



STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

AGENDA TITLE:

Discussion and Direction on Proposed Amendment of Sausalito Municipal Code Section 18.12, Sewers

RECOMMENDED ACTIONS:

Hear Public Comment

Discuss

Direct Staff to Prepare and Notice a Public Hearing for an Ordinance Amending Sausalito Municipal Code Section 18.12, Sewers

INTRODUCTION

The City of Sausalito agreed to a settlement and mutual release of claims with Northern California River Watch effective December 3, 2008. In Article V of that document (p. 5), the City agreed to, "...consider amending its current Ordinance 18.12.110 to make inspection of the lateral by the City mandatory, in conjunction with repair of the main line to which the lateral is connected and to make repair of rehabilitation of the lateral mandatory as deemed necessary by the City Engineer. In the alternative, the City shall implement a voluntary upgrade program such as that adopted by the Tamalpais Community Services District ("TCSD") in Ordinance No. 83." The City agreed to comply with the above within twelve (12) months of the Effective Date of the agreement (i.e., on or before December 3, 2009). The pertinent part of the existing Ordinance is included in Attachment A to this report.

DISCUSSION

By minute entry of February 24, 2009 the Council approved in concept and directed Staff to confirm Northern California River Watch approval of a Sewer Enhancement Project ("SEP") that contains the elements of the referenced voluntary upgrade program enacted by the TCSD. River Watch representatives subsequently approved the SEP as received.

In addition, City Staff and the City's consultant on this matter, Carollo Engineers, have (1) evaluated the subject code section as well as other relevant code sections; (2) conducted a workshop on the matter which included Sherrie Faber, a local Realtor®, Edward Segal, RCE, Chief Executive Officer of the Marin Association of REALTORS®, Rich Fortmann, a Sausalito resident with significant interests in environmental affairs, the City Attorney, and City Staff. Representatives from the Sausalito-Marin City Sanitary District, the TCSD and the City Council

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were invited but could not attend; and (3) have prepared a number of recommend Ordinance amendments including to the specific section 18.12.110 cited.

Taking into account the City Council's direction of February 24, 2009 regarding the SEP, and by hearing this matter on November 17, 2009, Staff concludes that the City will have complied with the terms of Article V of the agreement. At the same time, Staff recommends that the existing Ordinance be amended in the early part of 2010 to incorporate some or all of the changes recommended on the basis of the workshop and the advice of consultants.

ISSUES

Representatives of the real estate community had hoped that one outcome of the City's process would be the elimination of the point-of-sale trigger requiring inspection and repair of private laterals. While elimination and a temporary suspension of those requirements has been considered, even with the improvements contemplated in the attached in full force and effect, Staff and consultants advise against reducing the level of regulatory authority the City has to accomplish the requirements of compliance with the EPA Administrative Order at this time.

Staff continues to be open to recommendations from the real estate community as to how this Ordinance can be modified to better serve the public interest while eliminating the point-of-sale trigger. Should those efforts be successful, Staff will return to Council with another phase of revision.

FISCAL IMPACT

Should a significant portion of the changes proposed in the Sewer Ordinance be enacted, Staff expects there to be a reduction in the amount of time necessary to accomplish repairs and replacement of private sewer facilities that do not comply with current codes and standards. While Sewer Enterprise funds may be expended in the short term to advance said repairs, recovery of funds from the responsible private parties is expected to be easier to accomplish under the revised Ordinance because the City's authorities are clarified.


STAFF RECOMMENDATIONS

Direct Staff to Prepare and Notice a Public Hearing for an Ordinance Amending Sausalito Municipal Code Section 18.12, Sewers

ATTACHMENTS


- A. Excerpt from Existing Sewer Ordinance (SMC § 18.12.110)
- B. Preliminary Draft Amendment to Sewer Ordinance (SMC § 18.12 *et seq.*)

PREPARED BY:
Director of Public Works



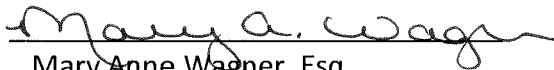
Jonathon Goldman

REVIEWED BY:
City Engineer



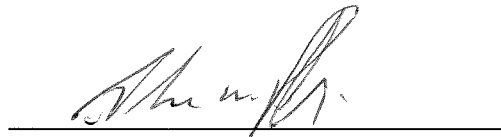
Todd Teachout

REVIEWED BY:
City Attorney



Mary Anne Wagner, Esq.

SUBMITTED BY:



Adam W. Politzer
City Manager

Attachment A

Excerpt from Existing Sewer Ordinance (SMC § 18.12.110)

18.12.110 Service Lateral Maintenance. Service laterals shall be installed and maintained by the owner of the property which the lateral serves. The entire service lateral from the building connection to and including the wye connection to the sewer main shall fall within the owner's responsibility for installation and maintenance except at such times as the city may be reconstructing, repairing or rehabilitating a sewer main to which such service lateral is connected. During the time period when City reconstruction repair or rehabilitation of a sewer main is in progress, service laterals that connect to the sewer main within the limits of the project shall become the

responsibility of the City, and may be simultaneously reconstructed, repaired or rehabilitated as deemed necessary by the City Engineer. Upon completion of the city reconstruction, repair or rehabilitation project, the responsibility for maintenance of the lateral shall revert to the owner of the property which the lateral serves. (Ord. 1072 §1, 1991).

Attachment B
Preliminary Draft Amendment to Sewer Ordinance (SMC § 18.12 *et seq.*)

Chapter 18.12

SEWERS

Sections:

- 18.12.010 Definitions.
- 18.12.020 Service Charges Established.
- 18.12.030 Charges Collected with General Taxes.
- 18.12.040 Determination of Charges — ~~Collection and Enforcement.~~ (Deleted)
- 18.12.050 Use of Revenue.
- 18.12.060 Connection Permit.
- 18.12.070 Termination of Service.
- 18.12.080 Interceptors Required.
- 18.12.090 Use of Garbage Grinders.
- 18.12.100 Service Laterals. ~~Inspection, Testing, Remedial Work.~~
- 18.12.110 Service Lateral Maintenance.
- 18.12.120 Service Lateral Inspections - Access to Premises
- 18.12.130 Mandatory Service Lateral Inspections
- 18.12.140 Requirements for Proper Service Lateral Inspection Report
- 18.12.150 Required Service Lateral Repairs
- 18.12.160 Common Interest Developments
- 18.12.170 Cost Assessment and Responsibility When Performed by City
- 18.12.180 Administrative Guidelines for Inspections
- 18.12.420190 Installation of Sampling Manholes.
- 18.12.430200 No Discharge Into Surface Drains.
- 18.12.440210 Storm Water Connections Prohibited.
- 18.12.450220 Discharge Prohibitions.
- 18.12.460230 Damage to City Sewer System.
- 18.12.470240 Summary Abatement of Certain Nuisances.
- 18.12.480250 Judicial Remedies.
- 18.12.490260 Infractions.

18.12.010 Definitions. For the purpose of this chapter, the following terms are defined as follows:

- (1) "Article 4" means the provisions of Article 4, (Sanitation and Sewage System), of ~~chapter~~ Chapter 6 of Part Two of Division 5 of the Health and Safety Code (§ 85470 *et seq.*) of the State of California.

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- (2) "City" means the City of Sausalito.
- (3) "City Engineer" means the ~~Public Works Director~~ City Engineer of the City of Sausalito, or his or her designee.
- (4) "Commercial Building" means any building, or portion thereof, designed, intended or used to accommodate a business, commercial or industrial enterprise, or a public or private school.
- (5) "Common Interest Development" means a development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities, including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments, which contains three (3) or more dwelling units and which has a sewer service lateral shared by three (3) more dwelling units.
- ~~(5)~~(6) "Domestic Sewage" means the waterborne wastes resulting ~~form~~ from ordinary living processes and which are of such composition as to permit satisfactory biological treatment without special pre-treatment.
- ~~(5)~~(7) "Dwelling Unit" means any building, buildings, houseboat, or any portion thereof, designed, intended, or used as a separate dwelling accommodation and having either its own kitchen or its own bathroom facilities. A building or buildings designed and intended to be used, as a single-family residence is one dwelling unit. Each separate room, apartment, or unit of a hotel, motel, apartment house, rooming house, duplex or boarding house having either its own bathroom or its own kitchen facilities is a separate dwelling unit.
- ~~(5)~~(8) "Fixture" means a unit of measure applied to various plumbing fixtures in order to determine certain fees and charges payable to the city under the provisions of this Chapter. The fixture unit equivalent of plumbing fixtures shall be as set forth in the latest edition of the ~~Uniform~~ California Plumbing Code.
- ~~(5)~~(9) "Interceptor" means a device constructed in the private sewer system to trap oil, grease, sand, flammable substances or any other harmful materials that may be discharged into the city sewer main.
- (10) "Improper Connection" means any sewer service lateral not meeting the provisions of §18.12.060.
- ~~(5)~~(11) "Marina" means ~~as an~~ area within the city covered by the waters of Richardson's Bay, which contains one or more berthing spaces for houseboats or vessels, either permanently or on a temporary basis.
- (12) "Notice to Repair" means the notice issued by the City Engineer to the Owner advising that the Owner appears to be in violation of the ~~Santa Barbara~~ Sausalito Municipal Code with respect to the Owner's sewer service lateral, or in violation of the Code in the manner of the sewer service lateral's connection to the City Sewer System, which order directs the abatement of the identified apparent violation in a timely manner.
- (13) "Owner" means any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the City.
- ~~(10)~~(14) "Sanitary Sewer System" means the sanitary sewer system operated and maintained by the City of Sausalito.

- (10)(15) _____ “Sewer Main” means a city owned pipeline designed and operated to accept sewage from a sewer service lateral for disposal.
- (10)(16) _____ “Sewer Service Lateral” means a property owner’s pipeline designed and operated to carry sewage from a building or other source to a Sewer Main, including the “wye” connection or other tie-in at the Sewer Main.
- (17) _____ “Sewer Service Lateral Inspection” means an inspection of a sewer service lateral that consists of the retention of a licensed plumber (as certified under § ~~Section~~ 18.12.140) by the Owner in order to visually examine and inspect a sewer service lateral in the manner deemed appropriate by the City Engineer. Such an inspection shall, at a minimum, include the use of a closed-circuit television inspection device for the purposes of determining whether the sewer service lateral complies with the requirements of this Chapter, the Regulation adopted under ~~Section~~ § 18.12.180, and any applicable state laws.
- (13)(18) _____ “Sewer service charges” means fees, tolls, rates, rentals, or other charges for services and facilities furnished by the city in connection with its sanitary sewage system.
- (13)(19) _____ “Vessel” means any watercraft of any type or size, including, but not limited to, barges, ferryboats, tour boats, excursion boats, arks, yachts, houseboats or rafts, whether used and occupied primarily as living quarters or for transport of passengers. (Ordinance 1072 §1, 1991: Ordinance 874 §2, 1975: Ordinance 779 §2, 1971).

18. 12. 020 Service Charges Established: Determination, Collection. Pursuant to the provisions of Article 4 of Chapter 6 of Part Two of Division 5 of the Health and Safety Code of the State of California (§ 5470 *et seq.*), a charge is hereby imposed for all services and facilities provided by the City of Sausalito in connection with its sanitary sewer system. All such fees, charges and delinquencies shall be determined and collected in conformity with the procedures established by Article 4. (Ordinance 1072 §1, 1991: Ordinance 874 §, 1975: Ordinance 798 §1, 1972: Ordinance 779 §1, 1971).

18. 12. 030 Charges Collected with General Taxes. Pursuant to the provisions of Section 5473 of Article 4, the City elects to have the charges imposed by this Chapter to be collected on the Marin County Tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. (Ordinance 1072 §1, 1991: Ordinance 779 §3, 1971).

18. 12. 040 Determination of Charges – (Deleted) (Ordinance 1072 §1, 1991).

18. 12. 050 Use of Revenue. Revenues collected pursuant to this Chapter consistent with the provisions of ~~Section §~~ 5471 of Article 4 shall be used solely for the purposes allowed by that Section. Revenues collected pursuant to this Chapter consistent with the provisions of ~~Section §~~ 5474 of Article 4 shall be used solely for the purposes allowed by ~~Section §~~ 5474.9 of Article 4. (Ordinance 1072 §1 1991: Ordinance 779 §5, 1971).

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18. 12. 060 Connection Permit. A permit shall be obtained from the City Engineer for the connection of any sewer service lateral to any sewer main. The fee for such permit shall be established by resolution ~~adapted~~adopted by the ~~city~~City Council ~~council~~ from time to time. Every premises improved with a building where persons reside, congregate or are employed, shall be connected to the sewer main by the owner of the premises. No such premises shall utilize a septic tank, cesspool or other individual sewage disposal system. The City may require such connection to be made by the property owner through the extension of a sewer main within a public utility easement or City street right-of-way to the point of the service lateral connection as determined by the City Engineer. (Ordinance 1072 §1, 1991).

Sewer service lateral connections shall be provided for each residential dwelling to be served and shall be a minimum of 4-inch (4") diameter. Only one (1) residential dwelling per sewer service lateral will be permitted. Sewer service lateral connections for apartments, hotels, motels, commercial buildings or other non-residential premises shall be a minimum of 6-inch (6") diameter. All new sewer construction shall include pre-manufactured "wyes" for sewer service laterals. Saddles will only be allowed for connection to existing sewer lines. Sewer service laterals to terminal manholes shall not exceed two (2) in number. Only two lateral penetrations of the manhole will be allowed. No service laterals to non-terminal manholes will be allowed.

The lowest floor elevation of any structure to be served by gravity shall be a minimum of four feet above the invert elevation of its sewer house connection at the sewer main. For existing structures, connection of the public sewer with plumbing fixtures located on a floor of the structure that is not four feet or more above the sewer main as specified above shall not be allowed unless a written waiver is obtained from the City Engineer or a pumping operation is utilized.

The minimum and maximum slope for a sewer lateral shall be 2.08% (1/4-inch vertical per 12-inches horizontal) and 100% (12-inches vertical per 12-inches horizontal) respectively.

Attaching sewer service connections to the vertical portion of the cleanout constructed at the property line or easement line is not permitted. Drop connections on the portion of the lateral in the City right of way or in a sanitary sewer easement is not permitted.

If a sewer service lateral traverses private property other than the Owner's Property, the Owner shall obtain and record a private sewer easement documenting the Owner's right and obligation to access, operate, maintain, repair and reconstruct the Owner's sewer service lateral.

Any sewer service lateral not meeting the provisions of this paragraph at the time of a sewer service inspection shall be deemed an improper connection and the owner may be required to repair or replace the sewer service lateral as deemed appropriate by the City Engineer.

18.12.070 Termination of Service. When any premises become unusable or have the service lateral disconnected for any reason, the annual service charge shall, upon notice from the property owner and verification by the City Engineer be terminated. Any premises which are vacant but which continue to be usable and are connected to a sewer main ~~which with~~ a service lateral shall continue to be subject to the applicable service charges. (Ordinance 1072 §1, 1991).

18.12.080 Interceptors Required. Any business institution or industry that may discharge oil, grease, flammable substances, sand or other materials that may be harmful to the sewage system shall have a properly functioning interceptor. Interceptors shall be designed, constructed and maintained in accordance with the provisions of the most recent editions of the ~~Uniform California~~ Plumbing Code. Interceptors found by the City Engineer to be inadequately maintained shall be reported to the County Health Officer for the purpose of enforcement of this regulation. The Health Officer's orders for correcting deficient or malfunctioning interceptors shall be final and there shall be no City council appeal of such orders.

Maintenance shall include periodic removal of grease, sand or other materials. Materials removed from interceptors shall not be disposed of in the sewer system. A record of interceptor maintenance shall be kept and made available upon request of the Health Officer. The use of chemicals to dissolve coagulated materials is specifically prohibited.

~~Add~~ All drains from work or processing areas shall be connected to the interceptor, provided, however, that toilets, urinals and washbasins shall not flow through the interceptor. (Ordinance 1072 §1, 1991).

18.12.090 Uses of Garbage Grinders.

(1) Individual Dwelling Units.

Vegetable, fruit, animal or other solid wastes from individual dwelling units may be discharged into the sanitary sewer system if first passed through a mechanically operated grinder which does not discharge any particles greater than one-half inch in any dimension, and which is installed in compliance with the plumbing and electrical codes of the City.

(2) Restaurants and ~~Commerical~~ Commercial Food Processors.

Garbage grinders in restaurants and commercial food processing businesses shall not be connected to the sanitary sewer. Vegetable, fruit, animal or other solid waste from restaurants and commercial food processors shall not be allowed to enter the sanitary sewer. (Ordinance 1072 §1, 1991).

18. 12. 100 Service Laterals. Inspection, Testing, and Remedial Work.

All new residential, apartment, industrial and commercial buildings shall have installed a new sewer service lateral. A minimum four-inch lateral shall serve single or duplex residential dwelling units. A minimum six-inch lateral shall be installed to serve buildings with three or more residential units, and industrial and commercial buildings. Construction shall conform ~~with~~ to City Standards.

~~Where remodeling or sale of any building is proposed, existing sewer service laterals shall be inspected for surface water connections or inlets, and shall be either pressure tested for leakage or inspected by video camera. Service laterals found to be in a deteriorated conditions shall be replaced, repaired or rehabilitated as necessary to eliminate infiltrations and inflow of ground and surface waters. Service laterals shall be re-tested for leakage or re-inspected by video camera upon completion of any remedial work, and shall be approved by the City Engineer prior to transfer of title or approval of the building permit. (Ordinance 1072 §1, 1991).~~

18. 12. 110 Service Lateral Maintenance.

Service laterals shall be installed and maintained by the owner of the property, which the lateral serves. The entire service lateral, from the building connection to and including the "wye" connection ~~or other tie-in~~ to the sewer main, shall fall within the owner's responsibility for installation and maintenance except at such times as the City may be reconstructing, repairing or rehabilitating a sewer main to which such service lateral is connected. During the time period when City reconstruction, repair or rehabilitation of a sewer main is in progress, service laterals that connect to the sewer main within the limits of the project shall become the responsibility of the City, and ~~shall be inspected by the City and may be~~ simultaneously reconstructed, repaired or rehabilitated as deemed necessary by the City Engineer. Upon completion of the City reconstruction, repair or rehabilitation project, the responsibility for the maintenance of the lateral shall revert to the owner of the property, which the lateral serves. (Ordinance 1072 §1, 1991).

Each owner shall maintain his or her sewer service lateral(s) free of displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, or infiltration of extraneous water, root intrusion, grease and sediment deposits, or any other similar conditions, defects, or obstructions likely to cause or increase the chance for blockage or failure of the Service lateral.

18.12.120 Service Lateral Inspections - Access to Premises.

The City Engineer (or any designated representative thereof) is hereby authorized to inspect any sewer service lateral in use within the City and connected to the City sewer system for the following purposes:

1. To determine the size, depth, and location of any sewer connection.

2. To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.
3. To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged into any sewer.
4. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a sewer.

Nothing herein shall be deemed to provide the City Engineer with any right or authority to enter a building or other apparently private or interior area of a real property, except to the extent such entry is expressly authorized by state law.

18.12.130 Mandatory Service Lateral Inspections.

A. HEALTH AND SAFETY BASIS FOR REQUIRING A SEWER SERVICE LATERAL INSPECTION. An Owner shall have the sewer service lateral of his or her real property inspected in accordance with the requirements of this Chapter (as directed and within the time period indicated by the City Engineer) upon the occurrence of any of the following events:

1. Overflow or Malfunction. Whenever the City Engineer ~~has sufficient evidence (as determined by the Engineer)~~ determines that the sewer service lateral has recently overflowed or has recently malfunctioned;
2. Lateral Failure or Lack of Maintenance. Whenever, based on sewer system testing conducted by the City (of either the sewer service lateral or the City's public sewer system), the City Engineer finds that there is sufficient evidence to conclude that the sewer service lateral has failed, is likely to fail, or has not been properly maintained.
3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a sewer service lateral.

B. EVENTS REQUIRING A SEWER SERVICE LATERAL INSPECTION - RESIDENTIAL PROPERTIES. An Owner shall have the sewer service lateral of his or her residential Property inspected in accordance with the requirements of this Chapter upon the occurrence of any of the following events:

1. Home Additions and Improvements. Prior to the issuance of a City building permit for a residential building addition or new improvements on the real property where said addition or improvements (or cumulative additions or improvements through multiple projects over the prior 3 years) have a value of \$50,000 or greater;
2. Transfer of Property Title. Where sale of any building is proposed, prior to transfer of property title.

C. SCHEDULE FOR LATERAL INSPECTIONS - COMMERCIAL (Non-residential) AND COMMON INTEREST DEVELOPMENT REAL PROPERTIES.

1. Commercial or Non-Residential Properties. An Owner or Owners of a commercial property within the City shall have that Property's sewer service lateral(s) inspected in accordance with the requirements of this Chapter once every ten (10) years beginning July 1st of the year following the

adoption of the Ordinance first enacting this Chapter. Within each ten (10) year period of time, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule to be developed and attached to this Chapter as Exhibit 1 and dated as of _____, 2010, in the order and by area of priority as established on Exhibit 1. [For the purposes of this section, a property which has a mixture of allowed residential and non-residential uses shall be considered a non-residential property with respect to its compliance with the sewer lateral inspection requirements of this section. This section anticipates completion of a Citywide I/I study and identification of priority areas for I/I removal.]

2. Common Interest Developments. The Owner or Owners of a Common Interest Development shall have that Property's sewer service lateral(s) inspected in accordance with the requirement of this Chapter once every ten (10) years beginning July 1st of the year following the enactment of the Ordinance first enacting this Chapter. Within each ten (10) year period, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule to be developed and attached to this Chapter as Exhibit 1 and dated as of _____, 2010, in the order and by area as established on Exhibit 1, an official full size color copy of which shall remain on file in the City Clerk's office.

D. EXCEPTION TO INSPECTION FOR RECENT PRIOR INSPECTIONS AND REPAIRS. The following exceptions do not apply to any Inspection required under subparagraph (A) above. The following are exceptions to the Inspection requirements of subparagraphs (B) and (C) above.

1. Prior Replacement of Service Lateral. An Owner otherwise required to perform a sewer service lateral inspection under Section § 18.12.130(B) or (C) hereof shall not be required to perform such an inspection if the Owner (or the Owner's predecessor-in-interest) has originally installed or has replaced his or her Property's sewer service lateral within the twenty (20) years prior to the date of the application for a building permit.

2. Prior Inspection or Repair of a Service Lateral. An Owner otherwise required to perform an inspection under Section § 18.12.130(B) or (C) shall not be required to perform such an inspection if the Owner has either completed a remedial inspection (conducted in accordance with the Inspection requirements of this Chapter) or completed a permitted repair of the sewer service lateral within the three (3) years prior to the date the inspection would otherwise be required.

18.12.140 Requirements for a Proper Service Lateral Inspection Report.

A. INSPECTION REPORT STANDARDS. The sewer service lateral Inspection Reports required by this Chapter shall be prepared in accordance with the following requirements and specifications:

1. The Inspection Report shall be prepared by a licensed plumber;
2. The Inspection Report shall identify all of the following:
 - a. Any of the following conditions: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration or extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the sewer service lateral.

b. Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the sewer service lateral or public sewer.

c. Whether the sewer service lateral has an installed backwater device where any outlet or trap of the sewer service lateral is below the level of the nearest manhole. If a backwater device is already installed, the report shall indicate whether the backwater device is functioning properly.

3. The inspection Report shall contain an express certification from the certified inspector that the property has been inspected for any outdoor drain connection to the City sewer system and that no such unpermitted Lateral exists. The Report shall be prepared in a format acceptable to the City, as established by the City regulations.

B. COMPLIANCE WITH REGULATIONS. The Inspection Report shall, in all other aspects, comply with the requirements and specifications described in the City Engineer's specification for a sewer service lateral Inspection Report as established by the regulations authorized under Section § 18.12.180 hereof.

18.12.150 Required Service Lateral Repairs.

A. NOTICE TO REPAIR. Upon receipt of the sewer service lateral Inspection Report pursuant to this Chapter, the City Engineer will determine whether it indicates any deficiencies in the operation of the sewer service lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair or Replace as may be deemed appropriate by the Engineer. The Notice to Repair/Replace shall specifically identify the deficiencies to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this Code or any uniform code adopted by the City.

B. OBLIGATIONS OF THE OWNER. The Owner shall repair his or her sewer service lateral to the satisfaction of the City Engineer, and, if a building permit is required for the repairs, the Owner shall obtain a final permit inspection and approval of the City Building Official.

C. REPAIRS TO IMPROPER CONNECTIONS CONSISTING OF MULTIPLE PRIVATE CONNECTIONS TO A COMMON LATERAL. A sewer service lateral serving more than one residential dwelling, except as provided for in §18.12.160, is an improper connection and shall be repaired or replaced as deemed appropriate by the City Engineer. The Owner of each affected residential dwelling shall be responsible for disconnecting their sewer service lateral from the common lateral and connecting to the nearest sewer main. If, in the City Engineer's determination, an existing sewer main is not available, each Owner connected to the common lateral shall be responsible for their fair share of the cost for construction of a new sewer main to replace the common lateral based on the linear feet of frontage of the new sewer on the property. The cost of any additional or off-site sewer main required by the City that does not front the affected properties shall be apportioned equally among all benefitting properties.

The new sewer main shall be installed to the satisfaction of the City Engineer complete with easement(s) providing for the City's rights to forever access, operate, maintain, construct, reconstruct or repair said sewer main. [JCG]

18.12.160 Common Interest Developments.

The homeowners association of a Common Interest Development shall, along with the Owner, be jointly and severally liable for the duties and obligations imposed by this Chapter 18.12 in relation to any sewer service lateral located within a common area of the Development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations with respect to sewer service laterals established by this Chapter. (Ord. 5396, 2006.)

18.12.170 Cost assessment and responsibility when inspection and repair performed by eCity.

In the event that the owner fails to perform sewer service lateral inspection and/or repair as directed by the City Engineer, and the City is required to perform the same, the expense of inspection and repair thereof shall constitute a personal obligation of the property owner and the City may assess the cost of such sewer service lateral inspection and/or repair as a special assessment against the land. Prior to making such assessment, the City shall give notice in writing to the owner of the property at his address shown on the last equalized assessment roll of the time when the City will consider making such assessment. The notice shall be mailed, postage prepaid, at least seven days prior to the date of such hearing. Any such special assessment shall be certified by the City to the tax collector of the county and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

18.12.180 Administrative Guidelines for Inspections.

Within ninety (90) days of the adoption of the eOrdinance enacting this Chapter, the City Engineer shall prepare and promulgate the public administrative guidelines which shall, among other things, establish the following:

1. A certification program for licensed plumbers who will be accepted by the City to perform Inspections and the basis for obtaining and maintaining such a certification or for a decertification;
2. Develop a standard Inspection report form and specifications for sewer service lateral Inspection reports; and
3. Establish a Notice format and standard enforcement timelines for the Notice to Repair and for repair and inspection service of that Notice in a manner consistent with the requirements of due process. Such administrative guidelines shall be approved by a resolution of the City Council.

18.12.190120 Installation of Sampling Manholes.

When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a sampling manhole in the building sewer service lateral to facilitate observation and sampling of wastes. The sampling manhole shall be located in the public street or easement and shall be constructed to City Standards. (Ordinance 1072 §1, 1991).

18.12.200130 No Discharge Into Surface Drains.

It is unlawful to discharge into any natural outlet, or surface drain of any kind, any domestic or industrial wastewater, steam cleaning residual runoff, commercial wastewater, petroleum products or other waste materials unless permitted by the City Engineer as a measure necessary to accommodate an emergency condition. (Ordinance 1072 §1, 1991).

18.12.210140 Storm Water Connections Prohibited.

No connection shall be made to any service lateral or sewer main for the purpose of conducting any storm water, surface water, or groundwater into the City sewer system, and it is unlawful to discharge into any service lateral or sewer main the water from any roof drain ~~or~~, yard drain or drainage sump pump. (Ordinance 1072 §1, 1991).

18.12.220150 Discharge Prohibitions.

No person shall discharge or deposit, or cause or allow to be discharged or deposited into the City Sewer System any wastewater which contains the following:

- (1) Cooking grease whether emulsified or not.
- (2) Waste automotive radiator coolant.
- (3) Explosive mixtures.
- (4) Radioactive wastes.
- (5) Solid or viscous wastes which may cause obstruction to the flow in a sewer pipeline.
- (6) Any toxic substances in excess of the United States Environmental Protection agency standards pursuant to Section 307 (a) of the Clean Water Act, or any other substances which may interfere with the biological processes of the wastewater treatment system.
- (7) Petroleum products of any kind. (Ordinance 1072 §1, 1991).

18.12.24360 Damage to City Sewer System.

It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment ~~which~~ that is part of the City Sewer System. (Ordinance 1072 §1, 1991)

18.12.24170 Summary Abatement of Certain Nuisances.

Whenever the City Engineer finds that a nuisance exists that is the result of inadequate, improper or negligent operation or maintenance of any sewer service lateral or appurtenance thereto which may endanger public health and safety, he or she may elect to pursue the remedies set forth in Article 2 of Chapter 6 of Part Two of Division 5 of the Health and safety Code (5410 *et seq.*), and he may also abate the same forthwith. All costs associated with such abatement shall be charged to the responsible party. (Ordinance 1072 §1, 1991).

18.12.25180 Judicial Remedies.

Any violation of the provisions of this Chapter is a public nuisance. If any person violates the provision of this Chapter or any order of the City Council pertaining to this Chapter, the City Attorney may commence an action for appropriate legal relief in any appropriate court. (Ordinance 1072 §1, 1991).

18.12.26190 Infractions.

Any violation of the provisions of this Chapter, in addition to any other penalty established by City ordinance, may be cited and charged as an infraction. (Ordinance 1072 §1, 1991)