

Brunswick Sewer District

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POLICY ON MAINTENANCE & REPAIR

OF WASTEWATER SERVICE PIPE.

13 May 2003

Pursuant to authority provided in the District Charter and in the Rules & Regulations, it shall be the policy of the Brunswick Sewer District in matters relating to repairs and maintenance of wastewater service pipe as follows.

I. ENABLING AUTHORITY.

- A. The District Charter at Section 26 anticipates that private building sewers will connect to District sewers.
- B. The Charter states at Section 42 that the District shall adopt regulations covering the use of sewers, including permits, connection, construction, etc.
- C. The Rules & Regulations state at Article II, Section 11, that all costs and expenses incident to repairs and maintenance of the building sewer from the wall of the building to the point of entrance to a public sewer shall be borne by the owner.
- D. *“Building sewer”* is defined in the Rules & Regulations at Article I, Section 3 as the pipe which receives the wastewater from a building, extending from the walls of the building to the public sewer.
- E. *“Public sewer”* is defined in the Rules & Regulations at Article I, Section 22 as a sewer in which all owners of abutting properties have equal rights, and which is controlled by the Brunswick Sewer District.
- F. *“Owner”* is defined in the Rules & Regulations at Article I, Section 16 as any person which holds title to a house, building or property which abuts any street or right-of-way in which a public sewer is located.

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- G. *“Person”* is defined in the Rules & Regulations at Article I, Section 17 as any individual, firm, company, corporation, association, society, group, trust, or governmental authority.

II. THE POLICY.

- A. The point of entrance to a public sewer is defined as the point at which the building sewer pipe enters the public sewer. Public sewer pipe, for purposes of this policy, includes connecting hardware, defined as:
1. having a common diameter with the public sewer pipe, e.g. wyes and tees; and-or
 2. vertical piping, e.g. sewer chimney piping, of any diameter, installed for the purpose of facilitating access to the public sewer installed at a depth greater than that necessary to serve the building sewer.
- B. Repairs and maintenance of the public sewer, including connecting hardware defined above, shall be the responsibility of the District. All costs and expenses incident to repairs and maintenance of the public sewer shall be borne by the District.
- C. Repairs and maintenance to the building sewer shall be the responsibility of the owner. All costs and expenses incident to such repairs and maintenance of the building sewer from the wall of the building to the point of entrance to a public sewer shall be borne by the owner.
- D. Repairs and maintenance of the actual connecting joint between the privately-owned building sewer and the public sewer connecting hardware defined above shall be the responsibility of the owner. All costs and expenses incident to such repairs and maintenance shall be borne by the owner.
- E. It is understood that, on occasion, it becomes necessary for the District to replace sections of the public sewer. This replacement may include connecting hardware defined above, the actual connecting joint between the privately owned building sewer and the public sewer connecting hardware defined above, and one or more sections of the privately owned building sewer.
- F. In instances such as that described in paragraph E of this policy, a limited warranty by the District shall apply against defects in material used in and workmanship performed on components of the system for which the owner is responsible. This warranty shall remain in force for a period of one year from the date of completion of the work to replace components of the system for which the owner is responsible.

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- G. In instances such as that described in paragraphs E and F of this policy, upon conclusion of the warranty period described, provisions of this policy shall remain in force irrespective of the fact that the District may have found it necessary to replace components of the system for which the owner is responsible.
- H. When, in order to determine the precise location or cause of a problem with wastewater flow from a building sewer to the public sewer, it is necessary to excavate, the District may take responsibility for conducting the excavation.
 - 1. In instances where the cause of the problem is determined to lie in an area of District responsibility, the District shall assume the cost of the excavation and repair to correct the problem.
 - 2. In instances where the cause of the problem is determined to lie in an area for which the owner is responsible, the owner shall reimburse the District for its costs incurred in the excavation and repair to correct the problem.
 - 3. Under no circumstances shall the District be responsible for any cost incurred by the owner in excavation and-or repair to correct a problem with wastewater flow from a building sewer to the public sewer when the excavation and-or repair are undertaken by the owner or his agent prior to the District being given notice of the problem.

III. EFFECTIVE DATE AND ADOPTION.

- A. Effective Date. This policy shall take effect immediately upon its adoption by the Board of Trustees.
- B. Adoption. In regular meeting duly convened and held on 15 April 2003 and 13 May 2003, it was unanimously voted by the Board of Trustees to adopt this Brunswick Sewer District Policy on Maintenance & Repair of Wastewater Service Pipe.

NOTES :

- o list policy provisions for inclusion in UR&R during next revision
- o blind reference: the 28 December 2000 opinion on ownership of facilities