

CHAPTER 9

A CHAPTER RELATING TO THE REGULATION OF INSPECTION, MAINTENANCE, AND REPLACEMENT OF SEWER LATERALS “SEWER LATERAL ORDINANCE”

ARTICLE I. PURPOSE. A Chapter regulating the inspection, maintenance, and replacement of Sewer Laterals within the Las Gallinas Valley Sanitary District.

ARTICLE II. DEFINITIONS

Section 201. Definitions for this Chapter are found in Title 1, Chapter 1, Article II.

ARTICLE III. GENERAL PROVISIONS

Section 301. Purpose. The Las Gallinas Valley Sanitary District (“District”) finds and determines that during heavy rains, water is introduced into the District’s system from Infiltration and Inflow (“I&I”). A portion of this I&I is believed to be introduced into the District’s Sewer Mains from Sewer Laterals or other unpermitted sources or connections. The District is required to convey, treat, and otherwise manage this I&I. This Chapter meets the requirement set forth in the District’s Wastewater Treatment Plant National Pollution Discharge Elimination System (“NPDES”) Permit regarding inspection of Sewer Laterals to help in identifying and addressing I&I from Laterals.

Section 302. Short Title. This Chapter shall be known as the “Sewer Lateral Ordinance.”

ARTICLE IV. NEW CONSTRUCTION

Section 401. Construction of new, repaired, replaced, or rehabilitated Laterals shall conform to District Ordinances, Resolutions and Administrative Policies (specifically Title 2, Chapter 1, Article V, “Building Sewers, Lateral Sewers and Connections”).

ARTICLE V. PERMITS

Section 501. 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 permit for the work from the District in accordance with Title 2, Chapter 1, Article V, “Building Sewers, Lateral Sewers and Connections.” All fees must be paid in accordance with Title 2, Chapter 1, Article IX, “Permits and Fees”. The application shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager, District Engineer or designee may require plans, specifications or drawings and such other information as may be deemed necessary.

ARTICLE VI. OWNERSHIP, MAINTENANCE AND REPAIR.

Section 601. As required by Title 2, Chapter 1, Article V, “Building Sewers, Laterals Sewers and Connection,” 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.

Section 602. Property Owners must clean, maintain and Repair Laterals serving their property sufficient to keep the Lateral in operable condition at all times, as defined herein. The property Owner shall perform such duties as may be required to respond to and correct conditions that do not meet this standard:

- (a) The Sewer Lateral shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.
- (b) All joints shall be watertight and all pipes shall be sound, which includes being

free from any structural defects such as fractures, cracks, breaks, openings, or missing portions.

- (c) In order to prevent inflow from entering a lateral from a cleanout, all cleanouts shall be securely sealed with a proper cap or approved, unmodified, fully functional overflow or backflow device at all times.
- (d) There shall be no illegal connections to the Lateral.
- (e) There shall be no observed overflows, seepage, blockages, other deficiencies (such as Sewer too low to allow for proper gravity flow) in the Lateral as determined by the General Manager, District Engineer or designee.

Section 603. Sewer lateral defects may be discovered by District through the District's operations which include smoke testing, response to an SSO, closed circuit televising of underground infrastructure, Pressure Testing, or other District activities.

ARTICLE VII. MANDATORY INSPECTIONS AND/OR PRESSURE TESTING

Section 701. Applicability. This Section shall apply to residential properties, commercial properties, publicly owned buildings, Common Interest Developments, apartment buildings and any structure which has a Sewer Lateral.

Section 702. Inspection Report. Following all inspections, the Owner shall submit to the District Engineer a sewer service lateral inspection report per Section 901.

Section 703. Certification of Compliance. The District will certify compliance of a newly constructed or repaired lateral following verification of its meeting the Pressure Test standards established by the District. The District Engineer, in their sole discretion, will verify results of any testing. In order for an owner to obtain Certification of Compliance, a newly constructed or repaired sewer lateral shall meet the pressure test criteria described in the District

sewer lateral testing and reporting protocols.

Section 704. Health and Safety Basis For Requiring A Sewer Lateral Inspection. An owner, or if applicable, all multiple owners of a common sewer lateral, shall have the sewer service lateral of his or her real property inspected in accordance with the requirements of this Chapter, and/or as directed and within the time period indicated by the General Manager or District Engineer, upon the occurrence of any of the following events:

- (a) **Overflow or Malfunction.** Whenever the General Manager or 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 sewer lateral.
- (b) **Lateral Failure or Lack of Maintenance.** Whenever the General Manager or District Engineer finds that the lateral has not been properly maintained.
- (c) **Public Health Threat.** Whenever the General Manager District Engineer has cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a sewer service lateral.

After reviewing the results of the Inspection, the Owner shall be provided with a District issued Report of Findings. In the event the General Manager or District engineer is not satisfied with the results of the Inspections performed under a Health and Safety Basis, the Report of Findings shall describe any remedial actions required of the Owner, which may include repair or replacement of the lateral.

Section 705. Other Events Requiring A Sewer Lateral Inspection. Except for those circumstances noted in Section 707, an owner, or if applicable, all multiple owners of a common sewer lateral(s), shall have the sewer service lateral(s) of his or her property inspected in

accordance with the requirements of this Chapter upon the occurrence of any of the following events:

- (a) Additions and Improvements. Prior to the final inspection of work performed under a county or city building permit for a remodel where said remodel has a value of \$30,000 or greater. The District will notify the relevant jurisdiction (city or county) of this requirement so that issuance of a building permit is conditioned upon meeting this inspection requirement.
- (b) Sale or Transfer of Property. Upon proposed sale or transfer of property, the seller shall obtain and submit a lateral inspection report to the District prior to the close of escrow.
- (c) Title Transfer. The sale or transfer of an entire property estate or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as a leasehold. The following are not Title Transfers for the purposes of this

Ordinance:

- (1) A transfer to an heir by fiduciary in the course of the administration of a decedent's estates, guardianship, conservatorship or trust;
- (2) A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors;
- (3) A transfer made by a trustor to fund an inter vivos trust;
- (4) A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a Lineal Consanguinity Relationship with one or more of the transferors;

- (5) A transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or resulting from a decree of legal separation or from a property settlement agreement incidental to a decree; and
- (6) A transfer from a Property Owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new Property Owner is a Title Transfer for purposes of this Ordinance.

After reviewing the results of the Inspection, the Owner shall be provided with a District issued Report of Findings, which shall describe any remedial actions required of the Owner, which, for inspections done pursuant to this Section only, will be limited to elimination of illegal connections (sources of inflow). Repair or replacement of the lateral will not be required as a result of inspections performed pursuant to this section, however additional remedial actions may be described that the owner is advised to take in order to ensure reliable function of the lateral. See section 707 regarding exception to inspections required under this section.

Section 706. Notification of 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 sewer laterals connect to the sewer main, or responding to and evaluating the cause of an SSO, and requires access to property, owners will be notified by the District.

Section 707. Exceptions to Inspection for Recent Replacements, Repairs, or Inspections.

The following are exceptions to the inspection requirements of Article VII, section 705.

- (a) Installation of Lateral Within Prior 20 Years. An owner otherwise required to perform a sewer lateral inspection under this Article shall not be required to

perform such an inspection if the owner (or the owner's predecessor-in-interest) has originally installed the sewer lateral, or replaced in full the pre-existing sewer lateral to the then-current District Standards and performed under a District-issued permit within twenty (20) years prior to the date of the application for a current building permit, or of listing the property for sale.

- (b) Certification of Compliance Within Prior 20 Years or District project. An owner otherwise required to perform a sewer lateral inspection under this Article shall not be required to perform such an inspection if the Owner has received a District Certification of Compliance or a Report of Findings indicating the absence of any Illegal Connections within the twenty (20) years prior to the date the inspection would otherwise be required or if the sewer lateral was replaced during a District project or as part of the Districts Sewer Lateral Replacement Program.
- (c) Proof of Prior Replacement or Rehabilitation of a Sewer Service Lateral. Owner shall provide proof of any prior replacement 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 or rehabilitation of a sewer service lateral occurred pursuant to a. and b. above. The form and content of the document or proof must be deemed sufficient by the General Manager or District Engineer or designated representative in their sole discretion.

Discovery of suspected evidence of non-compliance of this Ordinance through District activities described in Section 603 shall negate applicability of Section 707.

Section 708. Fees. Prior to conducting any work by District staff, and in order to cover District staff time and administrative costs, the District will assess fees according to the Districts

miscellaneous fee schedule.

Fees shall be payable immediately by the current property upon requesting District services.

Additional information regarding fees is available at the District Offices and on the District Website.

Section 709. The District may contract with a firm to carry out any inspections or any inspection report review authorized by this Ordinance.

ARTICLE VIII. ACCESS TO PREMISES

Section 801. In accordance with Health and Safety Code § 6523.2 the District Engineer or designated representative is hereby authorized to inspect laterals with 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 the District has information indicating that the lateral may be allowing inflow or infiltration.
- (f) To make any determinations regarding public health, safety or welfare.

Section 802. Powers and Authorities of Inspectors. The officers, inspectors, managers, and any duly authorized employees of the District shall carry evidence establishing their position

as authorized representatives of the District, and upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities, and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance, resolutions and administrative policies of the District.

ARTICLE IX. INSPECTION REPORT REQUIREMENTS

Section 901. Inspection Report Requirements. An Inspection Report required by this Ordinance shall be prepared in accordance with and pursuant to all District regulations, standards and requirements. For current report requirements, Contact District Offices or visit the District Website.

ARTICLE X. REQUIRED REPAIRS

Section 1001. Notice to Repair. Upon receipt of the sewer service lateral inspection report or in the event of a failed pressure test, pursuant to this Chapter, the District Engineer or designee 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 General Manager or District Engineer. The Notice to Repair may 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 may include the installation of cleanouts and backwater prevention devices if those devices are otherwise required by this Ordinance or any other provisions of the Ordinance Code. Failure to make repairs as required by the Notice of Repair may result in the District's recording of a Notice of Violation with the Marin County Recorder and any and all remedies available to the District.

Section 1002. Disconnection of Illegal Connections. For inspections conducted pursuant to Section 705, lateral replacement will not be required, however corrective action up to and including lateral replacement may be advised. Illegal connections or sources of inflow identified during inspections pursuant to Section 705, however, must be eliminated or otherwise disconnected from the lateral within a 90-day grace period as measured from date of discovery. Failure to comply within this grace period will result in a notice of Violation being filed with Marin County Recorder, in addition to pursuit of any legal remedies the District is entitled to. Adequate verification of disconnection shall include written summary of observed conditions during site review by a PACP inspector or licensed plumber pursuant to Section 901.

Section 1003. Additional or Subsequent Violations. If any violations of this Ordinance are discovered on a property after corrective action, up to and including lateral replacement, has been previously ordered by the District, a Notice of Violation may be filed by the District with the Marin County Recorder, in addition to pursuit of any legal remedies the District is entitled to, until verification of corrective action is supplied to District offices. The grace period described in Section 1002 shall not apply to violations described in this section. Adequate verification of corrective action shall include written summary of observed conditions during site review by a PACP inspector or licensed plumber pursuant to Section 901, or other verification if required by the District.

Section 1004. Time Limits. Time limits described in sections 1002 and 1003 supersede those described in Title 2, Chapter 1, Article X of the Las Gallinas Valley Sanitary District Ordinance Code.

SECTION 1005. Pool Overflow Piping. Except for pools constructed prior to the effective date of this Ordinance, pool overflow piping is considered a source of inflow and,

therefore, if connected to a sewer lateral, is considered an illegal connection and is not allowed. Due to concerns regarding environmental impact of pool overflow water, owners constructing or disconnecting pool overflows from sewer laterals are advised to coordinate any pool overflow piping construction or changes through the Marin County Stormwater Pollution Prevention Program. Draining of pool contents to sewer laterals for complete pool draining purposes is not considered inflow and is permissible under certain circumstances if a pool discharge permit is issued to the Owner by the District. Contact District Offices or visit the District Website for more information related to draining pools.

ARTICLE XI. MULTIPLE CONNECTIONS

Section 1101. It shall be the policy of the District to require one Sewer Lateral serving one single family home. However, the District recognizes that the existing sewer service system within the District contains groups of two or more properties that are serviced by one pre-existing Sewer Lateral. Where there is no problem with a Sewer Lateral that serves multiple properties, in the opinion of the General Manager or District Engineer or designee, then the District may allow the multiple service Lateral. Where Repairs are necessary, the Owners of the residences served by the Lateral shall jointly be responsible for the Repairs. Where Repairs and/or Replacement of such a Lateral is necessary, the District may require the construction of a new Sewer Lateral for each residential single-family home or the construction of a new larger Sewer Lateral to accommodate the multiple residences.

Section 1102. Discovery of Common Lateral. If the District identifies that the Sewer Lateral conveys flow from one or more Common Laterals, the District will inform the property Owner. The property Owner remains responsible for the full cost of testing, and repair or replacement of the Sewer Lateral from the Public Sewer Main to the initial Building in question.

Where multiple residential connections connect to one Sewer Lateral, it is the property Owner/Owners' responsibility to determine how costs related to Lateral, inspections and repairs will be shared. If during the inspection it is determined that a sewer lateral is serving more than one residence, the District can require the construction of an additional lateral to comply with present District standards.

ARTICLE XII. DISTRICT'S AUTHORITY UPON FAILURE TO REPAIR.

Section 1201. Failure to Repair upon District Notification. Should an Owner fail to conduct the required Repairs upon issuance of a Notice to Repair by the District, the District shall have several options in order to ensure that the Repair or Replacement is completed:

- (a) Public Health: The District may determine that a property constitutes a hazard to public health and take all actions authorized by the Health and Safety Code or other relevant law.
- (b) Disconnection of Sewer Lateral to Sewer Main: The District shall have the right to commence proceedings in the County of Marin Superior Court to seek a court order disconnecting the Sewer Lateral from the Sewer Main, thus leaving the home, Building or industrial facility without sewer service.
- (c) Corrections of Violations: Section 6523 of the California Health and Safety Code provides that in order to enforce the provisions of any Ordinance of the 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.

ARTICLE XIII. PUNISHMENT FOR VIOLATION OF PROHIBITED DISCHARGES

Section 1301. Section 6523 of the California Health and Safety Code provides that the violation of any ordinance, rule or regulation of a sanitary district by any Person is a misdemeanor punishable by imprisonment in the County jail not to exceed 30 days or by a fine not to exceed one thousand dollars (\$1,000) or both. Each and every connection, occupancy, prohibited discharge in violation of this Ordinance shall be deemed a separate violation and each and every day or part of a day a violation of the Ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

ARTICLE XIV. SEVERABILITY

Section 1401. 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 of 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 3. Upon adoption of this Ordinance, it shall be entered in full in the minutes of the Board of Directors, shall be posted in one place in the District, shall be published once in the Marin Independent Journal, and shall take effect immediately upon the expiration of one (1) week of said publication and posting.

Section 4. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.