



Req. #12771

ORDINANCE NO. 27948

BY REQUEST OF COUNCIL MEMBER MELLO

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AN ORDINANCE relating to wastewater and surface water management; amending Section 12.08.720 of the Tacoma Municipal Code ("TMC") by removing the requirement for side sewer inspections at the time of sale and substituting in its place a program to educate property owners regarding side sewer conditions and maintenance obligations; and amending Sections 12.08.030 and 2.06.070 TMC to remove the reference to the side sewer inspection requirements.

WHEREAS, on December 8, 2009, the City Council passed Ordinance No. 27857, establishing a program to require private residential side sewer inspections at the time of sale of real property and at the time of major building remodels or additions thereby educating property owners on the condition of their private side sewers, and

WHEREAS, based on stakeholder concerns about the financial impact of the side sewer inspection program, the City declared an emergency and, on June 29, 2010, the City Council passed Ordinance No. 27901, amending the effective date of such program from July 1, 2010, to October 1, 2010, in order to receive and consider additional stakeholder input regarding the side sewer program, and

WHEREAS, on September 28, 2010, the City Council passed Ordinance No. 27934, amending Chapter 12.08 TMC, changing the effective date of the side sewer inspection program requirements from October 1, 2010, to December 1, 2010, to consider and receive additional stakeholder input regarding the side sewer program, and



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WHEREAS additional stakeholder input was received regarding the requirement in Section 12.08.720 TMC for side sewer inspections at the point of sale and the potential for such requirement to create an impediment to the sale or transfer of real property, and

WHEREAS, in this current distressed real estate market, removing this potential impediment is in the public interest, and

WHEREAS educating property owners at the time of sale about the need to properly maintain side sewer infrastructure promotes the same goals as the side sewer inspection program without creating potential impediments to the sale or transfer of real property, and

WHEREAS the proposed changes to Section 12.08.030 TMC will remove the reference to inflow and infiltration permitted under existing Section 12.08.720 TMC, and

WHEREAS the proposed changes will also amend Section 2.06.070 TMC to remove the requirement for side sewer inspection at the time of substantial renovation and require educational flyers to distributed pursuant to Section 12.08.720 TMC, and

WHEREAS, on November 4, 2010, the proposed changes were presented to the Environment and Public Works Committee and received a "do pass"; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1: That Section 12.08.720 of the Tacoma Municipal Code is amended as set forth in the attached Exhibit "A."



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Section 2: That Section 12.08.030 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "B."

Section 3: That Section 2.06.070 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "C."

Passed NOV 16 2010

Martin Fiedler
Mayor

Attest:

Dana Sorum
City Clerk

Approved as to Form:

Debra E. Caspi
Deputy City Attorney



EXHIBIT "A"

12.08.720 Inflow and Infiltration Removal from Private Side SewersSide Sewer Condition Education Requirement

1 A. Purpose. The purpose of this section is to ~~prescribe rules and regulations~~ establish the distribution
2 requirements for private side sewer ~~inspection~~ educational flyers at the time of sale, major building
3 remodel or additions to properties within the City of Tacoma, in order to educate property owners on the
4 conditions of their private side sewers, and to encourage the reduction in quantity of inflow and
5 infiltration into ~~from~~ the sanitary sewer system. The ~~inspection~~ educational flyer distribution
6 requirements takes effect on December 1, 2010. The City encourages owners to be proactive in making
7 private side sewer or building repairs to eliminate infiltration and inflow to the sanitary sewer system.
8 The City offers financial assistance to qualified customers through the Environmental Services
9 Conservation Loan Program, per TMC 12.08.640, to aid with the cost of performing private side sewer
10 repairs or replacement.

7 B. Definitions. As used in this section, the terms listed below shall be defined as follows:

8 "Certificate of Inspection" means the certificate issued by the City of Tacoma to an owner indicating that
9 the owner has performed an acceptable inspection for sources of inflow and infiltration on their private
10 side sewer.

10 "Cleanout" means a section of pipe that extends from the underground private side sewer to the ground
11 surface which is used to access the private side sewer for the purposes of cleaning and inspecting the
12 private side sewer.

12 "Condominium" means real property, portions of which are designated for separate ownership and the
13 remainder of which is designated for common ownership solely by the owners of those portions. Real
14 property is not a condominium unless the undivided interests in the common elements are vested in the unit
15 owners and unless a declaration and a survey map and plans have been recorded, pursuant to
16 RCW 64.34.020.

15 "Direct Connection" means any piped connection to the private side sewer that conveys stormwater or
16 surface water to the sanitary sewer system. Examples of direct connections include roof drains, sump
17 pumps, footing drains, area drains, yard drains, and driveway drains.

17 "Director" means the Director of Public Works or his or her designated representative.

18 "Educational Flyer" means the document prepared by the City that provides educational information to
19 property owners regarding the condition of side sewers and private ownership and maintenance
20 responsibilities.

20 "Infiltration" means any groundwater that makes its way into the private side sewer via defects in the
21 pipe, such as cracks, holes, unsealed joints, and root penetrations.

21 "Inflow" means any water that is dumped or conveyed into the sanitary sewer system through improper
22 or direct connections. Examples of improper or direct connections include roof drains, footing drains,
23 area drains, yard drains, and driveway drains.

23 "Inspection Report" means the full and accurate inspection results recorded on a City form including a
24 copy of the closed circuit television camera (CCTV) video inspection.

24 "Private Side Sewer" means the sewage conveyance pipe owned by the property owner that extends from
25 approximately two feet outside of a building or structure to the connection at the public sanitary sewer
26 main. In most circumstances, a portion of the private side sewer extends into public streets or alleys
connecting to the public sewer main.



“Public Sewer Main” means the network of common sewage conveyance pipes that are owned, maintained, and operated by the City of Tacoma.

“Real Estate Professional” means the person(s) responsible for representing a buyer/seller or potential buyer/seller in the purchase transaction of a real property.

“Sell or Transfer of Title” means the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of a partial interest, including a leasehold.

“Owner” means any private individual or corporation that holds the title to a real property as shown by the Pierce County Assessor’s records.

“Video Inspection” means a visual recorded inspection of a private side sewer performed by inserting a flexible video camera into the private side sewer for the purposes of determining the condition of the interior of the pipe.

C. ~~Conditions Requiring Private Side Sewer Inspections for Sources of Inflow & Infiltration.~~ Educational Flyer Distribution Requirement.

1. ~~Effective December 1, 2010, properties shall be required to be inspected for sources of inflow and infiltration property owners shall be provided with an educational flyer in the following~~ circumstances:

- a. ~~Prior to the sale or transfer of title for a real property that contains any building or structure with a private side sewer connecting to the public sewer main. The educational flyer shall be provided to the buyer and seller by the real estate professional(s) representing the buyer and seller.~~
- b. ~~Prior to issuance of a building permit for a “substantial building renovation” (as defined in Chapter 2.06.070). The educational flyer shall be provided to the permit applicant by the City at the time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant. A substantial building renovation shall be defined as meaning remodeling, alteration of, and/or addition to an existing building within a two-year period, the cost of which exceeds 60 percent of the value of the building as calculated using the latest Building Valuation Data as published by the International Code Council.~~
- c. ~~Prior to issuance of a building permit for any new buildings or additions to existing buildings in which the new structures or additions may be constructed over the top of the existing private side sewer. The educational flyer shall be provided to the permit applicant by the City at time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant. If the location of a private side sewer is unknown, it shall be located prior to issuance of building permit.~~

- 2. This section shall not apply to any of the following:
 - a. ~~Properties that have been issued a Certificate of Inspection within the past five year period.~~
 - b. ~~Transfer of title from one co-owner to one or more other co-owners.~~
 - c. ~~Transfer of title made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.~~
 - d. ~~Transfer of title between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to a decree.~~
 - e. ~~Condominiums, as defined in TMC 12.08.720.B.~~

3. ~~Properties that have City permit records detailing that the entire private side sewer from the cleanout at the building to the connection at the public sewer main is constructed with water-tight materials meeting current Tacoma Municipal Code requirements will not be required to inspect for infiltration, but will require inspections for sources of inflow.~~



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4. Except as otherwise provided in this section or as allowed by the Director, the owner of the property is responsible for compliance with this section and obtaining an inspection. The owner shall be responsible for disclosing to prospective purchasers the requirements of this section and a copy of the inspection report of the real property in question.

D.5. Property owners are solely responsible for the construction, maintenance, operations, repairs, or replacement of the private side sewer and any surface reconstruction requirements when performing said repairs.

6. Sources of inflow and infiltration found through inspections required by this section will be permitted by the Director to remain; however, this section shall not be construed to allow any new sources of inflow or infiltration into the sanitary sewer system. The City encourages owners to be proactive in making private side sewer or building repairs to eliminate infiltration and inflow to the sanitary sewer system. The City offers financial assistance to qualified customers through the Environmental Services Conservation Loan Program, per TMC 12.08.640, to aid with the cost of performing private side sewer repairs or replacement.

D. Inspection Requirements:

1. Video Inspection. All private side sewers shall be inspected via an internal video inspection for the full length of the private side sewer from the building sewer to the public sewer main, utilizing a video inspection camera. Video inspections shall be recorded with a current date/time stamp and display the property address visible on screen.

2. Direct Connection Inspection. All buildings with a connection to the public sewer main shall be inspected to determine if any direct stormwater or surface water connections to the sanitary sewer exist, including, but not limited to, roof drains, sump pumps, area drains, foundation/footing drains, and yard drains.

3. Inspections shall be performed by a Washington State licensed plumbing contractor or a sanitation sewer contractor who performs video inspections.

E. Inspection Report & Certificate of Inspection:

1. Inspection results shall be recorded on the City form titled Private Side Sewer Inflow and Infiltration Inspection Report and submitted by the inspector to the City within 14 calendar days of inspection. A digital copy of the video inspection shall also be submitted with the written report. Any incomplete forms or videos will be rejected and required to be resubmitted after correction.

2. The City will issue a Certificate of Inspection for properties having a thorough and complete inspection. Copies of the Inspection Report, Certificate of Inspection, and the video inspection will be kept on file at the City as a matter of public record.

EF. Violation – Penalties.

Persons who violate this section are subject to the enforcement provisions set forth in TMC 12.08.675, including a Notice of Violation and issuance of a corrective order under TMC 12.08.675.A and civil penalties assessed under TMC 12.08.675.D.



EXHIBIT "B"

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12.08.030 Prohibitions on storm drainage, ground water and unpolluted water – Sanitary.

Stormwater, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, roof drainage, or unpolluted water, including, but not limited to, cooling water or process water, shall not be discharged through direct or indirect connection to any sanitary sewer unless approved by the Director ~~or as allowed under TMC 12.08.720~~. The Director may, but shall not be required to, approve such discharge only when no reasonable alternative method of disposal is available. If approval is granted for the discharge of such water into a sanitary sewer, the user shall pay the applicable charges and fees and meet such other conditions as required from time to time by the Director.



EXHIBIT "C"

2.06.070 Amendment to UPC Section 101.5.1 – Additions, alterations, or repairs.

1 101.5.1 Additions, Alterations, or Repairs. Additions, Alterations, or repairs may be made to any
2 plumbing
3 system without requiring the existing plumbing system to comply with all the requirements of this code,
4 provided the addition, alteration, or repair conforms to that required for a new plumbing system.
5 Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary, or
6 overloaded.

7 Exception: Buildings which are substantially renovated shall ~~meet-be inspected for inflow and infiltration~~
8 ~~sources per~~ the requirements of TMC 12.08.720. Substantial renovation for the purposes of this section
9 shall be defined as meaning remodeling, alteration of and/or addition to, an existing building within a
10 two-year period the cost of which exceeds 60 percent of the value of the building as calculated using the
11 latest Building Valuation Table (BVT) as published by the International Code Council.
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REQUEST FOR
[X] ORDINANCE [] RESOLUTION

Request #: 12771
Ord./Res. #: 27948

1. DATE: November 2, 2010

2. SPONSORED BY: Council Member Mello

3a. REQUESTING DEPARTMENT/DIVISION: PWD/Science & Engineering
3b. "DO PASS" FROM: Environment & Public Works Committee
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?
4a. CONTACT (for questions): Michael P. Slevin III, P.E.
4b. Person Presenting: Michael P. Slevin III, P.E.
4c. ATTORNEY: Doug Mosich
Signatures: Richard E. McKinley, Robert K. Biles, Rey Arellano

5. REQUESTED COUNCIL DATE: November 9, 2010

Approval needed prior to the effective date of Ordinance 27934 (December 1, 2010) amending Chapter 12.08 and 2.06 of the TMC related to the Private Property Inflow & Infiltration Removal Program.

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorize amendment of TMC 12.08.720 by removing the requirement for side sewer inspections at the time of sale and substituting in its place a program to educate property owners regarding side sewer conditions and maintenance obligations; and amending 12.08.030 and 2.06.070 of the TMC to remove the reference to the side sewer inspection requirements.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

The proposed ordinance would amend TMC Chapter 12.08 to remove the requirements for a side sewer inspection at the time of sale of a property, major remodel, and addition of building footprint and add requirements for the distribution of a side sewer condition educational flyer to educate property owners about the condition of side sewers within the City of Tacoma. This amendment is requested due to the economic hardship the original ordinance would have imposed on current home buyers during this economic downturn.

The effective date of the ordinance is currently December 1, 2010.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Table with 2 columns: Source Documents/Backup Material and Location of Document. Rows include Ordinance 27857, 27901, and 27934, all located at City Clerk's Office.

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:

12771
27948

Ord/Res #:

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. **A SAFE, CLEAN AND ATTRACTIVE COMMUNITY**
- B. **A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY**
- C. **A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT**

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

N/A

11. FINANCIAL IMPACT: **EXPENDITURE** **REVENUE**

- A. **NO IMPACT (NO FISCAL NOTE)**
- B. **YES, OVER \$100,000, Fiscal Note Attached**
- C. **YES, UNDER \$100,000, (NO FISCAL NOTE)**
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? Yes No Where? Cost Center:
Acct #:

Ordinance No. 27948

First Reading of Ordinance: NOV - 9 2010

Final Reading of Ordinance: NOV 16 2010

Passed: NOV 16 2010

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Fey				
Mr. Lonergan				
Mr. Manthou				
Mr. Mello				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				

Voice VOTE

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	X			
Mr. Campbell	X			
Mr. Fey	X			
Mr. Lonergan	X			
Mr. Manthou	X			
Mr. Mello	X			
Ms. Walker	X			
Ms. Woodards	X			
Mayor Strickland	X			