

ORDINANCE No. 51-06 N.S.

An Ordinance of the City Council of the City of Richmond Adding Chapter 12.17 to Article XII of the Richmond Municipal Code relating to Private Sanitary Sewer Lateral Connections

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Chapter 12.17.

Article XII of the Richmond Municipal Code is hereby amended by adding a Chapter 12.17 which reads as follows:

Chapter 12.17

PRIVATE SANITARY SEWER LATERAL CONNECTIONS

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12.17.010 Definitions

The following terms apply to this chapter and augment definitions found in the Uniform Plumbing Code:

- (a) “*Backflow Valve*” shall mean a backflow valve that is opened by the flow of sewage exiting the house but closes when the flow reverses, preventing sewage from backing into the dwelling, or any device that allows liquids to flow in only one direction in a pipe. All backflow prevention valves require the approval of the City Engineer for proper application before their installation.
- (b) “*City authorized representative*” shall mean the City Engineer or a city employee designated in writing by the City Engineer to sign certificates of inspection for the purpose of lateral inspections.
- (c) “*City’s fee and rate schedule*” a list of all city service, penalty, interest, permit fees, and hourly personnel and equipment rates.
- (d) “*City of Richmond*” for the purposes of this code chapter shall also mean Richmond Municipal Sewer District Number 1.
- (e) “*Commercial building*” shall mean any building in the commercially zoned area in the City.

- (f) *"Cleanout"* shall mean a segment of pipe connected to a sewer lateral rising vertically to the surface. Cleanout shall also provide access to the lateral for purposes of routine flushing and rodding to free plugs.
- (g) *"Maintenance"* shall mean routine flushing or rodding of a sewer to maintain a free flowing condition.
- (h) *"Overflow device"* shall mean a device that is specifically designed to relieve the pressure created when a gravity sewer is flowing full. All overflow devices require the approval of the City Engineer for proper application before their installation.
- (i) *"Private sewer system"* shall mean a sewer or system of sewers serving more than one building that is not owned by the city.
- (j) *"Repair"* shall mean physical exposure of a section of pipe and or appurtenances and for the purpose of resuming proper operating condition.
- (k) *"Replacement"* shall mean removal and replacement of existing pipe and/or appurtenances.
- (l) *"Sanitary sewer"* shall mean a pipe or conduit which carries sanitary sewage and to which stormwater and ground waters are not admitted.
- (m) *"Sewage"* shall mean all water or combination of liquid and water-carried solid, bio-solids or semi-solid waste conducted away from any dwellings, residences, business buildings, institutions, unit, firm, association, organization, public corporation, political subdivision (including the City of Richmond), county, or district; or the State of California; or the United States of America, or any department or agency thereof and other sources, which is known as domestic sewage, together with liquid or water-carried solid or semi-solid wastes resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process, which is known as industrial waste.
- (n) *"Sewer facilities"* shall mean and include the sanitary and storm sewage collection system owned and operated by the City, all appurtenances thereto, and all portions thereof.
- (o) *"Sewer lateral"* or *"lateral"* shall mean a sewer pipe that conveys sewage from plumbing of building or structure to a City maintained sewer main, also referred to as "building sewer" in the Uniform Plumbing Code.
- (p) *"Sewer"* or *"sewer main,"* when used herein, means any city-owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any city street, easement or right-of-way or street, easement or right-of-way under the control of the city, except to the lines, grades, and specifications approved by the City Engineer.
- (q) *"Storm sewer"* or *"storm drain"* shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (r) *"Subdivider"* shall mean a person, firm, corporation, partnership or association which causes land to be divided into a subdivision for person, firm, corporation, partnership or association, or for others.
- (s) *"User"* shall mean and include any dwelling, unit, firm, association, organization, public corporation, political subdivision (including the City of Richmond), county, district, the State of California, or the United States of America, or any department or agency thereof.

12.17.020 Sewer connections required

All property owners owning or controlling property facing upon any of the streets or avenues of the City of Richmond shall lay or cause to be laid all necessary sewer connections with the mains.

12.17.030 Property owner's responsibility for lateral repairs and maintenance

- (a) General:

- (1) It shall be the responsibility of the property owner to perform all required maintenance and to keep the lateral in good condition as defined by this chapter. For the purpose of this requirement any sewer lateral on private property (e.g.; rear yards and side yards) shall be considered as a lateral and is to be connected to the City's sewer main.
- (2) The building sewer must be maintained to meet the following minimum requirements:
 - a) The sanitary sewer lateral shall be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.
 - b) All joints shall be tight and all pipes shall be sound to prevent ex-filtration by waste or infiltration by ground water or storm water.
 - c) The sanitary sewer lateral shall be free of any structural defects, cracks, breaks, or missing portions and the grade shall be uniform without sags or offsets.
 - d) The sanitary sewer lateral shall have a two (2) way cleanout located at the property line or at the sewer main easement. All cleanouts shall be securely capped with a proper cap at all times. The sanitary sewer lateral shall be free from breaks, openings, and rat holes.

(b) Compliance:

- (1) The property owner's compliance with required repairs and maintenance of laterals shall be as set forth herein and by any implementing policy established by the City Engineer, and by the City's "Sanitary Sewer Lateral Compliance Plan" adopted by the City Council pursuant to this chapter.
- (2) The property owner shall obtain a Certificate of Lateral Compliance from the City Engineer prior to the sale of any property from which a sewer lateral is connected to the City maintained sanitary sewer system.
- (3) As a condition of the issuance of a building permit for construction which exceeds one percent (1%) of the existing value of the structure(s), based on the building valuation schedule of the Building Codes, the property owner shall obtain a Certification of Lateral Compliance from the City Engineer prior to final building regulation inspection.
- (4) The property owner shall obtain a Certification of Lateral Compliance from the City Engineer which verifies that the property owner has installed, or upgraded to, a two (2) way cast iron cleanout for testing purposes.
- (5) The City Engineer shall determine the criteria and acceptable methods of evaluating building sewers to ensure compliance with the above requirements.

12.17.040 Connections required for every separate lot

- (a) Every separate lot of twenty-five feet or more or any two lots adjoining shall be connected with the City sewer main.
- (b) Every building or structure with plumbing fixtures requiring drainage on a property must have its own lateral connected to the City's main. When any repairs or replacements are done to those laterals that are jointly shared by more than one building or structure from different properties, each shall require a discrete connection to the City's sanitary sewer main as part of the repair. If a property with two buildings or structures with plumbing fixtures requiring drainage is subdivided, each building or structure shall be required to have a discrete connection to the City's sanitary sewer main as a condition of subdividing.

12.17.050 Backflow valve or overflow device required

When any repairs are done to a lateral that does not have an existing backflow valve or overflow device, the property owner shall install the appropriate valve or device. It shall be the responsibility of the property owner to maintain the backflow valve or overflow device in proper operating condition.

If the condition of either the backflow valve or the overflow device becomes irreparable, said valve or device shall be replaced by the property owner.

12.17.060 Illegal sewer connections

All sewer laterals or sewer clean-outs which contain leaks or breaks, uncapped sewer clean-outs, sump pumps, down spouts or yard drains which discharge into the sewer system, and all other sources of accidental, negligent or intended introduction of stormwater run off or similar waters into the sanitary sewer system are hereby declared to be a public nuisance. If such a condition exists, it shall be abated by the owner of the property, who is hereby required to remove or correct such improper sewer connections.

12.17.070 Right of entry

The City Engineer, or said City Engineer's designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of any portion of this chapter. The City Engineer, or said City Engineer's designee, shall also be authorized to review repair/maintenance records. No premises shall be entered until a ten (10) business day written notice is given to the property owner or said owner's agent, except to protect life or public safety.

12.17.080 Notices to make connections

- (a) It shall be the duty of the City Engineer of the City of Richmond to give written notice to property owners, or their agents if known, and to the occupant of the property, if any, specifying that the sewer connection repair shall be made by means of the initial installation or repair of the illegal lateral. If the owners or their agents are not known and if there are no occupants, the City Engineer shall post said notice conspicuously on said property. Said notice shall briefly describe the work required, referring to this chapter, and shall contain a notification to the effect that, unless said work is done within ten days, the City Engineer will do the same, and that the costs and expenses will be charged against, and made a lien upon, the said property. If said work is not done within ten (10) days after the service and posting of said notice, it shall be the duty of the City Engineer forthwith to proceed to do the same.
- (b) The City Engineer shall keep a record of said notices. He shall also keep a separate record of the work done upon each piece, parcel or lot of land, and the costs and expenses of the same. After the completion of the work, said City Engineer shall cause an itemized bill of the expenses to be mailed to the property owner.

12.17.090 Payment of assessments, annual installments, interest

- (a) On a periodic basis as determined by the City Engineer, said City Engineer shall prepare and file with the City Clerk a report and assessment list which identifies all real property at which sewer lateral work was done by the City pursuant to this chapter and for which the owner has not fully reimbursed the City within 30 days of the date of billing. The report and assessment list shall provide a description of the real property at which the work was performed, the expenses incurred by the City, and the names and addresses of the persons entitled to notice.
- (b) Upon receipt of the report, the City Clerk shall post a notice of filing of the report in a conspicuous place in City Hall, with said notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the City Council for hearing and confirmation. The City Clerk shall also mail by first class mail a notice to each property owner identified in the report and assessment. Said notice shall provide a description of the real property at which the work was performed, and the expenses incurred by the City in performing the work and shall notify the owner that said costs shall be assessed against the owner of the property unless objection is made by the owner in writing and submitted to the City Clerk at least two days before the hearing. Said notice shall also specify the time and place when and where the proposed assessment will be presented to the City Council for hearing and confirmation. The notice shall be mailed at least ten (10) days prior to the date of said hearing.

- (c) Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the City Council hearing must submit any and all objections in writing to the City Clerk at least two days prior to the date of hearing. The failure of any owner to submit objections to the City Clerk shall constitute a waiver of any such objection.
- (d) At the time and place fixed for hearing and confirming the proposed assessments, the City Council shall hear the same. At such hearing, only those persons who have submitted written objections to the City Clerk will be heard by the Council. At said hearing, the City Council may correct, modify or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the Council shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order that an assessment be made a personal obligation of the owner or, alternatively, assess it against the property. If the Council orders that an assessment be charged as a personal obligation of the property owner, it shall direct appropriate City personnel to collect the same by use of all appropriate legal remedies. If the Council orders that an assessment be assessed against the property, it shall direct that the same be recorded on the tax assessment roll and thereafter said assessment shall constitute a special assessment and lien against the property. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.
- (e) The payment of any assessments of four hundred (\$400.00) dollars or more upon a single family residence may be made in annual installments, not to exceed five (5); the payment of assessments so deferred shall bear interest on the unpaid balance at the statutory rate of interest as prescribed by the State. Said interest shall begin to accrue on the 31st day after the confirmation of the assessments.

12.17.100 Connections to be made without damage to streets

All sewers and sewer connections shall be laid so that house connections can be made without damaging the surface of any improved street. Thereafter, before any person shall be given a permit by the City Engineer to alter or remove the surface dressing of any improved street, a bond with two sufficient sureties in an amount set forth in the City's fee and rate schedule shall be given to the City Engineer. The bond shall guarantee that the condition of the altered street will be replaced in as good a condition as before the removal of the surface dressing and the property owner shall be held responsible for a period of one year to keep the part of the street so removed in good condition and good repair.

12.17.110 General requirement for lateral testing

Within three (3) years of the final passage of this chapter, all private sewer laterals constructed in the City of Richmond prior to August 1, 1991, shall be tested by the property owner, and shall be tested, at a minimum, every twenty-five (25) years thereafter in conjunction with the requirements of this chapter. If the property owner does not meet the timeline of this requirement, the procedures for a notice to conduct lateral testing will be the same as set forth in this chapter.

12.17.120 Lateral testing upon sale

- (a) Whenever any property located in the City of Richmond is to be transferred to or vested in any other person or entity by deed, instrument or writing, by which any lands are sold, granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or to any other person or persons, and the property includes any buildings or structures constructed more than fifteen (15) years prior to the sale of the property, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements shall be performed to prevent all infiltration. All testing procedures must be approved by the City Engineer, or authorized representative, and all repair or replacement work shall be completed and approved by the City prior to transfer of title. The property owner shall retain the inspection card, signed by a City authorized representative as approved, as proof of compliance.
- (b) Exceptions. This section shall not apply to:
 - (1) Condominium or cooperative apartment buildings

- (2) To all buildings where the City Engineer, or said City Engineer's authorized representative, determines that testing and/or repairs have been performed to City standards within the last five (5) years.

12.17.130 Private sewer lateral testing procedure and requirements

The property owner or his/her appointed contractor shall obtain a lateral inspection form in addition to a plumbing permit for sewer lateral testing prior to commencing with the testing procedure. The test procedure shall be performed as follows:

- (a) Each lateral is to have a two-way cast iron clean-out, as approved by the City Engineer, located in the City right-of-way, on private property adjacent to the City right-of-way, or on a Public Utility Easement. If one does not exist, a clean-out shall be installed prior to performing any testing. Installation of the clean-out, if necessary, shall require a plumbing permit; shall be run to grade and covered/capped by a meter box and lid as approved by the City Engineer. A clean-out located adjacent to (within 30" inches of) the building is required by the Uniform Plumbing Code for any new construction and is required by this chapter.
- (b) Testing may be accomplished by either a water ex-filtration test, an air test, or by a Closed Circuit Video recording observation.
 - (1) A Water Ex-filtration Test will be conducted according to the standard specification on record with the City Engineer. If there is any fixture inside the structure lower than the testing water level, the property owner shall have to either plug the fixture or the lateral at the building. An approved backflow valve must be installed if there are any plumbing fixtures whose level is below the City clean-out. A plumbing permit is required for this work in addition to the lateral inspection permit.
 - (2) Air testing shall be conducted according to the standard specification on record with the City Engineer.
 - (3) Closed Circuit Video records may be used as an initial observation and evaluation grading test conducted according to the standard specifications on record with the City Engineer.

12.17.140 Failure of test

Should the lateral fail the test, the lateral shall be either repaired or replaced, and retested. A plumbing permit shall be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test.

12.17.150 Lateral Certification

Once the lateral has successfully passed the testing procedure, the City Engineer, or said City Engineer's designee, shall issue a signed Certificate of Lateral Compliance.

12.17.160 Person Authorized to perform work

Only contractors licensed by the state shall be authorized to construct or repair private sewage laterals.

12.17.170 Plumbing Elevation

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from the fixtures to the sewer main, the sewage from the buildings shall be lifted and discharged to the City's sewer system by pumps or other appropriate wastewater facilities, which shall be the responsibility of the property owner.

12.17.180 Application of Standard Specifications

The City's standard specifications shall control in any case where they apply except as follows:

- (a) The standard specifications are in conflict with the provisions of this code, in which case the provision of this code shall control; and

(b) For good cause, the City Engineer has authorized deviation from the standard specifications.

If the action required by the standard specifications in a particular case is unclear, the City Engineer shall make the determination.

12.17.190 Condominium and Cooperative Apartment Buildings

- (a) Within one (1) year of the final passage of this chapter, all condominium or cooperative apartment buildings constructed prior to August 1, 1996, shall be tested and the sewer lateral(s) serving said building(s) shall be certified. Thereafter, retesting and certification of the lateral(s) shall occur at ten (10) year intervals.
- (b) Exception: This paragraph shall not apply to condominiums and cooperative apartment buildings where the City Engineer, or said City Engineer's designee, determines that testing and replacement of lateral(s) has been performed to City standards within the last ten (10) years.
- (c) Testing Procedure and Requirements. All condominiums and cooperative apartment buildings shall be required to comply with the testing procedures set forth in section 12.17.130 of this chapter.

12.17.200 Other regulatory considerations

Plumbing codes and other applicable regulations adopted by the City of Richmond shall govern the construction of private lateral repair.

12.17.210 Citation penalties

In addition to, or in lieu of, the remedies set forth above, any violation of this chapter may result in the issuance of an administrative citation pursuant to the provisions of Chapter 2.62 of this Municipal Code.

Section II. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph sentence clause or phrase.

Section III. Effective Date.

This ordinance shall take effect thirty (30) days following its adoption.

First read at a regular meeting of the City Council on July 18, 2006, and passed and adopted at a special meeting of the City Council held on July 25, 2006, by the following vote:

AYES: Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance no. 51-06 N.S., finally passed and adopted by the Council of the City of Richmond at a special meeting held on July 25, 2006, and published in accordance with law.