



# Administrative Regulations: Private Sewer Lateral Ordinance



**Approved May 2021**

*These regulations are to be used in conjunction with San Mateo Municipal Code (SMMC) Chapter 7.38.432, attached as Appendix A. This document will govern implementation of the private sewer lateral ordinance, Section C, and is subject to approval and revision by the Public Works Director as prescribed by Chapter 7.38.432. SMMC Chapter 7.38.432 will prevail in the event of any inconsistencies, and future revisions to these regulations will not provide justification for retroactive appeals or adjustments.*

## Table of Contents

I.	Definitions .....	1
II.	Private Sewer Lateral Inspection .....	2
	A. Sale of Real Property .....	2
	B. Application for a Building Permit .....	3
	C. Sanitary Sewer Overflow at Commercial or Multifamily Residential Buildings .....	4
	D. Change in Sewer Class.....	4
III.	Exemptions .....	5
IV.	Sewer Lateral Inspection Form .....	5
	A. Passing Criteria.....	5
	B. Failing Criteria .....	5
	Appendix A – Private Sewer Lateral Ordinance .....	A1

### I. Definitions

“Property owner” means any individual, company, association, or other legal entity (singular or plural forms) owning or having legal authority or possession of the building or real property.

“Private Sewer Lateral” means the sewer service line conveying the wastewater of a discharge from a residence, building, or other structure to the public sewer main, including the wye connection and direct connections where permitted.

“Sale” means a change in ownership by purchase or otherwise involving a transfer of legal title to real property, except for transfers or change of ownership exemption in

events such as in bankruptcies, receiverships, railroads, corporations, change of owner identity, SEC filings, public utilities, partnership transfers, community property transfers, tenants in common transfers, release of indebtedness, transfers between spouses, dissolution of marital status, and parent to child/ step-child (and their spouses) transfers. For a full list of exemptions, please visit [Section 3.48.030](#) of the municipal code.

“Real Property” means any estate that includes (a) single-family residential property, (b) multifamily residential property with two or more dwelling units (e.g. duplexes, apartments, condominiums), and (c) commercial real property.

“One-family dwelling” means a building containing one cooking facility only and designed exclusively for use and occupancy by one family, including the provision of interior access to all bedrooms, and may include a junior accessory dwelling unit within the principal dwelling (e.g. single-family homes with or without an accessory dwelling units). [Section 27.04.165\(e\)](#)

“Two-family dwelling” means a building(s) designed or altered to provide attached (duplex) or detached dwelling units for occupancy by two families living independently of each other. [Section 27.04.165\(f\)](#)

“Multiple-family dwelling” means a building or portion thereof, designed or altered for occupancy by three or more families living independently of each other (e.g. multi-family residential with three units or more including: apartments, condos, planned unit developments and townhomes). [Section 27.04.165 \(d\)](#)

“Newly constructed” means any commercial building that is currently under construction or has been built within the past 5 years.

## II. [Private Sewer Lateral Inspection](#)

The property owner(s) served by a private sewer lateral shall be responsible for inspecting the lateral as required by this ordinance and providing the results to the City. The inspection shall be required under the following events

### A. [Sale of Real Property](#)

Upon the sale of real property, as defined above and limited to only detached one/two-family dwelling, served by a private sewer lateral:

- i. The property owner(s) shall ensure that a sewer lateral inspection is conducted prior to the sale of real property.
- ii. A licensed plumber/contractor shall conduct the sewer lateral inspection.
- iii. Results of the sewer lateral inspection shall be provided to the Public Works Department, using the sewer lateral inspection form as outlined by Section IV of the regulations.

- iv. Property owner(s) are recommended to share the completed sewer lateral inspection form with potential buyers.
- v. If the inspection fails, buyer and seller shall negotiate who repairs or replaces the sewer lateral.
- vi. In the event the buyer agrees to assume responsibility for repairing the building sanitary sewer, the seller shall provide proof of inspection of the building sanitary sewer to the buyer, which indicates the repairs needed to meet the city's standards as specified in the sewer lateral inspection form. The buyer shall then complete the repairs to meet the city's standards no later than 90 calendar days after the date of the sale. The appropriate permits should be obtained from the City for the repair/replacement of the sewer lateral.
- vii. If the property owner assumes responsibility for necessary repairs, the repair or replacement of the sewer lateral should be completed before the close of sale pursuant to SMMC section 7.38.432(a), or as otherwise arranged with the buyer.
- viii. The City will maintain a record of the sewer lateral inspection in the City's permitting system and any repairs or replacements that were completed.
- ix. Any failed inspection that did not have a repair or replacement will remain on the property's file and will require repair or replacement with any future permit activity.

#### B. Application for a Building Permit

Prior to the issuance of a building permit for detached one/two-family dwelling where the cost of the improvements for an addition or alteration/remodel project(s) exceeds such amount as established by resolution of the City Council. The City Council last approved \$90,000 as the threshold on February 3, 2020.

- i. The property owner(s) shall ensure that a sewer lateral inspection is conducted as part of their building permit application process.
- ii. A licensed plumber/contractor shall conduct the sewer lateral inspection.
- iii. Results of the sewer lateral inspection shall be provided to the Public Works Department using the sewer lateral inspection form as outlined in Section IV of the regulations.
- iv. If the inspection fails, the property owner(s) shall repair or replace the private sewer lateral at the same time as their addition or alteration/remodel project(s). The permit for the project(s) shall not be finalized until the needed repairs or replacements are made, including the certificate of occupancy.
- v. The City will maintain a record of the sewer lateral inspection in the City's permitting system and any repairs or replacements that were completed.

### C. Sanitary Sewer Overflow at Commercial or Multifamily Residential Buildings

For commercial or multi-family dwelling, upon the occurrence of a sewer lateral backup or blockage resulting in a sanitary sewer overflow.

- i. All sanitary sewer overflows should be reported to the Environmental Compliance division of Public Works so that an Environmental Compliance Inspector will evaluate the situation and require a sewer lateral inspection as necessary.
- ii. A licensed plumber/contractor shall conduct the sewer lateral inspection
- iii. Results of the sewer lateral inspection shall be provided to the Public Works Environmental Compliance Division using the sewer lateral inspection form as outlined in Section IV of the regulations.
- iv. If the inspection fails, the property owner(s) shall repair or replace the private sewer lateral within ninety days of an overflow, or as otherwise specified by the City in the interest of public health and safety.
- v. The appropriate permits should be obtained from the City for the repair/replacement of the sewer lateral.
- vi. The City will maintain a record of the sewer lateral inspection in the City's permitting system and any repairs or replacements that were completed.

### D. Change in Sewer Class

Upon a change in sewer customer class as defined by [Section 3.54.020](#).

- i. For existing commercial buildings that have a change in customer class that increases the wastewater strength, the City shall provide notices to the property owner(s) to conduct a sewer lateral inspection. Newly constructed properties are exempted.
- ii. The City will maintain a record of notice sent to property owners
- iii. A licensed plumber/contractor shall conduct the sewer lateral inspection.
- iv. Results of the sewer lateral inspection shall be provided to the Public Works Department using the sewer lateral inspection form as outlined in Section IV of the regulations.
- v. If the inspection fails, property owner(s) shall repair or replace the private sewer lateral within ninety days.
- vi. The appropriate permits should be obtained from the City for the repair/replacement of the sewer lateral.
- vii. The City will maintain a record of the sewer lateral inspection in the City's permitting system and any repairs or replacements that were completed.
- viii. Any failed inspection that did not have a repair or replacement will remain on the property's file and will require repair or replacement with any future permit activity.

### III. Exemptions

No inspection and testing of a sewer lateral shall be required if:

- A. The property owner(s) can demonstrate that the sewer lateral has been inspected within the 5 years immediately preceding one of the events in Section II (A)(B)(C) and the results of such inspection showed that either no repairs were required, or only partial repairs were required, and those repairs were in fact completed; or
- B. The sewer lateral has been completely replaced within the past 25 years, as evidenced by a plumbing permit issued by the City; or
- C. Upon other exemption approved by the Director of Public Works.

### IV. Sewer Lateral Inspection Form

The City will make available to the public a sewer lateral inspection form, attached as Appendix B. The form is to be used by the licensed plumber/contractor to complete the sewer lateral inspection. The form provides the specific criteria for a sewer lateral inspection passing or failing for the City.

#### A. Passing Criteria

- i. No pipe with structural grade 5 defects and no operational grade 4 or 5 defects, and the sum of all defect grades shall be less than thirteen (13).

#### B. Failing Criteria

- i. Pipe with a structural grade 5 defect and operational grade 4 or 5, and the sum of all defect grades is greater than thirteen (13).

## Appendix A – Private Sewer Lateral Ordinance

Private Sewer Lateral Ordinance (SMMC 7.38.432) as adopted on January 21, 2020

**(a)** Responsibility for repair, replacement and maintenance of sewer lateral. The owner of the property(ies) serviced shall be responsible for any portion of the private sewer lateral extending from a building to the public sewer main, including the wye connection which joins the private sewer lateral to the public sewer main. Any repairs, replacement or maintenance, such as the clearing of pipes using common industry hydro or mechanical cleaning tools, will not be provided by the City on private sewer laterals or in private sewer systems. Responsibility for such repairs, replacement and maintenance is that of the owner of the property(ies) serviced by the lateral.

**(b)** Mandatory installation of cleanout. When installing or replacing a sewer lateral connection from a building to the public main sewer, if not already present, the property owner shall install a cleanout near the property structure in accordance with the requirements of the Uniform Building Code, the California Plumbing Code, and any other applicable regulations adopted by the City, City standards, or plans and specifications approved by the City Engineer.

**(c)** Sewer lateral inspections. The owner(s) of the property served by a private sewer lateral shall be responsible for inspecting, testing, the lateral as required by this subsection, and providing the results to the City. The Public Works Director shall establish standards and regulations for the manner and scope of sewer lateral inspections.

**(1)** When required.

**(A)** Upon the sale of real property served by a private sewer lateral.

**(B)** Prior to issuance of a building permit where the cost of the improvements for an addition or alteration/remodel project exceeds such amount as established by resolution of the City Council.

**(C)** For commercial or multifamily residential buildings, upon the occurrence of a sewer lateral backup or blockage resulting in a sanitary sewer overflow.

**(D)** Upon a change in sewer customer class, as defined by [section 3.54.020](#).

**(2)** Exemptions. No inspection and testing of a sewer lateral shall be required if:

**(A)** The sewer lateral has been inspected within the 5 years immediately preceding one of the events listed above, and the results of such inspection showed that either no repairs were required, or only partial repairs were required, and those repairs were in fact completed; or

**(B)** The sewer lateral has been completely replaced within the 25 years, as evidenced by a plumbing permit issued by the City; or

**(C)** Upon other exemption approved by the Director of Public Works.