

#35 TOWN OF LUNENBURG POLICY

RESPECTING

OBSTRUCTION OF PRIVATE SEWER LATERALS BY TOWN TREE ROOTS

I. PURPOSE

The objective of this policy is to establish a procedure whereby citizens complaints of the obstruction of private sewer laterals by Town of Lunenburg tree roots may be effectively and consistently dealt with.

II. PROCEDURE STATEMENT

1. In the event a property owner or their representative claims that the Town of Lunenburg (hereinafter referred to as the "Town") is liable for an obstruction to their sewer lateral (sewer lateral is defined as the sewer service pipe running from the main sewer in the street to the property owners residence, including portions of the sewer pipe running under both Town property and private property) due to Town tree roots on Town and/or private property, the property owner or their representative and the Town shall be governed by the following procedure.
2. The property owner or their representative who claims that their sewer lateral has been obstructed, shall obtain an independent plumber at their sole expense to determine whether the obstruction is caused by Town tree roots located on Town and/or private property. If it is determined that the sewer lateral obstruction was caused by Town tree roots then the Town shall be responsible for all reasonable costs incurred by the property owner.
3. If the property owner or their representative is unable to rectify the obstruction and seeks the Town's assistance they shall provide the Town Manager/Clerk with a written report from their plumber, as per Section 2 herein, verifying that the sewer lateral obstruction is the result of the penetration of Town tree roots located on Town property. This request shall be accompanied by a deposit and/or signed Town work order in amounts determined by the Town Engineer.
4. The Town Manager/Clerk shall request the Town Engineer to investigate the property owner's or their representative's claim and confirm that Town tree roots caused the obstruction. The result of the Town Engineers' investigation shall be final, subject to the individual's right to seek all available

legal remedies if they do not accept same. The costs of same shall be paid for by the property owner or their representative, unless it is determined that Town tree roots caused the sewer lateral obstruction, in which event all reasonable costs incurred by the property owner or their representative in determining the cause of same shall be paid by the Town. If the Town Engineer determines that the obstruction was caused by Town tree roots, the cost of repairing the sewer lateral and reasonable restorative work shall be borne by the Town.

5. If the Town is required to repair an obstructed sewer lateral pursuant to the provisions of this policy, it shall have the option of repairing same by the following means:
 - (a) clearing tree roots from the sewer lateral;
 - (b) replacement of a section(s) of sewer lateral; or
 - (c) replacement of sewer lateral from building to sewer main.
6. Where the Town Engineer is of the opinion that repair or renewal of the sewer lateral cannot be achieved without the removal of trees from Town property, the Town shall assume the costs of same. Notwithstanding, it shall be the Town's policy that all reasonable measures will be taken to preserve healthy trees.
7. The Town reserves the right to determine whether Town staff or a Town contractor shall carry out any work in the event the Town assumes liability for a sewer lateral obstruction. Town staff or Town contractors shall be under the direction of the Town Engineer.
8. The Town shall not assume liability for repair or replacement costs of other services which may be damaged by the Town, its servants, agents, employees or contractors or the property owner when carrying out such work unless same is incurred as a result of the Town's negligence.
9. If the Town Engineer is unable to ascertain whether sewer lateral obstruction was caused by Town tree roots, the Lunenburg Town Council may, at its discretion and on recommendation of the Town Engineer, contribute to such portion of repair or renewal costs as is considered reasonable.

10. If the Town Engineer determines that the cause of the sewer lateral obstruction is not Town tree roots, the subject property owner or his/her representative must engage a contractor to carry out the necessary work. If any work must be conducted on Town of Lunenburg property, the property owner must first contact the Town Engineer who shall direct same and the Town Engineer shall further have the authority to engage Town of Lunenburg forces to carry out this work at the property owners sole expense.

11. The following guidelines shall be adhered to by a contractor when replacing sewer laterals in the Town:
 - (a) the pipe to be used for sanitary and storm laterals shall be 100 mm diameter polyvinylchloride (P.V.C.) SDR 28 pipe with watertight rubber gaskets or such other pipe which may be approved by the Town;
 - (b) the assembly for joints and couplings shall strictly comply with manufacturer's instruction;
 - (c) bends shall be long radius up to and including 150 mm diameter except in situations where short radius bends are deemed necessary by the Town Engineer;
 - (d) all sewer service pipe shall be laid on a carefully prepared bed of 25 mm clear stone or Class "B" gravel 150 mm thick. The pipe bed shall be carefully graded and compacted to support the pipe barrel over its entire length. Bell and spigot type pipe shall be laid with the bell facing upgrade; and
 - (e) for larger service laterals the Town Engineer shall approve the size and type of pipe and other requirements which he/she believes are required.

Effective Date: March 25, 1993