

**ROSS VALLEY SANITARY DISTRICT
ORDINANCE NO. 100
AN ORDINANCE REPEALING
ORDINANCE 66 ADOPTED AUGUST 21, 2013, AND
ENACTING THIS
PRIVATE SEWER LATERAL ORDINANCE**

WHEREAS, the Ross Valley Sanitary District ("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, a comprehensive program that enforces routine maintenance of Private Sewer Laterals fosters compliance with requirements of the Clean Water Act, 33 U.S.C. § 1251, et. seq., the U.S. Environmental Protection Agency ("EPA"), the State of California Water Resources Control Board ("SWRCB"), and the San Francisco Regional Water Quality Control Board ("SFRWQCB") by reducing both infiltration and inflow ("I&I") and sewer system spills and overflows ("SSOs"); 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, Ordinance No. 66 was amended by: Ordinance No. 67, adopted June 25, 2014; Ordinance No. 68, adopted August 27, 2014; Ordinance No. 69, adopted December 17, 2014; Ordinance No. 71, adopted February 18, 2015; Ordinance No. 72, adopted May 20, 2015; Ordinance No. 73, adopted July 15, 2015.; and

WHEREAS, the District desires to repeal Ordinance No. 66, including amending ordinances, and adopt Ordinance No. 100 to regulate the testing, inspection, and maintenance of private sewer laterals; and

WHEREAS, Ordinance No. 100 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. 100 is necessary to protect the public health and safety, and to preserve the environment; and

WHEREAS, the District further finds that this Ordinance No. 100 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. 100 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 Ross Valley Sanitary District does ordain as follows:

SECTION 1. RECITALS

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

SECTION 2. SHORT TITLE

This ordinance shall be known as the "Private Sewer Lateral Ordinance" and may be cited accordingly.

SECTION 3. FINDINGS

A. 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. A significant amount 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 (SSOs), the District faces significant fines and penalties by state and federal water regulatory agencies, and also risks private litigation.

B. The District further finds that I&I makes up a significant portion 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 sewer service charges.

C. 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.

D. The District finds that, when not properly inspected, maintained, repaired or replaced by property owners, Private Sewer Laterals may become blocked and result in overflows of sewage from the private sewer laterals. Sewage overflows negatively impact the public health, safety and welfare of both the property owner and the public by exposing them to untreated sewage. Sewage overflows also frequently result in illicit discharges of sewage from private property to the public storm drains or waters of the United States or the State. Further, private sewer laterals that are not properly inspected, maintained, repaired or replaced by property owners can interfere with the operation of the public sewer system by, for example, allowing roots to infiltrate sewer mains. Interference with the operation of the public sewer system may, in turn, cause sewage overflows from the public sewer system. Therefore, the establishment of regulations for private sewer laterals is necessary to protect the public health, safety

and welfare by both preventing overflows from the private laterals and interference with the operation by District of the public sewer system.

SECTION 4. DEFINITIONS

A. "Certificate of Compliance for Common Interest Development Laterals" means a certificate issued by the District upon its determination that the Homeowners' Association completed the work described in the approved Corrective Action Plan for all Private Sewer Lateral(s) it has responsibility to maintain.

B. "Certificate of Compliance for Private Sewer Lateral" means a certificate issued by the District upon its determination that all Private Sewer Lateral(s) associated with a parcel have demonstrated compliance with applicable standards by passing a Lateral Test.

C. "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.

D. "Defective Condition" includes, but is not limited to: a condition that will allow I&I or exfiltration of sewage, including Non-Sanitary Sewer Connections to the Private Sewer or to any wastewater plumbing that connects to the Public Sewer Lateral; a condition that materially increases the possibility of blockage or overflow such as roots, grease deposits, other deposits or obstructions which may impede or obstruct the flow; sags, cracks, breaks, offsets, separations, holes; uncapped or missing sewer cleanout; construction without a proper permit or with materials not approved by the District; other violation of District Standards and requirements.

E. "District Engineer" means the Engineer of the District, licensed by the State of California as a Civil Engineer, acting either directly or through authorized agents.

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

G. "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.

H. "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.

I. "Infiltration and Inflow" are referred to collectively as "I&I".

J. "Lateral Inspection" means an inspection of a Private Sewer Lateral that consists of the retention of a licensed plumber by the Owner in order to visually examine and inspect a 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 lateral complies with the requirements of this Ordinance.

K. "Lateral Test" means leakage testing, in accordance with Section 02735 SANITARY SEWER SYSTEM TESTING of the District Standards, to determine whether the Private Sewer Lateral complies with the requirements of this Ordinance.

L. "Lower Lateral" means that portion of any Private Sewer Lateral beginning at the property line and running to the Sewer Main, including the connection itself.

M. "NASSCO" means the National Association of Sewer Service Companies.

N. "Non-Sanitary Sewer Connection" means anything that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage into the sanitary sewer, including, but not limited to, down spouts, yard drains, sump pumps, or other sources of storm water, run-off or groundwater.

O. "Notice of Violation" means the written notice issued by the District Engineer, or his or her designee, to the Owner advising that the Owner appears to be in violation of the respective Code or Ordinance with respect to the Owner's Private Sewer Lateral, or in violation of the Code or Ordinance in a manner of the lateral's connection to the District Sewer Mains, which order directs the abatement of the identified violation in a timely manner.

P. "Notice to Repair" means the written notice issued by the District Engineer, or his or her designee, to the Owner advising that the Owner appears to be in violation of the respective Code or Ordinance with respect to the Owner's Private Sewer Lateral, or in violation of the Code or Ordinance in a manner of the lateral's connection to the District Sewer Mains, which order directs the abatement of the identified violation in a timely manner through repair, replacement or rehabilitation.

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

R. "PACP", "MACP" and "LACP" mean the Pipeline, Manhole, and Lateral Assessment Certification Programs, respectively.

S. "Private Sewer Lateral", "Lateral", or "Sewer Lateral" 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.

T. "Publicly-Owned Facility" means a facility owned by a county, city, school district, municipal corporation, district, political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency.

U. "Repair", also referenced as "Rehabilitation" or "Replacement" means restoration of the lateral in a manner that maintains adequate flow capacity to serve the property and eliminates Defective Conditions and Non-Sanitary Sewer Connections. The appropriate requirement of repair, rehabilitation, or replacement shall be determined by the District Engineer.

V. "Sewer Main" means a District-owned pipeline designed and operated to collect sewage from Private Sewer Laterals and Collection Systems for treatment and disposal.

W. "Shared Lateral" means any portion of a Private Sewer Lateral that serves more than one parcel.

X. "SSO" means sanitary sewer overflow.

SECTION 5. PRIVATE SEWER LATERALS – CONSTRUCTION

Construction of new, repaired, replaced, or rehabilitated Private Sewer Laterals shall conform to District Standards.

SECTION 6. PRIVATE SEWER LATERALS – PERMITS

Prior to constructing a Private Sewer Lateral or connecting a new building to an existing Private Sewer Lateral, or undertaking construction of a new, a repair, rehabilitation, or replacement of a private sewer, the owner shall apply for and obtain a permit from the District. The application shall include a plan showing the location of the private sewer 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 private sewer and the District Sewer Main are located, and the proposed connection of the private sewer to the District's Sewer Main.

SECTION 7. PRIVATE SEWER LATERALS – OWNERSHIP, MAINTENANCE AND REPAIR

A. Private Sewer Laterals shall be owned, maintained and repaired by the Owner(s) of the property served by the Private Sewer Lateral. The entire Private Sewer 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.

B. Private Sewer Laterals shall meet the following maintenance standards:

1. All pipes shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.

2. All joints shall be tight and all pipes shall be sound and free from structural defects, cracks, breaks, openings, and missing portions which could allow infiltration by ground water or storm water or exfiltration of wastewater.

3. Grade shall be uniform without sags or offsets.

4. All cleanouts shall be securely capped at all times.

C. Owner(s) is(are) responsible to clean, maintain and repair Private Sewer Laterals serving their property sufficient to keep the lateral in proper operating condition at all times.

D. The District will replace Lower Laterals with Defective Conditions as part of projects that replace the Sewer Main by open-cut and pipebursting construction methods. The District may replace Lower Laterals as part of projects that rehabilitate the Sewer Main by other construction methods for the purposes of I&I and SSO reduction.

SECTION 8. ACCESS FOR INSPECTIONS AND RIGHT OF ENTRY BY DISTRICT

A. **ACCESS FOR INSPECTIONS.** Pursuant to the District Sanitary Code and California Health and Safety Code section 6523.2, the District Engineer (or any designated representative thereof) is authorized to inspect Private Sewer Laterals with advance notice to the Owner(s) for the following purposes:

1. To determine the size, depth, and location of any Private Sewer Laterals.

2. 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.

3. To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged into any Sewer Main.

4. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a Sewer Main.

5. To assess the condition of the Private Sewer Lateral where he/she suspects the Private Sewer Lateral may be allowing I&I to enter.

B. RIGHT OF ENTRY BY DISTRICT. Pursuant to the District Sanitary Code and California Health and Safety Code section 6523.2, the District has the right of entry to any private property within the District when access is required for the following purposes:

1. Installation, maintenance and repair, rehabilitation, or replacement of Sewer Main infrastructure, including replacement of lower laterals.
2. Performing asset inventories, condition assessment surveys, and risk assessment surveys.
3. Responding to service calls, evaluating the cause of a blockage, SSO, or other Sewer Main or lateral failure.
4. Collecting water/wastewater samples.
5. Testing buildings, structures or premises to secure compliance or prevent a violation of any portion of this Ordinance.

C. Owner(s) will be notified by the District 10 days in advance if possible. In the event of an emergency threatening public health, safety, or welfare the District may exercise right of entry immediately to respond to the emergency.

D. 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 9. LATERAL INSPECTIONS

A. APPLICABILITY. 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 Private Sewer Lateral.

B. MANDATORY LATERAL INSPECTION. Mandatory lateral inspection and submittal of an inspection report will be required upon the occurrence of any of the following events:

1. **HEALTH AND SAFETY FINDING.** An Owner, or if applicable, all multiple Owners of a shared Private Sewer Lateral, shall have the lateral of his or her real property inspected, in accordance with the requirements of this Ordinance, and/or as directed and within the time period indicated by the District Engineer, upon one or more of the following findings:

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 or could result 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 Sewer Lateral not been properly maintained.

c. **Public Health Threat.** Upon any other reasonable determination by the District that there exists a threat to the public health, safety, or welfare due to the condition of a Private Sewer Lateral.

2. **TRANSFER OF TITLE.** An Owner, or if applicable, all multiple Owners of a common Private Sewer Lateral, shall have the lateral of his or her real property inspected, in accordance with the requirements of this Ordinance, upon the transfer of title of any real property without exchange of payment. This paragraph shall not apply to properties that hold a current Certificate of Compliance for Private Sewer Lateral.

C. **INSPECTION REPORT REQUIREMENTS.** An inspection report required by this Ordinance shall be prepared in accordance with the following requirements and specifications and shall, in all other aspects, comply with the District Standards.

1. Inspection report shall be prepared in a NASSCO PACP/LACP-compliant or equivalent format acceptable to the District.

2. Inspection report shall be prepared by a licensed plumber or a NASSCO-certified PACP or PACP/LACP inspector.

3. Inspection report shall include the following items:

- a. Date of inspection.
- b. Address of inspection.
- c. Name of inspector
- d. NASSCO PACP/LACP certificate number, if applicable
- e. Name of plumbing firm and license number
- f. Lateral material(s) and lengths
- g. Approximate age of lateral

4. Inspection report shall identify all of the following:

a. 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, grease and sediment deposits, or other conditions likely to increase the chance for blockage of the lateral or Sewer Main.

b. Whether any other properties connect to the lateral or if the lateral connects to lateral(s) from other properties prior to connection to the Sewer Main.

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

d. Whether the lateral runs under, along, or across a creek, or drainageway, or is exposed or aboveground.

e. Whether the lateral has a cleanout at the building and at the property line.

f. 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.

5. The Inspection Report shall include the following certifications and declaration by the inspector:

a. Certification from the inspector that the property has been inspected for any outdoor drain connections to the District sewer system and that no such connections exist.

b. Certification that a televised video was taken of the lateral.

c. Certification that no roof, swimming pool, sump pump, floor and/or surface drains or any other non-sewage drains are physically connected to the lateral or Sewer Main.

d. 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.

e. Declaration under penalty of perjury that the report is true and correct.

D. NOTICE TO REPAIR. Upon District staff evaluation of a Private Sewer Lateral inspection report received pursuant to this Ordinance, the District Engineer will determine whether it indicates any deficiencies in the operation, maintenance, or construction of the sewer service lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair as described in Section 15 and as may be deemed appropriate by the District Engineer.

SECTION 10. LATERAL TESTING

A. APPLICABILITY. This Section shall apply to residential properties, fixed and floating properties, commercial properties, apartment buildings, and any structure which has a Private Sewer Lateral. This Section shall not apply to Common Interest Developments and Publicly-Owned Facilities. This Section shall not apply to properties that hold a current Certificate of Compliance for Private Sewer Lateral.

B. DISCRETIONARY LATERAL INSPECTION PRIOR TO LATERAL TESTING. Owner(s) of properties described in 10.A., above, 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 for it to successfully pass the Lateral Test. For this discretionary inspection done before testing an existing lateral under this Section's requirements, the District shall not require an inspection report, as described in Section 9.

C. EVENTS REQUIRING A LATERAL TEST. An Owner, or if applicable, all multiple Owners of a Shared Lateral, shall have the 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.

1. **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.

2. **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. Properties in escrow.

3. Properties that hold a current Certificate of Compliance for Private Sewer Lateral are excepted from lateral testing requirements in this Section.

D. OBLIGATIONS OF THE OWNER. The Owner shall repair his or her Private Sewer Lateral if it cannot pass the Lateral Test, 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 paragraph 3.b. "Sale of Property" of this section, the deadline to complete repairs and final inspection shall not exceed 90 days from the close of escrow.

E. COMPLIANCE CERTIFICATES. A Certificate of Compliance for Private Sewer Lateral issued to an Owner under this Section shall be valid for 20 years from the date it is issued.

SECTION 11. COMMON INTEREST DEVELOPMENTS

A. **GENERAL.** Common Interest Developments shall have the Private Sewer Lateral(s) within the Common Interest Developments tested, in accordance with the requirements of this Ordinance as described in this Section.

B. RESPONSIBILITY OF HOMEOWNERS' ASSOCIATION AND INDIVIDUAL UNIT OWNERS.

1. The Homeowners' Association and the Owner of an individual unit within the Common Interest Development are each responsible to have the Private Sewer Lateral(s) tested to the same extent that each property is responsible to maintain the Private Sewer Lateral(s) within the Common Interest Development. The division of responsibility for the maintenance between the Homeowners' Association and the Owner of individual units may be described in any document but is typically described in the Covenants, Conditions and Restrictions (CC&Rs) applicable to Common Interest Developments or the parcels in them. In some Common Interest Developments, the Homeowners' Association has assumed responsibility to maintain all Private Sewer Lateral(s). In other Common Interest Developments, the owner of each individual unit is responsible to maintain the Private Sewer Lateral(s) associated with the unit he or she owns, and the Homeowners' Association is responsible to maintain the remaining Private Sewer Lateral(s) within the Common Interest Development.

2. If the Homeowners' Association has assumed responsibility to maintain all Private Sewer Lateral(s) within the Common Interest Development, the Homeowners' Association must obtain the Certificate of Compliance for Common Interest Development Laterals on or before **January 30, 2024** for all parcels within the Common Interest Development. Until **January 30, 2024**, the following deadlines must be met to maintain compliance with this Ordinance:

a. **Condition Assessment Plan.** On or before **June 30, 2016** all Homeowners' Associations shall submit for District approval a Condition Assessment Plan. The Condition Assessment Plan shall include the following:

- (i) The name, physical address, and number of units in the Common Interest Development,
- (ii) Name of the HOA or HOA management company, HOA representative, and contact information,
- (iii) A schedule to assess the condition of all Private Sewer Laterals associated with the Common Interest Development in preparation of submitting the Corrective Action Plan.

b. **Corrective Action Plan.** On or before **June 30, 2018** all Homeowners' Associations shall submit a Corrective Action Plan to the District for approval. The Corrective Action Plan shall incorporate the results of the sewer lateral

condition assessment conducted in accordance with the Condition Assessment Plan. The Corrective Action Plan shall include a map of the sewer laterals serving the development and describe the type, quantity and schedule and summary of all work needed to have all Private Sewer Laterals associated with the Common Interest Development tested, in accordance with the requirements of this Ordinance, and bring all Private Sewer Laterals associated with the Common Interest Development into compliance with all other District ordinances. The District shall approve the Corrective Action Plan if it determines the proposed work will result in full compliance by **January 30, 2024**.

c. Certificate of Compliance for Common Interest Development Laterals. After the Homeowners' Associations completes the work described in the approved Corrective Action Plan, the Homeowners' Associations will receive a Certificate of Compliance for Common Interest Development Laterals. The Certificate of Compliance for Common Interest Development Laterals shall be valid for 20 years from the date issued. Upon expiration, the Homeowners' Associations must have the Private Sewer Laterals tested again to obtain a new compliance certificate.

3. If the Owner of individual units and the Homeowners' Association share responsibility to maintain the Private Sewer Lateral(s) within the Common Interest Development, the parties' respective responsibility to have the Private Sewer Lateral(s) tested is as follows:

a. The Owner of the individual unit must have the Private Sewer Lateral(s) tested at the time and in the manner required by Section 10, provided that the District will require testing only of the Private Sewer Lateral(s) or portions of the Private Sewer Lateral(s) that are the responsibility of the Owner of the individual unit before issuing a Certificate of Compliance for Private Sewer Lateral.

b. The Homeowners' Association must comply with B.2. of this Section for all parcels associated with any Private Sewer Lateral that is the Homeowners' Association's responsibility to maintain, provided that the District will require testing only of those Private Sewer Lateral(s) or portions of Private Sewer Lateral(s) that are the responsibility of the Homeowners' Association before issuing a Certificate of Compliance for Common Interest Development Laterals.

c. In circumstances where the Owner is responsible for a portion of the lateral, the Homeowners' Association may elect, at its discretion, to take responsibility of the entire Private Sewer Lateral for the purposes of gaining compliance under this Ordinance.

d. The issuance of a Certificate of Compliance for Private Sewer Lateral or Certificate of Compliance for Common Interest Development Laterals under this Section to either an Owner of an individual unit or to a Homeowners' Association, with respect to a specific parcel within a Common Interest Development, does not relieve another party that shares responsibility to maintain the Private Sewer

Lateral(s) associated with the same parcel of its obligation under this Section to obtain a Certificate of Compliance for Private Sewer Lateral.

C. **COMPLIANCE CERTIFICATES.** A Certificate of Compliance for Common Interest Development Laterals issued to a Homeowners' Association and a Certificate of Compliance for Private Sewer Lateral issued to an Owner under this Section shall be valid for 20 years from the date it is issued. The Homeowners' Association must have the Private Sewer Lateral(s) it is responsible for tested again upon expiration of the previously issued compliance certificate.

SECTION 12. PUBLICLY-OWNED FACILITIES

A. Private Sewer Laterals on Publicly-Owned Facilities shall be owned, maintained and repaired by the Owner(s) of the property which the Private Sewer Lateral serves. The entire Private Sewer Lateral, from the building connection(s) to and including the "wye" connection(s) or other-tie-in(s) to the Sewer Main, shall fall within the Owner's responsibility for installation, maintenance and repair.

B. Publicly-Owned Facilities must obtain a Certificate of Compliance for Private Sewer Lateral on or before **June 30, 2029** for all parcels and Private Sewer Laterals associated with the facility. Until **June 30, 2029**, the following deadlines must be met to maintain compliance with this Ordinance:

1. **Condition Assessment Plan.** On or before **June 30, 2021** all Publicly-Owned Facilities shall submit for District approval a Condition Assessment Plan. The Condition Assessment Plan shall include the following:

- a. The name, physical address, parcels and buildings at the facility,
- b. Name and contact information for the facility's representative,
- c. A schedule to assess the condition of all Private Sewer Laterals associated with the facility in preparation of submitting the Corrective Action Plan.

2. **Corrective Action Plan.** On or before **June 30, 2023**, Publicly-Owned Facilities shall submit a Corrective Action Plan to the District for approval. The Corrective Action Plan shall incorporate the results of the sewer lateral condition assessment conducted in accordance with the Condition Assessment Plan. The Corrective Action Plan shall include a map of the Private Sewer Laterals at the facility and describe the type, quantity and schedule and summary of all work needed to have all Private Sewer Laterals tested in accordance with the requirements of this Ordinance, and bring all Private Sewer Laterals into compliance with all other District ordinances. The District shall approve the Corrective Action Plan if it determines the proposed work will result in full compliance by **June 30, 2029**.

3. **Certificate of Compliance for Common Interest Development Laterals.** After the work described in the approved Corrective Action Plan is completed, the Publicly-Owned Facility will receive a Certificate of Compliance for Private Sewer Lateral. The certificate shall be valid for 20 years from the date issued. Upon expiration, the Publicly-Owned Facility must have the Private Sewer Laterals tested again to obtain a new compliance certificate.

SECTION 13. SHARED LATERALS

A. Shared Laterals are prohibited in accordance with the Sanitary Code and District Standards except as provided in this Section.

B. One Private Sewer Lateral may serve two or more parcels provided that the District Engineer determines the following: (1) the Shared Lateral existed on or before October 5, 1993, and (2) the Shared Lateral is free of Defective Conditions.

C. The District may deem the Owner(s) or other responsible party(ies) served by the Shared Lateral jointly and severally responsible for obtaining a Certificate of Compliance for Private Sewer Laterals.

D. The Owners of the parcels served by a Shared Lateral shall jointly be responsible for any maintenance, operation, inspection, testing and repairs.

E. The Owners of the parcels served by a Shared Lateral must determine how costs related to lateral maintenance, operation, inspections, testing and repairs will be shared.

F. The District encourages the Owners to enter into a maintenance agreement (including easements where feasible) between all of the Owners served by a Shared Lateral to ensure there is a mechanism in place to address and finance required lateral maintenance, operation, inspection, testing, and repair and/or replacement of the Shared Lateral.

G. In the absence of easements or agreements, each Owner shall be responsible for that portion of the Shared Lateral within his or her property boundary, and also that portion downstream of his or her property boundary to the next point of connection to the Shared Lateral or Sewer Main.

SECTION 14. DISTRICT'S AUTHORITY FOR ENFORCEMENT OF VIOLATIONS

1. The District may take enforcement action against a person who violates the provisions of this Ordinance or fails to perform any act required by this Ordinance. The District may recover from any person in violation of this Ordinance the costs the District incurs in connection with enforcing this Ordinance, including staff time, and may seek attorneys' fees in any court action or proceeding.

2. Article VIII of the District's Sanitary Code provides for enforcement of violations of this Ordinance, including fines.

3. 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.

4. 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.

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

SECTION 15. ENFORCEMENT

A. BASIS FOR ENFORCEMENT. A Notice of Violation or Notice to Repair may be issued as may be deemed appropriate by the District Engineer upon the following findings:

1. **Violation of this Ordinance.** Failure to comply with the requirements of this Ordinance, such as construction not in accordance with District Standards or completed without District permit and/or inspection; failure to perform lateral inspection or testing within the time allowed; or failure to comply with Common Interest Development or Publicly-Owned Facilities compliance requirements.

2. **Deficiencies in the Operation, Maintenance or Construction of the Private Sewer Lateral.** Whenever the District Engineer determines, in his or her sole discretion, that a property has a Defective Condition or other deficiencies in the operation, maintenance or construction of the Private Sewer Lateral, based on the Private Sewer Lateral inspection report, service call history at the property, and observations from the District's capital improvement, condition assessment and inspection activities.

3. **High I&I Contribution or Non-Sanitary Sewer Connection.** Whenever the District Engineer finds that a property is contributing high I&I or has a non-sanitary sewer connection, based on observations during smoke testing, flow and level monitoring, site investigations, or CCTV inspection; and other reasonable cause.

4. **Private Sewer SSO.** Whenever the District Engineer finds that a property has had one or more private SSOs.

B. NOTICE OF VIOLATION. The Notice of Violation shall specifically identify the violations to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions. Corrective actions may include but are not limited to Lateral Inspection, Lateral Testing, removal of illicit connections, bringing a non-conforming or unpermitted lateral into compliance with District Standards, including

acquiring a District permit and inspection. The notice shall advise the Owner of the enforcement provisions of this Ordinance.

C. NOTICE TO REPAIR. The Notice to Repair 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 actions may include that it be replaced altogether, a requirement that the lateral pass a Lateral Test, and also may include the installation of cleanouts and backwater prevention devices if those devices are otherwise required by this Ordinance, the Sanitary Code, or District Standards. The notice shall advise the Owner of the enforcement provisions of this Ordinance.

D. OBLIGATIONS OF THE OWNER. The Owner shall complete the corrective actions in the Notice of Violation or Repair. Repairs to the Private Sewer Lateral as required in the Notice to Repair shall be completed 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.

SECTION 16. 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 17. REPEALS AND INCONSISTENT ORDINANCES

As of the effective date of this Ordinance, the following ordinances of the District are hereby repealed: Ordinance No. 66, adopted June 18, 2014; Ordinance No. 67, adopted June 25, 2014; Ordinance No. 68, adopted August 27, 2014; Ordinance No. 69, adopted December 17, 2014; Ordinance No. 71, adopted February 18, 2015; Ordinance No. 72, adopted May 20, 2015; Ordinance No. 73, adopted July 15, 2015. All other District ordinances and resolutions and parts of District ordinances and resolutions inconsistent herewith are hereby repealed.

SECTION 18. 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 July 1, 2018.

[Signatures on next page]

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Ross Valley Sanitary District, held on the 20th day of June, 2018 by the following vote:

AYES: *Boorstein, Gaffney, Kelly, Meigs, Sylla*

NOES:

ABSENT:

Douglas T. Kelly

DOUGLAS T. KELLY
PRESIDENT OF THE BOARD

ATTEST:

Thomas Gaffney

THOMAS GAFFNEY
SECRETARY OF THE BOARD

