



ROSS VALLEY
SANITARY DISTRICT
**PRIVATE SEWER
LATERAL PROGRAM**

Full Text of Ordinance with Amendments

This document consolidates the full text of the District's Ordinance No. 66 (Private Sewer Lateral Ordinance) with subsequent amendments through Ordinance Nos. 67, 68, and 69 and is for informational purposes only.

WHEREAS, the Sanitary District No. 1 of Marin County ("District") is authorized by the Sanitary District Act of 1923 (Health & Safety Code §6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, maintenance and operation of wastewater collection facilities within the District's service area; and

WHEREAS, the District desires to adopt an Ordinance to regulate the testing, inspection, and maintenance of private sewer laterals; and

WHEREAS, this Ordinance No. 66 is in addition to any other requirements of Ordinance No. 26, regulating the use of private and public sewer drains, or other duly adopted Ordinances of the District; and

WHEREAS, the District finds that this Ordinance No. 66 is necessary to protect the public health and safety, and to preserve the environment;

WHEREAS, the District further finds that this Ordinance No. 66 is necessary in order to ensure the proper construction and maintenance of private sewer laterals within the District; and

WHEREAS, the District finds this Ordinance No. 66 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 ("CEQA") per CEQA Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308, Actions by Regulatory Agencies for Protection of the Environment; and

WHEREAS, on June 18, 2014, the District adopted Ordinance No. 66 to regulate the testing, inspection, and maintenance of private sewer laterals; and

WHEREAS, the District finds that Section 15 of Ordinance No. 66 needs to be amended to extend Ordinance No. 66's effective date specifically for its application to Section 7.1.d (Transfer of Title) and 7.2.b (Sale of Property); and

WHEREAS, the District finds this Ordinance No. 67 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 ("CEQA") per CEQA Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

WHEREAS, on June 25, 2014, the District adopted Ordinance No. 67 delaying the effective date for sections 7.1.d and 7.2.b to September 1, 2014; and

WHEREAS, the District further finds that the additional extension of the effective date for Section 7.1.d (Transfer of Title) and 7.2.b (Sale of Property) of Ordinance No. 66 is necessary in order to ensure that the District, public and real estate community have adequate time to implement its compliance provisions; and

WHEREAS, the District does not wish to unnecessarily delay property sales transactions; and

WHEREAS, the District must maintain its ability to enforce all provisions of Ordinance No. 66; and

WHEREAS, the District finds that updates to sections of Ordinance No. 66 may need to be made from time to time; and

WHEREAS, the District finds this Ordinance No. 68 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 ("CEQA") per CEQA Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

WHEREAS, on August 27, 2014, the District adopted Ordinance No. 68 delaying the effective date for sections 7.1.d and 7.2.b to January 1, 2015, amongst other things; and

WHEREAS, the District finds that Section 7.2 of Ordinance No. 66 benefits from the clarification that Owner(s) may conduct voluntary CCTV inspections prior to the mandatory Sewer Service Lateral Test, and only the passing of one (1) Sewer Service Lateral Test in accordance with the provisions of Ordinance No. 66 is necessary; and

WHEREAS, the District finds this Ordinance No. 69 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 ("CEQA") per CEQA Guidelines Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, the Board of Directors of the Sanitary District No.1 of Marin County does ordain as follows:

SECTION 1. Recitals. All of the above Recitals are true and incorporated by reference herein.

SECTION 2. Findings.

1. The District finds and determines that Infiltration and Inflow (hereinafter referred to as I&I) is a problem for the District in that during heavy rains, a significant

amount of water is introduced into the District's system from I&I. At least half of this I&I is believed to be introduced into the District's pipelines and sewer mains from sewer laterals or unpermitted drainage structures leading from a property to the District's sewer mains. As a result of I&I, the District's sewers, as well as the downstream wastewater treatment facility, have the potential to become overburdened during periods of heavy rains. If these excess flows result in overflows and spills from the sewer system (Sanitary Sewer Overflows or SSOs), the District faces significant fines and penalties by state and federal water regulatory agencies, and also risks private litigation.

2. The District further finds that I&I makes up at least 40% of the average annual wastewater system flow volume, which in turn increases the operations costs related to pumping, treating, and disposing of the total wastewater volume. These extra costs for I&I flows are currently spread across all customers, through the District's utility rates.

3. The District has undertaken a coordinated effort to reduce I&I through a comprehensive program whose elements include rehabilitation and replacement of sewer mains, replacement of degraded private sewer laterals, and supplemental services such as inspections, testing, and financial assistance for lateral replacements.

4. The District has determined that it is in the public interest, to reduce the risk of SSOs and to ensure efficient and reliable provision of community wastewater utility service, and that I&I from private sewer laterals must be addressed. Therefore, the upgrade and repair of private sewer laterals has become a priority of the District.

SECTION 3. Definitions.

1. **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) or more dwelling units.

2. **DISTRICT STANDARDS** means the District Standards, also known as "District Standard Specifications and Drawings" in effect at the time of inspection and/or permit.

3. **LATERAL SEWER, LATERAL, PRIVATE SEWER LATERAL, or SIDE SEWER** is hereby defined as a privately owned sewer which conveys sewage from a building to the District's collection system, including all pipes, fittings, and appurtenances, from the outer face of the building served to the connection into the District's sewer main, including the connection itself.

4. **INFILTRATION** means water other than sewage which enters into the District's collection system through cracks, breaks, open joints, or other deficiencies which may exist in laterals or in the District's system.

5. **INFLOW** means any water other than sewage that is directed toward or connected to the District's collection system through drainage ditches, open or enclosed culverts, roof drains, yard or area drains, or any other source of storm or ground water.

6. **INFLOW AND INFILTRATION** are referred to collectively as "I&I."

7. **NOTICE TO REPAIR** means the written notice issued by the District Engineer to the Owner advising that the Owner appears to be in violation of the respective Code or Ordinance with respect to the Owner's sewer service lateral, or in violation of the Code or Ordinance in a manner of the sewer service lateral's connection to the District Sewer System, which order directs the abatement of the identified violation in a timely manner.

8. **OWNER** means any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the District.

9. **REPAIR, ALSO REFERENCED AS REHABILITATION OR REPLACEMENT**, means restoration of the lateral in a manner that maintains adequate flow capacity to serves the property and eliminates breaks, voids, separations, sags, or other defects that allow non-sewage materials, including but not limited to groundwater, roots, soils, and infiltration, to enter the lateral. The appropriate requirement of rehabilitation, repair or replacement shall be determined by the District Engineer.

10. **SEWER MAIN** means a District-owned pipeline designed and operated to accept sewage from a sewer service lateral for treatment and disposal.

11. **SEWER SERVICE LATERAL INSPECTION** means an inspection of a sewer service lateral that consists of the retention of a licensed plumber by the Owner in order to visually examine and inspect a sewer service lateral in the manner deemed appropriate by the District 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.

12. **SEWER SERVICE LATERAL TEST** means testing and passing the test in accordance to the requirements of the then-current District Standards, to determine whether the sewer service lateral complies with the requirements of this Ordinance.

SECTION 4. Sewer laterals – new construction.

Construction of new, repair, replaced, or rehabilitated sewer laterals shall conform to District Standards.

SECTION 5. Sewer lateral – permits.

Prior to constructing a lateral or connecting a new building to an existing lateral, or undertaking a repair, replacement or rehabilitation of a lateral, the owner shall apply for and obtain a lateral permit from the District. The application shall include a plan showing the location of the lateral and the proposed repair or replacement, and all buildings, other utilities, significant features and topography of the property and showing the public right-of-way or easement in which the lateral and the District sewer are located, and the proposed connection of the lateral to the District's sewer.

SECTION 6. Sewer lateral – ownership, maintenance and repair.

1. Private sewer laterals shall be owned, maintained and repaired 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, maintenance and repair.

2. Property owners must clean, maintain and repair laterals serving their property sufficient to keep the lateral in operable condition at all times. The property owner shall perform such duties as may be required to respond to and correct observed overflows, illegal drainage connections or seepage, blockages, material defects or other deficiencies in the laterals as determined by the District Engineer. Factors causing improper operations, partially listed in this paragraph, may be discovered by the District smoke testing, response to a SSO, televising or other surveys of the lateral. Where such maintenance requires excavation and/or replacement of existing facilities, the property owner shall apply for and receive a connection permit (see Section 5 above) from the District.

SECTION 7. Sewer laterals – mandatory inspections and testing.

1. **HEALTH AND SAFETY BASIS FOR REQUIRING A SEWER SERVICE LATERAL INSPECTION.** An Owner, or if applicable, all multiple Owners of a common private sewer lateral, shall have the sewer service lateral of his or her real property inspected in accordance with the requirements of this Chapter, the District's I&I policy, and/or as directed and within the time period indicated by the District Engineer, upon the occurrence of any of the following events:

a. **Overflow or Malfunction.** Whenever the District Engineer determines that the sewer service lateral has recently overflowed or has recently malfunctioned, or that a District sewer system overflow resulted from roots, grease, debris, or excess flow from a private sewer lateral.

b. **Lateral Failure or Lack of Maintenance.** Whenever the District Engineer finds that the private lateral not been properly maintained.

c. **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.

d. **Transfer of Title.** Where the transfer of any real property without exchange of payment is proposed.

This Section shall apply to residential properties, fixed and floating properties, commercial properties, publicly owned buildings, common interest developments, apartment buildings and any structure which has a sewer lateral.

2. **EVENTS REQUIRING A SEWER SERVICE LATERAL TEST.** An Owner, or if applicable, all multiple Owners of a common private sewer lateral, shall have the sewer service lateral of his or her Property tested, in accordance with the requirements of this Ordinance upon the occurrence of any of the following events. Evidence of a successful Lateral Test shall be provided in the form of a completed District permit for the Lateral Test work.

An Owner(s) of laterals subject to this Lateral Test requirement may, at the Owner(s) discretion, conduct a Lateral Inspection prior to conducting the Lateral Test, to assist the Owner in determining if the lateral is in need of repair or replacement in order to successfully pass the Lateral Test. For this discretionary Inspection done before pressure testing an existing lateral under this Section's requirements, the District shall not require an Inspection Report, as described in Section 9.

a. **Additions and Improvements.** Prior to the issuance of a county or city building permit for a remodel where said remodel has a value of \$75,000 or greater, or the remodel comprises addition of a bathroom.

b. **Sale of Property.** Upon proposed sale of property, the seller shall coordinate a lateral test upon listing the home for sale. The responsibility for repair of a lateral that fails testing shall be mutually agreed upon by the Property buyer and seller.

This Section shall apply to residential properties, fixed and floating properties, commercial properties, publicly owned buildings, common interest developments, apartment buildings and any structure which has a sewer lateral.

SECTION 8. EVENTS AUTHORIZING RIGHT OF ENTRY BY DISTRICT. When the District is replacing a sewer main or conducting repairs of a sewer main on a road where one or more private sewer laterals connect to the sewer main, or responding to and evaluating the cause of a public SSO, and requires access to private property, Owners will be notified by the District. In this event, the District has the authority to exercise Right of Entry as needed to inspect or require inspection of the private sewer lateral as described in Section 410.

1. **EXCEPTION TO INSPECTION FOR RECENT PRIOR INSPECTIONS AND REPAIRS.** The following exceptions do not apply to any Testing required under subparagraph B. above. The following are exceptions to the Inspection requirements of subparagraph A. above.

a. **Prior Replacement/Rehabilitation of Service Lateral.** An Owner otherwise required to perform a sewer service lateral inspection under 400.A. above

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/rehabilitated his or her Property's sewer service lateral to the then-current District Standards and performed under a District-issued permit within the twenty (20) years prior to the date of the application for a building permit, listing the property for sale or the road work or sewer repair.

b. **Prior Inspection or Repair of a Service Lateral.** An Owner otherwise required to perform an inspection under 400.A. above 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 lateral within the three (3) years prior to the date the inspection would otherwise be required.

c. **Proof of Prior Replacement/Rehabilitation, Prior Inspection or Repair of a Sewer Service Lateral.** Owner shall provide proof of any prior replacement, inspection or repair of a sewer service lateral in the form of a certificate, a paid bill or any sufficient documentation that ensures such prior replacement, rehabilitation, repair or inspection of a sewer service lateral occurred pursuant to Sections 1. and 2. above. The form and content of the document or proof must be deemed sufficient by the District or its designated representative.

2. **EXCEPTION TO TESTING FOR RECENT PRIOR TESTINGS AND REPAIRS.** The following exceptions do not apply to any Inspection required under subparagraph A. above. The following are exceptions to the Testing requirements of subparagraph B. above.

a. **Prior Replacement/Rehabilitation of Service Lateral.** An Owner otherwise required to perform a sewer service lateral test under 400.B. above 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/rehabilitated/repared his or her Property's sewer service lateral to the then-current District Standards within the twenty (20) years prior to the date of the application for a building permit, listing the property for sale or the road work or sewer repair.

b. **Proof of Prior Replacement/Rehabilitation, or Prior Testing of a Sewer Service Lateral.** Owner shall provide proof of any prior replacement or testing of a sewer service lateral in the form of a certificate, a paid bill or any sufficient documentation that ensures such prior replacement/rehabilitation or testing of a sewer service lateral occurred pursuant to Section 1. Above, to the then-current District Standards. The form and content of the document or proof must be deemed sufficient by the District or its designated representative.

SECTION 9. Sewer laterals – access to premises.

1. The District Engineer (or any designated representative thereof) is hereby authorized to inspect private laterals with advance notice to the property owner for the following purposes:

- a. To determine the size, depth, and location of any sewer connection.
- b. To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached hereto and flushing the same, if necessary.
- c. To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged into any sewer.
- d. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a sewer.
- e. To assess the condition of the lateral where he/she suspects that the lateral may be allowing inflow or infiltration.

2. Nothing herein shall be deemed to provide the District 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 or by consent or permission of the resident.

SECTION 10. Sewer laterals – inspection report – requirements.

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

- a. The Inspection Report shall be prepared by a licensed plumber;
- b. The Inspection Report shall identify all of the following:
 - (1) Any and all defects that could allow infiltration into the lateral or otherwise create a maintenance issue in the District sewer system. Such defects may include but not be limited to the following: 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.
 - (2) Whether any connection, by pipes or otherwise, allows rainwater to groundwater to enter the sewer service lateral or public sewer.
 - (3) 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 prevention device is already installed, the report shall indicate whether the backwater prevention device is functioning properly.

c. 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 District sewer system and that no such unpermitted Lateral exists. The Report shall be prepared in a format acceptable to the District.

d. Based upon the District staff evaluation of the deficiencies outlined in the Report, the District will determine the level of repair or replacement that is necessary.

2. **COMPLIANCE WITH REGULATIONS.** The Inspection Report shall, in all other aspects, comply with the requirements and specifications of the District.

a. Requirements for an Inspection Report: The following items are required to be addressed in an inspection report:

- (1) Date of inspection
- (2) Name of inspector and name of plumbing firm along with license number
- (3) Certification that a televised video was taken of the lateral
- (4) A certification that no roof, swimming pool, floor and/or surface drains or any other non-sewage drains are physically connected to the lateral or sewer main
- (5) Identification with respect to the sewer lateral of any 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
- (6) Certification that an installed backwater device is in place 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
- (7) A Declaration under penalty of perjury that the report is true and correct

SECTION 11. Sewer laterals – required repairs.

1. **NOTICE TO REPAIR.** Upon receipt of the sewer service lateral Inspection Report pursuant to this Chapter, the District 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 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 prevention devices if those devices are otherwise required by this Ordinance or Ordinance No. 26, District Sanitary Code.

2. **OBLIGATIONS OF THE OWNER.** The Owner shall repair his or her sewer service lateral to the satisfaction of the District Engineer, and in compliance with the California Environmental Quality Act, including adding a conforming cleanout and backwater prevention device, and acquire all related permits from the District and obtain a final permit inspection from a District Inspector. All permits and repairs shall be completed in a timeframe that is satisfactory to the District Engineer. For repairs required under Section 7.2.b “Sale of Property”, the deadline to complete repairs and final inspection shall not exceed 60 days from the close of escrow. (amended by Ordinance No. 68)

3. **DISTRICT’S AUTHORITY TO TEST, INSPECT, OR REPAIR.**

a. Section 6523.3 of the California Health and Safety Code provides that in order to enforce the provisions of any Ordinance of a District, the District may correct any violation of an Ordinance of the District. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and/or the District may place a lien on the property wherein the violation occurred or the District may pursue a civil action for recovery of the costs.

b. The District may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, restraining any person from the continued violation of this Ordinance.

c. Section 6523 of the California Health and Safety Code provides that a violation of this Ordinance may be a misdemeanor.

SECTION 12. Sewer laterals – common interest developments.

The homeowner’s 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 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, considered jointly, shall be liable for the duties and obligations with respect to sewer service laterals established by this Ordinance.

SECTION 13. Sewer laterals – multiple connections.

Where multiple residential connections connect to one private sewer lateral, the property owners must determine how costs related to lateral inspections and repairs will be shared.

SECTION 14. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid, unconstitutional or unenforceable, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases is for any reason held invalid, unconstitutional or unenforceable.

SECTION 15. Repeals and Inconsistent Ordinances.

As of the effective date of this Ordinance, all other District ordinances and resolutions and parts of District ordinances and resolutions inconsistent herewith are hereby repealed.

SECTION 16. Effective Date of Ordinance.

A summary of this Ordinance shall be published once in the Marin Independent Journal, a newspaper of general circulation published in the District. The effective date of this Ordinance shall be June 30, 2014 with the exceptions of Sections 7.1.d "Transfer of Title and 7.2.b "Sale of Property", which shall be effective January 1, 2015.