



## ORDINANCE NO. 27857

1 AN ORDINANCE relating to wastewater and surface water management;  
2 amending Chapter 12.08 of the Tacoma Municipal Code to implement a  
3 private property inflow and infiltration removal program.

4 WHEREAS this proposed ordinance would implement a program that will  
5 provide methods for reducing inflow and infiltration ("I/I") into the City's  
6 wastewater sewer system by requiring private residential side sewer  
7 inspections at the time of sale of real property and at the time of major building  
8 remodels or additions thereby educating property owners on the condition of  
9 their private side sewers, and

10 WHEREAS I/I removal is necessary to reduce the occurrence and  
11 effects of sanitary sewer overflows, reduce future capital costs to convey and  
12 treat clean stormwater in the wastewater system, and to provide for capacity  
13 and opportunity for future wastewater customers when clean stormwater is  
14 removed from the wastewater collection system, and

15 WHEREAS the City has developed this program with a committee of  
16 stakeholders over the previous two years and has solicited input from other  
17 affected outside stakeholders, and

18 WHEREAS the City, as a result of excessive flows measured in its  
19 wastewater collection system, most specifically during and after rainfall events,  
20 has reason to believe that properties using the City's wastewater collection  
21 system have surface water connections to the wastewater system and that  
22 defective private side sewers exist, allowing groundwater to infiltrate the  
23 collection system which both contribute to sanitary sewer overflows, and  
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WHEREAS, in the City, all existing septic systems are currently required by the Tacoma-Pierce County Health Department to have an inspection at the time of sale, and

WHEREAS, in the interest of promoting the health, welfare, and public safety of its residents, the City desires to institute and enforce an ordinance requiring inspections of all private side sewers, including commercial buildings, to determine whether surface water and groundwater drain to the wastewater collection system; Now Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 12.08 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Passed DEC 08 2009

Will W. Brown  
Mayor

Attest:

Dawn Larson  
City Clerk

Approved as to Form:

Debra E. Caspi  
Deputy City Attorney



EXHIBIT "A"

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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.

**12.08.720 Inflow and Infiltration Removal from Private Side Sewers**

A. Purpose. The purpose of this section is to prescribe rules and regulations for private side sewer inspection requirements at the time of sale, major building remodel or additions to properties within the City of Tacoma, to educate property owners on the conditions of their private side sewers, and to encourage the reduction in quantity of inflow and infiltration from the sanitary sewer system.

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

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

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

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

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

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

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

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

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

"Private Side Sewer" means the sewage conveyance pipe owned by the property owner that extends from approximately two feet outside of a building or structure to the connection at the public sanitary sewer 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.

"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.



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

4 C. Conditions Requiring Private Side Sewer Inspections for Sources of Inflow & Infiltration.

5 1. Properties shall be required to be inspected for sources of inflow and infiltration in the following  
6 circumstances:

7 a. Prior to the sale or transfer of title for a real property that contains any building or structure with a  
8 private side sewer connecting to the public sewer main.

9 b. Prior to the issuance of a building permit for a substantial building renovation. A substantial  
10 building renovation shall be defined as meaning remodeling, alteration of, and/or addition to an  
11 existing building within a two-year period, the cost of which exceeds 60 percent of the value of the  
12 building as calculated using the latest Building Valuation Data as published by the International  
13 Code Council.

14 c. Prior to the issuance of a building permit for any new buildings or additions to existing buildings  
15 in which the new structures or additions may be constructed over the top of the existing private side  
16 sewer. If the location of a private side sewer is unknown, it shall be located prior to issuance of  
17 building permit.

18 2. This section shall not apply to any of the following:

19 a. Properties that have been issued a Certificate of Inspection within the past five-year period.

20 b. Transfer of title from one co-owner to one or more other co-owners.

21 c. Transfer of title made to a spouse or to a person or persons in the lineal line of consanguinity of  
22 one or more of the transferors.

23 d. Transfer of title between spouses resulting from a decree of dissolution of marriage or a decree of  
24 legal separation or from a property settlement agreement incidental to a decree.

25 e. Condominiums, as defined in TMC 12.08.720.B.

26 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.

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.

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.



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

E. Inspection Report and 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.

F. 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.





# REQUEST FOR **RECEIVED**

**ORDINANCE**  **RESOLUTION**

Request #:	12446
Ord./Res. #:	27857

1. DATE: November 3, 2009

2. SPONSORED BY: COUNCIL MEMBER(S) N/A		
3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM PW/ES/Science and Engineering  3b. "DO PASS" FROM EPW <input checked="" type="checkbox"/> Yes (Oct 28, 2009) <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input type="checkbox"/> Did not go before a Committee  3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4a. CONTACT (for questions): Geoffrey M. Smyth  PHONE: 502-2111	
	4b. Person Presenting: Kari Prussen  PHONE: 502-2183	
	4c. ATTORNEY: Debra Casparian  PHONE: 591-5887	
 Richard E. McKinley, Public Works Director	N/A Robert K. Biles, Finance Director	 Rey Arellano, Deputy City Manager

5. REQUESTED COUNCIL DATE: December 1, 2009

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

Authorize a Private Property Inflow & Infiltration Removal Program.

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 Chapter 12.08 of the Tacoma Municipal Code to implement a program which will provide methods for reducing inflow and infiltration (I/I) into Tacoma's wastewater sewer system by requiring 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 to the condition of their private side sewers. I/I removal is necessary to reduce the occurrence and effects of sanitary sewer overflows, reduce future capital costs to convey and treat clean stormwater in the wastewater system, and to provide for capacity and opportunity for future wastewater customers when clean stormwater is removed from the wastewater collection system. Over the past two years, Public Works has involved many stakeholders in the program development which include private property owners, side sewer contractors, local drain cleaners, the Tacoma-Pierce County Association of Realtors, the Master Builder's Association of Pierce County, and various other participants.

The effective date of the proposed ordinance would be July 1, 2010, which would give Public Works staff the appropriate time to initiate the program through public outreach and education.

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

Source Documents/Backup Material

Location of Document

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	12446
Ord/Res #:	27857

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. 27857

First Reading of Ordinance: DEC 0 1 2009

Final Reading of Ordinance: DEC 0 8 2009

Passed: DEC 0 8 2009

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
<i>vacant</i> Ms. Anderson				
Mr. Fey	<i>[handwritten mark]</i>			
Ms. Ladenburg	<i>[handwritten mark]</i>			
Mr. Lonergan	<i>[handwritten mark]</i>			
Mr. Manthou	<i>[handwritten mark]</i>			
Ms. Strickland	<i>[handwritten mark]</i>			
Mr. Talbert	<i>[handwritten mark]</i>			
Ms. Walker	<i>[handwritten mark]</i>			
Mayor Baarsma	<i>[handwritten mark]</i>			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma				