



ORDINANCE NO. 26

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT REGULATING SEWER LATERAL INSTALLATION, MAINTENANCE AND REPAIR

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 inhabitants within its boundaries and to adopt rules and regulations for operation and maintenance of its sewage collection system; and

WHEREAS, the District Board of Directors finds that it is in the best interest of the District, its customers and its sanitary sewer system, to regulate the location, installation, maintenance and repair of sewer line laterals; and

WHEREAS, the State Water Resources Control Board Order No. 2006-0003 (adopted May 2, 2006) requires the District to adopt a Sewer System Management Plan and demonstrate through its sanitary sewer system use ordinances and resolutions, that it possesses the necessary legal authority to prevent illicit or harmful discharges into its sanitary sewer system; and require that sewers, line connections, and laterals be properly designed, constructed, and maintained; and ensure access to all necessary facilities for inspection and maintenance; limit the discharge of fats, oils, and grease and other debris that may cause blockages; and enforce any violation of its sewer regulations; and

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

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

SECTION 2: Resolution No. 88-1 of the Cayucos Sanitary District titled RESOLUTION OF THE BOARD OF DIRECTORS OF CAYUCOS SANITARY DISTRICT ESTABLISHING DISTRICT POLICY FOR MAINTENANCE, REPAIR AND INSTALLATION OF SEWER LATERALS AND BUILDING SEWERS, as adopted on February 15, 1988, is hereby repealed in its entirety.

SECTION 3:

A. PURPOSE AND INTENT.

The purpose and intent of this Ordinance is to regulate the installation, maintenance, and repair of sewer laterals within the District. Such regulation is intended to ensure that sewer laterals are properly installed and maintained in order for the District's sanitary sewer system to work correctly, efficiently and effectively.

B. DEFINITIONS.

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

1. "Addition" or "Remodel" is an addition to an existing structure of more than 400 square feet, and the addition of two (2) or more new plumbing fixtures.
2. "Backflow Valve" is a check valve specifically designed to prevent the reverse flow of sewage in a lateral.
3. "Branched" or "Common Lateral" is a joint connection of two or more building units to the same lateral.
4. "District" is the Cayucos Sanitary District.
5. "Exfiltration" is the liquid wastes and liquid-carried wastes, which unintentionally leak out of a sewer pipe system and into the environment.
6. "Infiltration" is groundwater that enters into the sanitary sewer system.
7. "Inflow" is storm water that enters into the sanitary sewer system.

8. "Lateral" or "Sewer Lateral" is a privately owned pipe line connecting a building sewer to a sewer main.
9. "Manager" is the District Manager of the Cayucos Sanitary District.
10. "Private Sewer System" is a sewer or system of sewers serving more than one (1) building unit that is not owned by the District.
11. "Public Nuisance" refers to conditions or activities on properties, both public and private, which have or threaten to affect the environment and/or the health or safety of the public, including but not limited to the following conditions:
 - a. The piping and fittings have leaks or breaks, or are otherwise subject to exfiltration or leakage of sewage; or
 - b. The piping and fittings provide connections other than those permitted by this Ordinance or the California Plumbing Code, or are otherwise subject to inflow and infiltration, whether accidentally, negligently, or intentionally; or
 - a. Non-sanitary sewer connections or sewer connections otherwise subject to inflow and infiltration, whether accidentally, negligently or intentionally.
12. "Qualified Repair" means a repair that has been made within the last five (5) years that significantly improves the condition of an existing lateral and results in a lateral in good working order.
13. "Satisfactory Condition" when used herein is indicated by fulfilling one of the following:
 - a. Final inspection and approval of a Sewer Lateral Permit, District-issued Sewer Lateral Certificate, Final Will-Serve Letter or other written inspection report evidencing compliance with District standards and requirement for connection/installation, repair or replacement; or
 - b. Written approval and acceptance by the District Manager (or designee) of a tape video record of a closed circuit television (CCTV) inspection of the sewer lateral.
14. "Sewage" 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 commercial or industrial establishments, including the washing, cleaning or drain water from such process, which is known as industrial waste.
15. "Sewer" or "Sewer Main" or "Main" is any District-owned sewer pipe and appurtenances within a street or public right-of-way receiving or intended to receive the discharges from more than one sewer lateral.

C. SEWER LATERALS AND CONNECTIONS.

1. All laterals from the building wall up to and including the sewer main connection are the responsibility of the property owner(s) of the connected building. All property owner(s) whose properties are connected to a sewer main or are otherwise connected to the District's sewer system shall, at their own expense, maintain the sewer lateral and ensure that the lateral, or any portion thereof, is free of displaced, offset or open joints, cracks, leaks, inflow or infiltration, root intrusion or other conditions likely to increase the chance for lateral blockage or failure. All property owners shall ensure that laterals drain freely to the sewer main without excessive sags or offsets that collect grease or sediment.
2. No person, entity or organization shall break or cut into or connect to any sewer in any street, easement or right-of-way in the District or under the control of the District without first securing a permit

to do so from the District. Prior to beginning work, plans describing the work to be performed shall be submitted to and approved by the District Manager (or designee).

3. Each property utilizing the District's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched or common laterals shall only be permitted in strict accordance with District regulations.

D. LOCATION OF SEWER LATERALS.

The District assumes no responsibility for the accuracy of the original sewer maps dated 1954, and as revised thereafter, or to the existence or non-existence of sewer laterals from the main line to the property line shown therein. Furthermore, the District assumes no responsibility in the event a lateral cannot be located, or if located, the lateral is not in a suitable location or situated as mapped.

E. INSPECTIONS AND REPAIRS OF SEWER LATERALS REQUIREMENTS.

1. Property owners shall inspect, and provide to the District, a report of the results of an inspection of the lateral on their property using closed circuit television (CCTV) inspection or other inspection or test method approved by the District Manager (or designee), under the following conditions:
 - a. When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral; and
 - b. As a condition of approval for continuing service by the District of any building remodel project unless the property owner presents satisfactory proof to the District that the sewer lateral line is less than ten (10) years old or has been replaced within the last ten (10) years or has had a Qualified Repair; and
 - c. Upon a sewage overflow emanating from a lateral onto public property, including but not limited to a street or storm drain system, or has flowed onto private property owned by another property owner; and
 - d. Whenever the District finds that a sewage overflow emanating from a lateral presents a threat to public health or creates a public nuisance, even if it has not flowed across a property line; and
 - e. Defective laterals that have any of the following conditions: displaced or offset joints, root intrusion, substantial deterioration of the lines, damaged cleanout, defective cleanout, inflow, infiltration or any other condition likely to increase the chance for a lateral blockage or failure. As part of its periodic construction, maintenance and replacement of sewer mains, the District may discover defective laterals. The District may order the property owner to conduct an inspection, repair or replacement of any lateral that the District finds to be defective. Existing laterals shall not be used if they are found to be defective or if they fail District mandated inspections or tests, or if they were constructed of materials deemed unacceptable by the District Manager (or designee). Whenever a defective lateral is discovered, the property owner, at his/her sole expense, shall repair or replace the lateral. In the absence of a specific deadline, all inspection and testing work shall be completed within 60 days of notification by the District that such inspection is required unless alternative arrangements have been agreed to by the District in writing.
2. The District Manager (or designee) shall determine the extent of repair required, and such repair, short of complete replacement of the lateral, may be authorized at the sole discretion of the District Manager (or designee). The following requirements for lateral repair or replacements shall be met:
 - a. A repaired or replaced lateral shall be brought into compliance with the requirements and regulations 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, as may be amended, and all other relevant District regulations; and
 - b. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a District representative; and

- c. Roots, grease, or other material must be prevented from entering the sanitary sewer system during cleaning or repair of sewer laterals. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the District for any fines or other costs or expenses incurred by the District resulting from the spill.

F. REQUIREMENTS FOR DOCUMENTATION COMPLIANCE BEFORE ISSUANCE OF SEWER LATERAL CERTIFICATE:

1. The District will accept any of the following documents as verification of compliance herewith and, upon payment of all applicable fees, shall issue a Sewer Lateral Certificate:
 - a. Evidence that the sewer lateral is less than ten (10) years old; or
 - b. A copy of a District-issued Sewer Lateral Permit or inspection report evidencing complete replacement of the sewer lateral and a determination that it was in good and working order within the last ten (10) years.
 - c. A copy of a District-issued Sewer Lateral Permit or inspection report evidencing repair of the sewer lateral and a determination that it was in good and working order within the last five (5) years.
 - d. A California State licensed contractor's receipt of work completed, indicating that the sewer lateral is less than ten (10) years old or has been replaced within the last ten (10) years or has had a Qualified Repair.

G. SEWER LATERAL CERTIFICATE.

1. A Sewer Lateral Certificate shall be issued by the District upon presentation of sufficient proof that a property owner has complied with this Ordinance, and upon payment of all applicable fees.
2. A Sewer Lateral Certificate shall be effective for the following period of time:
 - a. A maximum period often (10) years from the date of inspection and approval by the District of connection in the case of new construction on property with an existing lateral, or when connecting a previously unconnected structure to an existing lateral; or
 - b. A period not to exceed ten (10) years from the date of inspection and approval by the District of a complete lateral replacement; or
 - c. A period not to exceed five (5) years when counting from the date of inspection and approval by the District of a Qualified Repair.

H. IMPOSITION OF CHARGES, FINES AND PENALTIES FOR VIOLATIONS.

1. It is unlawful for any person or entity to act in a manner inconsistent with the provisions set forth herein. Any person or entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. Every day such person or entity 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 lateral caused overflows on private property, or any other expenses incurred by the District in enforcing the provisions set forth herein.

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 McHale, seconded by Director Fones, and on the following roll call vote, to-wit:

AYES:	Raimondo, Fones, McHale, Lyon
NOES:	None
ABSENT:	Enns

the foregoing Ordinance is hereby adopted this 17th day of September, 2008.

SIGNED:	Robert B. Enns, President, Board of Directors
APPROVED AS TO CONTENT:	Bill Callahan, District Manager
ATTEST:	Nancy Martin, Deputy Clerk
APPROVED AS TO FORM:	Timothy J. Carmel, District Counsel