

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Municipal Code Changes to Sewer System Chapter

DATE: March 5, 2015

City Council Goals:

To provide for effective and efficient delivery of City services. (#1)

To provide public service that assures the safety of property and citizens residing, working, or visiting in Brisbane. (#9)

Purpose:

To introduce an ordinance that will update a fifty-year old municipal code chapter relating to sewer systems; this action is consistent with the community's goals of making decisions based on stewardship of the environment, and reducing waste streams.

Recommendation:

Introduce Ordinance No. 591, waiving first reading, amending Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System."

Background:

The two primary changes to the municipal code that this ordinance will effect are the updating of the code to be more in line with the current regulatory climate, and the creation of a Sewer Lateral Certificate Program.

The latter program is a no-city fee, time-of-sale notification requirement that is intended to alert pending homeowners to the option of obtaining a certificate indicating the condition of their sewer lateral. Sewer laterals in Brisbane, and in the majority of San Mateo County cities, are the responsibility of the property owner from the building to the connection with the city's main. Considering that most property owners are not aware of this responsibility, and considering the challenges (including lines that have not been maintained, non-conforming joint sewer laterals, etc.) of homes built prior to incorporation, staff is proposing this program to allow property owners with conforming sewer laterals to obtain a certificate that can be provided to potential buyers during real estate sales transactions. (Please see attached Sewer Lateral Brochure for an example of the information that will be provided to property owners upon request.)

The only requirement this program imposes upon sellers and their agents/brokers is to notify buyers that a sewer lateral certificate program exists within the city. Any discussions on whether or not the certificate is to be

provided is left to the negotiating parties. (Note: a certificate will be required if proposed home improvements associated with a building permit trigger the “50% rule of BMC §15.08.140, or if a larger water meter is added to a property. This requirement is outside of the requirements during a real estate transfer.)

The proposed ordinance was distributed to all in-city Brisbane realtors, and subsequently to the San Mateo County Association of Realtors (SAMCAR). Based on SAMCAR’s experience with the final sewer lateral certificate program implemented by the City of Belmont (which was the starting model for the Brisbane program), they were very supportive of the idea, and even asked staff to present the proposal at one of their scheduled broker meetings. (SAMCAR did discuss a disclosure form, which was not included within the Ordinance, because our language simply requires affected parties to provide other parties a copy of the city-developed brochure on the program. How brokers choose to prove they have complied with that requirement is a matter best left to their design.)

Discussion:

The sewer lateral certificate program is most likely the only controversial part of the proposed ordinance. While it does add one more step/disclosure to be made during real estate transactions, the benefit it provides is to create a venue for property owners to understand the condition (and associated costs due to substandard conditions) of their sewer laterals prior to poor conditions literally bubbling to the surface in the form of a sanitary sewer overflow.

The concept for this program was previously vetted with the Facilities/Water Subcommittee.

From a practical perspective, the certificate program would operate as follows; individuals who had their laterals constructed within the last 15 years would simply complete an Application for Sewer Lateral Certificate, and if the issuance criteria in §13.04.452 were satisfied, a certificate would be issued. Property owners with older lines would most likely have to obtain (at their own expense) a CCTV video of their lateral. If that video showed the issuance criteria were satisfied, then a certificate would be issued.

Fiscal Impact:

The staff time that will be utilized to implement the sewer lateral certificate program can be accommodated with existing resources. No additional cost is envisioned as a result of the recommended action.

Measure of Success

An updated sewer system municipal code chapter, including a voluntary no-cost sewer lateral certificate program available for all property owners to ascertain the condition of their sewer lateral.

- Attachments:** Ordinance No. 591
Sewer Lateral Certificate Brochure (4 pages)
Application for Sewer Lateral Certificate
Ordinance No. 591 (red-line version comparing proposed to existing)

Director of Public Works/City Engineer

City Manager

ORDINANCE NO. 591

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING CHAPTER 13.04 OF THE MUNICIPAL CODE
PERTAINING TO SEWER SYSTEM**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Chapter 13.04 of the Municipal Code is amended to read as follows:

ARTICLE I. DEFINITIONS

- 13.04.010 Application of definitions.
- 13.04.020 BOD.
- 13.04.025 Capacity charge.
- 13.04.030 City.
- 13.04.040 Department of Public Health.
- 13.04.050 Director.
- 13.04.055 Equivalent residential unit (ERU).
- 13.04.060 Family.
- 13.04.070 Garbage.
- 13.04.080 Grease.
- 13.04.090 Grease, dispersed.
- 13.04.100 Grease, floatable.
- 13.04.110 Natural outlet.
- 13.04.120 Person.
- 13.04.130 pH.
- 13.04.140 Residential premises.
- 13.04.150 Sewage.
- 13.04.160 Sewage treatment plant.
- 13.04.170 Sewage works.
- 13.04.180 Sewer.
- 13.04.190 Sewer, building.
- 13.04.195 Sewer connection fee.
- 13.04.196 Sewer lateral.

13.04.198 Sewer lateral certificate.

13.04.200 Sewer, public.

13.04.210 Sewer, sanitary.

13.04.220 Sewer, storm.

13.04.230 Shall and may.

13.04.250 Suspended solids.

13.04.260 Watercourse.

13.04.010 Application of definitions. The definitions set forth in this article shall be applied throughout this chapter, unless the context or the provisions clearly requires otherwise. (*Ord. 458 § 1, 2001; Ord. 53 § 1(part), 1963*).

13.04.020 BOD. "BOD," denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade, and shall be expressed in parts per million by weight. (*Ord. 53 § 1.1, 1963*).

13.04.025 Capacity charge. "Capacity charge" means a charge for facilities in existence at the time the charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged. (*Ord. 458 § 2, 2001*).

13.04.030 City. "City" means the city of Brisbane. (*Ord. 53 § 1.2, 1963*).

13.04.040 Department of Public Health. "Department of Public Health" means the Environmental Health Services Division of the County of San Mateo Health System. May also be referred to individually as *health officer*. (*Ord. 53 § 1.3, 1963*).

13.04.050 Director. "Director" means the Director of Public Works/City Engineer of the city, or his authorized deputy, agent, or representative. (*Ord. 53 § 1.4, 1963*).

13.04.055 Equivalent residential unit (ERU). "Equivalent residential unit" or "ERU" means the estimate of average gallons of sewage flow per day per single-family unit. For the purpose of this chapter, such average is established at one hundred five (105). Where a charge imposed by this chapter is required to be calculated according to the number of ERUs, such determination shall be based upon an engineering estimate prepared or approved by the Director, and for this purpose the Director may utilize as a guideline the tables published from time to time by the State Water Resources Control Board of the California Environmental Protection Agency. (*Ord. 497 § 1, 2005; Ord. 458 § 3, 2001*).

13.04.060 Family. "Family" means any number of persons living together as a family unit. (*Ord. 53 § 1.5, 1963*).

13.04.070 Garbage. "Garbage" means and includes all animal and vegetable wastes from kitchens; all household wastes that have been prepared for or intended to be used as food or have resulted from the preparation of food; every accumulation of animal and vegetable waste from the establishments where foodstuffs intended for human consumption are handled commercially; and also bottles, tin cans and any other containers of food. (*Ord. 53 § 1.6, 1963*).

13.04.080 Grease. "Grease" means grease, oil, fat, or other ether-soluble matter, and shall be expressed in parts per million by weight. (*Ord. 53 § 1.7(part), 1963*).

13.04.090 Grease, dispersed. "Dispersed grease" means grease which is not floatable grease. (*Ord. 53 § 1.7(a), 1963*).

13.04.100 Grease, floatable. "Floatable grease" means grease which floats to the surface of quiescent sewage, water, or other liquid, or which floats upon dilution of the liquid with water. (*Ord. 53 § 1.7(b), 1963*).

13.04.110 Natural outlet. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, bay, ocean, or other body of surface water, or outlet into the groundwater. (*Ord. 53 § 1.8, 1963*).

13.04.120 Person. "Person" means any individual, firm, company, association, society, corporation, or group. (*Ord. 53 § 1.9, 1963*).

13.04.130 pH. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (*Ord. 53 § 1.10, 1963*).

13.04.140 Residential premises. "Residential premises" means premises used as a family residence. (*Ord. 53 § 1.11, 1963*).

13.04.150 Sewage. "Sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground-waters, surface waters, and stormwaters as may be present, or any combination of such wastes and waters, and shall include:

A. "Industrial wastes," which means the wastes from producing, manufacturing, and processing operations of every kind or nature;

B. "Stormwater," which means the flow in sewers resulting from rainfall;

C. "Sanitary sewage," which means that portion of sewage exclusive of industrial wastes and stormwater. (*Ord. 53 § 1.12, 1963*).

13.04.160 Sewage treatment plant. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage. (*Ord. 53 § 1.13, 1963*).

13.04.170 Sewage works. "Sewage works" means all sewers and facilities which are used by the city for carrying, collecting, pumping, treating, and disposing of sewage. Also includes the sewers and facilities of the San Francisco Public Utilities Commission of the City & County of San Francisco. (*Ord. 53 § 1.14, 1963*).

13.04.180 Sewer. "Sewer" means a pipe or conduit for carrying sewage. (*Ord. 53 § 1.15(part), 1963*).

13.04.190 Sewer, building. "Building sewer" means the sewer connecting the house or structure on the property to the public sewer. See also *sewer lateral*. (*Ord. 53 § 1.15(d), 1963*).

13.04.195 Sewer connection fee. "Sewer connection fee" means the fee charged for the cost of physical facilities necessary to install a building sewer, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to the public sewer main. (*Ord. 458 § 4, 2001*).

13.04.196 Sewer lateral. "Sewer lateral" means the sanitary sewer line, including cleanouts, overflow valves, control manholes, backflow valves, wye saddles and all other fittings that connect the building sewer to the public sewer. The portion of the sewer lateral located on private property (other than the lateral within a public easement located on the private property) may be referred to as the "upper" lateral, and the portion of the sewer lateral located within the public right-of-way or public easement (including the lateral within a public easement on private property) may be referred to as the "lower" lateral. The sewer lateral may also be referred to as the *building sewer*.

13.04.198 Sewer lateral certificate. "Sewer lateral certificate" means a document issued by the Director pursuant to requirements specified in Section 13.04.452.

13.04.200 Sewer, public. "Public sewer" means a sewer which is controlled by the city, and located in any street, highway, alley, place, right-of-way or easement dedicated for public use and accepted by the city. Public sewer does not include sewer laterals. (*Ord. 53 § 1.15(a), 1963*).

13.04.210 Sewer, sanitary. "Sanitary sewer" means a sewer to which stormwaters, surface waters, and groundwaters are not intentionally admitted. (*Ord. 53 § 1.15(b), 1963*).

13.04.220 Sewer, storm. "Storm sewer" or "storm drain" means a sewer which carries stormwaters and surface waters, but from which sewage and polluted industrial wastes are excluded. (*Ord. 53 § 1.15(c), 1963*).

13.04.230 Shall and may. "Shall" is mandatory; "may" is permissive. (*Ord. 53 § 1.16, 1963*).

13.04.250 Suspended solids. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering, and shall be expressed in parts per million by weight. (*Ord. 53 § 1.18, 1963*).

13.04.260 Watercourse. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (*Ord. 53 § 1.19, 1963*).

ARTICLE II. USE OF PUBLIC SEWERS REQUIRED

13.04.270 Discharge of sewage to sanitary sewers required.

13.04.280 Deposit of objectionable waste upon public or private property prohibited.

13.04.290 Discharge of polluted water into storm sewers restricted.

13.04.300 Use of privies, septic tanks and cesspools restricted.

13.04.310 Installation of toilet facilities required.

13.04.320 Discharge of industrial waste into storm sewer prohibited.

13.04.270 Discharge of sewage to sanitary sewers required. All sewage shall be discharged to public sanitary sewers except as provided in this chapter. (*Ord. 53 § 2.1, 1963*).

13.04.280 Deposit of objectionable waste upon public or private property prohibited. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, or other objectionable waste. (*Ord. 53 § 2.2, 1963*).

13.04.290 Discharge of polluted water into storm sewers restricted. It is unlawful to discharge into any storm sewer or to any natural outlet or watercourse within the city, or within any area under the jurisdiction of the city, any sanitary sewage, industrial waste, or other polluted water. (*Ord. 53 § 2.3, 1963*).

13.04.300 Use of privies, septic tanks and cesspools restricted. It is unlawful to construct, maintain, or use within the city, any privy, privy vault, septic tank, cesspool, or other facility designed, or intended to be utilized, for the disposal of sewage, except in those cases in which a special permit is granted therefor by the health officer, and then only for the duration of, in accordance with the terms of, and in strict conformity to the provisions of, such permit. (*Ord. 53 § 2.4, 1963*).

13.04.310 Installation of toilet facilities required. The owner of every house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the

city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the city, is required to install, at his own expense and as soon as practicable, suitable toilet facilities therein or thereon, and to connect, without any undue delay, and, in no event, at a date later than ninety (90) days following official notice from the health officer, such facilities directly with the proper public sewer in accordance with the provisions of this chapter; provided, that the public sewer is within a reasonable distance. (*Ord. 53 § 2.5, 1963*).

13.04.320 Discharge of industrial waste into storm sewer prohibited. Discharge of industrial waste into a storm sewer or to a natural outlet or watercourse shall be prohibited at all times. (*Ord. 53 § 2.6, 1963*).

ARTICLE III. APPLICATION FOR SERVICE—INSTALLATION AND CONNECTION REQUIREMENTS AND CHARGES

13.04.330 Unauthorized connections or use prohibited.

13.04.340 Application requirements.

13.04.350 Sewer connection fee.

13.04.360 Sewer capacity charges.

13.04.400 Control manholes required.

13.04.410 Connections to public sewers.

13.04.412 Maintenance of sewer laterals.

13.04.414 Emergency maintenance of sewer laterals.

13.04.420 Sewer installation specifications and requirements.

13.04.430 Joint sewer lateral installation and maintenance.

13.04.440 Costs of construction of public sewer lines by private parties.

13.04.450 Costs of extension of public sewer main by city.

13.04.452 Sewer lateral certificate issuance.

13.04.453 Disclosure and sewer lateral certificate; when required.

13.04.330 Unauthorized connections or use prohibited. No unauthorized person shall uncover, make any connections to, or make any opening into, any public sewer or appurtenance thereof, or in any manner or to any extent use, alter, or disturb the same. (*Ord. 53 § 3.1, 1963*).

13.04.340 Application requirements. A. Applications for connection to a public sewer shall be made by the property owner or the owner's authorized agent on a form furnished by the city. Each application shall be supplemented by such plans, specifications, analyses, flow data, or other information as may be required by the Director.

B. Where a private easement is required in order to connect the owner's property to the public sewer, a proper legal description and drawings, including a diagram plan and profile, shall be submitted with the application.

C. In the case of every connection, irrespective of whether a new physical connection is to be made, a new or amended application shall be submitted upon any change in the occupancy or activity conducted upon the premises that results in a new or increased discharge into the public sewer. (Ord. 458 § 5, 2001: Ord. 53 § 3.2, 1963).

13.04.350 Sewer connection fee. If any construction or installation work will be performed by the city for the purpose of connecting a structure or project to the public sewer, the city shall be entitled to charge the owner of such structure or project a sewer connection fee in an amount equal to all costs that will be incurred by the city for the performance of such work, as determined by the Director. An estimated payment of the sewer connection fee shall be deposited with the city prior to the commencement of work. Upon completion of the connection, the actual costs shall be determined by the Director. If such costs are greater than the deposit, the owner shall pay the deficit to the city within fifteen (15) days after a billing for the amount due is mailed to the owner. Until such deficit is paid in full, the city may withhold issuance of a certificate of occupancy or any other permit or approval relating to the property. If the deposit is greater than the actual cost, the city shall refund the excess to the owner within thirty (30) days after such costs have been finally determined. (Ord. 458 § 6, 2001: Ord. 248 § 1(part), 1979: Ord. 163 § 1(part), 1971: Ord. 53 § 3.3(part), 1963).

13.04.360 Sewer capacity charges. A. Sewer capacity charges for single family dwellings, duplex dwellings, multiple family dwellings, and non-residential uses shall be paid to the city by the owner, or by any other person obligated to pay such charges, who desires the connection of any such property to the sewage works, based upon the following schedule:

<u>Type of Property:</u>	<u>Capacity Charge:</u>
Single family dwelling	\$ 2,523
Duplex dwellings	\$ 5,046
Multifamily dwellings	\$ 1,802 per unit
Non-residential uses	\$ 2,523 per ERU

B. The sewer capacity charge shall be paid to the city prior to the issuance of any building permit.

C. For the purpose of calculating the capacity charge for multi-family dwellings, separate common facilities requiring a sewer connection, such as laundry rooms, community buildings and recreational facilities, shall be considered to be separate units.

D. If, at any time, the existing use of a property changes, either through the establishment of a different use or a change in the size or nature of the existing use, and such change results in an increase in the number of dwelling units or an increase in the number of ERUs being connected to the sewer works, a sewer capacity charge shall be paid for such additional units or additional ERUs,

as determined by the Director. (Ord. 458 § 7, 2001; Ord. 248 § 1(part), 1979; Ord. 163 § 1(part), 1971; Ord. 53 § 3.3(a), 1963).

13.04.400 Control manholes required. When required by the Director, the owner of any property served by a building sewer or sewers carrying industrial wastes shall, at his expense, install and maintain suitable control manholes in each such building sewer to facilitate observation, sampling, and measurement of the wastes. Each manhole, when required, shall be accessibly and safely located, shall be constructed in accordance with plans approved by the Director, and shall be maintained by the owner so as to be safe and accessible at all times. (Ord. 53 § 3.4, 1963).

13.04.410 Connections to public sewers. The connection to the public sewer, including the sewer lateral components within any public street or right-of-way, shall be installed at the sole expense of the owner of the property served, by a contractor with an appropriate license issued by the state for this work. The contractor shall be prequalified before issuance of any permit. Such connection shall not be made without an approved permit issued by the Director. (Ord. 163 § 2, 1971; Ord. 53 § 3.5, 1963).

13.04.412 Maintenance of sewer laterals. A property owner shall maintain in good repair all portions of the sewer lateral servicing his or her property. If the Director determines that any portion of a property owner's sewer lateral is damaged, not in good repair, or otherwise in a condition which may result in stoppage, leakage, infiltration or backflow, the Director may issue a notice to inspect and/or repair to the property owner. The notice will specify the nature of the suspected defect, whether inspection, or inspection and repair, is required, and specify a date by when the property owner must inspect, repair or replace the sewer lateral. The property owner shall perform all necessary inspections, repair or replacement by the date as specified by the Director.

13.04.414 Emergency maintenance of sewer laterals. The Director may at his or her discretion provide emergency maintenance assistance to a property owner to determine if a sewer stoppage is within the public sewer or within the property owner's sewer lateral, provided that a sewer cleanout has been provided as required in Section 13.04.420.G. The city shall not be liable for the repair or replacement of any portion of the sewer lateral as a result of emergency maintenance.

13.04.420 Sewer installation specifications and requirements. Sewers to be installed in the city shall satisfy the following requirements:

A. All sewers constructed in the public right-of-way shall be constructed in accordance with plans and specifications approved by the city council upon recommendation of the Director.

Sewer laterals shall be constructed in accordance with standard plans prepared by the Director and approved by the city council.

B. Minimum size of all sewer laterals shall be four (4) inches and shall require a cleanout at the property line.

C. The minimum size of public sewers shall be eight (8) inches and standard manholes shall be placed at frequencies no greater than three hundred (300) feet or in places of change of direction or grade, except sewers twelve (12) inches in diameter or greater, under which circumstances the specific design shall be approved by the Director.

D. When sewers cannot be placed in the public right-of-way or in existing rights-of-way of ten (10) feet in width or greater, special easements shall be acquired a minimum of ten (10) feet in width and wherever possible shall straddle existing property lines.

E. Wherever easements ten (10) feet in width or greater can be acquired, public sewers shall be extended in accordance with approved plans and specifications and in accordance with proper master planning for the area being served.

F. Wherever a public sewer can be extended along public rights-of-way or standard easements, each service shall be extended to the public sewer by a sewer lateral serving only one unit of ownership unless the city council, by resolution, approves the service of more than one unit of ownership by a lateral.

G. A cleanout shall be placed on each sewer lateral at the transition between the upper and lower portions of the lateral. The Director may additionally require the installation of a backflow prevention device on the sewer lateral when he or she reasonably believes backflow has or may occur.

H. Wherever a substandard extension of the public sewer exists, i.e., a line smaller than eight (8) inch or across private easements, no further extension of the sewer line can be made until such a time as an agreement for maintenance and rights of easement for all individuals using the line is recorded with the office of the county recorder.

I. The city council may, by resolution, upon finding good cause therefor, grant approval for a private sewer lateral (one which traverses another's private property in order to connect to the public sewer main); provided, that each applicant therefor shall submit plans in advance to the Director for approval. Any approval granted by the city council for a private sewer lateral is contingent on an access easement and maintenance agreement between the private parties, in a form acceptable to the Director, being recorded with the county recorder. (*Ord. 163 § 3, 1971; Ord. 53 § 3.6, 1963*).

13.04.430 Joint sewer lateral installation and maintenance. The city council may, by resolution, upon finding good cause therefor, grant approval for a joint sewer lateral (one used by two (2) or more persons); provided, that each applicant therefor shall submit plans to the Director for prior approval. Any approval granted by the city council for a joint sewer lateral is subject to the following terms and conditions:

A. Installation and maintenance costs of the joint sewer lateral shall be shared equally by the parties thereto. Any person who subsequently connects to the joint sewer lateral shall share in the cost thereof on a pro rata basis.

B. Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.

C. One (1) owner may hire a licensed plumber to make emergency repairs without the consent of the other owners, in the event they are not available, and the cost of the emergency repairs shall be shared on a pro rata basis.

D. No user shall interrupt the continuity of the service or cause to have interrupted the continuity of the service of the joint sewer lateral, in such a manner as to cause damage or inconvenience to the other users, other than for a reasonable time required for repair.

E. In the event that the owner or users fail to act and the Director and/or health officer determines that conditions in the joint sewer lateral are such as to be a hazard to health or safety, then the city may, pursuant to written notice, order the work done and divide the cost, as specified in subsection A of this section, on the tax bill if it is not compensated within fifteen (15) days from the time of billing by registered mail to each of the users last known address or that shown on the last equalized assessment roll.

F. The owners and users of the joint sewer lateral shall assume all responsibility and liability in connection therewith and they shall hold the city harmless.

G. The owners of the property on which the joint sewer lateral is located shall grant and have recorded an easement of not less than ten (10) feet in width for the maintenance and repair of the joint sewer lateral. (*Ord. 163 § 4, 1971; Ord. 53 § 3.7, 1963*).

13.04.440 Costs of construction of public sewer lines by private parties.

Whenever the city accepts the dedication of a public sewer line, constructed by a private party, which is capable of being connected to and serving other private parties, the city council may enter into agreements and adopt a resolution permitting the city to collect the pro rata share of the reasonable cost of the public sewer, plus administrative costs, from other parties connecting to the public sewer line, and reimbursing the sums collected to the party dedicating the public sewer line to the city. (*Ord. 188 § 1, 1974; Ord. 53 § 3.8, 1963*).

13.04.450 Costs of extension of public sewer main by city. In the event the Brisbane public sewer main is extended by the city, and the cost thereof is determined by the Director, the city council may adopt a resolution charging a public sewer main extension fee so that each person connecting thereto shall pay their pro rata share for the cost of the public sewer main extension. (*Ord. 202 § 1, 1975; Ord. 53 § 11, 1963*).

13.04.452 Sewer lateral certificate issuance.

A. Issuance criteria. The Director may issue a sewer lateral certificate for a property when:

1. The entire sewer lateral was lawfully constructed within the past fifteen (15) years and the Director determines that the lateral is not in need of repair or replacement, or the property

owner has demonstrated by testing and inspection to the Director's satisfaction that the lateral is not in need of repair or replacement; and

2. The entire sewer lateral is entirely within the property served by the lateral, or if across the property of others there is a recorded access easement and maintenance agreement, in a form approved by the Director; and

3. If the sewer lateral serves more than two properties, the requirements of Section 13.04.430 have been satisfied.

B. Effective period and fee.

1. A sewer lateral certificate issued under Subsection A.1. may be issued at no cost and shall be valid for a period equal to the difference of fifteen (15) years minus the number of years since construction of the lateral unless the Director establishes a shorter period based on circumstances including but not limited to the age of the lateral and other factors affecting its integrity and reliability.

13.04.453 Disclosure and sewer lateral certificate; when required.

A. A person must possess or obtain a sewer lateral certificate issued under Section 13.04.452 before the City will issue a final building permit when the person has undertaken work that:

1. Triggers the requirements of Section 15.08.140 of this Code; or,

2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter).

B. Beginning April 20, 2015, any person intending to sell or transfer a fee interest in real property must disclose the requirements of this Section to each of the following, except as provided in Subsection C:

1. The person's real estate broker or agent, if any;

2. The person to whom the real property is intended to be sold or transferred;

3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;

4. The escrow company or holder involved in the real property sale or transfer, if any.

C. Subsection B. does not apply to:

1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this Code;

2. Sales or transfers of less than a fee interest, e.g., a leasehold;

3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;

4. Transfers from one co-owner to one or more other co-owners;

5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);

6. Transfers made by a trustor to an intervivos trust;

7. Transfers between spouses or between registered domestic partners;

8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.

D. The Director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this Section. A person may satisfy the disclosure requirements of Subsection B by providing a then current copy of the handout or other written material to those parties identified in Subsection B.

ARTICLE IV. REGULATION OF DISCHARGES

13.04.460 Discharge of stormwater, surface water and groundwater into sanitary sewer prohibited.

13.04.480 Discharge of substances causing obstructions to public sewers prohibited.

13.04.490 Prohibited discharges to public sewers.

13.04.500 Restrictions on quantity and character of wastes.

13.04.510 Private treatment facilities.

13.04.520 Grease, oil and sand interceptors.

13.04.530 Admittance of properly ground garbage into sanitary sewer.

13.04.540 Radioactive wastes—Discharge into public sewers.

13.04.550 Radioactive wastes—Reports required—Responsibility for spillage into sanitary or storm sewer.

13.04.560 Suspension of service for unlawful use of sewers.

13.04.570 Treatment of water or waste of unusual strength or character.

13.04.460 Discharge of stormwater, surface water and groundwater into sanitary sewer prohibited. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, or subsurface drainage into any sanitary sewer. (*Ord. 53 § 4.1, 1963*).

13.04.480 Discharge of substances causing obstructions to public sewers prohibited. No person shall discharge, deposit, throw, or cause, allow, or permit to be discharged, deposited, or thrown, into any public sewer or into any plumbing fixture, manhole, or private sewer or drain connected to a public sewer, any substance of any kind whatever tending to obstruct or injure the sewage works, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the sewage works in the opinion of the Director. (*Ord. 53 § 4.3, 1963*).

13.04.490 Prohibited discharges to public sewers.

A. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following waters or wastes into any public sewer:

1. Any liquid or vapor having a temperature detrimental to the sewer system;
2. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

3. Any water or waste which contains excessive amounts of grease, oil, or fats;
4. Any garbage, except properly ground garbage from individual dwelling units, as specified in Section 13.04.530
5. Any sand, cement, cinders, ashes, metal, glass or other heavy solids; any straw, shavings, animal hair, feathers, paunch manure, or other fibrous matter; and tar, asphalt, resins, plastics, or other viscous substance; or any other matter of such a nature as to obstruct the flow in sewers or as to cause other interference with the proper operation of the sewage works;
6. Any water or waste containing excessive amounts of acid, alkali, or dissolved sulfide, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of sewage works;
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create a hazard in the waters receiving effluent from the sewage treatment plant;
8. Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
10. Any radioactive wastes, as provided in Sections 13.04.540 and 13.04.550

B. Whenever deemed necessary by the Director, the owner shall, at his own expense, provide such treatment or take such other measures as shall be required in order to reduce the objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the sewer, so that the same may be received therein without any damage to the sewage works or any undue interference with its operation and without any hazard of any kind to humans or animals. (*Ord. 53 § 4.4, 1963*).

13.04.500 Restrictions on quantity and character of wastes.

A. The admission into the public sewers of any wastes or waters having an average daily flow greater than two percent (2%) of the average daily flow at the sewage treatment plant, or having any of the following characteristics, shall be subject to the review of the Director:

1. Temperature in excess of one hundred fifty degrees (150°) Fahrenheit, approximately sixty-five and six-tenths degrees (65.6°) Centigrade;
2. Suspended solids, or matter which upon dilution with water or sewage results in the formation of suspended solids, in excess of five hundred (500) parts per million;
3. Biochemical oxygen demand in excess of four hundred (400) parts per million;
4. Floatable grease of animal or vegetable origin in excess of fifty (50) parts per million, and of mineral origin in excess of fifteen (15) parts per million, or dispersed grease in excess of six hundred (600) parts per million;
5. A pH of less than five and five-tenths (5.5) or more than ten and five-tenths (10.5);
6. Dissolved sulfides in excess of one (1) part per million.
7. Discharge characteristics that in the opinion of the Director may adversely affect the public sewers or sewage works.

B. The provisions of Subsection A and the values therein set forth shall not be regarded or construed as regulating or limiting the quantity or character of any specific industrial waste which may be received into the sewer system, but shall serve as a guide in the administration of this chapter for the purpose of determining, in general, the acceptability of waste for admission into the sewer system. (*Ord. 53 § 4.5, 1963*).

C. In addition to the provisions of Subsections A and B, whenever the City is provided wastewater treatment by the City & County of San Francisco, wastewater dischargers shall also comply with the "Permit Provisions" of the Industrial Waste Article of the San Francisco Public Works Code.

1. The General Manager of the Public Utilities Commission of San Francisco will require dischargers to obtain a Class I permit authorizing wastewater discharge if they meet the definition of a significant industrial user; (1) a person subject to Categorical Pretreatment Standards; (2) a person discharging 25,000 gallons per day or more of wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater; (3) a person discharging wastewater that constitutes five percent or more of the average dry weather hydraulic or organic (BOD, TSS) capacity of the tributary water pollution control plant; or (4) a person discharging a wastestream that, in the opinion of the General Manager, will or may adversely affect the sewerage system by causing interference, pass-through of pollutants, sludge contamination, or endangerment of City workers.

2. The General Manager may require minor dischargers (i.e., a person other than a significant industrial user) to obtain a Class II permit if necessary to further the objectives of the Industrial Waste Article.

13.04.510 Private treatment facilities. When private treatment facilities are provided for any waters or wastes to meet the requirements of this chapter, they shall be maintained in a satisfactory and effective manner of operation by the person discharging such waters or wastes, all at his own expense. (*Ord. 53 § 4.6, 1963*).

13.04.520 Grease, oil and sand interceptors. Grease, oil and sand interceptors shall, at the expense of the owner or tenant, be provided in all commercial plumbing systems, new or existing, for those establishments producing liquid waste containing, or likely to contain, any flammable substance or sand or quantities of grease in excess of the amounts set forth in Section 13.04.500. Interceptors shall conform with all requirements of the plumbing code of the city insofar as the same are applicable, shall be of a type and capacity approved by the Director, and shall be so located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in a continuously efficient operation. (*Ord. 53 § 4.7, 1963*).

13.04.530 Admittance of properly ground garbage into sanitary sewer. Garbage, fruit, vegetable, animal or other solid kitchen waste materials from individual dwelling units,

resulting from the preparation of any food or drink, may be admitted into the sanitary sewer if first passed through a mechanically operated grinder so designed that:

A. It shall operate with cold water flowing into the grinder and through the sink drain line in such manner as to congeal and aerate the solid and liquid greases within the grinding unit;

B. It shall discharge wastes at a reasonably uniform rate in fluid form, which shall flow readily through an approved trap, drain line, or soil line in a manner which prevents clogging or stoppage of the drain line;

C. It shall be of such construction and have such operating characteristics that not more than five percent (5%) by weight of all material discharged from it shall have any dimension larger than one-fourth ($\frac{1}{4}$) inch, and no particle shall have any dimension greater than one-half ($\frac{1}{2}$) inch. Weights shall be determined on a dry basis;

D. It shall be self-scouring, with no fouling surfaces to cause objectionable odors;

E. It shall be free from electrical or mechanical hazards and shall adequately protect the user against injury during operation;

F. It shall be permanently connected to the drain in compliance with the plumbing code of the city and shall be free from cross-connection to any water pipe; and

G. The entire installation shall comply in all particulars with the provisions of the plumbing and electrical codes of the city.

The decision as to the sufficiency of the design to meet these requirements shall rest with the Director. (*Ord. 53 § 4.8, 1963*).

13.04.540 Radioactive wastes—Discharge into public sewers. No person shall discharge, or cause to be discharged, any radioactive wastes into any public sewer or appurtenances thereof, except where:

A. The waste is discharged in strict conformity with current Atomic Energy Commission recommendations for safe disposal of radioactive wastes; and

B. The person discharging the radioactive wastes assumes full responsibility for any injury to personnel or damage to the sewage works that may result from such discharge. (*Ord. 53 § 4.9, 1963*).

13.04.550 Radioactive wastes—Reports required—Responsibility for spillage into sanitary or storm sewer. Any person discharging a radioactive waste to a public sewer, in accordance with the provisions of Section 13.04.540, shall submit to the Director such reports as the Director may deem necessary. In the event of an accidental spilling or depositing of any radioactive material into a sanitary or storm sewer, the person who causes such occurrence, or who is responsible therefor, shall:

A. Immediately notify the Director; and

B. Render such technical or other assistance to the department of public works as may be required to avoid any hazard from the radioactivity. (*Ord. 53 § 4.10, 1963*).

13.04.560 Suspension of service for unlawful use of sewers. When deemed necessary by the Director for the preservation of public health or safety, or for protection of public or private property, he may suspend sewer service to any person or persons using the sewage works in a manner or way as to endanger the public health or safety on public or private property, and in this regard may sever from the public sewer all pertinent connections thereto. If such endangerment shall be imminent, then the Director may act immediately to suspend sewer service without giving any advance notice or warning whatsoever to the person or persons. (*Ord. 53 § 4.11, 1963*).

13.04.570 Treatment of water or waste of unusual strength or character. No statement contained in Sections 13.04.460 through 13.04.560 shall be construed as preventing any special agreement or arrangement between the city and any individual or industrial concern, whereby any water or waste of unusual strength or character or composition may be accepted by the city for treatment. In the event that any such special agreement or arrangement shall involve additional or extraordinary expense to the city, such individual or industrial concern may, at the option of the city, be required to reimburse the city therefor and, in that connection, to post with the city such bond or other guarantee as shall be acceptable to the city. (*Ord. 53 § 4.12, 1963*).

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

13.04.580 Unauthorized damage or destruction of sewage works prohibited.

13.04.590 Appeal procedure.

13.04.600 Power and authority of inspectors.

13.04.610 Violation—Notice.

13.04.620 Violation—Penalties.

13.04.630 Violation—Liability for expense, loss or damage.

13.04.580 Unauthorized damage or destruction of sewage works prohibited. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. (*Ord. 53 § 7.1, 1963*). (*Ord. No. 554, § 43, 1-18-11*)

13.04.590 Appeal procedure.

A. In the event that any interested or affected person feels aggrieved because of, or is dissatisfied with, any action or determination of the Director, such person shall be entitled to take an appeal in writing, with the order of chain of appeal being as follows:

1. To the City Manager if dissatisfied with any action or determination of the Director;
and

2. To the city council if dissatisfied with any action or determination of the City
Manager.

B. If thirty (30) days or more elapses following the action or determination of any one of the officials in the chain of appeal designated in subsection A of this section without an appeal being taken therefrom, then the action or determination of such official or officials shall become final. (*Ord. 53 § 5.1, 1963*).

13.04.600 Power and authority of inspectors. The Director, and other duly authorized employees and agents of the city bearing credentials and identification shall, in all cases affected by this chapter, be permitted to enter upon all properties for the purpose of:

A. Determining the size, depth, location, and condition of any sewer or storm drain connection;

B. Determining the location of discharge connections of roof and surface drains and plumbing fixtures; and

C. Inspecting, observing, measuring, sampling, and testing the quantity, consistency, and characteristics of sewage being discharged into any public sewer or natural outlet. (*Ord. 53 § 6.1, 1963*).

13.04.610 Violation—Notice. Any person found to be violating any provision of this chapter, except Section 13.04.580, shall be served by the city with written notice which shall state the nature of the violation and shall provide a reasonable time limit for the satisfactory correction thereof, the actual duration of the time limit to depend, in any particular case, upon all the facts and surrounding circumstances. The offender shall, within the period of time specified in such notice, permanently cease the continuance of the violation. (*Ord. 53 § 8.1, 1963*).

13.04.620 Violation—Penalties. The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. (*Ord. 53 § 8.2, 1963*). (*Ord. No. 554, § 44, 1-18-11*)

13.04.630 Violation—Liability for expense, loss or damage. Any person violating any of the provisions of this chapter shall become liable to the city for any and all expense, loss, or damage occasioned the city by reason of such violation. (*Ord. 53 § 8.3, 1963*).

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section,

subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Terry O'Connell, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:



Michael Roush, City Attorney



Sewer Lateral Certificate

- **When Required**
- **Disclosure Requirements for Sale or Transfer of Real Property**

Q: Why does the City have a sewer lateral certificate program?

A: Aging, easily overlooked buried piping can be the cause of sanitary sewer back-ups into residences and overflows on to public and private property, and can permit stormwater to flow into the public sewer, possibly overwhelming that system during rain events.



The certificate program is intended to provide a simple venue for property owners to understand the condition of their sewer laterals, and to protect them from emergency conditions due to unforeseen problems.

Q: When am I required to obtain a sewer lateral certificate?

- A: 1. In general, when additions or alterations to the property exceed 50% of the floor area of the pre-existing building; or
2. If there is work performed that causes a change in water meter size, or the addition of a water meter.

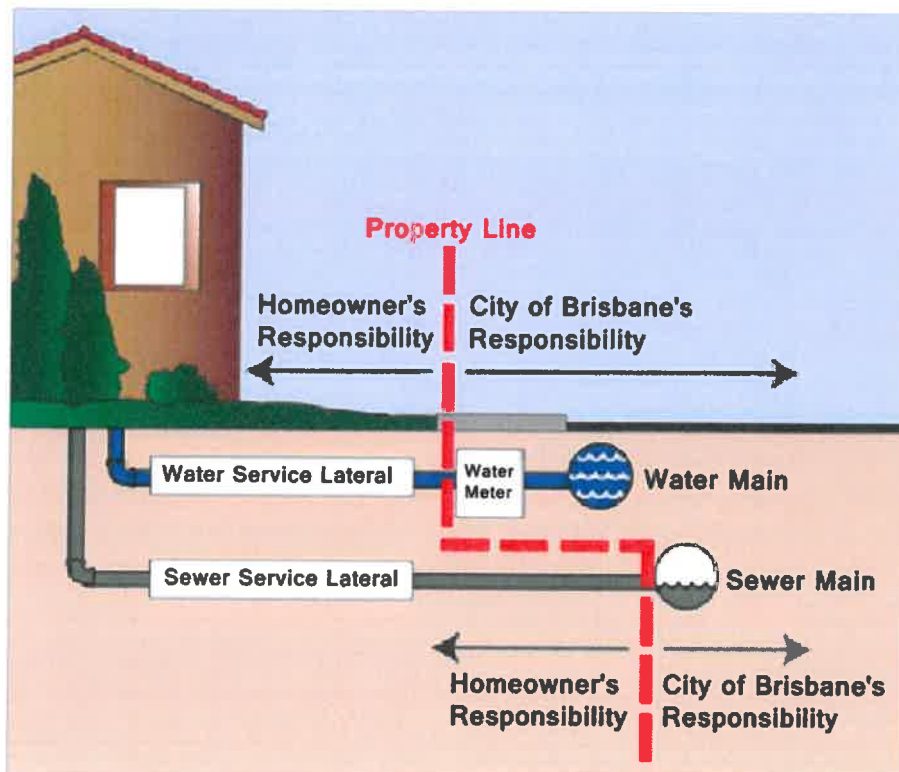
Q: How do I obtain a sewer lateral certificate?

A: Complete the application available at the Public Works Counter, and submit the requested information for review by the Engineering Division. THERE IS NO COST ASSOCIATED WITH THE APPLICATION OR THE CITY REVIEW OF THE SUBMITAL.

Q: What is the extent of my maintenance responsibility for a building's sewer lateral, and who can perform any needed repairs?

A: See the drawing below - the homeowner is responsible for repairs from the sewer lateral's origin all the way to its connection with the public sewer (sewer main) in the street. If a cleanout has been installed on the property line, the city may provide emergency maintenance assistance, but routine maintenance (e.g., root cleaning), major repairs and replacements are the responsibility of the property owner.

- A homeowner may perform work on their own property if they comply with the California Contractors State Law relative to "Owner-Builder", and must also obtain a Building Permit from the City prior to starting work.
- Work on private property may be completed by contractors holding a C-36, C-42, or B License, as issued by the California Contractors State License Board (CSLB).
- Work in the public right-of-way (i.e., on the lower lateral) may only be performed by an A License general engineering contractor.



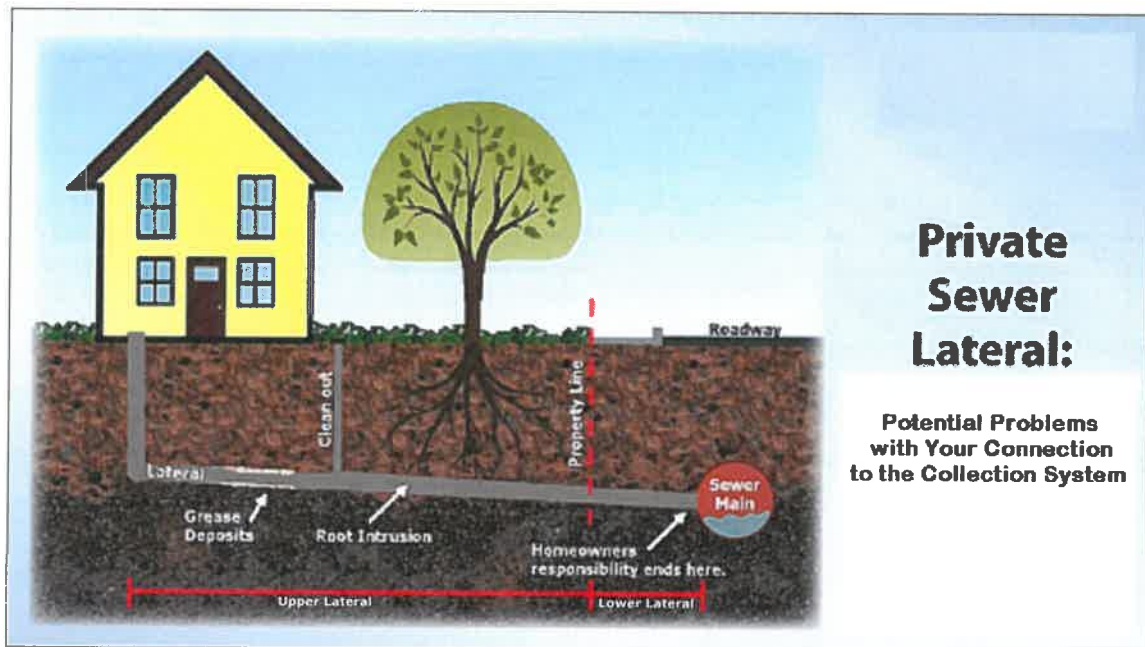
Q: What are the disclosure requirements for sale or transfer of real property?

A: In general, if a sale or transfer of fee interest in real property occurs, the buyer, both real estate brokers or agents, and the escrow company must be notified of the requirements of BMC §13.04.453 (relevant sections enclosed for detailed review).

There is no requirement to obtain a sewer lateral certificate prior to a sale or transfer; the City does encourage all parties to make their own determination as to whether or not a certificate is necessary for determining the condition of the lateral.

Providing this brochure satisfies the requirements of the city's municipal code. A sample Disclosure Notice is also provided as part of this brochure for convenience in proving compliance.

Q: What types of problems might an older sewer line have?



A: In addition to the issues shown above, sewer laterals can have bad connections to the public sewer, sags or “bellies” in the line due to settlement over the years, as well as uncapped cleanouts, kinks, offsets, cracked and/or broken pipe, and illegal stormwater connections that allow rainwater into the sanitary sewer system.

Where can I find more information?

www.brisbaneca.org

Click on “City Government” then “Municipal Code” to be directed to an external site. Chapter 13.04 “Sewer System” contains the current city requirements.

Call (415) 508-2130 to talk with Brisbane Public Works

13.04.452 Sewer lateral certificate issuance.

A. Issuance criteria. The Director may issue a sewer lateral certificate for a property when:

1. The entire sewer lateral was lawfully constructed within the past fifteen (15) years and the Director determines that the lateral is not in need of repair or replacement, or the property owner has demonstrated by testing and inspection to the Director's satisfaction that the lateral is not in need of repair or replacement; and
2. The entire sewer lateral is entirely within the property served by the lateral, or if across the property of others there is a recorded access easement and maintenance agreement, in a form approved by the Director; and
3. If the sewer lateral serves more than two properties, the requirements of Section 13.04.430 have been satisfied.

B. Effective period and fee.

1. A sewer lateral certificate issued under Subsection A.1. may be issued at no cost and shall be valid for a period equal to the difference of fifteen (15) years minus the number of years since construction of the lateral unless the Director establishes a shorter period based on circumstances including but not limited to the age of the lateral and other factors affecting its integrity and reliability.

13.04.453 Disclosure and sewer lateral certificate; when required.

A. A person must possess or obtain a sewer lateral certificate issued under Section 13.04.452 before the City will issue a final building permit when the person has undertaken work that:

1. Triggers the requirements of Section 15.08.140 of this Code; or
2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter).

B. Beginning DATE, any person intending to sell or transfer a fee interest in real property must disclose the requirements of this Section to each of the following, except as provided in Subsection C:

1. The person's real estate broker or agent, if any;
2. The person to whom the real property is intended to be sold or transferred;
3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;
4. The escrow company or holder involved in the real property sale or transfer, if any.

C. Subsection B. does not apply to:

1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this Code;
2. Sales or transfers of less than a fee interest, e.g., a leasehold;
3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;
4. Transfers from one co-owner to one or more other co-owners;
5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);
6. Transfers made by a trustor to an intervivos trust;
7. Transfers between spouses or between registered domestic partners;
8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.

D. The Director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this Section. A person may satisfy the disclosure requirements of Subsection B by providing a then current copy of the handout or other written material to those parties identified in Subsection B.



APPLICATION FOR SEWER LATERAL CERTIFICATE

Date:

Assessor's Parcel Number:

Property Address:

Check here if this is a resubmitted application for this property:

Owner Information			
Name (<i>Please Print</i>)			
Street Address			
City	State	Zip Code	Phone Number

Provide one of the following with your application	
<input type="checkbox"/>	Documentation that the entire sewer lateral was lawfully constructed within the last 15 years. A copy of the finalized City permit for the work or other equivalent documentation is required. Applicant understands that City may require a video inspection if the city suspects that the sewer lateral is in need of repair.
<input type="checkbox"/>	A closed circuit television (CCTV) video of the entire portion of the sewer lateral that documents the lateral is in good state of repair and it is in compliance with the City standards.

To the best of my knowledge, the information submitted herewith complies with all requirements set forth by the City of Brisbane Ordinance No. 591, inclusive. I declare under penalty of perjury that all information submitted herein applies to the subject address and to no other property.

Signature of Applicant

Date

ORDINANCE NO. 591

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING CHAPTER 13.04 OF THE MUNICIPAL CODE
PERTAINING TO SEWER SYSTEM**

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The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Chapter 13.04 of the Municipal Code is amended to read as follows:

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ARTICLE I. DEFINITIONS

13.04.010 Application of definitions.

13.04.020 BOD.

13.04.025 Capacity charge.

13.04.030 City.

13.04.040 Department of ~~public~~ Public health ~~Health~~.

13.04.050 Director.

13.04.055 Equivalent residential unit (ERU).

13.04.060 Family.

13.04.070 Garbage.

13.04.080 Grease.

13.04.090 Grease, dispersed.

13.04.100 Grease, floatable.

13.04.110 Natural outlet.

13.04.120 Person.

13.04.130 pH.

13.04.140 Residential premises.

13.04.150 Sewage.

13.04.160 Sewage treatment plant.

13.04.170 Sewage works.

13.04.180 Sewer.

13.04.190 Sewer, building.

13.04.195 Sewer connection fee.

[13.04.196 Sewer lateral.](#)

[13.04.198 Sewer lateral certificate.](#)

13.04.200 Sewer, public.

13.04.210 Sewer, sanitary.

13.04.220 Sewer, storm.

13.04.230 Shall and may.

[13.04.240 Superintendent.](#)

13.04.250 Suspended solids.

13.04.260 Watercourse.

13.04.010 Application of definitions.

The definitions set forth in this article shall be applied throughout this chapter, unless the context or the provisions clearly requires otherwise. *(Ord. 458 § 1, 2001; Ord. 53 § 1(part), 1963).*

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13.04.020 BOD. "BOD," denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade, and shall be expressed in parts per million by weight. *(Ord. 53 § 1.1, 1963).*

13.04.025 Capacity charge. "Capacity charge" means a charge for facilities in existence at the time the charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged. *(Ord. 458 § 2, 2001).*

13.04.030 City. "City" means the city of Brisbane. *(Ord. 53 § 1.2, 1963).*

13.04.040 Department of ~~public~~Public healthHealth. "Department of ~~public~~Public healthHealth" means the ~~health officer of the city~~designee of the Environmental Health Services Division of the County of San Mateo Health System. May also be referred to individually as health officer. *(Ord. 53 § 1.3, 1963).*

13.04.050 Director. "Director" means the ~~director~~Director of ~~public~~Public works-Works/City Engineer of the city, or his authorized deputy, agent, or representative. *(Ord. 53 § 1.4, 1963).*

13.04.055 Equivalent residential unit (ERU). "Equivalent residential unit" or "ERU" means the estimate of average gallons of sewage flow per day per single-family unit. For the purpose of this chapter, such average is established at one hundred five (105). Where a charge imposed by this chapter is required to be calculated according to the number of ERUs, such determination shall be based upon an engineering estimate prepared or approved by the ~~director~~Director, and for this purpose the ~~director~~Director may utilize as a guideline the tables published from time to time by

the State Water Resources Control Board of the California Environmental Protection Agency. (Ord. 497 § 1, 2005; Ord. 458 § 3, 2001).

13.04.060 Family. "Family" means any number of persons living together as a family unit. (Ord. 53 § 1.5, 1963).

13.04.070 Garbage. "Garbage" means and includes all animal and vegetable wastes from kitchens; all household wastes that have been prepared for or intended to be used as food or have resulted from the preparation of food; every accumulation of animal and vegetable waste from the establishments where foodstuffs intended for human consumption are handled commercially; and also bottles, tin cans and any other containers of food. (Ord. 53 § 1.6, 1963).

13.04.080 Grease. "Grease" means grease, oil, fat, or other ether-soluble matter, and shall be expressed in parts per million by weight. (Ord. 53 § 1.7(part), 1963).

13.04.090 Grease, dispersed. "Dispersed grease" means grease which is not floatable grease. (Ord. 53 § 1.7(a), 1963).

13.04.100 Grease, floatable. "Floatable grease" means grease which floats to the surface of quiescent sewage, water, or other liquid, or which floats upon dilution of the liquid with water. (Ord. 53 § 1.7(b), 1963).

13.04.110 Natural outlet. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, bay, ocean, or other body of surface water, or outlet into the groundwater. (Ord. 53 § 1.8, 1963).

13.04.120 Person. "Person" means any individual, firm, company, association, society, corporation, or group. (Ord. 53 § 1.9, 1963).

13.04.130 pH. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Ord. 53 § 1.10, 1963).

13.04.140 Residential premises. "Residential premises" means premises used as a family residence. (Ord. 53 § 1.11, 1963).

13.04.150 Sewage. "Sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground-waters, surface waters, and stormwaters as may be present, or any combination of such wastes and waters, and shall include:

- A. "Industrial wastes," which means the wastes from producing, manufacturing, and processing operations of every kind or nature;
- B. "Stormwater," which means the flow in sewers resulting from rainfall;

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C. "Sanitary sewage," which means that portion of sewage exclusive of industrial wastes and stormwater. (Ord. 53 § 1.12, 1963).

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13.04.160 Sewage treatment plant. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage. (Ord. 53 § 1.13, 1963).

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13.04.170 Sewage works. "Sewage works" means all sewers and facilities which are used by the city for carrying, collecting, pumping, treating, and disposing of sewage. Also includes the sewers and facilities of the San Francisco Public Utilities Commission of the City & County of San Francisco. (Ord. 53 § 1.14, 1963).

13.04.180 Sewer. "Sewer" means a pipe or conduit for carrying sewage. (Ord. 53 § 1.15(part), 1963).

13.04.190 Sewer, building. "Building sewer" means the sewer connecting the house or structure on the property to the public sewer. See also sewer lateral. (Ord. 53 § 1.15(d), 1963).

13.04.195 Sewer connection fee. "Sewer connection fee" means the fee charged for the cost of physical facilities necessary to install a building sewer, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to the public sewer main. (Ord. 458 § 4, 2001).

13.04.196 Sewer lateral. "Sewer lateral" means the sanitary sewer line, including cleanouts, overflow valves, control manholes, backflow valves, wye saddles and all other fittings that connect the building sewer discharge to the public sewer. The portion of the sewer lateral located on private property (other than the lateral within a public easement located on the private property) may be referred to as the "upper" lateral, and the portion of the sewer lateral located within the public right-of-way or public easement (including the lateral within a public easement on private property) may be referred to as the "lower" lateral. The sewer lateral may also be referred to as the building sewer.

13.04.198 Sewer lateral certificate. "Sewer lateral certificate" means a document issued by the Director pursuant to requirements specified in Section 13.04.46052.

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13.04.200 Sewer, public. "Public sewer" means a sewer which is controlled by the city, and located in any street, highway, alley, place, right-of-way or easement dedicated for public use and accepted by the city. Public sewer does not include sewer laterals. (Ord. 53 § 1.15(a), 1963).

13.04.210 Sewer, sanitary. "Sanitary sewer" means a sewer to which stormwaters, surface waters, and groundwaters are not intentionally admitted. (Ord. 53 § 1.15(b), 1963).

13.04.220 Sewer, storm. "Storm sewer" or "storm drain" means a sewer which carries stormwaters and surface waters, but from which sewage and polluted industrial wastes are excluded. (Ord. 53 § 1.15(c), 1963).

13.04.230 Shall and may. "Shall" is mandatory; "may" is permissive. (Ord. 53 § 1.16, 1963).

~~**13.04.240 Superintendent.** "Superintendent" means the superintendent of public works. (Ord. 53 § 1.17, 1963).~~

13.04.250 Suspended solids. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering, and shall be expressed in parts per million by weight. (Ord. 53 § 1.18, 1963).

13.04.260 Watercourse. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 53 § 1.19, 1963).

ARTICLE II. USE OF PUBLIC SEWERS REQUIRED

13.04.270 Discharge of sewage to sanitary sewers required.

13.04.280 Deposit of objectionable waste upon public or private property prohibited.

13.04.290 Discharge of polluted water into storm sewers restricted.

13.04.300 Use of privies, septic tanks and cesspools restricted.

13.04.310 Installation of toilet facilities required.

13.04.320 Discharge of industrial waste into storm sewer ~~restricted~~prohibited.

13.04.270 Discharge of sewage to sanitary sewers required. All sewage shall be discharged to public sanitary sewers except as provided in this chapter. (Ord. 53 § 2.1, 1963).

13.04.280 Deposit of objectionable waste upon public or private property prohibited. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, or other objectionable waste. (Ord. 53 § 2.2, 1963).

13.04.290 Discharge of polluted water into storm sewers restricted. It is unlawful to discharge into any storm sewer or to any natural outlet or watercourse within the city, or within any area under the jurisdiction of the city, any sanitary sewage, industrial waste, or other polluted water, ~~except in accordance with, and in strict conformity to, the provisions of this chapter.~~ (Ord. 53 § 2.3, 1963).

13.04.300 Use of privies, septic tanks and cesspools restricted. It is unlawful to construct, maintain, or use within the city, any privy, privy vault, septic tank, cesspool, or other facility designed, or intended to be utilized, for the disposal of sewage, except in those cases in which a special permit is granted therefor by the health officer, and then only for the duration of, in accordance with the terms of, and in strict conformity to the provisions of, such permit. (Ord. 53 § 2.4, 1963).

13.04.310 Installation of toilet facilities required. The owner of every house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the city, is required to install, at his own expense and as soon as practicable, suitable toilet facilities therein or thereon, and to connect, without any undue delay, and, in no event, at a date later than ninety (90) days following official notice from the health officer, such facilities directly with the proper public sewer in accordance with the provisions of this chapter; provided, that the public sewer is within a reasonable distance. (Ord. 53 § 2.5, 1963).

13.04.320 Discharge of industrial waste into storm sewer ~~restricted~~ prohibited.

Discharge of industrial waste into a storm sewer or to a natural outlet ~~or watercourse~~ shall be ~~permitted only upon written approval of the superintendent, and then only if the person causing such discharge shall at all times fully comply with all applicable statutes of Chapter 7 of the Water Code of the state and with all requirements of the health officer~~ prohibited at all times. (Ord. 53 § 2.6, 1963).

ARTICLE III. APPLICATION FOR SERVICE—INSTALLATION AND CONNECTION REQUIREMENTS AND CHARGES

- 13.04.330 Unauthorized connections or use prohibited.
- 13.04.340 Application requirements.
- 13.04.350 Sewer connection fee.
- 13.04.360 Sewer capacity charges.
- 13.04.400 Control manholes required.
- 13.04.410 Connections to public sewers.
- [13.04.412 Maintenance of sewer laterals.](#)
- [13.04.414 Emergency maintenance of sewer laterals.](#)
- 13.04.420 Sewer installation specifications and requirements.
- 13.04.430 Joint sewer ~~line-lateral~~ installation and maintenance.
- 13.04.440 Costs of construction of public sewer lines by private parties.

13.04.450 Costs of extension of [public sewer main](#) by city.

[13.04.46052 Sewer lateral certificate issuance.](#)

[13.04.47053 Disclosure and sewer lateral certificate: when required.](#)

13.04.330 Unauthorized connections or use prohibited. No unauthorized person shall uncover, make any connections to, or make any opening into, any public sewer or appurtenance thereof, or in any manner or to any extent use, alter, or disturb the same. (*Ord. 53 § 3.1, 1963*).

13.04.340 Application requirements. A. Applications for connection to a public sewer shall be made by the property owner or the owner's authorized agent on a form furnished by the city. Each application shall be supplemented by such plans, specifications, analyses, flow data, or other information as may be required by the ~~director~~Director.

B. Where a private easement is required in order to connect the owner's property to the public sewer, a proper legal description and drawings, including a diagram plan and profile, shall be submitted with the application.

C. In the case of every connection, irrespective of whether a new physical connection is to be made, a new or amended application shall be submitted upon any change in the occupancy or activity conducted upon the premises that results in a new or increased discharge into the public sewer. (*Ord. 458 § 5, 2001; Ord. 53 § 3.2, 1963*).

13.04.350 Sewer connection fee. If any construction or installation work will be performed by the city for the purpose of connecting a structure or project to the public sewer, the city shall be entitled to charge the owner of such structure or project a sewer connection fee in an amount equal to all costs that will be incurred by the city for the performance of such work, as determined by the ~~director~~Director. An estimated payment of the sewer connection fee shall be deposited with the city prior to the commencement of work. Upon completion of the connection, the actual costs shall be determined by the ~~director~~Director. If such costs are greater than the deposit, the owner shall pay the deficit to the city within fifteen (15) days after a billing for the amount due is mailed to the owner. Until such deficit is paid in full, the city may withhold issuance of a certificate of occupancy or any other permit or approval relating to the property. If the deposit is greater than the actual cost, the city shall refund the excess to the owner within thirty (30) days after such costs have been finally determined. (*Ord. 458 § 6, 2001; Ord. 248 § 1(part), 1979; Ord. 163 § 1(part), 1971; Ord. 53 § 3.3(part), 1963*).

13.04.360 Sewer capacity charges. A. Sewer capacity charges for single family dwellings, duplex dwellings, multiple family dwellings, and non-residential uses shall be paid to the city by the

owner, or by any other person obligated to pay such charges, who desires the connection of any such property to the sewage works, based upon the following schedule:

Type of Property:	Capacity Charge:
Single family dwelling	\$ 2,523
Duplex dwellings	\$ 5,046
Multifamily dwellings	\$ 1,802 per unit
Non-residential uses	\$ 2,523 per ERU

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B. The sewer capacity charge shall be paid to the city prior to the issuance of any building permit.

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C. For the purpose of calculating the capacity charge for multi-family dwellings, separate common facilities requiring a sewer connection, such as laundry rooms, community buildings and recreational facilities, shall be considered to be separate units.

D. If, at any time, the existing use of a property changes, either through the establishment of a different use or a change in the size or nature of the existing use, and such change results in an increase in the number of dwelling units or an increase in the number of ERUs being connected to the sewer works, a sewer capacity charge shall be paid for such additional units or additional ERUs, as determined by the ~~director~~Director. (Ord. 458 § 7, 2001; Ord. 248 § 1(part), 1979; Ord. 163 § 1(part), 1971; Ord. 53 § 3.3(a), 1963).

13.04.400 Control manholes required. When required by the ~~superintendent~~Director, the owner of any property served by a building sewer or sewers carrying industrial wastes shall, at his expense, install and maintain suitable control manholes in each such building sewer to facilitate observation, sampling, and measurement of the wastes. Each manhole, when required, shall be accessibly and safely located, shall be constructed in accordance with plans approved by the ~~superintendent~~Director, and shall be maintained by the owner so as to be safe and accessible at all times. (Ord. 53 § 3.4, 1963).

13.04.410 Connections to public sewers. The connection to the public sewer, including the ~~sewer lateral pipings-components~~ within any public street or right-of-way, shall be installed at the sole expense of the owner of the property served, by a contractor with an appropriate license issued by the state for this work. The contractor shall be prequalified before issuance of any permit. Such connection shall not be made without an approved permit issued by the ~~superintendent~~Director. (Ord. 163 § 2, 1971; Ord. 53 § 3.5, 1963).

13.04.412 Maintenance of sewer laterals. A property owner shall maintain in good repair all portions of the sewer lateral servicing his or her property. If the Director determines that any

portion of a property owner's sewer lateral is damaged, not in good repair, or otherwise in a condition which may result in stoppage, leakage, infiltration or backflow, the Director may issue a notice to inspect and/or repair to the property owner. The notice will specify the nature of the suspected defect, whether inspection, or inspection and repair, is required, and specify a date by when the property owner must inspect, repair or replace the sewer lateral. The property owner shall perform all necessary inspections, repair or replacement by the date as specified by the Director.

13.04.414 Emergency maintenance of sewer laterals. The Director may at his or her discretion provide emergency maintenance assistance to a property owner to determine if a sewer stoppage is within the public sewer or within the property owner's sewer lateral, provided that a sewer cleanout has been provided as required in Section 13.04.420.G. The city shall not be liable for the repair or replacement of any portion of the sewer lateral as a result of emergency maintenance.

13.04.420 Sewer installation specifications and requirements. Sewers to be installed in the city shall satisfy the following requirements:

A. All sewers constructed in the public right-of-way shall be constructed in accordance with plans and specifications approved by the city council upon recommendation of the ~~city engineer~~Director. Sewer laterals shall be constructed in accordance with standard plans prepared by the ~~city engineer~~Director and approved by the city council.

B. Minimum size of all ~~individual-sewer~~ laterals shall be four (4) inches and shall require a cleanout at the property line.

C. The minimum size of ~~sewer mains~~public sewers shall be ~~six-eight (68)~~ inches and standard manholes shall be placed at frequencies no greater than three hundred (300) feet or in places of change of direction or grade, except sewers twelve (12) inches in diameter or greater, under which circumstances the specific design shall be ~~recommended~~-approved by the ~~city engineer~~-Director and approved by the city council.

D. When sewers cannot be placed in the public right-of-way or in existing rights-of-way of ten (10) feet in width or greater, special easements shall be acquired a minimum of ten (10) feet in width and wherever possible shall straddle existing property lines.

E. Wherever easements ten (10) feet in width or greater can be acquired, public sewers shall be extended in accordance with approved plans and specifications and in accordance with proper master planning for the area being served.

F. Wherever a public sewer can be extended along public rights-of-way or standard easements, each service shall be extended to the public sewer by a ~~sewer~~ lateral serving only one unit of ownership unless the city council, by resolution, approves the service of more than one unit of ownership by a lateral.

G. A cleanout shall be placed on each sewer lateral ~~tying into a public utility easement at the line of the easement~~ at the transition between the upper and lower portions of the lateral. ~~The~~

city shall maintain a portion of the lateral between the cleanout and the main so long as the cleanout is readily kept available and open for access by the city. Otherwise, it shall become the responsibility of the individual property owner who shall be liable for any damage to the main or lateral within the right-of-way. The Director may additionally require the installation of a backflow prevention device on the sewer lateral when he or she reasonably believes backflow has or may occur.

H. Wherever a substandard extension of the public sewer exists, i.e., a ~~four (4) inch~~ line ~~smaller than eight (8) inch~~ or across private easements, no further extension of the sewer line can be made until such a time as an agreement for maintenance and rights of easement for all individuals using the line is recorded with the office of the county recorder.

I. The city council may, by resolution, upon finding good cause therefor, grant approval for a private sewer ~~line lateral~~ (one which traverses another's private property in order to connect to the public sewer main); provided, that each applicant therefor shall submit plans in advance to the ~~city engineer~~ Director for approval. Any approval granted by the city council for a private sewer ~~line lateral~~ is contingent upon an ~~acceptable access~~ easement ~~and maintenance agreement between the private parties, in a form acceptable to the Director,~~ being recorded with the county recorder ~~for access and maintenance of the sewer line.~~ (Ord. 163 § 3, 1971; Ord. 53 § 3.6, 1963).

13.04.430 Joint sewer ~~line lateral~~ installation and maintenance. The city council may, by resolution, upon finding good cause therefor, grant approval for a joint sewer ~~line lateral~~ (one used by two (2) or more ~~individuals~~ persons); provided, that each applicant therefor shall submit plans to the ~~city engineer~~ Director for prior approval. Any approval granted by the city council for a joint sewer ~~line lateral~~ is subject to the following terms and conditions:

A. Installation and maintenance costs of the joint sewer ~~line lateral~~ shall be shared equally by the parties thereto. Any person who subsequently connects to the joint sewer ~~line lateral~~ shall share in the cost thereof on a pro rata basis.

B. Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.

C. One (1) owner may hire a licensed plumber to make emergency repairs without the consent of the other owners, in the event they are not available, and the cost of the emergency repairs shall be shared on a pro rata basis.

D. No user shall interrupt the continuity of the service or cause to have interrupted the continuity of the service of the joint sewer lateral, in such a manner as to cause damage or inconvenience to the other users, other than for a reasonable time required for repair.

E. In the event that the owner or users fail to act and the ~~Director and/or~~ health ~~department of the city~~ officer determines that conditions in the joint sewer ~~lateral~~ are such as to be a hazard to health or safety, then the city may, pursuant to written notice, order the work done and divide the cost, as specified in subsection A of this section, on the tax bill if it is not compensated within fifteen (15) days from the time of billing by registered mail to each of the users last known address or that shown on the last equalized assessment roll.

F. The owners and users of the joint sewer lateral shall assume all responsibility and liability in connection therewith and they shall hold the city harmless.

G. The owners of the property on which the joint sewer lateral is located shall grant and have recorded an easement of not less than ~~five-ten~~ (510) feet in width for the maintenance and repair of the joint sewer lateral. (Ord. 163 § 4, 1971; Ord. 53 § 3.7, 1963).

13.04.440 Costs of construction of public sewer lines by private parties.

Whenever the city accepts the dedication of a public sewer line, constructed by a private party, which is capable of being connected to and serving other private parties, the city council may enter into agreements and adopt a resolution permitting the city to collect the pro rata share of the reasonable cost of the public sewer, plus administrative costs, from other parties connecting to the public sewer line, and reimbursing the sums collected to the party dedicating the public sewer line to the city. (Ord. 188 § 1, 1974; Ord. 53 § 3.8, 1963).

13.04.450 Costs of extension of public sewer main by city. In the event the Brisbane public sewer main is extended by the city, and the cost thereof is determined by the city engineer~~Director~~, the city council may adopt a resolution charging a public sewer main extension fee so that each person connecting thereto shall pay their pro rata share for the cost of the public sewer main extension. (Ord. 202 § 1, 1975; Ord. 53 § 11, 1963).

13.04.46052 Sewer lateral certificate issuance.

A. Issuance criteria. The Director may issue a sewer lateral certificate for a property when:

1. The entire sewer lateral was lawfully constructed within the past fifteen (15) years and the Director does not suspect that the lateral may be determined that the lateral is not in need of repair or replacement, or the property owner has demonstrated by testing and inspection to the Director's satisfaction that the lateral is not in need of repair or replacement; and

2. The entire sewer lateral ~~crosses only~~ is entirely within the property to which service is provided served by the lateral, or if across the property of others is in a properly recorded easement there is a recorded access easement and maintenance agreement, in a form approved by the Director; and

3. If the sewer lateral serves ~~multiple addresses~~ more than two properties, it conforms to the requirements of Section 13.04.430 have been satisfied; or

4. In lieu of subsection A.1. above, the property owner has shown by testing and inspection to the Director's satisfaction that the sewer lateral is in good repair and condition.

B. Effective period and fee.

1. A sewer lateral certificate issued under sSubsection A.1. may be issued at no cost and shall be valid for a period equal to the difference of fifteen (15) years minus the number of years since construction of the lateral unless the Director establishes a shorter period based on circumstances including but not limited to the age of the lateral and other factors affecting its integrity and reliability.

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~~2. A sewer lateral certificate issued under subsection A.4 may be issued at no cost and shall be effective for a period of fifteen (15) years unless the Director establishes a shorter period based on circumstances including but not limited to the age of the lateral and other factors affecting its integrity and reliability.~~

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13.04.47053 Disclosure and sewer lateral certificate; when required.

~~A. A real property owner person must possess or obtain a valid sewer lateral certificate issued pursuant to under Section 13.04.46052 before receiving the City will issue a final building permit for when the person has undertaken work that:~~

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- ~~1. Work triggering Triggers the requirements of Section 15.08.140 of this Code; or~~
- ~~2. Works associated with a change in water service (e.g., change in meter size or the addition of a meter).~~

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~~B. Beginning DATE, a real property owner undertaking a sale any person intending to sell or transfer of the entire fee interest in real property estate or the fee interest in that real property must disclose the requirements of this aSection title to the interested parties each of the following, except as defined below provided in Subsection C:~~

- ~~1. The transferor's person's real estate broker or agent, if any;:~~
- ~~2. The transferee person to whom the real property is intended to be sold or transferred;:~~
- ~~3. The transferee's real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;:~~
- ~~4. The escrow company or holder involved in the real property sale or transfer, if any.~~

C. Subsection B. does not apply to:

- ~~1. The sale Sales or transfers of title to individual units within a condominium or cooperative apartment complex as defined in Section 17.02.150 of this Code;:~~
- ~~2. The sale Sales or transfers of a partial less than a fee interest, including e.g., a, a leasehold;:~~
- ~~3. Sales or tTransfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a, conservatorship; or trust;~~
- ~~4. Transfers from one co-owner to one or more other co-owners;:~~
- ~~5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);:~~
- ~~6. Transfers made by a trustor to an inter-vivos trust;:~~
- ~~7. Transfers between spouses or between registered domestic partners;:~~
- ~~8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as a result part of foreclosure or similar process.~~

~~D. The Director shall prepare a handout for distribution or other written material, to be made available to the public, describing the requirements of this aSection title. The disclosure obligation in A person may satisfy the disclosure requirements of Subsection B. may be satisfied by providing a then current copy of this the handout or other written material to those parties identified in Subsection B.~~

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ARTICLE IV. REGULATION OF DISCHARGES

13.04.460 Discharge of stormwater, surface water and groundwater into sanitary sewer prohibited.

~~13.04.470 Discharge of unpolluted waste waters into sanitary sewer restricted.~~

13.04.480 Discharge of substances causing obstructions to public sewers prohibited.

13.04.490 Prohibited discharges to public sewers.

13.04.500 Restrictions on quantity and character of wastes.

13.04.510 Private treatment facilities.

13.04.520 Grease, oil and sand interceptors.

13.04.530 Admittance of properly ground garbage into sanitary sewer.

13.04.540 Radioactive wastes—Discharge into public sewers.

13.04.550 Radioactive wastes—Reports required—Responsibility for spillage into sanitary or storm sewer.

13.04.560 Suspension of service for unlawful use of sewers.

13.04.570 Treatment of water or waste of unusual strength or character.

13.04.460 Discharge of stormwater, surface water and groundwater into sanitary sewer prohibited. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, or subsurface drainage into any sanitary sewer. (Ord. 53 § 4.1, 1963).

~~**13.04.470 Discharge of unpolluted waste waters into sanitary sewer restricted.** No person shall discharge, or cause to be discharged, any unpolluted cooling water or unpolluted industrial process water into a sanitary sewer where a storm sewer or suitable natural outlet is available. In no event whatever shall any such water be discharged into a sanitary sewer without prior written approval of the superintendent. (Ord. 53 § 4.2, 1963).~~

13.04.480 Discharge of substances causing obstructions to public sewers prohibited. No person shall discharge, deposit, throw, or cause, allow, or permit to be discharged, deposited, or thrown, into any public sewer or into any plumbing fixture, manhole, or private sewer or drain connected to a public sewer, any substance of any kind whatever tending to obstruct or injure the sewage works, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the sewage works in the opinion of the ~~city engineer~~ **Director**. (Ord. 53 § 4.3, 1963).

13.04.490 Prohibited discharges to public sewers.

A. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following waters or wastes into any public sewer:

1. Any liquid or vapor having a temperature detrimental to the sewer system;
2. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
3. Any water or waste which contains excessive amounts of grease, oil, or fats;
4. Any garbage, except properly ground garbage from individual dwelling units, as specified ~~in Section 13.04.530~~ in Section 13.04.530;
5. Any sand, cement, cinders, ashes, metal, glass or other heavy solids; any straw, shavings, animal hair, feathers, paunch manure, or other fibrous matter; and tar, asphalt, resins, plastics, or other viscous substance; or any other matter of such a nature as to obstruct the flow in sewers or as to cause other interference with the proper operation of the sewage works;
6. Any water or waste containing excessive amounts of acid, alkali, or dissolved sulfide, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of sewage works;
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create a hazard in the waters receiving effluent from the sewage treatment plant;
8. Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
10. Any radioactive wastes, as provided in Sections 13.04.540 and 13.04.550

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B. Whenever deemed necessary by the ~~superintendent~~Director, the owner shall, at his own expense, provide such treatment or take such other measures as shall be required in order to reduce the objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the sewer, so that the same may be received therein without any damage to the sewage works or any undue interference with its operation and without any hazard of any kind to humans or animals. (*Ord. 53 § 4.4, 1963*).

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13.04.500 Restrictions on quantity and character of wastes.

A. The admission into the public sewers of any wastes or waters having an average daily flow greater than two percent (2%) of the average daily flow at the sewage treatment plant, or having any of the following characteristics, shall be subject to the review of the superintendentDirector:

1. Temperature in excess of one hundred fifty degrees (150°) Fahrenheit, approximately sixty-five and six-tenths degrees (65.6°) Centigrade;
2. Suspended solids, or matter which upon dilution with water or sewage results in the formation of suspended solids, in excess of five hundred (500) parts per million;
3. Biochemical oxygen demand in excess of four hundred (400) parts per million;
4. Floatable grease of animal or vegetable origin in excess of fifty (50) parts per million, and of mineral origin in excess of fifteen (15) parts per million, or dispersed grease in excess of six hundred (600) parts per million;

5. A pH of less than five and five-tenths (5.5) or more than ten and five-tenths (10.5);
6. Dissolved sulfides in excess of one (1) part per million.

7. Discharge characteristics that in the opinion of the Director may adversely affect the public sewers or sewage works.

B. The provisions of ~~subsection-Subsection A of this section~~ and the values therein set forth shall not be regarded or construed as regulating or limiting the quantity or character of any specific industrial waste which may be received into the sewer system, but shall serve as a guide in the administration of this chapter for the purpose of determining, in general, the acceptability of waste for admission into the sewer system. (Ord. 53 § 4.5, 1963).

C. In addition to the provisions of Subsections A and B, whenever the City is provided wastewater treatment by the City & County of San Francisco, wastewater dischargers shall also comply with the "Permit Provisions" of the Industrial Waste Article of the San Francisco Public Works Code.

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1. The General Manager of the Public Utilities Commission of San Francisco will require dischargers to obtain a Class I permit authorizing wastewater discharge if they meet the definition of a significant industrial user: (1) a person subject to Categorical Pretreatment Standards; (2) a person discharging 25,000 gallons per day or more of wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater; (3) a person discharging wastewater that constitutes five percent or more of the average dry weather hydraulic or organic (BOD, TSS) capacity of the tributary water pollution control plant; or (4) a person discharging a wastestream that, in the opinion of the General Manager, will or may adversely affect the sewerage system by causing interference, pass-through of pollutants, sludge contamination, or endangerment of City workers.

2. The General Manager may require minor dischargers (i.e., a person other than a significant industrial user) to obtain a Class II permit if necessary to further the objectives of the Industrial Waste Article.

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13.04.510 Private treatment facilities. When private treatment facilities are provided for any waters or wastes to meet the requirements of this chapter, they shall be maintained in a satisfactory and effective manner of operation by the person discharging such waters or wastes, all at his own expense. (Ord. 53 § 4.6, 1963).

13.04.520 Grease, oil and sand interceptors. Grease, oil and sand interceptors shall, at the expense of the owner or tenant, be provided in all commercial plumbing systems, new or existing, for those establishments producing liquid waste containing, or likely to contain, any flammable substance or sand or quantities of grease in excess of the amounts set forth in [Section 13.04.510](#) [Section 13.04.500](#). Interceptors shall conform with all requirements of the plumbing code of the city insofar as the same are applicable, shall be of a type and capacity approved by the [superintendent](#) [Director](#), and shall be so located as to be readily and easily accessible for cleaning

and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in a continuously efficient operation. (Ord. 53 § 4.7, 1963).

13.04.530 Admittance of properly ground garbage into sanitary sewer. Garbage, fruit, vegetable, animal or other solid kitchen waste materials from individual dwelling units, resulting from the preparation of any food or drink, may be admitted into the sanitary sewer if first passed through a mechanically operated grinder so designed that:

A. It shall operate with cold water flowing into the grinder and through the sink drain line in such manner as to congeal and aerate the solid and liquid greases within the grinding unit;

B. It shall discharge wastes at a reasonably uniform rate in fluid form, which shall flow readily through an approved trap, drain line, or soil line in a manner which prevents clogging or stoppage of the drain line;

C. It shall be of such construction and have such operating characteristics that not more than five percent (5%) by weight of all material discharged from it shall have any dimension larger than one-fourth ($\frac{1}{4}$) inch, and no particle shall have any dimension greater than one-half ($\frac{1}{2}$) inch. Weights shall be determined on a dry basis;

D. It shall be self-scouring, with no fouling surfaces to cause objectionable odors;

E. It shall be free from electrical or mechanical hazards and shall adequately protect the user against injury during operation;

F. It shall be permanently connected to the drain in compliance with the plumbing code of the city and shall be free from cross-connection to any water pipe; and

G. The entire installation shall comply in all particulars with the provisions of the plumbing and electrical codes of the city.

The decision as to the sufficiency of the design to meet these requirements shall rest with the superintendentDirector. (Ord. 53 § 4.8, 1963).

13.04.540 Radioactive wastes—Discharge into public sewers. No person shall discharge, or cause to be discharged, any radioactive wastes into any public sewer or appurtenances thereof, except where:

A. The waste is discharged in strict conformity with current Atomic Energy Commission recommendations for safe disposal of radioactive wastes; and

B. The person discharging the radioactive wastes assumes full responsibility for any injury to personnel or damage to the sewage works that may result from such discharge. (Ord. 53 § 4.9, 1963).

13.04.550 Radioactive wastes—Reports required—Responsibility for spillage into sanitary or storm sewer. Any person discharging a radioactive waste to a public sewer, in accordance with the provisions of Section 13.04.540, shall submit to the superintendentDirector such reports as the directorDirector may deem necessary. In the event of an accidental spilling or

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depositing of any radioactive material into a sanitary or storm sewer, the person who causes such occurrence, or who is responsible therefor, shall:

- A. Immediately notify the [superintendent](#)~~Director~~; and
- B. Render such technical or other assistance to the department of public works as may be required to avoid any hazard from the radioactivity. (*Ord. 53 § 4.10, 1963*).

13.04.560 Suspension of service for unlawful use of sewers. When deemed necessary by the [superintendent](#)~~Director~~ for the preservation of public health or safety, or for protection of public or private property, he may suspend sewer service to any person or persons using the ~~sewer system~~[sewage works](#) in a manner or way as to endanger the public health or safety ~~or on~~ public or private property, and in this regard may sever from the public sewer all pertinent connections thereto. If such endangerment shall be imminent, then the [superintendent](#)~~Director~~ may act immediately to suspend sewer service without giving any advance notice or warning whatsoever to the person or persons. (*Ord. 53 § 4.11, 1963*).

13.04.570 Treatment of water or waste of unusual strength or character. No statement contained in Sections ~~13.04.460–13.04.460~~ through 13.04.560 shall be construed as preventing any special agreement or arrangement between the city and any individual or industrial concern, whereby any water or waste of unusual strength or character or composition may be accepted by the city for treatment. In the event that any such special agreement or arrangement shall involve additional or extraordinary expense to the city, such individual or industrial concern may, at the option of the city, be required to reimburse the city therefor and, in that connection, to post with the city such bond or other guarantee as shall be acceptable to the city. (*Ord. 53 § 4.12, 1963*).

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

- 13.04.580 Unauthorized damage or destruction of sewage works prohibited.
- 13.04.590 Appeal procedure.
- 13.04.600 Power and authority of inspectors.
- 13.04.610 Violation—Notice.
- 13.04.620 Violation—Penalties.
- 13.04.630 Violation—Liability for expense, loss or damage.

13.04.580 Unauthorized damage or destruction of sewage works prohibited. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover,

deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. (Ord. 53 § 7.1, 1963). (Ord. No. 554, § 43, 1-18-11)

13.04.590 Appeal procedure.

A. In the event that any interested or affected person feels aggrieved because of, or is dissatisfied with, any action or determination of the ~~superintendent of public works~~Director, such person shall be entitled to take an appeal in writing, with the order ~~or of~~ chain of appeal being as follows:

1. To the ~~city manager-clerk~~City Manager if dissatisfied with any action or determination of the ~~superintendent of public works~~Director; and
2. To the city council if dissatisfied with any action or determination of the ~~city manager-clerk~~City Manager.

B. If thirty (30) days or more elapses following the action or determination of any one of the officials in the chain of appeal designated in subsection A of this section without an appeal being taken therefrom, then the action or determination of such official or officials shall become final. (Ord. 53 § 5.1, 1963).

13.04.600 Power and authority of inspectors. The ~~superintendent~~Director, and other duly authorized employees and agents of the city bearing credentials and identification shall, in all cases affected by this chapter, be permitted to enter upon all properties for the purpose of:

- A. Determining the size, depth, location, and condition of any sewer or storm drain connection;
- B. Determining the location of discharge connections of roof and surface drains and plumbing fixtures; and
- C. Inspecting, observing, measuring, sampling, and testing the quantity, consistency, and characteristics of sewage being discharged into any public sewer or natural outlet. (Ord. 53 § 6.1, 1963).

13.04.610 Violation—Notice. Any person found to be violating any provision of this chapter, except Section 13.04.580, shall be served by the city with written notice which shall state the nature of the violation and shall provide a reasonable time limit for the satisfactory correction thereof, the actual duration of the time limit to depend, in any particular case, upon all the facts and surrounding circumstances. The offender shall, within the period of time specified in such notice, permanently cease the continuance of the violation. (Ord. 53 § 8.1, 1963).

13.04.620 Violation—Penalties. The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. (Ord. 53 § 8.2, 1963). (Ord. No. 554, § 44, 1-18-11)

13.04.630 Violation—Liability for expense, loss or damage. Any person violating any of the provisions of this chapter shall become liable to the city for any and all expense, loss, or damage occasioned the city by reason of such violation. (*Ord. 53 § 8.3, 1963*).

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SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, ~~2014~~2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

~~W. Clarke Conway~~ Terry O'Connell, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:

Michael Roush, City Attorney