



Information for Homeowners and Realtors

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.

Broken Sewer Laterals Cause Pollution

Inspect and Repair Your Sewer Lateral Pipeline. If It's Your Home, it's Your Responsibility.



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.

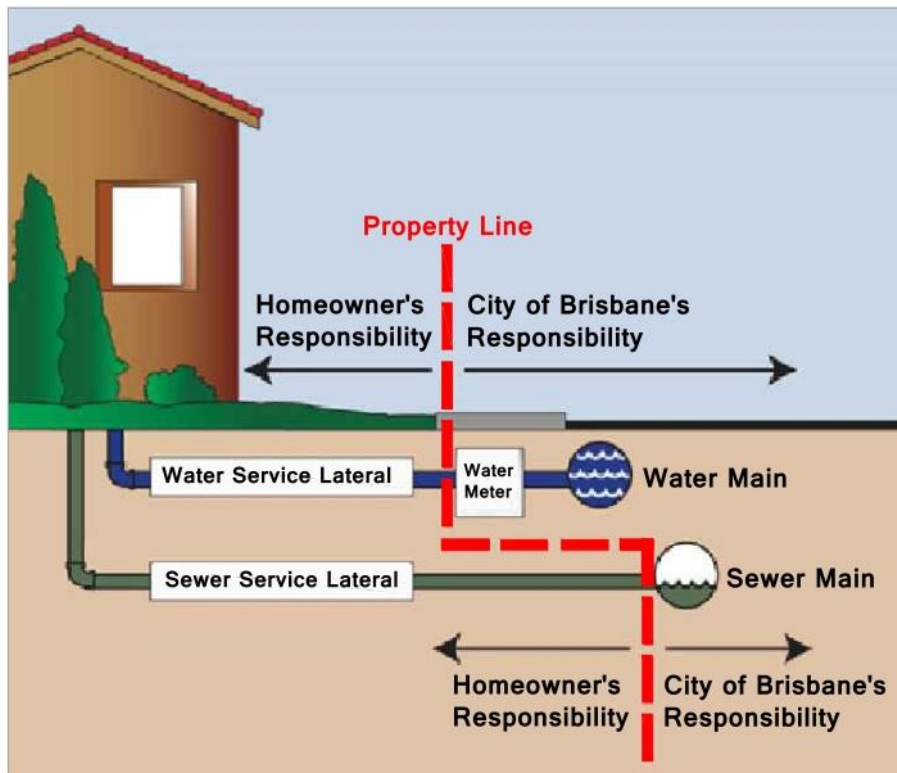
Q: How do I obtain a sewer lateral certificate?

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.



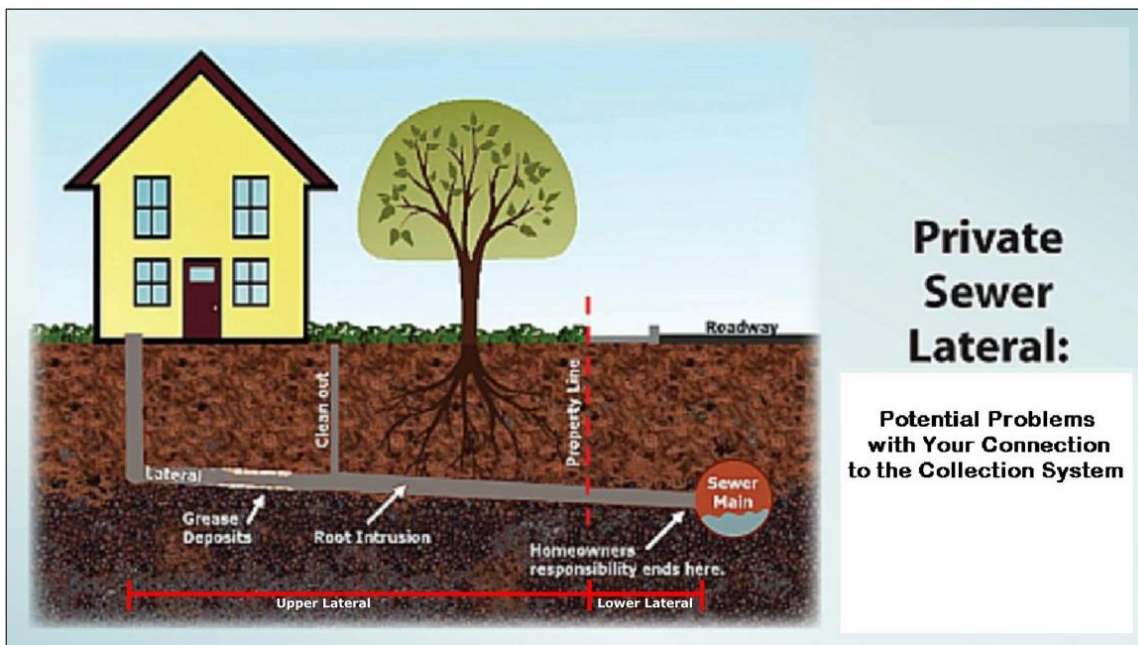
Q: What are the disclosure requirements for sale or transfer of real property?

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

Relevant Brisbane Municipal Code Sections

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 and the Director determines that the lateral is not in need of repair or replacement based on either City records and files that indicate the lateral has been installed, repaired or replaced within the last 15 years or the property owner has provided sufficient evidence to the Director, by testing and inspection (solely at the property owner's expense) 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.