

Introduced by

AMENDED

Approved for Form and Legality

FILED  
OFFICE OF THE CITY CLERK  
COUNCIL MEMBER AND

  
City Attorney

2009 DEC 21 PM 1:46

OAKLAND CITY COUNCIL

ORDINANCE No.           12993           C.M.S.

**AN ORDINANCE AMENDING CHAPTER 13.08 OF THE OAKLAND MUNICIPAL CODE TO REQUIRE THE INSTALLATION OF SEWAGE OVERFLOW DEVICES ON PRIVATELY MAINTAINED SEWER LATERALS**

**WHEREAS**, the City of Oakland annually experiences blockages in its sanitary sewer mains which are maintained by the Public Works Agency; and

**WHEREAS**, these sewage blockages occasionally result in sewage overflows into adjoining privately owned buildings; and

**WHEREAS**, these sewage backflows annually result in extensive damage to private property and significant remuneration by the City, exceeding \$21,000 per month, to compensate owners for cleaning their premises and repairing and replacing interior building finishes, furnishings, and personal possessions; and

**WHEREAS**, the Municipal Code of the City of Oakland, the California Plumbing Code, the California Health and Safety Code, and the federal Clean Water Act do not currently require the retroactive installation of sewage backwater valves, also known as backflow prevention devices, which are designed to prevent sewer main backflows into buildings, in privately maintained sanitary sewer piping (laterals); and

**WHEREAS**, a requirement to retroactively install sewage backwater valves would typically require extensive modification of the interior plumbing of a building to separate the discharge of sewer piping serving the upper and lower stories into the sewer lateral (“short-circuiting”); and

**WHEREAS**, said retroactive installation of sewage backwater valves would be a costly and disruptive requirement for property owners; and

**WHEREAS**, sewage overflow devices, which are installed on the exterior risers of sewer laterals and are activated by the hydraulic pressure of rising sewage, are a proven technology and an inexpensive mechanism to mitigate the risk from sewage backflows and reduce the dollar amount of property damage by allowing sewage to flow onto the ground rather than into buildings; and

**WHEREAS**, the installation and maintenance of sewage overflow devices will help protect public health, the environment, and private property from the effects of sewage backflows through earlier detection and more manageable containment and clean-up; and

**WHEREAS**, requiring owners to install sewage overflow devices when they repair or replace sewer laterals will add minimally to the cost of the repair work; and

**WHEREAS**, it is in the best interests of the City and public health and safety to establish regulations which require property owners to install and maintain approved sewage overflow devices; and

**WHEREAS**, in the event of sewage blockages in a sanitary sewer main, the limited flow area of sewage overflow devices in the “open” position limit the quantity of sewage overflow to negligible amounts which usually would be absorbed through the ground surface; and

**WHEREAS**, the primary point of discharge of overflowing sewage from the City’s sanitary sewer system will continue to be maintenance access lids (manhole covers), and the installation of sewage overflow devices on privately maintained sewer laterals is a minor alteration without an expansion of use or capacity which will enhance earlier detection of sewer main overflows and more rapid clean-up of discharges and the effective containment and remediation of associated health hazards; and

**WHEREAS**, the native vegetation and landscaping, which typically surround cleanout risers, serve to contain overflowing sewage within in the immediate vicinity and detain its migration over the ground surface and retard its introduction into piping and channels discharging into San Francisco Bay and provide an effective and proven bio-filtering mechanism for ameliorating its health hazards; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA) of 1970, the Guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives Criteria and Procedures for Implementation of the California Environmental Quality Act have been satisfied and in accordance with Sections 15061(b)(3), 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the California Code of Regulations this project is exempt from the provisions of the California Environmental Quality Act; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals**

The Council of the City of Oakland finds and determines that foregoing recitals are true and correct and hereby adopts and incorporates them into this Ordinance.

**SECTION 2. Annotation**

The Oakland Municipal Code is hereby amended to add, delete, or modify sections as set forth below. Section numbers and titles are indicated in **bold** type; additions are indicated by underscoring type; and deletions are indicated by ~~strike through~~ type. Portions of the regulations not cited or not shown in underscoring or strike - through type are not changed.

### **SECTION 3. Amendments**

Chapter 13.08 of the Municipal Code of the City of Oakland, entitled Sewer Lateral Regulations, shall be amended as follows:

#### **13.08.020 Definitions.**

The following words and phrases, wherever used in this chapter, shall be construed as defined in this section unless otherwise required by the context. The singular shall be taken to mean the plural and the plural shall mean the singular when required by the context of this Chapter. The following definitions will not necessarily apply to other ~~portions~~ chapters of this Municipal Code:

“Building Sewer” means that particular sanitary sewer which lies between a point two feet from the building or structure it serves, to and including its connection with the sewer system or other point of discharge and which carries sewage and liquid wastes from public or private premises to a public or private sewer system, individual sewage disposal system or other point of discharge or point of disposal.

“Common Private Sewer” means any privately owned and maintained sewer which serves as the disposal point for two or more building sewers. A common private sewer is either a sanitary sewer or a storm water sewer, but it cannot be used as a combination of both.

“Inflow/ Infiltration Correction Program” (also called “I/I correction program” and “infiltration/inflow correction program”) means those particular projects being designed, or designed and being constructed, constructed or proposed to be constructed by the city of Oakland and/or its agents for the purpose of complying with the requirements of that certain order issued by the California Regional Water Quality Control Board and being Order No. 84-67 and any other state, federal, or local legislation related thereto.

“Lower Building Sewer Lateral” means all that portion of the building sewer lateral which lies within a public right-of-way or lies within an easement granted for the purpose of constructing or maintaining a sanitary sewer or some such other similar purpose.

“Manhole” means an underground structure large enough to be physically entered by a person for the purpose of inspecting and maintaining a sewer or a portion thereof.

“New Sewer Connection” means a connection to a public sewer or common private sewer which has not previously existed. This does not include reconnection, repair, or replacement of an existing sewer lateral either at the same or at a different location. An existing sewer lateral which would be going to a higher use (such as an increased number of dwelling units) would be subject to an increased sewer service charge and/or sewer connection fee for the increase in use.

“Point of Discharge” (also called “discharge point”) means that point at which the materials conveyed by a sewer leave a specific section or length of sewer (by design or inadvertently).

“Point of Disposal” (also called “disposal point”) means the point at which any material conveyed by a sewer enters any facility for treatment or processing or otherwise leaves the sewer system by design.

“Point of Origin” means that particular point on a building sewer which lies closest to the building or other structure which it serves.

“Project” means any portion of work including, but not limited to, the repair, construction and/or replacement of parts of the sewer system subject to the inflow/infiltration correction program which are accomplished under a specific project number issued by the ~~Office of Public Works~~ City.

“Sanitary Sewer” means any public or private sewer designed and/or constructed for the purpose of conveying sewage or other liquid waste from a building sewer to or toward a point of disposal or discharge.

“Sewage” means ~~water carrying waste~~ all liquid effluent, including any suspended solids therein, which is conveyed from residences, commercial and industrial establishments all types of premises through a sewer or any combination of such wastes, but excluding storm water when conveyed in a separate storm system, for treatment and/ or disposal, excepting flow from natural drainage and rainfall.

“Sewer” means any pipe conduit or channel, being either open or closed, the purpose of which is to convey sewage, liquid waste, other liquids or water from a collection point to or toward discharge point.

“Sewer Main” means (also commonly called “main sewer”) means any public sewer or portion thereof which conveys sewage between the point of discharge of a building sewer and the point of disposal of said public sewer.

“Sewage Overflow Device” means an approved plumbing fitting that is installed at the top of an exterior cleanout riser for a sanitary sewer lateral and is activated by the hydraulic pressure of sewage and allows back flowing sewage to discharge over the ground surface and prevents the intrusion of rodents and other vector into the sewer piping system.

“Sewer System” means either the entire network or a portion of that network of sewers under the jurisdiction of the City and all the appurtenances thereto. This shall include both conveyances for sanitary flow and storm water and other liquid waste flows.

“Shall/ Will” means a determinative directive, which includes the ordinary accepted meaning of the word “must”.

“Storm Sewer” means (also commonly called “storm drain” or “storm water conduit”) means any public or private sewer designed and/or constructed for the purpose of conveying rainwater or other waters deposited by natural causes, but not including sewage and wastewater.

“Upper Building Sewer Lateral” means all that portion of the building sewer as herein above defined which lies within the privately owned property abutting a public right-of-way or easement.

### **13.08.120**

The size, extent, construction, installation, operation, use, maintenance, and abandonment of building sewers, ~~and~~ common private sewers, two-way and standard cleanout fittings and exterior risers, sewage overflow devices, and the connections thereto shall be in accordance with the provisions of this chapter and shall be the responsibility of the owner of the property served or servable by the sewer system. All devices shall be maintained and repaired by the property owner and provide for their uninterrupted function and purpose for which they were designed.

### **13.08.520 Requirement for standard cleanout fitting, exterior riser, and sewage overflow device adjacent to building -- inflow/ infiltration correction program.**

When the repair/ replacement of any portion of an upper building sewer lateral is necessary pursuant to the findings of testing required by Section 13.08.510, an ~~standard approved~~ standard cleanout fitting, exterior riser, and sewage overflow device shall be ~~inserted~~ installed into the upper building sewer lateral in the vicinity of the building drain.

The ~~exact~~ location of the cleanout riser ~~is subject to the approval~~ shall be approved by the Director of Public Works or his or her duly authorized representative. This section ~~does~~ shall not apply to any building sewer or private common sanitary sewer which conveys ~~waste~~ sewage by means of a pressurized line.

### **13.08.522 Installation and maintenance of sewage overflow devices**

Sewage overflow devices shall be installed at an elevation and subsequently adjusted to an elevation that protects the building for which it is installed from back flowing sewage. Sewage overflow devices shall be readily accessible for maintenance by the property owner.

## **SECTION 4. Applicability**

### **A. Construction and Severability**

Should any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**B. Authority**

This ordinance is enacted by the Council of the City of Oakland pursuant to the police powers accorded to the City by and through section 106 of the Charter of the City of Oakland and Article XI of the Constitution of the State of California.

**C. Effective Date**

Upon final adoption by sufficient affirmative votes of the Council of the City of Oakland or by approval of a reconsideration by said Council, this ordinance shall be effective as provided in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 02 2010, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ROSS~~,  
AND PRESIDENT BRUNNER -7

NOES -  $\phi$

ABSENT -  $\phi$

ABSTENTION -  $\phi$

Excused - Reid - 1

Introduction Date JAN 05 2010

ATTEST:   
LATONDA SIMMONS

City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION 2/8/10

## **NOTICE AND DIGEST**

### **AN ORDINANCE AMENDING CHAPTER 13.08 OF THE OAKLAND MUNICIPAL CODE TO REQUIRE THE INSTALLATION OF SEWAGE OVERFLOW DEVICES ON PRIVATELY MAINTAINED SEWER LATERALS**

This ordinance would amend Chapter 13.08 of the Oakland Municipal Code to require the installation of sewage overflow devices on clean-out risers when a property owner replaces or repairs the sewer lateral. Enactment of the proposed amendment would significantly reduce the annual damage caused by sewage backflows from City maintained sewer mains into buildings.