

Ordinance No. 65

AN ORDINANCE ENACTING A SEWER LATERAL REPLACEMENT PROGRAM

The Board of Directors of the Ironhouse Sanitary District does hereby ordain as follows:

SECTION 1. Short Title.

This Ordinance shall be known and referred to as the “Ironhouse Sanitary District Private Sewer Regulation and Replacement Program Ordinance.”

SECTION 2. Purpose and Findings.

Purpose: The Board of Directors of the Ironhouse Sanitary District (the “District”) desires to set forth and enact requirements for private sewer maintenance, inspection, construction, and replacement for properties within its jurisdiction, consistent with the requirements of the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, the U.S. Environmental Protection Agency, the California State Water Resources Control Board, and the San Francisco Regional Water Quality Control Board, and to reduce prevent waste discharges from adversely affecting the sewer system, the operation of the District’s treatment facilities, the quality of effluent discharged by the treatment facilities, or the quality of the receiving water, through regulation and control of the quality and quantity of waste discharged to the District’s sewer system by any discharger. The Ordinance also provides an equitable distribution of the District’s cost for acquisition, construction, reconstruction, maintenance, inspection, and operation of the District’s system.

Findings: The timely inspection, maintenance, repair, and replacement of private sewers connected to public sewers protects the public health, safety, and welfare by preventing or mitigating potentially harmful discharges of untreated wastewater into the environment through leaky or unsound sewer laterals.

It can be seen with certainty that there is no possibility that the actions being taken by this Ordinance will have a significant effect on the environment, and this Ordinance is therefore exempt from CEQA pursuant to § 15061(b)(3) of the State CEQA Guidelines.

SECTION 3. Definitions.

The definitions given in this section shall be used in the interpretation of this chapter, the issuance of permits, the making of charges for service, and all other operations of this Ordinance.

3.1. “Backflow Prevention Device” shall mean a device installed in a Building sewer for the purpose of preventing or minimizing the possibility of sewage backing up into a Building.

3.2 “Building” shall mean any structure used for human habitation, business or commercial activity, industry, recreation, public use, or other purpose containing sanitary facilities.

3.3 “Building Sewer” shall mean a sewer conveying wastewater from a point 30 inches or less from a Building or structure to a main sewer. The Building Sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Sewer Lateral).

3.4 “CCTV” shall mean closed circuit television.

3.5 “Certificate of Compliance” shall mean a certificate issued by the District Engineer certifying that a Private Main Sewer or Private Lateral Sewer is in good working order and not in need of repair or replacement.

3.6 “Contractor” shall mean an individual, firm, corporation, partnership, or association duly licensed by the state of California to perform the type of work to be done under this Ordinance.

3.7 “Defective Condition” includes, but is not limited to: displaced joints; leaks or breaks; root intrusion; substantial deterioration; damaged, uncapped or missing sewer cleanout; damaged or missing backflow prevention device when required; a condition that will allow infiltration and inflow of extraneous water, including, but not limited to, rain, storm water, or groundwater, or which allows exfiltration of sewage; a condition that materially increases the possibility of a blockage or overflow; construction without a proper permit or with materials not approved by the District; lack of a proper connection to the District’s Public Sewer; or otherwise in violation of District requirements.

3.8 “District” shall mean Ironhouse Sanitary District.

3.9 “District Engineer” shall mean the General Manager of the District or his or her designees.

3.10 “Lateral Sewer” shall mean the portion of a Building Sewer from the Sewer Main to the property line of the parcel the sewer serves.

3.11 “Main Sewer” shall mean a collector for numerous Lateral Sewers that conveys Sewage to larger trunk sewer lines. Main Sewers may be Public or Private.

3.12 “Private” and “Privately” shall mean all Property, Buildings, and sewer components not owned and/or operated by the District.

3.13 “Private Sewer” shall mean the sewer pipeline which connects a Building or Buildings to the Public Sewer. It includes both the Building Sewer and the Lateral Sewer.

3.14 “Private Main Sewer” shall mean a Main Sewer which serves multiple Private Buildings or Properties to convey sewage to the Public Sewer. It includes all components of the Private Main Sewer including the entire point of connection to the Public Sewer and any Private Laterals Sewer connected to it.

3.15 “Property” shall mean any lot, any piece or parcel of land comprising two or more lots of record in one ownership, any Building or other structure or any part of any Building or structure

used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity within the jurisdiction of the District.

3.16 “Public” shall mean or include all things under the control of the District for the benefit of its constituents and residents.

3.17 “Public Sewer” shall mean a sewer main lying within a public street or accepted public utility easement which is under the jurisdiction of the District or other public agencies. Public sewer does not include that portion of a Private Lateral Sewer or Private Main Sewer within a public street or accepted public utility easement.

3.18 “Sewage” shall mean water and water-carried wastes, including industrial sewage and industrial wastes disposed of or disposable through plumbing outlets and carried through and ultimately disposed of by the municipal sewage disposal system.

SECTION 4. Ordinance Provisions.

The Board of Directors hereby adopts the following Private Sewer Lateral and Private Sewer Main replacement provisions:

4.1 General

This Ordinance applies to all Private Property and Buildings within the jurisdiction of the District.

4.2 Governing Standards

The design, construction, maintenance, remediation, and repair of all Private Building Sewers, Lateral Sewers, and Main Sewers, including their connections to the Public Sewer, are governed by and shall be in accordance with the ordinances, codes, rules, standard specifications, and regulations of the District and the State of California and with generally accepted engineering practices.

4.3 Damage to the Public Sewer

If any individual, association, or business entity damages any portion of the Public Sewer, the District may proceed with necessary repairs. If, in the opinion of the District Engineer, the repair work cannot be done by District personnel, the District has the right to hire outside contractors to complete repairs. The individual, association, or business entity responsible for the damages shall reimburse the District for the cost thereof, regardless of whether the District or an outside contractor completes the repairs.

4.4 Maintenance of Private Sewers

All Private Sewers, including Building Sewers, Lateral Sewers, and Main Sewers, is the property of the Private individual or entity. The Private owner shall be responsible for the construction,

maintenance, remediation, repair, and replacement of Private Building Sewers, Lateral Sewers, and Main Sewers. The Private owner is responsible for complying with all District Ordinances relating to the discharge of sewage. Private owners shall maintain their Private Sewers in a manner that prevents sewer overflows or spills. The failure to properly maintain a Private Sewer is a violation of this Ordinance and subjects the owner to all civil and criminal penalties set forth in District Ordinance No. 63, "An Ordinance Enacting Penalty and Enforcement Provisions." The owner of any Private Sewer shall be responsible for any and all damages caused by its inadequate maintenance of the Private Sewer.

4.5 Backflow Prevention Devices

Backflow Prevention Devices shall be used in the following cases:

- A. When the elevation of the lowest floor of a Building is less than twelve inches above the rim elevation of the nearest upstream manhole or junction structure in the District Main Sewer to which the Building Sewer connects.
- B. On all Buildings in which a pump is used to lift sewage to its Private Lateral Sewer and any Main Sewer.
- C. On buildings where the elevation of any floor is at or below the invert of the Sewer Main or where a condition exists where a plug in the sanitary sewer main will cause the hydraulic grade line to rise above the lowest floor level.

The installation of any required Backflow Prevention Devices shall be at the sole cost of the Property or Building owner. The maintenance, repair, and replacement of the Backflow Prevention Devices shall be the sole obligation of the Property or Building owner. If, as a courtesy, the District installs a Backflow Prevention Device for a Private Sewer, the District is not obligated to test the device or ensure that it properly operates.

Any Property or Building owner shall be responsible for all damage that results from its Private Sewer's lack of requisite Backflow Prevention Devices, defective or improperly installed Backflow Prevention Devices, or Backflow Prevention Devices that do not comply with all of the requirements of any District or state ordinance, code, regulation, or specification.

4.6 Sewer Connections

Every Private Sewer Lateral shall be connected to a Public or Private Main Sewer. Connection of every Private Sewer Lateral and Private Sewer Main to the Public Sewer requires a District permit, inspection by the District Engineer, and may be subject to separate capacity and service charges pursuant to other current District ordinances. Any Private Sewers that have not been permitted or inspected, or Private Sewers for which connection or capacity charges have not been paid, will be subject to disconnection by the District pursuant to California Health and Safety Code §§ 6520.1 and 6520.2. Upon written notice from the District, the owner of any Private Sewer that is not permitted in accordance with this Ordinance shall terminate the connection of the Private Sewer to the Public Sewer within ten (10) days from the mailing of such notice. District employees or designees are authorized to enter onto any Property or Building and cap or terminate the offending Private Sewer and charge the owner the reasonable

cost of such efforts. Entry onto Private Property for the inspection and termination of sewer service is authorized by California Health and Safety Code § 6523.2.

No person shall construct a Private Lateral Sewer or Private Main Sewer or make a connection to the Public Sewer without first obtaining a permit from the District and paying all fees and connection charges required under District policies and ordinances.

4.7 Sewer Lateral Inspection, Repair, and Replacement Triggers

All Private Main Sewers and Lateral Sewers serving a Building or Property shall be inspected, at the owner's expense by CCTV inspection, have their operational conditions verified and tested by means approved by the District Engineer, and obtain a Compliance Certificate upon the occurrence of one or more of the following general conditions in order to continue operation:

- A. Upon the occurrence of a qualifying sewer lateral service call. The CCTV inspection must be completed, all necessary repairs or replacement completed as specified in any notice of violation issued by the District, and a Compliance Certificate issued by the District;
- B. Upon issuance of a building permit with a valuation of \$25,000.00 or more if no inspection or replacement of the Private Main Sewer or Lateral Sewer and issuance of a Compliance Certificate has occurred within the previous twenty (20) years prior to issuance of the building permit. The CCTV inspection must be completed and a Compliance Certificate issued prior to conducting a final inspection or issuance of a certificate of occupancy. For the purposes of determining the valuation of work subject the \$25,000.00 threshold, any work required by the Americans with Disabilities Act ("ADA") or to add fire sprinklers as required by the District, shall not be included when determining whether a private sewer lateral is subject to inspection and testing;
- C. The occurrence of one (1) sanitary sewer overflow caused by the Private Main Sewer or Lateral Sewer. The CCTV inspection must be completed, all necessary repairs or replacement completed as specified in any notice of violation issued by the District, and a Compliance Certificate issued by the District;
- D. Upon the District's discovery that unpermitted work exists at the Building or Property, a CCTV inspection must be completed and a Compliance Certificate issued;
- E. A change of the use of the structure served from: (1) residential to non-residential uses; (2) to a non-residential use that will result in a higher flow than the current nonresidential use; and (3) non-residential uses where the structure served has been vacant/unoccupied for more than three (3) years. The CCTV inspection must be completed and a Compliance Certificate issued prior to conducting a final inspection or issuance of a certificate of occupancy;
- F. Upon subdivision of Property, in which case a Lateral Sewer Line shall be provided for each Building on the Property a CCTV inspection must be completed and a Compliance Certificate issued for each existing and new Private Main Sewer and Lateral Sewer installed;
- G. Upon sale of a Property, a CCTV inspection must be completed and a Compliance Certificate issued;
- H. Upon replacement or repair of any part of a Private Main Sewer or Lateral Sewer, a CCTV inspection must be completed and a Compliance Certificate issued; or

- I. Upon significant repair or replacement of the Main Sewer to which the Private Sewer is attached, the Private Main Sewer or Lateral Sewer must have a CCTV inspection and must be issued a Compliance Certificate before it is returned to use.

The CCTV inspection shall be conducted by a licensed contractor qualified to provide video inspections. The contractor must have a valid State of California contractor's license.

The Building or Property owner shall submit a video recording of the Private Main Sewer or Lateral Sewer inspection to the District Engineer for review with the appropriate review fee as established by the District's master fee schedule. At the beginning of such video, the qualified contractor shall state the address of the property and take a photograph of the building whose lateral is being videoed, which shall be submitted with the video inspection to the District.

The Building or Property owner or his/her duly appointed agent shall notify the District of the time and date of the CCTV inspection at least seven (7) calendar days prior to the inspection.

An inspection shall be valid for a period of six (6) months from the date of the inspection. If a Building or Property owner fails to obtain a Compliance Certificate within six (6) months after obtaining a CCTV inspection, the District may, in its discretion, require the property owner to obtain another inspection before issuing a Compliance Certificate.

A Building or Property complies with the provisions of this section of the Ordinance and is entitled to Compliance Certificate if the CCTV inspection and other test parameters verify all of the following conditions as approved by the District Engineer:

- A. The Private Main Sewer or Lateral Sewer is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of Sewage;
- B. There are no improper or illegal connections to the Private Main Sewer or Lateral Sewer such as sump pumps, down spouts, or area drainage facilities;
- C. All joints in the Private Main Sewer or Lateral Sewer are tight and sound to prevent the leaking of sewage and the infiltration of groundwater, storm water, and/or rain water;
- D. The Private Main Sewer or Lateral Sewer is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets, including all components of its connection to the Public Main Sewer;
- E. The Private Lateral Sewer is equipped with at least one (1) clean-out located within eighteen (18) inches of its Building's footprint, one (1) clean-out located at the Property line, and with a Backflow Prevention Device if required by this Ordinance;
- F. No Defective Conditions referred exist in the Private Main Sewer or Lateral Sewer.

If the District Engineer determines, in his or her sole discretion, that a Private Main Sewer or Lateral Sewer is in a Defective Condition, the District shall provide a written notice of violation to the Building or Property owner. The owner shall implement all repairs or replacement necessary to bring the Private Main Sewer or Lateral Sewer into compliance as outlined in the notice of violation. All costs of repair or replacement of the Private Main Sewer or Lateral Sewer shall be borne by the Building or Property owner, including obtaining all necessary permits prior to commencement of construction.

Upon completion of repairs to or replacement of the Private Main Sewer or Lateral Sewer, the Building or Property owner shall have another CCTV inspection and other test parameters conducted in order to verify that the repairs or replacement have been properly completed. The CCTV inspection and other reports shall be submitted to the District Engineer. All work shall be done to the satisfaction of the District Engineer, in accordance with all state laws and all District ordinances, standard drawings, standard specifications, and regulations.

Once a Compliance Certificate is issued, the private sewer main and/or private sewer lateral for which the certificate of compliance is issued shall not require testing for a period of twenty (20) years from the date of issuance of the certificate of compliance unless the District has reason to believe the private sewer main and/or private sewer lateral is in a defective condition as defined in Section 3.7 or upon the occurrence of one or more of the general conditions described in paragraphs C through F of Section 4.7. The certificate of private sewer lateral compliance shall not imply a warranty or guarantee of any kind.

4.8 Private Sewer Main Exception

Exceptions may be made upon appeal to the District Engineer or District Board, where several single-family, multifamily, commercial, or industrial units are constructed within several Buildings on the same Property, where it is agreed that such land can be adequately served by a single Private Main Sewer. Such property owner or owners association will be responsible for the construction, reconstruction, maintenance, and repair of the Private Main Sewer. In the case of the exception, a Private Main Sewer may be placed in the proposed development with a Private Lateral Sewer connected to each Building.

4.9 Sewer Lateral Engineering and Construction Requirements

4.9.1 Plans

All work on Private Sewers, including their connection to the Public Sewer, must be done pursuant to a plan set prepared by registered California Civil Engineer. Plans shall be in the form or format required by the District Engineer and submitted to the District Engineer for review. If a plan is approved and a permit not issued within one year of plan approval, the approval becomes void. Voided plans must be resubmitted along with a plan review fee based on the fees in effect at the time of resubmittal before they can be used for Private Sewer projects.

4.9.2 Permits

4.9.2.1 Permits are required for: (1) the construction of a new Private Lateral Sewer; (2) new Private Main Sewer; (3) connection of Private Sewers to the Public Sewer; (4) connection of a wash pad, RV dump station, or other appurtenances to a Private Sewer; and (5) repairs to and replacement of any of the foregoing.

4.9.2.2 Applications for permits must be submitted to the District Engineer along with approved plans and any other pertinent information, such as building and encroachment permits, CC&Rs, easement documents, etc. as required by the District Engineer.

4.9.2.3 Permits will be issued to the contractor completing the sewer work after all necessary plans, documents, and fees are submitted to the District. Permit issuance by the District does not guarantee the permit holder the right to perform the work. Additional authorization or permits may also be required (ex. street encroachment permit).

4.9.2.4 Permits are effective for one year from the date of issuance. The District Engineer may, for good cause shown, extend the permit validity period provided that: the activities permitted remain substantially the same as those in the original permit; the permit holder has taken reasonable steps in performing the permitted activities; and the applicant has paid all fees and charges associated with the permit.

4.9.2.5 Permits are not transferrable or assignable.

4.9.2.6 If an individual, association, or business entity fails to obtain a required permit under this Ordinance, it will retroactively be required to pay all fees called for in this Ordinance. These fees must be paid by the entity in violation before the District issues any other permits to the entity. Failure to obtain the required permits and pay the required fees may subject that entity, at the District Engineer's discretion, from being issued further permits for future sewer work in the District.

4.9.2.7 If a permit under this section is issued to a contractor, the contractor must be properly licensed by the California Contractors State License Board and shall furnish proof of its licensing to the District Engineer.

4.9.3 District Inspections and Supervision

4.9.3.1 The District has the power to require all inspections it deems necessary relating to the construction, repair, and replacement of Private Sewers. The number and timing of inspections required by each Private Sewer project permitted by the District will be determined by the District Engineer during the permitting process and must be communicated to the permit holder.

4.9.3.2 The District Engineer also shall inspect any work completed under a permit issued pursuant to this Ordinance. If the work does not meet District standards and requirements, the District may deny connection to the Public Sewer, order disconnection, or order that corrective measures be taken at the expense of the permit holder or associated Property owner.

4.9.3.3 Work that has been covered without inspection and approval by the District must be uncovered to permit inspection, at the permit holder's or associated Property owner's expense.

4.9.3.4 Inspections shall be conducted during normal business hours, unless extenuating circumstances require otherwise. Off-hours inspections can be authorized by the District Engineer if he/she deems appropriate, with the permit holder being subject to any costs associated with conducting the inspection during non-business hours. The permit holder shall advise the District that work is ready for inspection by giving at least 24 hours' notice during normal business hours in advance of the inspection time requested.

4.9.3.5 The District will notify the permit holder within ten days of an inspection as to the acceptance or non-acceptance of the work inspected.

4.9.3.6 Inspections or supervision by the District Engineer are required in the following situations:

- A. The connection of all Private Lateral Sewers and Private Main Sewers to the Public Sewer shall be made in the presence of the District Engineer and under his/her supervision and direction. Any cutting of the Public Sewer main shall be done only by District personnel or District approved licensed contractor, with the cost borne by the private Property owner or owners association. Private Property owners or owners associations are responsible for covering the reasonable cost to repair any damage caused by their connection(s) to the Public Sewer.
- B. Before the District finally approves any Private Lateral Sewer or Private Main Sewer for use, the Private Sewer components must be tested and shall be completed in full compliance with all requirements of the District standards and to the satisfaction of the District Engineer.

4.9.4 Excavations

All excavations for a Private Lateral Sewer or Private Main Sewer installations shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property damaged in the course of the work shall be restored in a manner satisfactory to the District Engineer and at the cost of the Private Property owner or owners association.

4.10 Correction of Work

The District, upon inspection of work permitted under this Ordinance, may notify the permit holder of problems or deficiencies in the work. The permit holder shall have ten days to correct any deficiencies or respond in writing to the District Engineer to contest the reported deficiencies. If the permit holder contests reports of deficiencies and the District Engineer disagrees, the permit holder shall have five additional days to correct the work.

Failure to correct deficient work may result in: (1) forfeiture of any fees or deposits paid to the District; and (2) disconnection of the subject sewer by the District. The District may take corrective action as it deems necessary to the work at the expense of the relevant Property owner's or Building owner's expense.

If a permit holder fails to correct work on two permits in a one year period, it will not be issued permits under this Ordinance for one year.

4.11 Fees

The District may assess fees for the following:

- A. Review of documents, such as easements and encroachment permits, related to any sewer permit;

- B. Fees for conducting studies associated with developments that may have a significant effect on the capacity of the Public Sewer system or that have a complicated proposed Private Sewer System. In such instances, a fee will be charged for the estimated cost of the study, including District administration and engineering costs. Upon completion of the study, additional fees may be charged based on actual costs of the study.
- C. Plan review fees, which will be invoices and shall be paid prior to the return of the reviewed plans. The fee covers one preliminary review and a final construction approval/signature. Additional fees may be charged for additional reviews of the plans.
- D. Fees for pre-permit inspections of the area of work. The fee shall include up to two inspections, with further inspections requiring an extra fee at the District Engineer's discretion. Any post-permit inspection fees shall be estimated by the District Engineer and communicated to the permit holder when the permit is awarded.
- E. Permit fees, which must be paid prior to the issuance of a permit.
- F. Material and service fees, if required by the District to cover the costs of District employees completing any work required by the proposed sewer construction.

4.12 Indemnification of District

All Private Property or Building owner(s) conducting sewer work under this Ordinance shall, to the fullest extent permitted by law, indemnify the District from any losses, damages, causes, claims, or actions, including attorneys' fees, that may directly or indirectly be occasioned by any work permitted under this Ordinance and under permits issued by the District, except to the extent the losses, damages, causes, claims, or actions arise out of the sole negligence or willful misconduct of the District in its supervision and approval of said work. The Private Property or Building owner(s) responsible for any work covered by this Ordinance that subjects the District to any losses, damages, causes, claims, or actions shall immediately assume the defense of the District with counsel of the District's choosing, upon a written tender to the Property owner or owners association.

All individuals and entities awarded a permit pursuant to this Ordinance ("Permit Holders") shall, to the fullest extent permitted by law, indemnify the District from any losses, damages, causes, claims, or actions, including attorneys' fees, that may directly or indirectly be occasioned by any work conducted under permits issued by the District, except to the extent the losses, damages, causes, claims, or actions arise out of the sole negligence or willful misconduct of the District in its supervision and approval of said work. All acts or omissions by Permit Holders that subject the District to any losses, damages, causes, claims, or actions shall immediately assume the defense of the District with counsel of the District's choosing, upon a written tender to the Property owner or owners association.

4.13 Insurance Requirements

Any entity that applies for a permit under this Ordinance shall provide the District with proof of insurance for the following coverages:

- A. Worker's Compensation; and

- B. Commercial General Liability with \$1 million per occurrence and \$2 million aggregate limits.

The District shall be named as an additional insured under these coverages and the permit applicant shall provide the District with an endorsement proving additional insured status.

4.14 Penalties for Failure to Comply with this Ordinance

Civil, criminal, and equitable penalties or actions may be taken against any Property owner or owners association that violates this Ordinance, pursuant to District Ordinance No. 63.

SECTION 5. Publication.

The District Secretary is authorized to publish or post this Ordinance pursuant to applicable legal requirements.

I hereby certify that the foregoing is a full, true, and correct copy of an ordinance passed and adopted by the Board of the Ironhouse Sanitary District at a meeting thereof held on the 20th day of June, 2017.

AYES, and in favor thereof, Members:	S. Morgan, C. Lauritzen, D. Scheer, D. Morrow, P. Zirkle
NOES, Members:	None
ABSENT, Members:	None



Cecilia Goff
Secretary to the Board

(SEAL)

APPROVED: 

Susan Morgan
President of the Board