

**ARTICLE 5 – INSPECTION AND REPAIR OF BUILDING SEWERS
AND PRIVATE SEWERS AT TIME OF SALE**

SEC. 7450. Purpose.

The City finds that many Building Sewers and Private Sewers in Arcata are old and deteriorated, and as a result subject to failure as well as inflow and infiltration from groundwater and stormwater runoff. Eliminating inflow and infiltration from Building Sewers is necessary to ensure effective and efficient operation of the POTW. This Article sets forth a method by which the City obtains routine inspections and repairs, if necessary, of Building Sewers and Private Sewers at the time of real property sale or major remodel.

SEC. 7451. Building Sewer and Cleanout Inspection and Repair at Time of Sale.

A. Whenever any real property located within the City of Arcata is to be sold, transferred or vested in any other person or entity and that property contains any Building constructed more than twenty five (25) years prior to the date of sale, the property owner shall have the Building Sewer and Sewer Clean-out inspected and tested for infiltration and inflow, unless an exception under this Article applies.

B. If a Building Sewer and/or Sewer Clean-out fails any infiltration and inflow inspection or test, it shall be repaired or replaced as necessary and brought into compliance with City standards and codes prior to any transfer of the entire real property estate or the fee interest in that real property on which the Building that is serviced by the Building Sewer and/or Sewer Clean-out is located. At the property owner's option as an alternative to repairing or replacing the Building Sewer and/or Sewer Clean-out, prior to said transfer of property, the property owner shall furnish to the City a faithful performance bond or cash in the amount of the total estimated cost of repair or replacement work. Said bond shall be secured by a surety or sureties satisfactory to the City. The cash deposit or faithful performance bond shall be conditioned upon the performance of the repair or replacement work in accordance with applicable City regulations and approved by City, and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work. All repair or replacement work must be completed one year after said transfer of property.

C. If the real property does not have an existing Sewer Clean-out at the property line, a Sewer Clean-out shall be installed in accordance with all requirements of this Chapter prior to transfer of title. At the property owner's request and expense, the City will install the Sewer Clean-out.

D. The seller shall be responsible for disclosing to prospective purchasers the requirements of this Article and whether or not a valid Building Sewer Certificate has been filed for the property.

SEC. 7452. Building Sewer and Sewer Clean-out Testing at Time of Major Remodel

A. Whenever a person applies to the City for a building and/or plumbing permit for a construction valuation that exceeds \$30,000 or which involves two or more Drainage Fixture Units, the property owner shall have the Building Sewer and Sewer Clean-out tested for infiltration and inflow, unless the property owner presents satisfactory proof to the City that the Building Sewer including Sewer Clean-out is less than 25 years old and has been inspected pursuant to a City-issued permit, or has been repaired pursuant to a City-issued permit but not completely replaced within the last 25 years.

B. All Building Sewer and Sewer Clean-out testing shall be completed prior to the issuance of a building and/or plumbing permit. All Building Sewer and Sewer Clean-out repair or replacement work shall be completed prior to the City's final building inspection.

C. If the Building does not have an existing Building Sewer or Sewer Clean-out, either or both shall be installed prior to issuance of a final building or plumbing permit in accordance with the requirements of this Chapter.

SEC. 7453. Approved Testing Methods and Repair Requirements.

A. All Building Sewers and Sewer Clean-outs subject to testing under this Article, must be tested using closed circuit television (CCTV) performed by a qualified licensed plumbing contractor or utility evaluation service, unless the City has approved of an alternate testing method that it is capable of testing with at least the same thoroughness or accuracy as the CCTV.

B. Any non-sewer connections to a Building Sewer or Sewer Clean-out discovered during testing must be immediately disconnected and redirected as required by the City.

SEC. 7454. Private Sewer Inspection and Repair at Time of Sale.

A. Whenever any property located within the City that is not connected to the Public Sewer is to be sold, transferred or vested in any other person or entity and that property contains a Building constructed more than twenty five (25) years prior to the date of sale, the property owner shall have the Private Sewer inspected and tested for current capacity and proper functioning, unless the property is entitled to an exception under this Article.

B. If a Private Sewer fails any test, it shall be repaired or replaced as necessary and brought into compliance with the OWTS Policy, and all other applicable local and State standards and codes prior to transfer of title. All repair or replacement work must be completed in accordance with applicable City regulations and approved by the City.

C. The seller shall be responsible for disclosing to prospective purchasers the requirements of this Article and whether or not a valid Building Sewer Certificate has been filed for the property.

SEC. 7455. Private Sewer Inspection and Repair at Time of Major Remodel

A. Whenever a person applies to the City for a building and/or plumbing permit for a construction valuation that exceeds \$30,000 or which involves two or more Drainage Fixture Units, in 2015 dollars adjusted every year for inflation as shown in the Master Fee Schedule, the property owner shall have the Private Sewer location documented and the Private Sewer tested for capacity and proper functioning, unless the property owner presents satisfactory proof to the City that the system is less than 25 years old or has been repaired but not completely replaced within the last 25 years.

B. All Private Sewer testing shall be completed prior to the issuance of any building and/or plumbing permit for the property. All Private Sewer repair or replacement work shall be completed prior to the City's final building inspection.

SEC. 7456. Building Sewer Certificates.

A. Building Sewer Certificates shall be issued by the City upon sufficient proof that a property owner has complied with this Chapter, and upon payment of all fees as established by resolution of the City Council.

B. Building Sewer Certificates shall be effective for the following periods of time:

1. A period of twenty five (25) years after:
 - a. Acceptance of a test performed under this chapter if no repairs were required; or
 - b. Inspection and approval by the City of completed alterations (partial repairs) to a Building or Private Sewer or connections to a Building Sewer; or
 - c. Inspection and approval by the City of completed repairs to a Building or Private Sewer or Sewer Clean-out ordered by the City.
2. A period of twenty five (25) years after inspection and approval by the City of replacement of the Building Sewer.

SEC. 7457. Exceptions.

A. The City may waive Private Sewer, Building Sewer and Sewer Clean-out testing and/or installation required under this Article upon his/her determination that inspection and/or installation compliance is physically impossible. Economic hardship is not a sufficient basis for waiving the testing requirements of this Chapter.

B. The time of sale or major remodel inspection and testing requirements of this Article do not apply if:

1. The City has inspected, approved testing of, accepted repairs to, and/or accepted alterations to the property's currently existing Private Sewer, Building Sewer and Sewer Clean-out, or approved replacement of the Private Sewer, Building Sewer and Sewer Clean-out at any time during the twenty five (25) years prior to sale or remodel;
2. The City determines testing is unnecessary because Sewer piping is less than ten feet long and existing physical conditions would prevent infiltration and inflow; or
3. The property ownership transfer is between family members and there is no reassessment of property value.
4. The property is a condominium project where a homeowners association assumes responsibility for maintaining the Building Sewer and/or Sewer Clean-out through recorded covenants, conditions and restrictions.

SEC. 7458. Article 5, Time of Sale, Effective Date.

Article 5, *Inspection And Repair Of Building Sewers And Private Sewers At Time Of Sale*, shall become effective April 1, 2016.

ARTICLE 6—GENERAL SEWER USE REQUIREMENTS

SEC. 7460. Prohibited Discharge Standards.