

SAUSALITO – MARIN CITY SANITARY DISTRICT

Ordinance No. 89

AN ORDINANCE AMENDING ORDINANCE 64, THE SANITARY CODE OF THE SAUSALITO-MARIN CITY SANITARY DISTRICT, AS AMENDED

The District Board of Sausalito-Marín City Sanitary District finds and determines as follows:

A. On December 28, 1964, the District Board enacted Ordinance No. 21, “An Ordinance Regulating the Use Of Public And Private Sewers And Drains, The Installation and Connection Of Building Sewers, The Installation of Sewer Laterals And Public Sewer Main Extensions, Providing For Employment Of A District Inspector, Providing Permits And Fixing Fees For The Installation And Connection Of Sanitary Sewers, Regulating The Discharge Of Waters And Wastes Into The Public Sewer System, And Providing Penalties For The Violation Of The Provisions Thereof”

B. On December 16, 1991, the District Board enacted Ordinance No. 64, “An Ordinance Amending Ordinance 21, the Sanitary Code of the Sausalito-Marín City Sanitary District”

C. Section 609 of Ordinance No. 21 reads as follows:

Maintenance of Side Sewer. Side Sewers shall be maintained by the Owner of the Property served thereby.

D. Section 604 of Ordinance 64 reads, in part, as follows:

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 condition shall be replaced, repaired or rehabilitated as necessary to eliminate infiltration and inflow of ground or surface water. Service laterals shall be retested for leakage or re-inspected by video camera upon completion of any remedial work, and shall be approved by the District Engineer prior to approval of any sewer permit.

E. Pursuant to Section 609 of Ordinance 21 and Section 604 of Ordinance 64, the District did adopt and promulgate the requirement that side sewers be maintained by the Owner of the Property which it serves and that where remodeling or sale of the building is proposed, the existing sewer service lateral shall be inspected or tested for leakage and any sewer laterals found to be in a deteriorated condition shall be replaced, repaired, or rehabilitated to eliminate inflow and infiltration and re-tested for leakage or re-inspected by

video camera. Section 604 of Ordinance 64 allows property owners to defer the repair or replacement until such time as they request improvements on their property or when the project is sold. In addition, Section 604 of Ordinance 64 does not define what is meant by remodel and, as such, imposing the sewer lateral inspection and repair requirements on all remodel projects is not appropriate. Moreover, sufficient detail to effectively administer the requirements of Section 604 of Ordinance 64 is lacking.

F. Private Sewer laterals sewers are contributing a large portion of the peak inflow and infiltration to the District's sanitary sewer system during wet weather. Inflow and Infiltration into private sewer laterals causes or contributes to discharges of untreated wastewater into San Francisco Bay.

G. Inflow and Infiltration into private sewer laterals can be substantially reduced by implementing a program requiring inspection repair or replacement and verification testing of the private sewer laterals within the District's jurisdiction.

H. The District finds that the specification of the Private Sewer Lateral maintenance, repair, and replacement requirements and the roles, responsibilities and enforcement authority of the District and the City of Sausalito, a satellite collection agency, is essential to the implementation of an effective private sewer lateral renewal program within the District's jurisdiction.

I. The District General Manager has recommended that the Board of Directors codify requirements for inspection, repair or replacement and verification testing of the private sewer laterals within the District's jurisdiction.

The Board of Directors of the Sausalito-Marín City Sanitary District of Marin County does hereby adopt as follows:

1. Section 604 of Ordinance 64 is hereby repealed and the following ordinance governing Lateral Inspection, Repair or Replacement of Private Sewer Laterals is hereby adopted.

INSPECTION, REPAIR OR REPLACEMENT OF PRIVATE LATERALS

- Section 1: Definitions
- Section 2: Standards for Private Sewer Laterals
- Section 3: Public Nuisance

- Section 4: When a Compliance Certificate is Required
- Section 5: How to obtain a Compliance Certificate
- Section 6: Fees
- Section 7: Appeals
- Section 7: Violation – Penalties
- Section 8: Remedies
- Section 9: Effective Date

Section 1: Definitions

The following terms apply to this title:

- A. “Backflow Prevention Device” shall mean any approved device that allows wastewater to spill in the event of a blockage without damage to property.
- B. “Cleanout” means a pipefitting and associate piping connected to a sewer pipe that provides access to the pipe for the purposes of inspection, maintenance, and diagnostic purposes
- C. “Complete Replacement” means rehabilitation or replacement of the entire length of the private sewer lateral.
- D. “Conditional Compliance Certificate” means a compliance certificate issued by the District when requested by the property owner in order to allow transfer of title to proceed without delay. Conditional Compliance Certificates shall be valid for a period of 90 days.
- E. “Compliance Certificate” means a certificate issued by the District indicating that the private sewer lateral complies with the District’s standards set forth in this Ordinance.
- F. “Escrow Account” means a real estate transaction account into which an applicant deposits funds to obtain a 90-day time extension pursuant to this Ordinance to complete the required work on the private sewer lateral.
- G. “General Manager” means the General Manager of the Sausalito-Marín City Sanitary District.
- H. “Inflow” and “Infiltration” means groundwater and rainwater that enters a sanitary sewer system intended for wastewater flows. Infiltration is water that enters the sewer system through openings in the joints or walls of pipes or manholes. “Inflow” is water that enters the sewer system through direction connections such as uncapped lateral cleanouts, openings in manhole covers, illicit connections, including area drains, catch basins, foundation drains and roof drains.
- I. “Non sanitary-sewer connection” means anything that directly or indirectly conveys inflow to the District’s wastewater system including storm water, surface water, roof runoff, intercepted ground water or sub-surface drainage into sanitary

sewers including, but not limited to, downspouts, yard or area drains, or other sources of storm water or runoff.

- J. "Private Sewer Lateral" also means the "Side Sewer" per Section 125 of Ordinance No. 21 and includes that part of the sewer piping that extends from the end of the building drain, as defined by the County of Marin from outside the outer foundation wall of the structure, to the first encountered publicly owned sewer pipe.
- K. "Repair" and "Replacement" means construction activities performed by a licensed contractor to bring a private sewer lateral into compliance with this Ordinance. Repair means a partial repair of a private sewer lateral while Replacement applies to the complete length of the private sewer lateral and includes lining of the private sewer lateral.
- L. "Structure" means any structure or building as defined in applicable Plumbing Code that is provided with public sewer service.
- M. "Title Transfer" means the sale or transfer of an entire real property estate or the fee interest in that property estate and does not include the sale or transfer of partial interest, including leasehold.
- N. "Verification Test" means a test to be witnessed by the District's authorized representative(s) to verify that the private sewer lateral is in compliance with this Ordinance.

Section 2: Responsibility and Standards for Maintenance of Private Sewer Laterals

It shall be the responsibility of the property owner to perform all required maintenance, repairs and replacement of the private sewer lateral in accordance with District requirements. The standards for maintenance of the private sewer lateral are set forth below.

- A. The private sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede or obstruct flow.
- B. All joints shall be watertight and all pipes shall be sound.
- C. The private sewer lateral shall be free of any structural defects, such as fractures, sags, cracks, breaks, openings, or missing portions.
- D. All cleanouts shall be securely sealed with a cap or backflow prevention device at all times.
- E. There shall be no non-sanitary connections or any piping that connects to the private sewer lateral.
- F. The private sewer lateral shall be free from measurable quantities of inflow or infiltration.

Section 3: Public Nuisances

A private sewer lateral constitutes a public nuisance when it is not in compliance with the District's standards set forth in this Ordinance. Each day the private sewer lateral is not in compliance with these standards constitutes an additional day of violation.

Section 4: When a Compliance Certificate is Required

A. Title Transfer. Prior to transferring title to any real property that contains any structure with a private sewer lateral within the District's wastewater service area, the transferor property owner shall disclose the requirements of this Ordinance and provide a copy of a valid Compliance Certificate to: (1) the transferor's real estate broker, if any, (2) the transferee, (3) the transferee's real estate broker, if any, and (4) the escrow owner, if any.

B. Change of Customer. Whenever the name on the wastewater/sewer service account is changed for any real property that contains a structure with a private sewer lateral within the District's wastewater service area, the District shall require the new customer to provide a copy of a valid Compliance Certificate to the District.

C. Construction or Remodeling. Whenever a property owner applies for any permit or other approval needed for construction, remodeling, modification or alterations of any structure with a private sewer lateral within the District's wastewater service area, the property owner shall provide a copy of a valid Compliance Certificate to the public agency responsible for approving completion of the building permit. Notwithstanding the foregoing, this paragraph shall not apply to remodeling modification or alteration work where the total cost of the overall remodel project is less than fifty thousand dollars (\$50,000).

D. Change in Use. Whenever a property owner applies for any permit or other approval needed to change the use of any structure with a private sewer lateral within the District's wastewater service area, the property owner shall provide a copy of a valid Compliance Certificate to the public agency responsible for issuing the permit or other approval. For the purposes of this Ordinance, the addition of a second dwelling unit shall constitute a change in use.

E. An Individually-Owned Unit in a Multi-Unit Structure Served by a Single Lateral or Shared Laterals, such as Condominium or other Common Interest Development. Within ten (10) years of the adoption of this Ordinance, the homeowners' association or a responsible party for a multi-unit structure served by a single lateral or shared laterals shall determine if the private sewer lateral(s) is/(are) in compliance with Sections 2 and 4 of this Ordinance and perform any necessary repair or replacement work to achieve compliance.

F. District Request. Whenever a property owner who owns a structure with a private sewer lateral within the District's wastewater service area and who does not possess a valid Compliance Certificate receives notice from the District requesting that the property owner obtain a Compliance Certificate, the property owner shall obtain a Compliance Certificate within 90 days of receipt of the written notification to the property owner.

G. Exception. A property owner of a structure with a private sewer lateral that is less than ten (10) years old from the date of (1) intended title transfer, (2) obtaining a permit for remodeling, or (3) obtaining approval for the change in wastewater/sewer service account pursuant to Section 3 of this Ordinance, who provides the appropriate evidence, such as a valid building permit showing that the private sewer lateral was replaced in total, may request an Compliance Certificate. Thereafter, re-certification of the private sewer lateral shall occur at twenty (20) year intervals.

Section 5: How to Obtain a Compliance Certificate

Whenever a Compliance Certificate is required under this Ordinance, a property owner who does not hold a valid Compliance Certificate shall do the following at the property owner's expense, using properly licensed contractors.

- A. Repair or Replacement.** The property owner shall determine whether the private sewer lateral is in compliance with the District's Ordinance requirements. If the private sewer lateral is not in compliance, the property owner shall perform any and all repair and replacement work needed to bring the private sewer lateral into compliance.
- B. District Verification.** After the property owner determines (through any combination of inspection, repair or replacement) that the private sewer lateral is in compliance with those standards, the property owner shall, upon payment of the required fee, established pursuant to this section, perform verification testing in the presence of the District's employee or agent authorized to witness the test. If the verification testing demonstrates that the private sewer lateral is in compliance with those standards, then the District shall issue a Certificate of Compliance.
- C. Procedures for Verification Testing.** The District will maintain written requirements governing the performance of verification testing. These requirements shall be made available to property owners and their contractors upon request. Property owners and their contractors shall comply with these requirements.

Section 6: Compliance Certificate Term Limits. When the Compliance Certificate is obtained as a result of replacement of the private sewer lateral, the Compliance

Certificate shall be valid for 20 years from the date of issuance. When the Compliance Certificate is obtained without complete replacement (e.g. as a result of repair work or testing without repair), the Compliance Certificate shall be valid for seven (7) years from date of issuance.

Section 7: Conditional Compliance Certificate. The requirement to obtain a Compliance Certificate prior to transfer of title in no way affects the legality of the transfer of title in the underlying property transaction. If a Compliance Certificate cannot be obtained prior to title transfer, the property owner may request a time extension of 90 days in which to perform the repairs or replacement required in conjunction with the transfer of property by applying to the District for a Conditional Compliance Certificate.

The Conditional Compliance Certificate request shall be submitted to the District with the required fee established pursuant to this Ordinance. The Conditional Compliance Certificate shall provide an additional 90 days for completion of the work required to ensure that the private lateral conforms to the requirements of this Ordinance. Upon issuance of the Conditional Compliance Certificate, the property owner must take one of the following two actions:

1. The property owner must deposit \$4,500 into escrow. Property owners are responsible for the full cost of lateral compliance with District requirements, which may exceed \$4,500 deposit. Once the private sewer lateral passes a verification test, funds will be release in accordance with escrow instructions.
2. Alternatively, the property owner may enter into an agreement with the District, suitable for recording, under which the District will arrange for the needed work and will collect the costs from the property owner along with the sewer service fees on the tax roll.

If the work is not entirely complete within 90 days of issuance of the Conditional Compliance Certificate, or if the work has been completed but the private sewer lateral still does not comply with this Ordinance, a violation of this Ordinance exists, and the District shall takes steps to correct the violation. Pursuant to Health and Safety Code sections 6523.2 and 6523.3, the District may enter onto the property and may repair or replace the private sewer lateral, thereafter collecting the costs or correction along with the sewer service fees.

Section 8: Fees

The District Board of Directors may establish fees by resolution for administration of this Ordinance.

Section 9: Appeals

- A. Request for Relief.** Any person or entity who is unable to comply with the requirements of this Ordinance may file with the General Manager, a written request for relief within fifteen (15) days of becoming aware of their inability to comply, setting forth in detail the facts supporting the request. The request shall be acted upon by the District within ten (10) days from the receipt of the request.

- B. Request for Reconsideration.** Within 30 days after the mailing of written notice of any District decision, action, or determination related to this Ordinance, any person or entity, affected by the decision may file with the Secretary of the District a written request for reconsideration, setting forth in detail the facts supporting the request. The request for reconsideration shall be placed on a future Board agenda within sixty (60) days from the receipt of the request for reconsideration. The decision, action, or determination shall remain in effect during such period of review by the Board of Directors. The Board of Director’s decision shall be final.

Section 10: Violations and Enforcement

The General Manager or designated representative shall enforce the provisions of this Ordinance as provided for herein.

- a. Violations of this Ordinance include but are not limited to:

 - (1) Failure to obtain Compliance Certificate when one is required;
 - (2) Failure to either deposit \$4,500 into an escrow account and perform the required work or enter into an agreement with the District pursuant to section 7 after receiving Conditional Compliance Certificate;
 - (3) Failure to comply with the District’s requirements for repair and replacement testing;
 - (4) Falsifying facts to obtain an Compliance or Conditional Compliance Certificate; and/or
 - (5) Presenting a false Compliance or Conditional Compliance Certificate.

- b. Enforcement

 - (1) When the General Manager finds that a person or entity violates or threatens to violate the provisions of this title, the General Manager may notify the person in writing. The person or entity will be required within 30 days of the notification mailing date to

submit for approval by the General Manager a detailed time schedule of specific actions the person or entity shall take to correct or prevent violation of requirements. The actions must be taken within sixty (60) calendar days of submittal of the time schedule.

- (2) The General Manager has the authority to take enforcement actions against a person or entity for violating the provisions of this Ordinance and failing to perform any act required in this Ordinance including, but not limited to imposing administrative fees, filing an injunction requiring the work to be done, entering onto the subject property to inspect and, if necessary, perform the work needed to bring the property into compliance, and/or requesting the Environment Service Department of the County of Marin to rescind the occupancy permit for the premises.

c. Violation – Penalties

Any violation of any provisions of this Ordinance shall be also be deemed a misdemeanor but may be prosecuted, in the discretion of the enforcing officer, as an infraction and shall be punishable as set forth in Section 6523 of the Health and Safety Code of the State of California..

Section 11: Remedies

The remedies specified in this Ordinance are cumulative

Section 12: Effective Date

This Ordinance shall be effective five (5) days after its passage.

* * * * *


I certify that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Sausalito-Marín City Sanitary District, Marin County, California, at a meeting held on June 4, ²⁰¹² by the following vote.

AYES, and in favor thereof, Directors: Arnott, Beers, Gergus, Ring

NOES, Directors: None

ABSTAIN, Directors: None

ABSENT, Directors: Rheiner



Secretary, Rebecca Vaughn
Sausalito-Marín City Sanitary District

APPROVED:



Board President, Ann Arnott
Sausalito-Marín City Sanitary District

MARINSCOPE

COMMUNITY NEWSPAPERS

NOVATO ADVANCE • SAN RAFAEL NEWS POINTER • ROSS VALLEY REPORTER
TWIN CITIES TIMES • MILL VALLEY HERALD • SAUSALITO MARIN SCOPE

1301-B Grant Avenue, Novato CA 94945
Office: 415-892-1516 • Circulation: 415-898-7084

Affidavit of Publication

To: Sausalito-Marín City Sanitary Di
#1 East Road
Sausalito, CA 94965

Re: Legal notice #20389

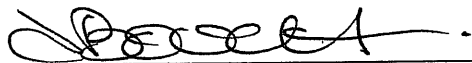
State of California }

SS:

County of Marin }

COPY

I, J. Bouchard, being duly sworn, depose and say: that I am the Legal Publication Manager of Sausalito Marin Scope, a weekly newspaper of general circulation published in City of Novato, County of Marin, State of California; and that a notice, of which the annexed is a printed copy, was duly published in Sausalito Marin Scope once on 06/13/12.



J. Bouchard

Sworn to before me this 13th day of June, 2012

sewer system during wet weather. Inflow and infiltration into private sewer laterals causes or contributes to discharges of untreated wastewater into San Francisco Bay. Inflow and infiltration into private sewer laterals can be substantially reduced by implementing a program requiring inspection repair or replacement and verification testing of the private sewer laterals within the District's jurisdiction.

The District finds that the specification of the Private Sewer Lateral maintenance, repair, and replacement requirements and the roles, responsibilities and enforcement authority of the District and the City of Sausalito, a satellite collection agency, is essential to the implementation of an effective private sewer lateral renewal program within the District's jurisdiction. The District General Manager has recommended that the Board of Directors codify requirements for inspection, repair or replacement and verification testing of the private sewer laterals within the District's jurisdiction.

The Board of Directors of the Sausalito-Marín City Sanitary District of Marin County does hereby adopt as follows: Section 604 of Ordinance 64 is hereby repealed and the following ordinance governing Lateral Inspection, Repair or Replacement of Private Sewer Laterals is hereby adopted.

Responsibility and Standards for Maintenance of Private Sewer Laterals: It shall be the responsibility of the property owner to perform all required maintenance, repairs and replacement of the private sewer lateral in accordance with District requirements. The standards for maintenance of the private sewer lateral are set forth below. The private sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede or obstruct flow. All joints shall be watertight and all pipes shall be sound. The private sewer lateral shall be free of any struc-

tural defects, such as fractures, sags, cracks, breaks, openings, or missing portions. All cleanouts shall be securely sealed with a cap or backflow prevention device at all times. There shall be no non-sanitary connections or any piping that connects to the private sewer lateral. The private sewer lateral shall be free from measurable quantities of inflow or infiltration. A Compliance Certificate showing that a property's private lateral complies with District standards will be required if one of the following conditions applies:

Property Title transfer — (e.g. property is sold)
Change of customer sewer service account — (e.g. adding a second unit)
Construction or remodeling cost greater than \$50,000
Change in property use — (e.g. residential to commercial)
All multi-unit complexes inspection and necessary repair within 10 years

Effective Date:
This Ordinance shall be effective five (5) days after its passage.

I certify that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Sausalito-Marín City Sanitary District, Marin County, California, at a meeting held on June 4, 2012 by the following vote. **AYES**, and in favor thereof, Directors: Arnott, Beers, Gergus, Ring **NOES**, Directors: None **ABSTAIN**, Directors: None **ABSENT**, Directors: Rheiner

SIGNED AND APPROVED:
Board President, Arin Arnott Sausalito-Marín City Sanitary District

The complete text of Ordinance No. 89 can be viewed at the Sausalito-Marín City Sanitary District Office, #1 East Road, Sausalito, CA.

#20389

The Sausalito-Marín City Sanitary District Board of Directors has approved **ORDINANCE NO. 89 ORDINANCE AMENDING ORDINANCE 64, THE SANITARY CODE OF THE SAUSALITO-MARIN CITY SANITARY DISTRICT, AS AMENDED**

Private Sewer laterals sewers are contributing a large portion of the peak inflow and infiltration to the District's sanitary