

**AN ORDINANCE AMENDING CHAPTER 520, SEWER LATERAL  
INSURANCE PROGRAM, OF THE MUNICIPAL CODE OF THE CITY OF  
TWIN OAKS, MISSOURI**

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**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 520 (“Sewer Lateral Insurance Program”) of the Twin Oaks Municipal Code is hereby amended by repealing Section 520.010 in its entirety and replacing it with a new Section 520.010, to read as follows:

**Section 520.010 Definitions**

As used in this Chapter, the following terms shall have the meanings ascribed to them:

**ELIGIBLE OWNER.** The owner of record of: (a) real property on which a single-family home, duplex or other building containing not more than six (6) dwelling units is located; (b) a condominium located in a building containing six (6) or less condominium units; or (c) a condominium responsible for its own individual lateral sewer line.

**LATERAL SEWER SERVICE LINE.** A sewer line which extends from outside of the building foundation wall or exterior wall to the sewer main. It does not include a sewer line located under any part of a Building or Structure as defined under Chapter 400 of the Zoning Code. A Lateral Sewer Service Line may be located in a Front, Side, or Rear Yard (as those terms are defined in Chapter 400 of the Zoning Code).

**PROGRAM ADMINISTRATOR.** The City Administrator of Twin Oaks.

**REIMBURSABLE AMOUNT.** An Eligible Owner may recover seventy-five percent (75%) of the Eligible Owner's costs in repairing defective Lateral Sewer Service Lines serving the Eligible Owner's residence upon compliance with the City's Sewer Lateral Program. The amount may from time to time be adjusted when it is determined by the Board of Aldermen that the available account funds warrant such adjustment.

**Section 2.** Chapter 520 (“Sewer Lateral Insurance Program”) of the Twin Oaks Municipal Code is hereby amended by repealing Section 520.020 in its entirety and replacing it with a new Section 520.020, to read as follows:

**Section 520.020 Description of Program.**

**A.** *Program Coverage and Administration.* The Sewer Lateral Insurance Program (the “Program”) allows an Eligible Owner to recover a Reimbursable Amount for the repair or replacement of the entire Lateral Sewer Service Line if it is determined to be necessary by the Program Administrator in consultation with a licensed plumber or drain layer. The Program’s responsibility is limited to reimbursement of funds paid by the Eligible Owner for excavation and repair of lateral pipe and backfilling in a workmanlike manner. The Program is not responsible for the replacement of sidewalks and parts of paved driveways

removed to repair defective Lateral Sewer Service Lines. The Program is administered by the Program Administrator or that person's designee, providing that any delegation of responsibility shall be made only to another City employee. In administering the program as detailed herein, the Program Administrator shall possess reasonable discretion in interpreting and enforcing the rules, limits and provisions of the Program.

B. *Owner's Responsibility.* It will be the responsibility of the Eligible Owner to restore landscaping and ground covers, including grass in whatever manner they choose. The Program is not responsible for restoration of grass or landscaped surfaces. The Program does not cover the cost to replace any trees, shrubs, flowers, sod, decks, retaining walls, fencing, tile, carpet or outbuildings that may be damaged during the televising or repair of the Lateral Sewer Service Line.

C. *Program Reimbursement.* The Program will reimburse the Eligible Owner for approved diagnostics and repair charges up to the Reimbursable Amount for a repair of a Lateral Sewer Service Line. Any other charges for a single repair will become the responsibility of the Eligible Owner of a covered Lateral Sewer Service Line repair. All fees will be expected to be paid by the Eligible Owner at the time the Lateral Sewer Service Line is repaired. Reimbursement will be issued directly to the Eligible Owner upon the Program Administrator's receipt of satisfactory proof that the repair has been completed and paid in full.

D. *Other Program Requirements.*

1. *Eligible Repair.* If a blockage in a Lateral Sewer Service Line occurs that cannot be removed by a plumber or sewer cleaning service or a sinkhole is observed, there may be a break in the Lateral Sewer Service Line. If such a condition exists and an Eligible Owner desires to participate in the Program, the Eligible Owner should contact a plumber to have the line videoed to verify that it is in fact a break in the line and not a clog of materials in the Lateral Sewer Service Line. *Clogs are not covered under this Program.*
2. *Repairs to City Streets.* If a repair to a Lateral Sewer Service Line necessitates cutting into a City street, any bid obtained, or work contracted, by an Eligible Owner shall provide for the owner's contractor to cut and repair the City street right-of-way (subject to obtaining an excavation permit from the City, providing 24 hour notice to coordinate City inspection(s), and performing the work in accordance with St. Louis County and Metropolitan St. Louis Sewer District's requirements, specifications, and details). The Program will assume responsibility for the inspection and cost of any repairs to City streets made in relation to an Eligible Repair to ensure consistent and complete repair according to St. Louis County and Metropolitan St. Louis Sewer District's requirements, specifications, and details for excavation, backfill, and pavement repair. The Program shall use the Program fund for the costs of the street repairs necessitated by the repair of a Lateral Sewer Service Line.
3. *Permits Required.* The Eligible Owner or their contractor shall obtain any necessary permits. The work must be performed in compliance with applicable codes.

4. *No Warranty or Guarantee.* The Program makes no warranty for, makes no guarantee regarding and has no obligation or responsibility for the performance of the Eligible Owner's contractor. The Program shall have no responsibility for any damage caused to the Eligible Owner's property because of sewer line defects or defective repair work.

E. *Clean Before Repair.* Before inquiring with the Program Administrator about eligibility, an attempt must be made to clean out the Lateral Sewer Service Line by a plumber or sewer cleaning service and a video of the Lateral Sewer Service Line obtained.

F. *Review of Video.* Upon receipt of the video of the line, the Program Administrator will review of the footage. If it is found that there is no break and the sewer was simply clogged by materials, the cost of cleaning and opening the Lateral Sewer Service Line shall be the responsibility of the applicant. If the Lateral Sewer Service Line is found to be eligible for reimbursement, the Program will bear the cost for the videoing and cleaning as part of the diagnostic stage, which will be included in the Reimbursable Amount towards the repair of the broken Lateral Sewer Service Line.

G. *Owner Payment; Reimbursement.* As the Program will only reimburse an Eligible Owner in an amount equal to the current Reimbursable Amount for a single Lateral Sewer Service Line repair, the Eligible Owner will be required to pay the bill in full and request reimbursement thereafter upon proof of payment.

H. *Excavation.* Cost of repairs to driveways and/or sidewalks damaged by excavations/repairs will not be the responsibility of the Program. Excavations that occur in the City streets will be repaired following the St. Louis County and Metropolitan St. Louis Sewer District's requirements, specifications, and details for excavation, backfill and pavement repair.

I. *Program Amendments.* The program may be amended only by an ordinance adopted by the Board of Aldermen. The Program Administrator shall prepare and submit to the Board of Aldermen a brief written review of the program's operation at least annually and may propose amendments at that time or at any other time determined necessary for the efficient conduct of the program.

**Section 3.** Chapter 520 ("Sewer Lateral Insurance Program") of the Twin Oaks Municipal Code is hereby amended by repealing Section 520.030 in its entirety and replacing it with a new Section 520.030, to read as follows:

**Section 520.030 Schedule of Fees.**

Pursuant to §249.422 RSMo., and as approved by the voters of Twin Oaks, a maximum charge of twenty-eight dollars (\$28.00) shall be assessed annually on residential property for each lateral sewer service line serving six (6) or less dwelling units on that property and condominiums that have six (6) or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay certain costs of repairs of defective Lateral Sewer Service Lines for those dwelling units. If a payment is not received by the date indicated, a late fee of one percent (1%) is assessed monthly.

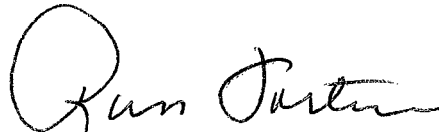
**Section 4.** Chapter 520 (“Sewer Lateral Insurance Program”) of the Twin Oaks Municipal Code is hereby amended by repealing Section 520.040 in its entirety and replacing it with a new Section 520.040, to read as follows:

**Section 520.040 Penalties.**

Any person violating any of the provisions of this Chapter shall be deemed guilty of an ordinance violation and subject to penalty according to the General Penalty provisions set forth in Section 100.100 of this Municipal Code of Twin Oaks.

**Section 5.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

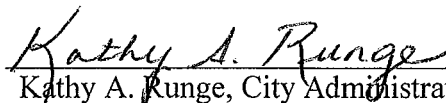
PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 5<sup>th</sup> DAY OF DECEMBER 2018.



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Russ Fortune, Mayor

Attest:



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Kathy A. Runge, City Administrator/Clerk