



ORDINANCE NO. 27

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT GOVERNING COMMON SEWER LATERALS SERVICING MULTIPLE PARCELS

WHEREAS, the Cayucos Sanitary District (the "District") is formed under Health and Safety Code Section 6400 et seq. and is authorized to provide sewer service to its District; and

WHEREAS, the District finds that situations exist where multiple parcels with separate buildings are serviced by a common sewer lateral; and

WHEREAS, in some instances these property owner(s) may seek to subdivide their properties and/ or that the properties may be sold or transferred; and

WHEREAS, the District finds that it is in the interest of the District, the property owner(s) and the public, that as these multiple parcels being served by a common sewer lateral are sold and/ or subdivided, each separate improved parcel so created or sold shall be required to install an independent sewer lateral connection to the District's main sewer line;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals and finding are true, correct and incorporated herein.

SECTION 2: Resolution No. 88-5 of the Cayucos Sanitary District titled RESOLUTION ESTABLISHING REQUIREMENTS AND FEES FOR CONVERTING MULTIPLE USE OF A COMMON BUILDING SEWER LATERAL TO SEPARATE SERVICE CONNECTIONS, as adopted on November 21, 1988, is hereby repealed its entirety.

SECTION 3:

A. PURPOSE AND INTENT.

The purpose and intent of this Ordinance is to regulate the location, construction, installation, and use of common sewer laterals in the District. The District finds that it is in the best interest of the District, its customers, and the public that wherever possible, each separately owned parcel of property shall be independently connected to the District's sewer system.

B. DEFINITIONS.

For purposes of this Ordinance, the following words and phrases shall mean as follows:

1. "Backflow Valve" when used herein refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.
2. "Branched or "Common Lateral" when used herein refers to a joint connection of two or more separately or individually owned properties sharing the same lateral.
3. "Building" when used herein refers to a structure or dwelling that is connected to the District sewer system.
4. "Building Sewer" when used herein refers to sewer and drain pipe constructed within and under a building.
5. "District" when used herein refers to the Cayucos Sanitary District.
6. "Dwelling" when used herein refers to a house, condominium, apartment, or townhome connected to the District sewer system.
7. "Exfiltration" when used herein refers to sewage that leaks out of sewer pipes.
8. "Infiltration" when used herein refers to ground water that enters into the sanitary sewer system.
9. "Inflow" when used herein refers to storm water that enters into the sanitary sewer system.
10. "Sewer Lateral" when used herein means a privately owned pipe line connecting a building sewer to a sewer main.
11. "Manager" when used herein refers to the Manager of the Cayucos Sanitary District.
12. "Private Sewer System" when used herein means a sewer system serving more than one (1) separately owned building.
13. "Sewage" when used herein means all water or combination of liquid and water- carried solid or semi-solid waste conducted away from residences, business buildings, institutions and other sources, which is known as domestic sewage, together with liquid or water- carried solid or semi-solid waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process, which is known as industrial waste.
14. "Sewer Main" when used herein means any District-owned sewer pipe within a street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral.

C. LOCATION OF SEWER LATERALS.

The District assumes and/or maintains no responsibility for the accuracy of the original sewer maps dated 1954, and as revised thereafter, as to the existence or non-existence of sewer laterals from the main line to the property line inscribed thereon. Furthermore, the District assumes and/or maintains no responsibility in the event the lateral cannot be located, or if located, not being in a suitable location nor situated in the as mapped location.

D. PROHIBITION OF COMMON BUILDING SEWER LATERALS AND CONNECTIONS.

1. Notwithstanding Section 3, Subsection E of this Ordinance, the District requires that each separately owned parcel install its own separate sewer lateral connection to the District sewer main.
2. When two or more buildings located on separate parcels under common ownership are connected to a common lateral, prior to transfer of ownership of any parcel so connected and/ or prior to the final approval of a further subdivision, the owner shall provide a separate sewer lateral line to connect each such parcel to the District sewer main line. All work is to be performed at the property owner's sole expense, including payment of any inspection, permit(s), legal and other related fees.
3. Where two or more buildings on separate parcels under different ownership are found to be connected to a branched or common lateral, each such structure located on a separate parcel shall be disconnected from the branched or common lateral and separate laterals shall be provided. The owner on whose property the sewer lateral is located on or stubbed to will be responsible to undergo a closed-circuit television (CCTV) inspection, and to repair or replace their lateral, if required to do so, in accordance with Ordinance No. 26, as such may be amended from time to time. The property owner, absent his/her own separate sewer lateral, will be required to pay all inspection and related fees plus costs of installing such sewer lateral.

E. EXCEPTIONS TO PROHIBITION OF COMMON BUILDING SEWER LATERALS AND CONNECTIONS.

Branched or common laterals shall be permitted only in the following instances:

1. Where two or more buildings are situated upon the same parcel, in which case all such buildings may, by permit authorized by the District, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions of this Ordinance and a drawn plan of the joint connection be first submitted to and approved by the District. As a further condition of obtaining such a permit, all such buildings shall be owned by the same person or entity.
2. Where, in the opinion and at the sole discretion of the District, it is impossible or impractical to connect a building on a single parcel to the main sewer except in conjunction with the connection of a building(s) on other parcels, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this Ordinance. A plan for such a joint connection shall first be submitted to and approved by the District. A permit for each individual parcel addressing the identification of the responsible party for maintenance, and liability for maintenance and overflow damages, and a private written easement agreement in force covering any and all structures and facilities located within, running on, over and across the boundaries of the private easement shall be required.

F. OPERATION AND MAINTENANCE OF PRIVATE SEWER SYSTEMS.

1. Any person or entity responsible for the operation and maintenance of a private sewer system that serves two or more buildings shall:
 - a. Ensure that the private sewer system is designed and constructed in accordance with the specifications approved by the District.

b. Periodically clean the sewer lines in order to prevent overflows due to sewer system blockages caused by grease, roots, debris, and other causes.

c. Respond to sewer overflows that occur in the private sewer system, contain the spilled sewage to the extent feasible, eliminate the cause, and mitigate the public health and environmental impacts of the overflow in a timely manner.

d. Report all sewer overflows that occur in the private sewer system to the District within twenty four (24) hours of the occurrence and provide any additional information that may be required by the District.

e. Pay any fines or levies imposed on the District or on the person or entity responsible for the operation and maintenance of the private sewer system that may result from regulatory action following an overflow from the private sewer system.

G. INSPECTION AND REPAIR OF SEWER LATERALS.

1. In accordance with Ordinance No. 26, as same may be amended from time to time, under certain mandatory conditions, a property owner shall provide for a CCTV inspection of their sewer lateral. If the lateral is found to be defective, the property owner will be required to repair or replace the lateral.
2. A repaired or replaced lateral shall be brought into compliance with the requirements of the District. Cleanout devices must be installed on all repaired or replaced laterals, and backflow valves may be required to be installed on laterals meeting the criteria of the District, in accordance with District Ordinance No. 15 (*amends No. 5*) and No. 26, as same may be amended from time to time.

H. IMPOSITION OF CHARGES FINES AND PENALTIES FOR VIOLATIONS.

1. It is unlawful for any person or property owner to act in a manner inconsistent with the provisions set forth herein. Any person, entity or organization found to be in violation of this Ordinance shall be guilty of a misdemeanor. Every day the property owner is in violation of this Ordinance shall constitute a new and separate offense.
2. The District shall have the authority to recover from a property owner the District's actual expenses incurred in responding to sewer overflows on private property, and any other expenses incurred by the District in enforcing the provisions set forth herein.
3. The District shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceed the direct costs to the District upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

I. DELINQUENT CHARGES TO CONSTITUTE LIEN.

Delinquent charges for overflow-related expenses and administrative penalties, and accrued penalties thereon, described in Section 3, Subsection H herein, shall constitute a lien upon the real property served and such lien shall continue until the charge and all penalties thereon are paid to the District.

J. COURT ACTION.

As a separate, distinct and cumulative remedy established for collection of any charges or penalties imposed, an action may be brought in the District's name in any court of competent jurisdiction to enforce the lien provided for in Section 3, Subsection I herein. Reasonable attorney's fees shall be awarded to the prevailing party in such action.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

SECTION 5: That all previous ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be posted in accordance with Section 6490 of the Health and Safety Code.

On motion of Director Foster, seconded by Director Chivens, and on the following roll call vote, to-wit:

AYES: Fones, Lyon, Foster, Chivens
NOES: None
ABSENT: None
ABSTAIN: Enns

the foregoing Ordinance is hereby adopted this 21st day of April, 2011.

SIGNED: Robert B. Enns, President, Board of Directors
APPROVED AS TO CONTENT: Bill Callahan, District Manager
ATTEST: Lewis Brookins, Clerk to the Board
APPROVED AS TO FORM: Timothy J. Carmel, District Counsel