

Chapter 13.07

SANITARY SEWERS – BUILDING SEWER MAINTENANCE AND REPAIR

Sections:

- 13.07.010 Authority.
- 13.07.020 Standard of Maintenance.
- 13.07.030 Application within City.
- 13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.
- 13.07.050 Responsibility for building Sewer Structural Maintenance.
- 13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.
- 13.07.070 Inspection of building Sewers.
- 13.07.080 Notice of Defects and Required Corrections.
- 13.07.090 Repair of Defects.
- 13.07.100 Enforcement and Remedies.
- 13.07.110 Incentives for Timely Completion of Repairs.
- 13.07.120 Financial Assistance.

13.07.010 Authority.

The standards and criteria contained in this chapter for the identification, prevention, and removal of infiltration and inflow are based upon the authority of MMC [13.04.010](#) and [13.04.020](#). (Ord. 4987, 2015).

13.07.020 Standard of Maintenance.

All property owners shall be responsible to maintain the building sewer serving their property in a condition free from defects, as provided in this chapter. (Ord. 4987, 2015).

13.07.030 Application within City.

These rules shall apply throughout the city to all areas served by the public sanitary sewer collection system. (Ord. 4987, 2015).

13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.

All building sewer preventive and corrective maintenance activities outside the publicly owned right-of-way or easement shall be the responsibility of the property owner. (Ord. 4987, 2015).

13.07.050 Responsibility for building Sewer Structural Maintenance.

Structural maintenance of the portion of the building sewer on private property outside the publicly owned right-of-way or easement shall be the responsibility of the owner of the property served by the building sewer. (Ord. 4987, 2015).

13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.

Projects shall be defined by the Director and will include those located in basins of the sanitary sewer system as identified by the city's adopted Conveyance System Master Plan as high flow basins, and such other areas as the Director may designate or by inclusion within the city's Capital Improvement Plan for system repair and/or replacement projects to reduce inflow and infiltration. (Ord. 4987, 2015).

13.07.070 Inspection of building Sewers.

A. *Inspection and Investigation Methods.* The city may at any time inspect and investigate the condition of building sewers using:

1. Flow monitoring
2. Television inspection
3. Smoke testing
4. Dye testing
5. Air or water pressure tests
6. Exfiltration tests
7. Direct visual observation of material or function
8. Indirect measurement

9. Other appropriate methods

Investigation and inspection may additionally include public sewer mains and manholes. Investigation and inspection methods shall not be harmful to the operation of the system and may be used to identify, verify, and quantify locations and amounts of infiltration and inflow into the sanitary sewer system. The city shall determine the scope and methods to be used for the portion of the system to be inspected.

B. *Inspection and Investigation Notice.*

1. *Notice to property owners.* Where inspection or investigation methods such as building sewer television inspection or location require physical entry onto private property by city staff and equipment, the city shall obtain permission to perform the inspection from the owner. If the property owner refuses to allow the city to enter the property, the city may obtain an administrative search warrant. Notice shall also be given to any occupants as provided in MMC [13.07.070\(B\)\(2\)](#).

2. *Notice to occupants.* Where investigation methods such as smoke testing are used that may impact structures or their occupants, the city shall attempt to notify occupants prior to performing the investigation and inform them of any precautions they may wish to take to reduce potential inconvenience to themselves or the property. The city shall not be required to notify property owners of inspections or investigations which do not require staff or equipment to enter the property. In addition, notice shall be given by door hangers or personal contact, and may be given by general press release. (Ord. 4987, 2015).

13.07.080 Notice of Defects and Required Corrections.

Where inspection or investigation reveals defects in the building sewer on private property outside the city's right-of-way, no further proof is needed for the city to require the building sewer be replaced to current standards. The property owner shall be required to correct the defects or pay a penalty in accordance with this chapter. The city shall inform the property owner in writing of the type and location of the defect and of the time in which correction of the defect is required. If the owner and sewer user of the building sewer elects to dispute the opinion of the city, the owner may test the service at their own expense in the presence of the city. The test shall meet the requirements of the Oregon Plumbing Specialty Code (OPSC) and any other city standards that may apply. The results of the test will be the basis of the final replacement decision. If it is determined the building sewer is not defective, the city shall reimburse the property owner for the reasonable cost of the test.

A. *Permit Required.* Any person intending to perform structural maintenance work on a building sewer may do so only after obtaining all city and other required permits.

B. *Notice of Completion of Repairs.* The property owner shall notify the city that the permitted corrections have been completed and shall request an inspection from the city. The city retains the right to require additional information from the property owner and to inspect the correction or repair to assure that it has been

done in accordance with all applicable rules and codes. If the repair is found to be inadequate, the city shall notify the owner and the owner shall make the necessary corrections. The city shall notify the property owner of acceptance of the repair.

C. *Notice of Defects – Correction Not Required.* Where inspection or investigation reveals apparent flaws in a structure’s interior plumbing (building drain) which do not contribute infiltration or inflow to the sanitary sewer system, the city may, but is not required to, inform the property owner of the type and location of such flaws, if known. (Ord. 4987, 2015).

13.07.090 Repair of Defects.

A. The city shall determine the schedule for its sewer main and/or lateral structural maintenance work in designated rehabilitation areas and may perform work with its crews or by contract according to that schedule. Nothing in this chapter shall require the city to modify its structural maintenance schedule or compensate property owners for structural maintenance work performed ahead of the city’s schedule.

B. If, when performing structural maintenance on a lateral, the city discovers that the condition, location, or material of the existing building sewer pipe is such that a structurally sound connection at the right-of-way line can not be made without further repair or replacement on private property, the city shall make a temporary connection, document the nature of the defect, and secure the excavation area. The city shall provide written notice to the property owner of the existence of the building sewer defect and temporary connection. Unless the excavation area is a public safety hazard, the notice shall provide a time certain not less than five nor more than 10 days for the property owner to complete the required repair on private property. Upon expiration of such time, the city may backfill the excavation area. The city shall not be required to correct defects or perform building sewer repair work on private property, nor shall it be responsible for any additional cost to the property owner due to failure to perform repairs within the time specified in the notice.

C. *Spot Repairs.* If the investigation shows only a portion of the building sewer is defective, the owner may elect to perform a spot repair. Spot repairs are limited to cast iron, ABS, CIPP, HDPE and PVC pipe material only. Upon completion of the repair, the building sewer shall be tested and must pass the requirements of the OPSC and city standards. Tests for spot repairs are at the property owner’s expense and are not reimbursable. (Ord. 4987, 2015).

13.07.100 Enforcement and Remedies.

A. *Civil Penalty.* Failure to take action to correct identified defects as required in these rules shall be deemed to be a public nuisance and a violation of city ordinances for such nuisances. For any failure to correct defects

in a privately owned or maintained building sewer the schedule of civil penalties shall be as provided in this subsection, following mailing or posting a notice of defect to the property owner.

1. *Grace Period.* For 180 days following notice to the property owner, no civil penalties shall be assessed.

2. *Lien Period.* If, after 180 days following notice to the property owner, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will file a “suspended” lien on the property, which lien shall have no value. Such lien will remain suspended for 12 months.

3. *Penalty Period.* If, after 12 months following the end of the grace period, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will assess civil penalties. Assessed penalties will be calculated at \$100.00 per month, per EDU from the end of the grace period to the beginning of the penalty period, with an additional \$100.00 per month, per EDU, added every month thereafter. Upon assessment of civil penalties, the lien will be updated to remove the suspension and reflect the outstanding balance of unpaid civil penalties.

4. *Transfer of Ownership.* If the property changes ownership and the identified defects have not been corrected to the satisfaction of the City Engineer, the outstanding balance of assessed civil penalties must be satisfied by the seller at or before closing, as well as a notarized Stipulated Agreement from the purchaser, allowing the lien to be removed. The Stipulated Agreement shall inform the purchaser of the defect and that they have 180 days to correct the defect to the satisfaction of the City Engineer, or a lien will be issued and penalties may be assessed according to the schedule in this subsection.

B. *Other Remedies.* Any civil penalty imposed under these rules shall be in addition to the collection of the regular sewer service fee or charge and any other fines, penalties, damages, or legal remedies available to the city. (Ord. 4987, 2015).

13.07.110 Incentives for Timely Completion of Repairs.

A. Subject to budgetary limitations established by the city council, the city may offer a monetary incentive as provided in this section to encourage property owners to make the required repairs quickly and to help offset the cost of the repairs. The city shall not be required to offer or continue the incentive program, except as authorized by the city council.

B. The incentive program, if offered, shall apply to the grace period following the date of the notice of defect. If the property owner has requested an inspection, but the inspection authority is unable to perform the inspection within the time limits, the date of the documented inspection request shall be used to determine the amount of the incentive.

C. The city may approve and make payments to the property owners completing repair of defects as provided in this section. If repairs are completed and accepted within the grace period, the property owner shall be eligible for a monetary incentive equal to 10 percent of the pipe repair costs up to a maximum limit of \$500.00 per EDU. Eligible repair costs are limited to those costs for pipe material, excavation and burying pipe in the soil between the building and the connection to the lateral. This specifically excludes landscape repairs, sidewalk repairs, driveway repairs and other repair costs incidental to replacing the pipe in the ground.

D. Any property owner requesting a monetary incentive payment as provided in this section shall submit a complete application to the city no later than 60 days following inspection and acceptance of the repair by the city. A complete application shall include: the name and address of the owner, and certification by the applicant that repairs were not paid for by a renter, lessor, or any other person. (Ord. 4987, 2015).

13.07.120 Financial Assistance.

Upon application by a property owner required to repair a building sewer as required by this chapter, the city finance director is granted authority to enter into a contract with the property owner for installment payments on the following basis:

A. The property owner shall select a licensed contractor to complete the required work and provide the city with a cost estimate of the work to be completed.

B. Prior to authorizing the contractor to proceed with the work, the property owner shall meet with the city finance director and sign an application and agreement to pay the repair costs based on the estimate plus 25 percent. The application for installment payments shall be on the prescribed form and shall constitute a lien upon the property.

C. The application shall provide for a monthly payment for a period not to exceed 24 months. Interest shall accrue on the balance due at the prime interest rate plus 3 and 1/2 percent.

D. At the time of completion and inspection of the repair work, the city shall make payment to the property owner and contractor based on the actual billing submitted to the owner by the contractor and adjust the monthly installment payment to reflect the actual cost. (Ord. 4987, 2015).