

9.20.040 Inspections and repairs of sewer laterals.

(a) Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the director of public works, and if found defective, the property owner shall obtain a building permit and (if applicable) an encroachment permit and thereafter repair the lateral, as follows:

- (1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
- (2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000 or more;
- (3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
- (4) Whenever the city finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;
- (5) Whenever the city finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

In the absence of a specific deadline, all inspection and testing work shall be completed within 60 days of notification by the city that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the director of public works.

- (b) As part of its periodic construction and maintenance of sewer mains, the city may discover defective laterals. The city may order the property owner to conduct an inspection, repair or replacement of any lateral that the city knows or reasonably suspects to be defective.
- (c) The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.
- (d) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The director of public works shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted

at the sole discretion of the director of public works. The following requirements shall be met.

(1) A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the city.

(2) All new and repaired laterals must pass an air pressure test as specified by the director of public works.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of PGMC 9.20.030(d). Overflow devices must be installed on all repaired or replaced laterals, and backflow valves may be required to be installed on laterals meeting the criteria of PGMC 9.20.030(e).

(e) In the absence of a specific deadline established by the director of public works, all repair or replacement work shall be completed within 60 days of notification by the city that such repair or replacement is required.

(f) When a lateral is completely replaced in accord with a valid building permit and (if applicable) an encroachment permit, the property owner is not required to inspect the lateral upon sale of the property for 10 years following the date of complete replacement of the lateral.

(g) Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.

(h) The city shall have the authority to recover from a property owner the city's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the city resulting from an overflow, the city may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:

(1) Up to \$500.00 for the first violation.

(2) Up to \$1,000 for a second violation occurring within three years after the first violation.

(3) Up to \$2,500 for each additional violation within a three-year period exceeding two violations.

(i) In addition to any enforcement action brought under Chapter 9.20 PGMC, or any penalty imposed pursuant to subsection (h) of this section, failure to comply with any provision of this section shall

concurrently constitute a violation of this code as defined in PGMC 1.16.010(c) and (d) and PGMC 1.16.015. Concurrent enforcement of any provision of this section is authorized by civil action pursuant to PGMC 1.16.017. The owner of the property upon which the violation occurs shall be liable to the city, as a civil penalty, for the cost and value of all administrative effort and legal fees incurred by the city associated with enforcement of these requirements. The enforcement remedies set forth herein shall be cumulative.

(j) The city manager shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner, in accord with a valid building permit and (if applicable) an encroachment permit, has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations. [Ord. 06-017 §§ 2 – 5, 2006; Ord. 04-25 § 3, 2005; Ord. 210 N.S. § 5-302, 1952].

Chapter 23.78 SALE OF RESIDENTIAL BUILDINGS

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23.78.010 Residential building record – Report – Contents.

Prior to the close of escrow or transfer of title for sale or exchange of any residential building, and upon application by the owner or his or her authorized agent, and subject to payment of the fee required, the city shall review pertinent city records, conduct an exterior inspection of the subject property, and deliver to the applicant within 10 calendar days, excluding Saturdays, Sundays, and holidays, a residential building record which shall contain the following information, insofar as the same is available:

- (a) Street location, address, and parcel number of the subject property.
- (b) Zone classification and authorized use.
- (c) Occupancy, as indicated and established by permits of record.
- (d) Variances, conditional use permits, exceptions, and other pertinent legislative acts of record.

- (e) Any special restrictions in use or the development which may apply to subject property.
- (f) Violations of the codes, ordinances, and regulations of the city existing upon the subject property and its improvements which are of record or are revealed in the course of an exterior inspection by the city.
- (g) The report shall also contain a certification by the seller that the smoke detector required by PGMC 18.04.065 has been installed. [Ord. 08-022 § 6, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.015 Nonliability of the city.

- (a) Neither the enactment of the ordinance codified in this chapter nor the preparation and delivery of any report required hereunder shall impose any liability upon the city for any errors or omissions contained in the report, nor shall the city bear any liability not otherwise imposed by law.
- (b) Errors or omissions in said report shall not bind or stop the city from abating any defects on the property by legal action against the seller, buyer, or any subsequent owner. Said report does not guarantee the structural stability of any existing building, nor does it relieve the owner, his agent, architect, or builder from designing, building or maintaining a structurally stable building which meets the requirements of adopted codes and ordinances. Said report shall be valid only as to the specific transaction for which the inspection and review of the records was made by the city; provided, however, that in the event said transaction is not consummated, the report shall be valid for a period of 180 days on the condition that, if a subsequent transaction is arranged during that period, the property shall again be inspected by the city and a supplemental report issued, if necessary, without charge to the owner. [Ord. 08-022 § 7, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.020 Residential building record – Report – Delivery to buyer or transferee.

The report of residential building record shall be delivered by the owner, or the authorized agent of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange. The owner or his or her agent shall secure a written acknowledgment of receipt of such report from the buyer or transferee, prior to the transfer. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.030 Residential building record – Report – Application and fee.

The report shall be obtained by the owner or his or her authorized agent from the community development director of the city, by making application on forms prescribed by the community development director, and upon payment of a fee established by the council. The community development director shall provide such report to the applicant therefor upon completion. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.040 Delivery of report to buyer or transferee – Required for sale or exchange.

It is unlawful to sell or exchange any residential building, regardless of the zoning district for the building, without first having obtained and delivered to the buyer or transferee the written report

prescribed by this chapter.

No sale or exchange of residential property shall be invalidated solely because of failure of any person to comply with any provision of this chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.050 Exceptions.

This chapter shall not apply to the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale. This chapter shall not apply to sales administered by courts of law, such as probate sales, sales on execution of a judgment, sales in bankruptcy, joint-tenancy terminations on account of death, transfers between spouses or between kindred of the first degree. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].