to the older areas of town as current standards have for some time required the installation of a cleanout during construction. There are benefits to moving forward with a code/policy edit to accept at least maintenance responsibility within the right-of-way as the customer suggests and without cost recovery. This includes:

- Saving the customer from securing a licensed utility contractor.
- Having the work performed promptly.
- Avoiding pre-coordination between the town and utility contractor.
- Removing the need for customer/contractor to obtain an encroachment agreement or street cut permit.
- Ensuring town and NCDOT standards in roadways are maintained.
- Not having to track costs to bill the customer or work with the customer to collect payment afterward or deposit up front.

Original Considerations and Commentary:

- Ownership vs. maintenance. Many utilities take no ownership of a sewer lateral, but almost all the larger utilities, having ample staff and budget, will assist the customer in right-of-way repairs, with or without a cleanout present at the right-of-way, and without cost recovery. Many utilities will install the cleanout at the right-of-way during such repairs for future use.

Current code says the customer should install a cleanout. This has been maintained with this code edit, at least for cost avoidance or recovery if installed by the town.

- Cost recovery for addressing matters caused by misuse vs. failure of lateral due to age or faulty installation. Current Sewer Use Ordinance allows enforcement of failures due to rags or grease contributions. Root intrusion is a huge issue in sewer mains and laterals. Is this a maintenance matter a homeowner should budget for service or something beyond control? Should the town utilize enforcement authority in these cases either in place of cost recovery, charge for cost recovery in repair, or both for misuse situations?

The customer should be responsible for clearing any blockages on the private sewer lateral not causing physical failure of the piping. The proposed code is written this way.

- Equity for all customers. This can be viewed from both sides. Some customers with newer premises have cleanouts and the town maintains this section already. Some customers without cleanouts would get the same benefit, but the town would potentially assume expensive repairs that the entire customer base funds. Overall, sewer laterals benefit a single owner. Many utilities would rather not deal with them at all, but customers and the plumbing industry have grown to expect this service. The current code allows for the transition of ownership and maintenance upon certain circumstances like bringing it up to current standard. It also allows us to assist in emergencies and provides latitude to adjust specifications for owner relief. The proposal would be to assume ownership no matter condition or presence of a cleanout within the right-of way.

The proposed code puts ownership on the town to replace without cost recovery a failed sewer lateral within a road right-of-way or sewer easement. Estimated financial impacts are presented above.

- Redevelopment/new construction vs. failure of an existing lateral in current use. A redeveloped lot (addition of square footage, increased bathrooms/sewer flow) with an older, non-compliant lateral should have lateral evaluation and renewal if needed. This is growth related and not maintenance matters of an existing resident.

The proposed code clarifies that town assumption of ownership/maintenance will be for existing active sewer laterals not under redevelopment.

Action requested:

Vote on ordinance changes.