

Chapter 14.46 BUILDING SEWER INSPECTIONS

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Unless the context indicates otherwise, the following definitions apply to the use of the following terms for the purposes of this Chapter 14.46:

A. BUILDING SEWER LATERAL. That part of the 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. For the purposes of this Chapter, a Building Sewer Lateral shall also include a Septic Tank if one exists upon the Property and it is in use.

B. BUILDING SEWER INSPECTION. An inspection of a Building Sewer Lateral that consists of the retention of a licensed plumber (as certified under Section 14.46.050) by the Owner in order to visually examine and inspect a Building Sewer Lateral in the manner deemed appropriate by the City Public Works Director. Such an inspection shall, at a minimum, include the use of a closed-circuit television inspection device for the purposes of determining whether the Building Sewer Lateral complies with the requirements of this Chapter, the Regulation adopted under Section 14.46.080, and any applicable state laws.

C. COMMERCIAL PROPERTY. Any real property not used for residential purposes and not a Common Interest Development.

D. COMMON INTEREST DEVELOPMENT. A development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities, including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments, which contains three (3) or more dwelling units and which has a Building Sewer Lateral shared by three (3) more dwelling units.

E. NOTICE TO REPAIR. The notice issued by the City Public Works Director to the Owner advising that the Owner appears to be in violation of the Santa Barbara Municipal Code with respect to the Owner's Building Sewer Lateral, or in violation of the Code in the manner of the Building Sewer Lateral's connection to the City sewer system, which order directs the abatement of the identified apparent violation in a timely manner.

F. OWNER. Any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the City.

G. SEPTIC TANK. As the term is defined in Santa Barbara Municipal Code Section 14.34.100. (Ord. 5396, 2006.)

14.46.020 Maintenance of Private Building Sewer Laterals.

A. MAINTENANCE OF BUILDING SEWER LATERALS. Each Owner shall maintain his or her Building Sewer Lateral(s) free of displaced joints, open joints, root intrusion, substantial deterioration

of the line, cracks, leaks, inflow, or infiltration of extraneous water, root intrusion, grease and sediment deposits, or any other similar conditions, defects, or obstructions likely to cause or increase the chance for blockage of the Building Sewer Lateral.

B. MAINTENANCE OF SEPTIC TANK. Each Owner shall maintain his or her Septic Tank free of deterioration, corrosion, damage, disposal failure or any other similar deficiencies or defects likely to increase failure of the Septic Tank.

C. GENERAL MAINTENANCE REQUIREMENTS. The maintenance obligation imposed by this Section shall be in addition to and supplemental of the general private sewer system maintenance obligations imposed by Section 14.44.160 of this Code. (Ord. 5396, 2006.)

14.46.030 Building Sewer Inspections – Access to Premises.

The Public Works Director or the City Health Officer (or any designated representative thereof) is hereby authorized to inspect any Building Sewer Lateral in use within the City and connected to the City sewer system for the following purposes:

1. To determine the size, depth, and location of any sewer connection.
2. To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.
3. To determine, by measurements and samples, the quantity and nature of the sewage or waste water being discharged into any sewer.
4. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a sewer.

Nothing herein shall be deemed to provide the Public Works Director (or the Director's designee) with any right or authority to enter a building or other apparently private or interior area of a real property, except to the extent such entry is expressly authorized by state law. (Ord. 5396, 2006.)

14.46.040 Mandatory Building Sewer Inspections.

A. HEALTH AND SAFETY BASIS FOR REQUIRING A BUILDING SEWER LATERAL INSPECTION. An Owner shall have the Building Sewer Lateral of his or her real property inspected in accordance with the requirements of this Chapter (as directed and within the time period indicated by the Public Works Director) upon the occurrence of any of the following events:

1. Overflow or Malfunction. Whenever the Public Works Director has sufficient evidence (as determined by the Director) that the Building Sewer Lateral has recently overflowed or has recently malfunctioned;

2. Lateral Failure or Lack of Maintenance. Whenever, based on sewer system testing conducted by the City (of either the Building Sewer Lateral or the City's public sewer system), the Public Works Director finds that there is sufficient evidence to conclude that the Building Sewer Lateral has failed, is likely to fail, or has not been properly maintained.

3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a Building Sewer Lateral.

B. EVENTS REQUIRING A BUILDING SEWER LATERAL INSPECTION – RESIDENTIAL PROPERTIES. An Owner shall have the Building Sewer Lateral of his or her residential Property inspected in accordance with the requirements of this Chapter upon the occurrence of any of the following events:

1. Home Additions. Prior to the issuance of a City building permit for a residential building addition or new improvements on the real property in excess of four (400) hundred square feet of habitable space as that phrase is defined in the Uniform Building Code;

2. New Plumbing Fixtures. Prior to the issuance of a City building permit for two or more new plumbing fixtures attached to the Building Sewer Lateral upon the residential Property.[For the

purposes of this section, the phrase “new plumbing fixtures” shall refer only to an increase in the number of plumbing fixtures in use on the real property prior to the application for a building permit for the “new” plumbing fixtures.]

C. SCHEDULE FOR LATERAL INSPECTIONS - NON-RESIDENTIAL AND COMMON INTEREST DEVELOPMENT REAL PROPERTIES.

1. Non-Residential Properties. An Owner or Owners of a non-residential property within the City shall have that Property’s Building Sewer Lateral(s) inspected in accordance with the requirements of this Chapter once every ten (10) years beginning January 1st of the year following the adoption of the Ordinance first enacting this Chapter. Within each ten (10) year period of time, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule attached to this Chapter as Exhibit 1 and dated as of September 26, 2006, in the order and by district as established on Exhibit 1. [For the purposes of this section, a property which has a mixture of allowed residential and non-residential uses shall be considered a non-residential property with respect to its compliance with the sewer lateral inspection requirements of this section.]

2. Common Interest Developments. The Owner or Owners of a Common Interest Development shall have that Property’s Building Sewer Lateral(s) inspected in accordance with the requirement of this Chapter once every ten (10) years beginning January 1st of the second year following the enactment of the Ordinance first enacting this Chapter. Within each ten (10) year period of time, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule attached to this Chapter as Exhibit 1 and dated as of September 26, 2006, in the order and by district as established on Exhibit 1, an official full size color copy of which shall remain on file in the City Clerk’s office.

D. EXCEPTION TO INSPECTION FOR RECENT PRIOR INSPECTIONS AND REPAIRS.

The following are exceptions to the Inspection requirements of subparagraphs (B) and (C) above:

1. Prior Replacement of Sewer Lateral. An Owner otherwise required to perform a Building Sewer Lateral inspection under Section 14.46.040(B) or (C) hereof shall not be required to perform such an inspection if the Owner (or the Owner’s predecessor-in-interest) has originally installed or has replaced his or her Property’s Building Sewer Lateral within the twenty (20) years prior to the date of the application for a building permit.

2. Prior Inspection or Repair of a Building Sewer Lateral. An Owner otherwise required to perform an inspection under Section 14.46.040(B) or (C) shall not be required to perform such an inspection if the Owner has either completed a remedial inspection (conducted in accordance with the Inspection requirements of this Chapter) or completed a permitted repair of the Building Sewer Lateral within the three (3) years prior to the date the inspection would otherwise be required. (Ord. 5396, 2006.)

14.46.050 Requirements for a Proper Building Sewer Lateral Inspection Report.

A. INSPECTION REPORT STANDARDS. The Building Sewer Inspection Reports required by this Chapter shall be prepared in accordance with the following requirements and specifications:

1. The Inspection Report shall be prepared by a licensed plumber;
2. The Inspection Report shall identify all of the following:
 - a. Any of the following conditions: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration of extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the Building Sewer.
 - b. Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the Building Sewer or public sewer.

c. Whether the Building Sewer has an installed backwater device where any outlet or trap of the Building Sewer is below the level of the nearest manhole. If a backwater device is already installed, the report shall indicate whether the backwater device is functioning properly.

d. Where the Building Sewer includes a Septic Tank, the report shall identify the extent to which the Septic Tank is deteriorated, corroded, damaged, whether the disposal field has failed or any other relevant deficiency.

3. The Inspection Report shall contain an express certification from the certified inspector that the property has been inspected for any outdoor drain connection to the City sewer system and that no such unpermitted connection is present. It shall also contain either a videotape or DVD of the video inspection of the Building Sewer Lateral in a format acceptable to the City, as established by the City regulations.

B. COMPLIANCE WITH REGULATIONS. The Inspection Report shall, in all other aspects, comply with the requirements and specifications described in the Public Works Director's specifications for a Building Sewer Lateral Inspection Report as established by the regulations authorized under Section 14.46.080 hereof. (Ord. 5396, 2006.)

14.46.060 Required Building Sewer Lateral Repairs.

A. NOTICE TO REPAIR. Upon receipt of the Building Sewer Inspection Report pursuant to this Chapter, the Public Works Director (or his or her designee) will determine whether it indicates any deficiencies in the operation of the Building Sewer Lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair or Replace as may be deemed appropriate by the Director. The Notice to Repair/Replace shall specifically identify the deficiencies to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this Code or any uniform code adopted by the City.

B. OBLIGATIONS OF THE OWNER. The Owner shall repair his or her Building Sewer Lateral to the satisfaction of the Public Works Director, and, if a building permit is required for the repairs, the Owner shall obtain a final permit inspection and approval of the City Building Official.

C. REPAIRS UPON OTHER PROPERTIES NOT REQUIRED. If a Building Sewer Lateral traverses private property other than the Owner's Property, the Owner shall only be responsible for the repairs to that portion of the Building Sewer Lateral that are upon the Owner's Property and also to that portion of the Building Sewer within a public right-of-way. (Ord. 5396, 2006.)

14.46.070 Common Interest Developments.

The homeowners association of a Common Interest Development shall, along with the Owner, be jointly and severally liable for the duties and obligations imposed by this Chapter 14.46 in relation to any Building Sewer Lateral 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 the duties and obligations with respect to Building Sewer Laterals established by this Chapter. (Ord. 5396, 2006.)

14.46.080 Administrative Guidelines for Inspections.

Within ninety (90) days of the adoption of the ordinance enacting this Chapter, the Public Works Director shall prepare and promulgate the public administrative guidelines which shall, among other things, establish the following:

1. A certification program for licensed plumbers who will be accepted by the City to perform Inspections and the basis for obtaining and maintaining such a certification or for a decertification;

2. Develop a standard Inspection report form and specifications for Building Sewer Inspection reports;
and
3. Establish a Notice format and standard enforcement timelines for the Notice to Repair and for repair and inspection service of that Notice in a manner consistent with the requirements of due process. Such administrative guidelines shall be approved by a resolution of the City Council. (Ord. 5396, 2006.)

City of Santa Barbara
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