

CITY OF ALAMEDA ORDINANCE NO. 3048

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 18-6 (SEWER LATERAL TESTING) TO ARTICLE I (SEWERS) OF CHAPTER XVIII (SEWER AND WATER) AND BY REPEALING SUBSECTIONS 18-5.10 (LATERAL TESTING UPON SALE), 18-5.11 (PRIVATE SEWER LATERAL TESTING PROCEDURES AND REQUIREMENTS), 18-5.12 (FAILURE OF TEST), 18-5.13 (LATERAL CERTIFICATION), 18-5.14 (CONDOMINIUM AND COOPERATIVE APARTMENT BUILDINGS) OF SECTION 18-5 (ABATEMENT OF IMPROPER SEWER CONNECTIONS) IN THEIR ENTIRETY

BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding Section 18-6 (Sewer Lateral Testing) to Article I (Sewers) of Chapter XVIII (Sewer and Water) to read as follows:

**18-6 SEWER LATERAL TESTING**

**18-6.1 Definitions**

The following definitions shall apply to this Section:

- a. *Cleanout* means a pipe fitting and associated piping connected to a building sewer or lateral sewer line that provides access to the line for purposes of routine flushing, rodding, cleaning and other maintenance, and diagnostic purposes.
- b. *Compliance Certificate* means a completed inspection card approved by a City Building Inspector indicating that the sewer lateral has successfully passed the testing requirements set forth in subsection 18-6.3.
- c. *Director* means the Public Works Director or his or her designee.
- d. *Non-residential* means industrial, retail, or commercial uses; including but not limited to offices, hotels/motels, churches/religious facilities, hospitals/medical facilities, sports and entertainment facilities, marinas, and schools/day care facilities.
- e. *Plumbing fixture* means an approved-type installed receptacle, device, or appliance that requires a building permit that is supplied with water or that receives liquid or liquid-borne wastes and

Approved as to Form  
Janet C. Kern, City Attorney

discharges such wastes into the sewer system to which it may be directly or indirectly connected.

- f. *Sewer lateral* means the upper and lower sections of sewer pipe that carry sewage and liquid waste from the building or structure served. The sewer lateral in its entirety is owned by, and the responsibility for its maintenance lies with, the property owner, the homeowners' association, or the responsible party whom it serves.
  - i. *Lower sewer lateral* means the part of the sewer pipe extending from the property line to the publicly owned main sewer.
  - ii. *Upper sewer lateral* means the part of the sewer pipe extending from the property line to the building drain or structure served. When a sewer lateral connects to a rear or side yard sewer main located in an easement, the entire lateral, including the connection to the sewer main, shall be considered an upper sewer lateral.
  - iii. *Common sewer lateral* means a lateral or private sewer main that serves two or more dwelling units and/or structures or one or more non-residential structures.
- g. *Sewer main* or *main sewer* means a sanitary sewer pipe owned and controlled by the City of Alameda.
- h. *Structure* means any structure or building as defined in the California Building Code that is provided with public sewer service by the City of Alameda.
- i. *Two-way cleanout* means a cleanout at or near the property line or street curb line that allows flushing, rodding, cleaning and other maintenance and diagnostic procedures in the sewer lateral. Two-way cleanouts shall be a Kelly cleanout or approved equal and shall conform to City of Alameda requirements, as shown on the City's Standard Drawings and as described in the City's specifications.

#### **18-6.2 Sewer Lateral Testing Required**

- a. The sewer lateral of any property located in the City shall be tested and all necessary repairs or replacements performed in accordance with subsection 18-6.3 when:
  - i. the property is to be transferred to or vested in any other person or entity by deed, instrument, or writing by which any land(s) are sold, granted, assigned, transferred or otherwise conveyed to, or vested in, a buyer or buyers thereof, or any other person or persons, and the property includes any buildings or structures constructed more than 20 years prior to the transfer or vesting; or

- ii. the property owner or his or her appointed contractor applies for a building permit to construct, remodel, modify, or alter a building or structure and the cost of the construction, remodeling, modification, or alteration is estimated to exceed \$90,000 and includes the installation, replacement, or relocation of one or more plumbing fixtures; *or*
  - iii. the property is a condominium, townhouse, cooperative housing building, or non-residential building where the individual dwelling units or structures are served by a common sewer lateral and testing has not been performed within ten years commencing from the adoption of this Ordinance. Once this initial testing has been performed, subsequent testing shall be performed every 20 years thereafter. The responsibility for testing the common sewer lateral and individual sewer laterals for each dwelling unit of a condominium, townhouse, cooperative housing building, or non-residential building shall be that of the homeowners' association or the responsible party/owner for this type of multi-unit structure.
- b. Exemptions. Sewer lateral testing shall not be required where the property owner, homeowners' association, or responsible party for residential and non-residential buildings can present proof to the Building Official that the lateral is less than 20 years old or has been repaired within the last seven years. This provision shall not exempt condominiums, townhouses, cooperative housing buildings, or non-residential buildings from performing an initial test within ten years of the adoption of this Ordinance.
- c. All required repair or replacement work shall be completed prior to transfer of title. Alternatively, funds may be retained in escrow sufficient to complete the work within 90 days, if permitted by, and subject to any conditions required by, the Building Official in consultation with the Director. The seller and/or transferor of any real property shall be responsible for disclosing to prospective purchasers or transferees the requirements of this Section and the compliance status of the real property in question. Upon transfer of ownership, the buyer/transferee will be responsible for the compliance with this Section, regardless of any disclosure or failure to disclose.

**18-6.3 Sewer Lateral Testing Procedure and Requirements.**

The property owner or his or her appointed licensed plumbing contractor shall obtain a plumbing permit for sewer lateral testing before commencing with any testing required under this Section. Sewer lateral testing shall be performed as follows:

- a. Each sewer lateral is to have a two-way cast iron cleanout located in the City right-of-way, on private property adjacent to the City right-of-way, or on a Public Utility Easement. If such cleanout does not exist, one shall be installed by the owner or licensed plumbing contractor prior to performing any testing. Installation of the cleanout, if necessary, shall require a plumbing permit and shall be run to grade and covered by a meter box and lid as detailed in the City of Alameda Standard Drawings.
- b. Testing may be accomplished by either a water exfiltration test or an air test, in accordance with the Administrative Process for Certification of Private Sewer Lateral, available as a handout in the Permit Center of the Community Development Department. Closed Circuit Television (CCTV) inspection may be performed in lieu of water exfiltration and air testing where the property owner can present proof that the sewer lateral is made of cast iron or plastic.
- c. The test shall be witnessed by a qualified City Building Inspector. All arrangements and set-up should be completed by the time the City Building Inspector arrives to witness the test.

#### **18-6.4 Failure of Test**

- a. Should the upper lateral fail the testing in accordance with subsection 18-6.3, the lower lateral will be deemed to have automatically failed, and the City Building Inspector witnessing the test shall record the results in the City database. The results shall be relayed to the Director, who shall consider the results of the testing for the long-term planning of future cyclic sewer repair projects.
- b. The upper lateral shall be either repaired or replaced as required. The property owner or licensed plumbing contractor shall obtain a plumbing permit for sewer lateral repair or replacement and all other applicable City permits prior to commencement of work, until the City Building Inspector determines that the upper lateral has successfully passed the test.

#### **18-6.5 Lateral Certification**

Should the upper lateral pass the testing in accordance with subsection 18-6.3, the City Building Inspector witnessing the test shall provide a Compliance Certificate stating that the upper lateral has PASSED to the property owner, who shall retain such certificate as proof of compliance. If the upper lateral required replacement or repair in order to pass the test, this fact shall be indicated on the Compliance Certificate. The City shall record and maintain the results of such testing in its database.

Where a sewer lateral has PASSED, with or without repairs, the Compliance Certificate shall be valid for seven years. Where a sewer lateral has been replaced the Compliance Certificate shall be valid for 20 years.

**18-6.6 Exceptions**

The Director, in consultation with the Building Official, may waive the testing requirements under subsections 18-6.2 through 18-6.5 with conditions if he or she determines that compliance is not feasible. The City shall record these instances, including the property address and factual circumstances supporting the waiver, in its database.

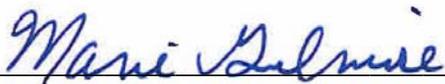
**18-6.7 Enforcement**

Any violation of any provisions of this Section shall be deemed a misdemeanor but may be cited and prosecuted, in the discretion of the enforcing officer, as an infraction, and shall be punishable as set forth in Section 1-5 of the Alameda Municipal Code.

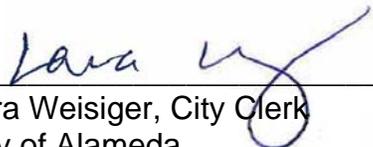
Section 2. The Alameda Municipal Code is hereby amended by repealing subsections 18-5.10 (Lateral Testing Upon Sale), 18-5.11 (Private Sewer Lateral Testing Procedures and Requirements), 18-5.12 (Failure of Test), 18-5.13 (Lateral Certification), 18-5.14 (Condominium and Cooperative Apartment Buildings) of Section 18-5 (Abatement of Improper Sewer Connections) in their entirety.

Section 3. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after expiration of 30 days from the date of its final passage.

  
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Presiding Officer of the Council

Attest:

  
\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 19<sup>th</sup> day of June, 2012, by the following vote to wit:

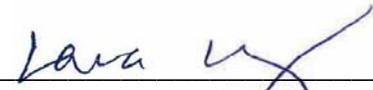
AYES: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20<sup>th</sup> day of June, 2012.

  
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Lara Weisiger, City Clerk  
City of Alameda