

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Sewers.

4. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Sewers.

Legislative Memo: This resolution is brought before the City Council seeking to amend the City's Code in order to reduce infiltration and inflow into the sanitary sewer system, groundwater and waterways, by requiring inspection, testing, repair, replacement and ongoing maintenance of privately owned sewer laterals within the City. Inspection will only be necessary by the owner at the time of sale of a property or when renovation costs exceed fifty (50%) of the assessed value of the property. This amendment would be effective April 1, 2014.

The following Ordinance was moved by
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: WATER AND SEWERS.**

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 25, Article VIII, Section 25-210 through Section 25-220 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby added to said Chapter with the rest of the Chapter remaining in full force and effect, to read as follows:

“ARTICLE VIII. PRIVATE SEWER LATERALS.

Sec. 25-210. Legislative Intent.

The purpose of this Article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Long Beach, and groundwater and waterways, by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners within the City of Long Beach.

Sec. 25-211. Authority.

This Article is adopted in compliance with the Federal Clean Water Act.

Sec. 25-212. Definitions.

The following terms apply to this Chapter and are the same as, or supplement the definitions found in the Long Beach Plumbing Code:

***Building Drain.* Is that part of the lowest piping of a drainage system that receives sanitary sewage from inside a building and conveys it to the Lateral beginning thirty (30) inches outside the building.**

***Cleanout.* Is a pipe fitting and associated piping connected to a Lateral that provides access to the lateral for purposes of inspection and maintenance.**

***Private Cleanout.* Is a cleanout located on the Private Sewer Lateral.**

***City Cleanout.* Is a cleanout at or near the property line or street curb line that is maintained by the City, which complies with current City of Long Beach standards.**

***Exfiltration.* Is raw sewage that leaks out of laterals into soil, groundwater and waterways.**

Infiltration. Is groundwater, runoff from rainfall or any other source that passes through the soil into a lateral through defects in the sewer pipes and associated structures, and water from Non-Sanitary Sewer Connections.

Inflow. Is runoff from rainfall that enters the lateral through Non-Sanitary Sewer Connections.

Infiltration and Inflow (I/I). Is the combination of inflow and infiltration.

Lateral. Is that part of the piping of a drainage system which extends from the end of the Building Drain to the Main Sewer and conveys the discharge of the Building Drain to the Main Sewer.

Lower Lateral. Is the portion of a Lateral that is located in the public right-of-way and extends from a City Cleanout to the Main Sewer.

Main Sewer or Sewer Main. Is a sanitary sewer line directly controlled by the City of Long Beach and located in the public right-of-way or City easement that collects flows from more than one sewer Lateral.

Non-Sanitary Sewer Connection. Is any facility that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage into sanitary sewers, including, but not limited to, downspouts, yard drains or other sources of storm water or other run-off.

Private Sewer Lateral (PSL). Shall have one of the following meanings, depending on the circumstances:

1. In cases where a Lateral connects a Building Drain to a Sewer Main located in a street on which the building site has frontage, the PSL is the portion of the Lateral from the Building Drain to a City Cleanout if one exists, or the location where the City Cleanout is required to be.
2. In cases where a Lateral connects to a Yard Sewer Main, the PSL is the entire Lateral, including the connection to the Yard Sewer Main.
3. In all other cases, the Commissioner of Public Works or a designee of the City shall determine the extent of the PSL based on the applicable circumstances, in a manner that best accomplishes the purposes of this Article.

Satisfactory Condition. Is a condition of a Private Sewer Lateral that is indicated by:

1. Final inspection and approval of a permit for full replacement of the Private Sewer Lateral in a manner approved by the Commissioner of Public Works, or City designee, within the previous twenty (20) years; or

2. **Approval by the Commissioner of Public Works or a designee of the City, of a video record of Closed Circuit Television (CCTV) inspection of the Private Sewer Lateral or by another testing or inspection method approved by the City Engineer.**

Sewer Lateral Certificate. Is a certificate issued by the Commissioner of Public Works or a designee of the City, indicating that the Lateral is in “Satisfactory Condition” as defined herein.

Structure. Is any structure or building as defined in the Code of Ordinances that is provided with public sewer service by the City of Long Beach.

Transfer. Is any transaction, whether or not for consideration, in which any land is conveyed from one person or entity to another. Transfer does not include any conveyance made to a spouse or other family member in order to create a joint tenancy or tenancy in common.

Yard Sewer Main. Is a Sewer Main that is subject to the City’s control and maintenance but that is not located in a public right-of-way.

Sec. 25-213. Standards for maintenance of Private Sewer Laterals.

It shall be the sole responsibility of private property owners to perform all required maintenance, repairs and replacements of PSLs in accordance with this Article and any other City standards. Standards for maintenance of the PSL are set forth below.

1. **PSLs shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of waste.**
2. **PSLs shall not exhibit any signs of infiltration.**
3. **PSLs shall not exhibit any sign of exfiltration or leakage.**
4. **PSL pipe joints shall be tight and all PSL pipes shall be free of any structural defects such as cracks, breaks, openings, rodent holes or missing portions, and the grade shall be uniform without sags or offsets.**

PSLs shall be brought into compliance when required to do so by this Article; when a person performs any work on a PSL; and when non-compliance with these standards comes to the attention of the Commissioner of Public Works or a designee of the City.

All work on PSLs shall be consistent with this Article.

Sec. 25-214. Correction or abatement.

- a. **Owners shall obtain all required plumbing and sewer permits prior to making any repairs whether required by the City or for any other reason, and retain the**

inspection card(s), signed and approved by the Commissioner of Public Works or the City designee, as proof of completion of work.

b. Upon approval of such repairs and payment of the required fee, the City shall issue a Sewer Lateral Certificate of Compliance.

c. In the event a property does not comply with a notice and order, the City may abate the public nuisance as set forth in Article VII of this Chapter.

d. The City may recover any costs incurred in abating a public nuisance under this Article.

Sec. 25-215. Inspection at time of sale.

a. Prior to any transfer of property that contains any structure with a sewer lateral, the owner shall have the PSLs for all property associated with the parcel number for that property inspected or tested, unless he or she presents satisfactory proof to the City that the City has issued a Sewer Lateral Certificate of Compliance for that PSL within the immediately preceding seven (7) years. Alternatively, the owner may replace the PSL without prior inspection or testing.

b. (1) All required or replacement work shall be completed and a Sewer Lateral Certificate of Compliance obtained prior to transfer of title.

(2) Alternatively, the Commissioner of Public Works may permit funds in an amount he or she determines to be sufficient to complete the work, to be retained in deposit with the City, subject to the condition that the required work be completed within six (6) months and that the transferor and transferee execute and deliver to the City a completed Right of Entry authorizing the City or its agent to enter on the property and complete the repairs if they are not completed within six (6) months after close of escrow, as well as any other conditions he or she deems appropriate. In the event the work is not completed within six (6) months of the close of escrow, the funds shall be forfeited and transferred to the City, which may enter onto the property and complete the repairs. Any additional cost of repairs shall be billed to the current owner and in the event of nonpayment, shall become a lien on the property and may be imposed pursuant to Chapter

Sec. 25-216. Inspection at time of major remodels.

a. Whenever a person applies for a building and/or plumbing permit for a construction valuation that exceeds fifty (50%) of the assessed value of the property, the property owner shall have the PSL for the parcel number inspected or tested, unless he or she presents satisfactory proof to the City that the PSL is less than twenty (20) years old or has been repaired within the prior seven (7) years pursuant to a permit issued by the City. Alternatively, the owner may replace the entire PSL, with a pipe material approved by the City, without prior inspection or testing.

b. In order to ensure compliance with this Article, the property owner or agent shall obtain a Sewer Lateral Certificate of Compliance prior to the finalization of the building permit for the remodel.

Sec. 21-217. Disclosure, inspection and repair.

a. Prior to the sale or at the closing of any property being sold the owner of such property shall provide the buyer(s) with a copy of the Sewer Lateral Certificate issued by the Commissioner of Public Works, or City designee.

b. All testing and inspection procedures shall be in accordance with City approved testing and inspection procedures or other procedures or standard reviewed and approved by the Commissioner of Public Works.

c. Testing and inspection shall be performed by a qualified licensed plumbing contractor, unless the owner present satisfactory proof to the City that the Private Sewer Lateral is less than twenty (20) years old or has been repaired pursuant to a permit issued by the City within the prior seven (7) years.

d. In the event that inspection is conducted using CCTV, the City may reject any video inspection, and order a new inspection, if the video recording of the inspection is not of sufficient quality to adequately assess the condition of the Lateral to the City's satisfaction.

e. All repair or replacement work identified by the inspection or testing as necessary to prevent I/I must be completed and approved by the City.

f. The property owner shall submit a copy of the inspection card, signed and approved by the Commissioner of Public Works or City designee, as proof of compliance.

g. The Commissioner of Public Works, at his or her discretion, or the City's designee, may require a CCTV inspection following completion of repairs or replacement as proof of compliance.

h. Failure to comply with an order issued under this Article shall be deemed a violation of this Code and the condition of the Private Sewer Lateral in such cases shall be deemed, and is hereby declared, a public nuisance.

Sec. 25-218. Sewer Lateral Certificates of Compliance.

a. Upon submittal of documentation verifying that a property owner has complied with this Article, and payment of any required fee, the City shall issue a Sewer Lateral Certificate of Compliance.

b. A Sewer Lateral Certificate of Compliance shall be effective for the following periods of time:

1. A period of seven (7) years after acceptance of an inspection or test performed under this Article if no repairs were required; inspection and approval by the City of repairs to a PSL or connections thereto; and inspection and approval by the City of completed repairs to a PSL or Cleanout ordered by the Commissioner of Public Works or his designee.

2. A period of twenty (20) years after inspection or test and approval by the City of a complete replacement of a PSL.

Sec. 25-219. Violation – penalty.

In addition to the enforcement processes and penalties provided in Article VII, any condition caused or permitted to exist by the property owner in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and maybe summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 25-220. Severability.

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Article.”

Sec. 2. This Ordinance shall take effect April 1, 2014.