

City of Colfax

ORDINANCE NO. 499

ORDINANCE REQUIRING TESTING, INSPECTION, REPAIR AND REPLACEMENT OF BUILDING SEWER LATERALS

The City Council of the City of Colfax does ordain as follows:

Title 13, Chapter 13.08, Article IX “Private Sewer Laterals” is hereby added to the Colfax Municipal Code as follows.

Article IX

Private Sewer Laterals

Sections:

- 13.08.500 Purpose
- 13.08.505 Definitions
- 13.08.510 Testing of New Building Sewer Laterals
- 13.08.520 Testing of Existing Building Sewer Laterals
- 13.08.530 Building Sewer Lateral certification.
- 13.08.540 Notices to correct violations.
- 13.08.550 Coordination of Lateral Repairs with City Main Improvement Projects
- 13.08.560 Regulations to Implement this Chapter.
- 13.08.570 Nuisance .
- 13.08.580 Right of entry.

13.08.500 **PURPOSE.**

The purposes of this ordinance are (i) to provide for operation and maintenance of the City of Colfax's sewer system in a reliable and serviceable condition, (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of infiltration and inflow into the City's sewer system, (iii) to comply with applicable legal requirements pertaining to the City's sewer system and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to the City sanitary sewer system.

13.08.510 **DEFINITIONS.**

As used in this Ordinance, the following words, phrases and terms shall have the following definitions:

A. **"Air Testing" or "Air Tested"** shall mean and refer to a method whereby a Building Sewer Lateral is pressurized with air for the purpose of detecting leaks or defects in the pipe being tested. An Air Tested Building Sewer Lateral will be deemed defective for purposes of this Ordinance if it does not hold 3.5 pounds per square inch of air pressure (psi-air) for at least 2 minutes with at least 2.5 psi-air remaining at end of the Air Test.

B. **"Building Drain"** shall mean and refer to that part of the lowest piping of a building drainage system which receives the discharge of waste and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer Lateral beginning two (2) feet outside the Building Wall.

C. **"Building Sewer Lateral" or "Lateral"** shall mean and refer to that part of the generally horizontal piping of a drainage system which extends from the end of the Building Drain and which receives the discharge of the Building Drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The Building Sewer Lateral begins at the wye or point of connection with the public sewer, private sewer, individual sewage disposal system or other point of disposal and terminates at the point of connection to the Building Drain two feet outside the Building Wall.

D. **"Building Wall"** shall mean and refer to a component part of a structure built, erected, framed and designed for the housing, shelter, enclosure or support of persons, animals, or property of any kind.

E. **"Certificate of Compliance"** shall mean and refer to a written certificate issued to a Property Owner by the City Engineer or his/her designee certifying that a Building Sewer Lateral is properly equipped, structurally sound complies with all standards established by the City.

F. **"Closed Circuit TV Inspection"** (CCTVI) shall mean and refer to a process whereby a camera is placed into, run through and videotapes the inside of a Building Sewer Lateral for the purpose of detecting leaks or other obvious defects.

G. **"Common Sewer Lateral"** shall mean and refer to a Lateral serving more than one building, dwelling or premises

H. **"Defective Sewer Lateral"** shall mean and refer to any Building Sewer Lateral that displays obvious leaks or defects upon the completion of CCTVI or that is deemed by the City of Colfax, in its discretion, to be defective upon completion of Air Testing or any other testing method required by the City.

I. **"Property Owner"** shall mean and refer to any individual or entity owning property within the boundaries of the City of Colfax that is connected to the City of Colfax Public Sewer Main.

J. **"Public Sewer Main"** shall mean and refer to the sewers owned or maintained by the City of Colfax lying within the limits of the public streets, roads, easements, reserves, non-exclusive easements or other public rights of way serving or intended to serve two or more separate properties, persons, or parcels. That portion of the Building Sewer Lateral which may lie within any public street or right of way is not a Public Sewer Main in the City of Colfax.

13.08.510 TESTING OF NEW BUILDING SEWER LATERALS.

All new Building Sewers Laterals shall be tested in accordance with provisions of this Ordinance and all other rules and regulations established the City as of the effective date of this Ordinance or thereafter. The method of testing used shall be at the discretion of the City of Colfax. The test section shall be throughout the full length of the Building Sewer Lateral.

13.08.520 TESTING OF EXISTING BUILDING SEWER LATERALS

(i) **General.** Every Property Owner shall keep and maintain every Building Sewer Lateral(s) connecting the Property Owner's premises to the Public Sewer Main in good condition and repair. It shall be unlawful for any Property Owner of a house, building, property or other structure connected to the City's Public Sewer Main to maintain a Building Sewer Lateral in a defective condition. As used in this Ordinance, "defective condition" includes, but is not limited to (A) displaced joints, (B) root intrusion, (C) substantial deterioration, (D) damaged

or missing cleanout, (E) damaged or missing backflow prevention device (F) in a condition that will allow infiltration and inflow of extraneous water or exfiltration of sewage, (G) in a condition that materially increases the possibility of a blockage or overflow, (H) constructed without a proper permit or with materials not approved by the City, (I) lack of an approved manufactured connection to the City's Public Sewer Main, (J) otherwise in violation of City requirements or (K) in such a condition that the tests required by this Ordinance cannot be accomplished to the satisfaction of the City.

(ii) **Conditions Requiring Cleaning and Testing of Building Sewer Laterals.** All Building Sewer Laterals, including but not limited to those serving residential, multiple residential, industrial, retail and commercial properties connected to the City's Public Sewer Main shall be cleaned and tested, at the Property Owner's expense, when any of the following events occur:

(A) The installation of additional plumbing facilities that produce a major, increase, in the judgment of the City of Colfax, in sewage flow from the house, building, property or other structure served.

(B). Whenever property located in the City of Colfax is remodeled or modified with an estimated or actual remodel or modification cost or value in excess of \$20,000 as determined by the City. Before final building inspection, all repairs or replacements necessary to bring the Building Sewer Lateral(s) serving the remodeled or modified premises into compliance shall be completed.

(C) A change of use of the house, building, property or other structure served from residential to business, commercial, or other non-residential, or from non-residential/non-restaurant/non-industrial to restaurant or industrial uses such as carwashes, cleaners and laundries.

(D) Upon repair or replacement of any portion of the Building Sewer Lateral.

(E) Upon a determination by the City of Colfax that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare.

(F) Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served.

(G) In a probate or other testamentary proceeding or in the event of a transfer pursuant to the terms of a revocable living trust, joint tenancy termination or other similar instrument, within 180 days after the sale, transfer or conveyance of the house, building, property or other structure connected to the City's Public Sewer Main.

(iii) **Testing Criteria for Existing Building Sewer Laterals.** The Property Owner or an agent of the Property Owner of a house, building, property or other structure connected to the City's Public Sewer Main shall notify the City at least forty-eight (48) hours prior to testing so the City has the opportunity to witness the testing. All Building Sewer Laterals shall be tested by Closed Circuit Television Video (CCTV) inspection method in accordance with all requirements imposed by the City. When cleaning and testing of an existing Building Sewer Lateral is required, the Building Sewer Lateral shall first be cleaned, and then tested via an internal CCTV inspection for the full length of the Building Sewer Lateral. The internal CCTV inspection shall be performed by qualified individuals or entities with a minimum of 3 years experience in the performance CCTV inspection. An individual or entity with less than 3 years experience may perform the work if they can demonstrate to the satisfaction of the City that they have the capabilities and overall experience, equipment, and expertise to perform the work. Video recordings of the inspection shall be submitted to the City for verification of the condition of the Building Sewer Lateral. A Building Lateral will comply with the provisions of this Chapter if CCTV inspection verifies all of the following conditions as approved by the City:

(A) The Building Sewer Lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of Sewage.

(B) There are no illicit or illegal connections to the Building Sewer Lateral such as roof or yard drainage facilities.

(C) All joints in the Building Sewer Lateral are tight and sufficiently sound to prevent the exfiltration of sewage or the infiltration of groundwater.

(D) The Building Sewer Lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

(E) The Building Sewer Lateral is equipped with at least one (1) cleanout located within five (5) feet of the building footprint; and with a backflow protection device if required by the City.

A video inspection shall be valid for a period of six months from the date of the video. If a CCTV inspection cannot be performed on a Building Sewer Lateral, that Building Sewer Lateral shall be Air Tested, smoke tested or tested by any other method required by the City.

(iv) **Testing Failure Mitigation.** When an existing Building Sewer Lateral fails to comply with the provisions of this Chapter, the Property Owner shall cause all repairs necessary to bring the Building Sewer Lateral(s) to be made to the satisfaction of the City, or replace the Building Sewer Lateral(s) in accordance with all City requirements. When replacement of a Building Sewer Lateral(s) is required, the Property Owner shall install a cleanout at the property line nearest to the connection between the Building Sewer Lateral and the Public Sewer Main and, if required by the City, a backflow prevention device at the point within five (5) feet of the building footprint, unless otherwise approved by the City to be placed in another location. All costs of repair or replacement of the Building Sewer Lateral(s), cleanouts, and backflow prevention devices shall be borne by the Property Owner.

(v) **Repair or Replacement of Building Sewer Laterals upon Sale or Transfer of Property.** The repairs or replacement of Building Sewer Laterals that result from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to

recording the deed or other document transferring title. For properties sold or transferred in a probate other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a Building Sewer Lateral shall be completed within 180 days after the probate sale or other transfer.

(vi) **Hardship Deferrals for Building Sewer Lateral Repair or Replacement.** In the event that the Property Owner establishes to the satisfaction of the City that repair or replacement of the Building Sewer Lateral(s) before the close of escrow in a non-probate sale will result in undue hardship inconsistent with the purpose or intent of this Chapter, a request for hardship status may be submitted to the City Manager. The City Manager shall make a hardship recommendation to the City Council only if the requesting Property Owner presents facts that clearly demonstrate, in the City Manager's sole discretion, that the Property Owner's payment for and completion of a Building Sewer Lateral(s) repair or replacement at the required time would result in an undue hardship. The City Manager shall submit his/her hardship recommendation to the City Council which may grant or deny hardship status in its sole discretion. If hardship status is granted, the Property Owner who is selling the property (or the Property Owner who is purchasing the property) shall have up to 180 days after the close of escrow or other transfer of the property to repair or replace the Building Sewer Lateral(s).

(A) For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the Property Owner; (2) the immediate transfer or removal of the Property Owner from the state, thereby making the hiring of a contractor to repair or replace the Building Sewer Lateral(s) impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Building Sewer Lateral(s) extraordinarily difficult or impractical. The Property Owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the City Council.

(B) Any Property Owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the Property Owner that the Building Sewer Lateral(s) repair or replacement requirement is only deferred up to 180 days after the

close of escrow—not waived entirely. A copy of the notice shall be sent to both the Property Owner who is selling the property and to the purchaser of the property.

(C) In the event of a failure to comply with this Ordinance within the allotted time, the City may bring an enforcement action and exercise any other remedy provided by the City Ordinance Code or other applicable law against the Property Owner and any other responsible party. In addition thereto, any Property Owner who fails to fully comply with this Ordinance shall be responsible for all damages that arise from or relate to such failure. For purposes of this Section, “damages” include all compensatory damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

(viii) **Extension of Time for Building Sewer Lateral(s) Repairs and Replacements.** A Property Owner may request that an extension of time be granted for repairs or replacements that are required as a result of testing associated with the sale or transfer of property in a non-probate transaction. Extension requests shall be in writing and must include at the time of the extension request the name and contact information of the party responsible for accomplishing the repair or replacement of the Building Sewer Lateral(s). The City will review the request and may grant a time extension of up to, but no more than, 180 days after the close of escrow on the subject property.

(ix) **Common Interest Developments.** The homeowners association of a Common Interest Development shall provide Closed Circuit TV inspection of all Building Sewer Lateral(s) within the common interest areas at least once every 15 years for compliance with the duties and obligations imposed by this Ordinance in relation to any Building Sewer Lateral(s) located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for compliance with the duties and obligations with respect to Building Sewer Lateral(s) established by this the Ordinance.

13.08.530 BUILDING SEWER LATERAL CERTIFICATION.

After a Building Sewer Lateral(s) passes the testing procedure required by this Ordinance, and upon payment of the fees required by the City, the City Engineer, or his or her designee, shall issue a signed Certificate of Compliance to the Property Owner specifying the address of the

property served by the compliant Building Sewer Lateral. A Certificate of Compliance shall be valid for no less than ten (10) and no more than twenty (20) years in the discretion of the City. The Certificate of Compliance shall be valid only for the Building Sewer Lateral at the address(s) specified in the Certificate of Compliance, The City Engineer shall maintain records of all Certificates of Compliance issued. No Certificate of Compliance shall be issued for Laterals that serve more than one property.

13.08.540 NOTICES TO CORRECT VIOLATIONS.

If the City Engineer receives notice that a Building Sewer Lateral does not or may not meet the standards set forth in this Chapter and the Property Owner does not agree in writing to perform the repairs or replacements necessary to bring the Building Sewer Lateral into compliance, then the City Engineer shall give written notice to the Property Owner of any conditions that violate this Chapter. Such notice shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction, and shall advise the Property Owner of the enforcement provisions of this Chapter. If the repairs are not completed within the time allowed by the City, or if the City determines that the property may be transferred before the required testing or repairs can be completed, the City shall record a Notice of Violation in the Official Records of Placer County specifying the nature of the violation and the action needed to correct it. The Notice shall only be rescinded when the Building Sewer Lateral serving such property has been repaired or replaced to the satisfaction of the City. Recording a Notice of Violation is in addition to all other remedies available to the City.

13.08.550 COORDINATION OF LATERAL REPAIRS WITH CITY UTILITY AND STREET IMPROVEMENT PROJECTS

Whenever the City plans a project to maintain, repair or replace a Public Sewer Main that involves excavation of a street, the City shall notify all Property Owners whose Laterals connect to that Public Sewer Main where the project is to be performed. The City shall work with interested Property Owners to develop a comprehensive program for repair/replacement of Building Sewer Laterals needing replacement at the same time the City's project is performed. The City may seek federal and/or state grants and available loan programs to assist affected Property Owners with the cost of their Building Sewer Lateral repairs, but Property Owners who agree to participate shall bear the cost of such Building Sewer Lateral repairs or replacement not

funded by grants or loans. If a Building Sewer Lateral needs repair or replacement within five years after a public right of way is newly paved, the Property Owner repairing or replacing the Building Sewer Lateral shall comply with all requirements of this Chapter and any other requirements imposed by the City to repair or replace the paving on the public right of way.

13.08.560 REGULATIONS TO IMPLEMENT THIS CHAPTER.

The City shall establish rules, regulations, guidelines and policies for implementing and enforcing this Chapter.

13.08.570 NUISANCE.

Any Building Sewer Lateral or appurtenance thereto that is in violation of this Chapter is hereby declared to be unlawful and a public nuisance and subject to abatement pursuant to Colfax Municipal Code Title 8, Chapter 8.16 as currently in effect or as hereafter amended. Such nuisance conditions include, but are not limited to, any Defective Sewer Lateral, any Building Sewer Lateral with or sewer clean-outs which contain leaks or breaks; uncapped or improperly capped sewer clean-outs; sump pumps, down spouts or yard drains or other sources which discharge into the City's Public Sewer Main; and all other sources of accidental, negligent or intended introduction of storm water run off or similar waters into the City's Public Sewer Main.

13.08.580 RIGHT OF ENTRY.

As a condition of receipt of City sewer services and use of the Public Sewer Main, the City Engineer, or his or her designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of this Chapter. Unless there is an emergency threatening the public health, safety or welfare, the City Engineer shall provide at least ten (10) business days notice to the Property Owner of intent to enter upon property. The City Engineer may also request that a Property Owner provide all written records of Building Sewer Lateral inspection, maintenance, repair and replacement at the time of inspection or within ten (10) or more business days after receipt of the request.