CITY OF SAUSALITO
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
420 LITHO STREET
SAUSALITO, CA. 94965
415-289-4192 (fax) 415-339-2256
www.ci.sausalito.ca.us

ADMINISTRATIVE INTERPRETATION

SUBJECT: SMC § 18.12.100 Service Laterals. Inspection, Testing and Remedial Work

ISSUE: What type of project would trigger the requirement to test and/or inspect sewer service laterals? How often does a property owner need to inspect the sewer service laterals?

DATE: April 17, 2007

The Sausalito Sewer Ordinance (Sausalito Municipal Code (SMC) § 18.12.100, adopted in 1991 via Ordinance 1072), requires the inspection of sewer service laterals for surface water connections or inlets via a pressure test or a video camera inspection. This inspection requirement is triggered when there is a remodel or when a building is proposed for sale. Although the Code is clear on when an inspection is to occur when buildings are listed "for sale," it is unclear as to what type of "remodel" project would trigger the need for inspection.

The subject code section is clear that the City Council desires to make certain that sewer systems within its jurisdiction are properly maintained and not compromised in any way that could cause infiltration of pollutants into the groundwater or surface waters including Richardson Bay. This Code Section is also consistent with Regional Water Quality Control Board (RWQCB) requirements that mandate municipalities create standards to protect against overflows or discharges into local waters. It is also known that the RWQCB can assess fines for municipalities that fail to meet State standards. The City of Vallejo was fined 85 million dollars for failing to satisfy State standards.

It is further clear that the City Council did not want to mandate that all properties inspect their sewer service laterals at time of Ordinance adoption. Rather, they structured the Ordinance to be triggered by a remodel or when a building is listed for sale. In essence, the Council provided flexibility within the SMC that allowed property owners to defer any maintenance until such time as they requested improvements on their property (or what has been defined as a "remodel" within the SMC) or when the property is sold which involves no improvements.

Sewer maintenance is often neglected. Property owners often do not adequately plan for evaluation or repair. Complying with the Sausalito Sewer Ordinance requirement can add significant financial burden to a property owner. By Adopting the ordinance the City Council made it clear that property owners need to take proactive steps to keep sewer laterals functioning properly.

Not all remodel work is equal. Some projects are small in scope and value while other projects are large in scope and value. Some remodel project result in increased water consumption and waste water production while other remodel projects do not. As such, imposing the sewer lateral inspection and repair requirement on all remodel projects is not appropriate.

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In recognition that sewer repair demands on all remodel work is not appropriate, the following criteria is established to guide City staff in determining whether or not to require a sewer lateral inspection.

It is the Community Development Director's opinion that sewer laterals shall be inspected and repaired for major remodel work.

Major remodel work includes:

1. Improvements in a single project equal or exceeding $50,000 (2007 dollars and adjusted by the Bay Area Consumer Price Index) valuation where either no records of sewer condition exists or the record is older than 3 years.
2. Improvements where the addition of two sinks, one or more bathrooms, one or more kitchens, increase in water service (meter size) or other water use facilities are created.
3. Cumulative improvements through multiple projects over the past 3 years equal or exceeding $50,000 (2007 dollars and adjusted by the Bay Area Consumer Price Index) valuation where either no records of sewer condition exists or the record is older than 3 years.
4. Commercial/Institutional Building Tenant Space Improvements exceeding $50,000 (2007 dollars and adjusted by the Bay Area Consumer Price Index) valuation where either no records of sewer condition exists or the record is older than 3 years.
5. Exceptional situations not defined above as determined by Community Development Department staff.

It is also the Director's opinion that once an inspection has revealed no issues with a sewer service lateral, no further inspection is required within a three (3) year period. After three (3) years, an inspection will be required for any property undergoing a major remodel as defined above or when the property is listed for sale. A three (3) year period was selected because that is a reasonable amount of time to assess if the service lateral has been compromised by tree roots, subsidence of lands, or compaction of soil. It is the Director's opinion that Commercial/Industrial Building Tenants required to perform a lateral inspection shall be responsible for correcting only localized sewer problems in their unit. Commercial/Industrial Building tenants shall not be held responsible for correcting whole building sewer lateral problems that are identified with the inspection and their occupancies certificates shall, generally, not be withheld as a result of non-performance by the landlord.

Paul Kermoyan, AICP
Community Development Director

4/18/07
Date