

September 30, 2010

To whom it may concern:

In March of 2004 the City of Ferndale passed Sewer Ordinance 03-05. Article §8.01 has to do with the transfer of property and sewer lateral testing. It has come to the attention of City staff that some properties are being sold without knowledge of this ordinance and are out of compliance. While it is the responsibility of the parties involved in the sale to know what the laws are within the city limits we felt that notification to realtors and title companies in the local area would help in getting this word to potential buyers and sellers. We ask that you would make sure that your clients are aware of this ordinance so it doesn't cause confusion and unneeded stress during or after the sale of the property.

It should be noted that the inspection process does not take that long if the sewer lateral passes, sometimes as little as one hour. In the event that the sewer lateral does not pass there may be significant expense obtaining compliance which could be as little as repairing a hole in the sewer lateral but may include replacement of the entire sewer lateral. The ordinance specifies that the buyer *or* seller is responsible for performing and paying for the inspection as well as any repairs that may be needed so it is suggested that the respective parties see that this is worked out in the terms of the sale. Please note that the procedure will not hold up the escrow process but the city will enforce the ordinance upon the current owner at the time the city gains knowledge of the sale proceedings. If you have any further questions please don't hesitate to contact me. Below you will find the language from the ordinance.

§8.01 Transfer of Property and Testing.

(This section changed by Ordinance 08-01 adopted 3/10/08)

- 8.01.1 Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.
 - a. This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.
- 8.01.2 An inspection card signed by an authorized City Inspector must accompany title transfer proceedings. It is the responsibility of the

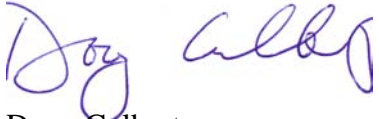
property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the city sewer system.

- 8.01.3 Exceptions: This section shall not apply to:
- a. Condominium or cooperative apartment buildings;
 - b. To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three (3) years.
 - c. To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three (3) years.
 - i. This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to §8.03. (*End section changed by Ordinance 08-01 adopted 3/10/08*)

§8.03 Failure of Test.

- 8.03.1 Should the lateral fail the test, the lateral shall be either repaired or replaced and retested.
- 8.03.2 A plumbing permit will be required in order to perform the necessary repairs or replacement.
- 8.03.3 This process shall continue until the lateral passes the required test.

Sincerely,



Doug Culbert
Chief Wastepant Operator
City of Ferndale