

**ORDINANCE NO. 29**

**AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT  
ESTABLISHING SEWER LATERAL TESTING**

The Board of Directors of the Ukiah Valley Sanitation District hereby ordains as follows:

**Section 29-1 PURPOSE, POLICY, AND ADMINISTRATION:**

- A. The purpose of this Article is to reasonably insure the soundness of the sewer collection system in order to prevent infiltration, exfiltration and to insure that both new and existing sewer laterals comply with the provisions of this Chapter, to better protect the City of Ukiah Sewage Treatment Plant ("Plant") and the environment. In accordance with the Participation Agreement between the City and District the City is required to maintain and repair the District's sewer collection system. The City Director of Public Utilities shall enforce the provisions of this ordinance and has the authority to develop and implement Administrative guidelines and construction standards and to alter the testing methods prescribed herein, if such methods are impractical, because of the nature or physical location of the lines to be tested.
- B. This Article shall apply to the Ukiah Valley Sanitation District and to persons outside the District who, by contract or agreement with the District, are users of the City's Plant.

**Section 29-2 DEFINITIONS:**

The following definitions apply to this chapter. Terms not defined in this article shall have their ordinary and common meaning, or if applicable, the meaning set forth in the Uniform Plumbing Code.

**(1) ADMINISTRATIVE GUIDELINES DEFINED:**

Administrative guidelines shall mean guidelines which shall establish certification programs for contractor, standard inspection report forms, notices, and compliance certificates.

**(2) APPLICANT DEFINED:**

Applicant shall mean a person or entity making application under the provisions of this division for a permit for a sewer or plumbing application. An applicant shall be the property owner or an authorized agent of the property owner.

**(3) BOARD DEFINED:**

Board shall mean the Board of Directors of the Ukiah Valley Sanitation District, California.

(4) BUILDING LATERAL DEFINED:

Building lateral shall mean that portion of a side sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.

(5) CERTIFICATE OF LATERAL COMPLIANCE DEFINED:

Certificate of Lateral Compliance shall mean the certificate issued by the Director of Ukiah Public Utilities or his/her designee certifying that the sewer lateral complies with the standards set forth in this Chapter. Certificates of Lateral Compliance shall be valid for a period of twenty-five (25) years for all sewer laterals constructed or repaired after 2006 and for sewer laterals that, as a result of inspection occurring after 2006, are confirmed to meet the current building material standards of the District. Certificates of Lateral Compliance shall be valid for a period ten (10) years for sewer laterals that satisfactorily pass inspection occurring after 2006 but do not meet the current building material standards of the District.

(6) CITY DEFINED:

City shall mean the City of Ukiah, California.

(7) CITY ENGINEER DEFINED:

City Engineer shall mean the City Engineer of the City.

(8) CHANGE IN OWNERSHIP DEFINED:

Change in Ownership means a transfer of a present interest in real property, the value of which is substantially equal to the value of the fee interest, where any consideration is paid to the grantor for the conveyance or transfer.

(9) CONTRACTOR DEFINED:

Contractor shall mean a person or entity duly licensed by the State of California to perform the type of work to be done under the permit.

(10) COUNTY DEFINED:

County shall mean the County of Mendocino, California.

(11) DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT DEFINED:

Director of Planning and Community Development shall mean the Director of Planning and Community Development of the City.

(12) DIRECTOR OF UKIAH PUBLIC UTILITIES DEFINED:



Director of Ukiah Public Utilities shall mean the Director of the Public Utilities Department of the City. The Director of Ukiah Public Utilities or his/her designee shall perform all duties of sewer inspector under the terms of this ordinance.

(13) DISTRICT DEFINED:

District shall mean the Ukiah Valley Sanitation District, California.

(14) DOMESTIC SANITARY SEWAGE DEFINED:

Domestic sanitary sewage shall mean water carried wastes from residences, hotels, motels, restaurants and business establishments, but excluding all ground water, surface water, storm water and industrial wastes.

(15) GOOD CAUSE DEFINED:

Good cause shall mean practical difficulties, including interference with the use or safety of the public right of way, adverse weather conditions, or demonstrated economic hardship.

(16) GARBAGE DEFINED:

Garbage shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce

(17) INDUSTRIAL WASTES DEFINED:

Industrial wastes shall mean the wastes of producing, manufacturing and processing operations of every kind and nature. It shall not include domestic sanitary sewage.

(18) MAIN SEWER DEFINED:

Main sewer shall mean a public sewer designed to accommodate more than one lateral sewer.

(19) MULTIPLE DWELLING DEFINED:

Multiple dwelling shall mean a building or buildings on a single parcel for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one family, including, but not limited to, the following: hotels, motels, auto courts, trailer courts, apartment houses, condominiums, duplex, rooming house, boarding house, guest house and dormitories.

(20) NOTICE TO REPAIR DEFINED:

Notice to Repair shall mean notice issued by the Director of Ukiah Public Utilities to property owner that the property owner is in violation of this

Ordinance with respect to the property owner's sewer lateral, which order directs the abatement of the violation.

(21) OUTSIDE SEWER DEFINED:

Outside sewer shall mean a sanitary sewer beyond the limits of the City not subject to the control or jurisdiction of City.

(22) PERMIT DEFINED:

Permit shall mean any written authorization required pursuant to this ordinance or any other regulation of District for the installation of any sewerage work.

(23) PERSON DEFINED:

Person shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts, and all political subdivisions and governmental agencies thereof.

(24) PLUMBER DEFINED:

Plumber shall mean a person or entity duly licensed by the State of California to perform the type of plumbing work to be done under the permit.

(25) PRE-AUTHORIZED LIST DEFINED:

Pre-authorized list shall mean the list of qualified plumbers and/or contractors, developed by the Director of Ukiah Public Utilities that may perform sewer lateral inspections without direct City oversight, in accordance with the provisions of this chapter.

(26) PROPERTY OWNER DEFINED:

Property owner shall mean the owner of the property as shown on the last equalized assessment roll or in the records of the Mendocino County Recorder.

(27) PUBLIC DISTRICT DEFINED:

Public district shall mean any district organized under the laws of the State of California which is authorized to engage in and is engaged in collecting and disposing of sewage.

(28) PUBLIC PREMISES DEFINED:

Public premises shall mean any premises owned of record by the City of Ukiah, the Ukiah Valley Sanitation District, the County of Mendocino, the State of California, or the United States of America.

(29) PUBLIC SEWER DEFINED:

Public sewer shall mean a sewer lying within a street or easement which is controlled by or under the jurisdiction of the City and/or the District.

(30) QUALITY CHARACTERISTICS AND ANALYSES DEFINED:

Quality characteristics and analyses shall mean as defined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, or EPA Standard Procedures, and all sample collection, laboratory procedures of analyses, tests, measurements and data reporting.

(31) SANITARY SEWER DEFINED:

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(32) SEWAGE DEFINED:

Sewage shall mean water carried wastes from residences, business buildings, institutions and industrial establishments.

(33) SEWERAGE WORKS DEFINED:

Sewerage works shall mean all facilities owned or controlled by the City except private sewers, for collecting, pumping, treating and disposing of sewage.

(34) SEWER DEFINED:

Sewer shall mean a pipe or conduit for carrying sewage.

(35) SEWER COLLECTION SYSTEM DEFINED:

Sewer Collection System shall mean the network of public sewers, including main sewers that transport flow by gravity, main sewers that transport flow under pressure and pumping stations, which carry sewage to the sewer treatment plant.

(36) SEWER LATERAL DEFINED:

Sewer lateral shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer and shall include the building lateral and street lateral together.

(37) SEWER SERVICE UNIT DEFINED:

One sewer service unit is defined as being a single unit of sewer discharge having characteristics of flow, biochemical oxygen demand (B.O.D.) and



suspended solids equivalent to that generated and discharged by a typical single-family residential unit.

(38) SEWER TREATMENT PLANT DEFINED:

Sewer treatment plant shall mean the Sewer Treatment Plant owned and operated by the City.

(39) SINGLE-FAMILY UNIT DEFINED:

Single-family unit shall mean and refer to the place of residence for a single family.

(40) STANDARD SPECIFICATIONS DEFINED:

Standard specifications shall mean a set of documents containing design and construction standards for all sewage works as adopted by the City/District and as amended from time to time.

(41): STATE DEFINED:

State shall mean the State of California.

(42): STORM SEWER OR DRAIN DEFINED:

Storm sewer or storm drain shall mean a sewer which carries storm and surface or ground waters and drainage, but to which sewage is not intentionally admitted.

(43) STORM WATER DEFINED:

Storm water shall mean the water running off or draining from the surface and sub-surface of an area during and after a period of rain or irrigation.

(44) STREETS DEFINED:

Streets shall mean any public highway, street, alley, public place, public easement or right of way.

(45) STREET LATERAL DEFINED:

Street lateral shall mean the portion of a side sewer lying within a public street connecting a building lateral to the main sewer.

**Section 29-3            APPLICABILITY:**

A. All new connections to the Public Sewer, including gravity and pressure laterals, shall be subject to the provisions of this section and shall be tested in accordance with the provisions of this section. All sewer laterals that have been repaired or replaced, including gravity and pressure laterals, shall be tested in accordance with the provisions of this section. No person

shall use or introduce sewage into the public sewer until the sewer lateral has passed a test as specified in the standard specifications.

B. All sewer laterals connected to the public sewer, including sewer laterals serving residential, multi-family residential, commercial or industrial uses, shall be cleaned and tested in accordance with the appropriate provisions of this ordinance, upon the occurrence of any of the following, unless a valid Certificate of Lateral Compliance is on file with the City:

1. In connection with a change of ownership of property served and prior to the recordation of any deed or other conveyance document, or
2. In conjunction with any repair or replacement of the main sewer to which the sewer lateral is connected; or
3. The determination of the Director of Ukiah Public Utilities that the cleaning and testing is required for the protection of the public health, safety and welfare.

C. No existing sewer lateral shall be allowed to remain connected to the public sewer for more than thirty (30) days after failing to pass a test as specified in Section 29-4 unless security is provided as specified in 29-6(C)2.

#### **SECTION 29-4 TESTING REQUIREMENTS:**

##### **(A) Testing Methods:**

Testing and inspection of the building sewer, lateral sewer and connections shall be conducted using one or more of the following methods and in accordance with standards adopted by the Director of Ukiah Public Utilities:

1. TV inspection
2. Smoke testing
3. Flow monitoring
4. Air pressure testing
5. Exfiltration testing
6. Visual
7. Other similar inspection or testing methods as approved by the Director of Public Utilities

##### **(B) Testing Procedure:**

1. Testing shall be performed by a duly licensed plumber, contractor and/or the City of Ukiah.
2. Permits and Inspection. Testing shall not commence without a valid permit issued by the City and testing shall be witnessed by the Director of Ukiah Public Utilities or his/her designee.



3. Access. Access to the sewer lines to be tested and conditions necessary to conduct the test shall be made ready prior to scheduling a sewer lateral test.

(C) Failure of Test and Requirement for Repair:

It shall be the responsibility of the property owner to repair and/or replace any sewer lateral which has been found through testing and/or inspection to exhibit conditions which would permit infiltration to enter the sewer system. Upon completion of the repair and/or replacement of the sewer lateral, re-inspections shall be conducted until the sewer lateral passes the required test.

(D) Certificate of Sewer Lateral Compliance:

Once the sewer lateral has successfully passed the testing procedure, the Director of Ukiah Public Utilities or his/her designee shall execute a Certificate of Sewer Lateral Compliance which shall be filed with both the Director of Ukiah Public Utilities and the Director of Planning and Community Development and filed with the County Clerk Recorder/Assessor.

**Section 29-5 SEWER LATERAL TESTING EXEMPTIONS:**

Property owners are exempt from the provisions and requirements of this ordinance in its entirety under the following conditions:

- A. Inter-family transfers, trust transfers or transfers via inheritance.
- B. Sale of a property less than \$500,000. This value may be adjusted every five (5) years from the date of ordinance adoption. The value adjustment will be according to the five-year percent change in the Consumer Price Index for San Francisco-Oakland-San Jose All Urban Consumers as posted by the California State Department of Labor Relations Division of Labor Statistics and Research.
- C. Sewer laterals more than five hundred (500) feet from streams or other surface waters which flow to the Russian River.
- D. Sewer laterals that have been inspected within the last twenty-five (25) years where the lateral is made of PVC (polyvinyl chloride), metal or other modern material meeting the Uniform Plumbing Code.
- E. Sewer laterals that have been inspected within the last ten (10) years where the lateral is not made of PVC (polyvinyl chloride), metal or other modern material meeting the Uniform Plumbing Code.
- F. Sewer laterals that were last installed or replaced within the last twenty-five (25) years where the lateral is made of PVC (polyvinyl chloride), metal or other modern material meeting the Uniform Plumbing Code.
- G. Any building where the Director of the Public Utilities Department, or his or her authorized representative, determines that testing and/or repairs have been performed in accordance with this ordinance within the last five (5)



years.

**Section 29-6            REQUIREMENTS FOR SEWER LATERALS UPON  
CHANGE OF OWNERSHIP:**

**A. Requirement to Disclose:**

The seller of any real property shall be responsible for disclosing to prospective purchasers the requirements of this article and whether or not a valid Certificate of Sewer Lateral Compliance has been filed for the property.

**B. Testing Procedure:**

1. Testing may be performed in accordance with the requirements of Section 29-4 or in accordance with the alternative procedure outlined below.

2. Alternative Procedure for Testing and Inspection

a. TV Inspections of sewer laterals may be performed by the City of Ukiah and/or a licensed plumber or contractor who has been placed on a Pre-Authorized List as a result of presenting qualifications, bonding and insurance that satisfy the requirements of the Director of Ukiah Public Utilities, without the need for onsite inspection by the City.

b. This Alternative Testing and Inspection Procedure shall require a permit issued by the Director of Ukiah Public Utilities.

c. Upon completion of the TV Inspection, licensed plumber and/or contractor shall provide a copy of the TV Inspection to the Director of Ukiah Public Utilities for review.

d. The Director of Ukiah Public Utilities or his/her designee shall review the TV Inspection and issue either a Certificate of Sewer Lateral Compliance or a Notice To Repair. The Director of Ukiah Public Utilities' determination must be completed prior to the recordation of any deed or other conveyance document.

**C. Failure of Test and Requirement for Repair:** It shall be the responsibility of the property owner to repair and/or replace any sewer lateral which has been found through testing and/or inspection to exhibit conditions which would permit infiltration to enter the sewer system. Upon completion of the repair and/or replacement of the sewer lateral, re-inspections shall be conducted until the sewer lateral passes the required test.

1. All repair or replacement work within District boundaries shall be completed by a licensed plumber and/or contractor and shall be completed under all appropriate, building and encroachment permits and in accordance with this section.

2. Repair or replacement work within District boundaries shall be completed prior to the recordation of any deed or other conveyance document unless the property owner provides the City with a bond, cash deposit, letter of credit or other security that the City may utilize to affect the required repairs, or evidence, satisfactory to the Director of Ukiah Public Utilities, that an amount sufficient to make the required repairs has been retained in escrow with an escrow instruction, signed by the buyer and seller, requiring the necessary repairs to be completed within six (6) months after close of escrow, and authorizing the City to utilize the funds for that purpose, if the repairs are not made within the required time. In the absence of a contractor's bid to perform the work for a specified sum, the security provided shall be for the following amounts (in 2007 dollars) that may be adjusted annually for inflation, the inflation adjustment to be established by City Council resolution:

- a. For repairs to the building lateral at depths less than four (4) feet - \$1,000
- b. For repairs to the building lateral at depths greater than four (4) feet - \$2,000
- c. For repairs to the street lateral, at depths less than four (4) feet, and where the main sewer is within thirty (30) feet of the property line - \$5,000
- d. For repairs to the street lateral, at depths greater than four (4) feet, and where the main sewer is within thirty (30) feet of the property line - \$10,000
- e. For repairs to the street lateral where the main sewer is in excess of thirty (30) feet of the property line - \$15,000

3. If the property owner within District boundaries provides the City with security in lieu of repairs, all repairs must be completed within six (6) months unless, for good cause shown, an extension is granted by the Director of Ukiah Public Utilities.

4. If the repair is not completed within the required time period, the City shall utilize the security to complete the required repairs. If the cost of the required repairs exceeds the available security, the City may add a surcharge onto the utility account until the additional costs are recovered over a period not to exceed five (5) years.

D. Certificate of Sewer Lateral Compliance:

Once the sewer lateral has successfully passed the testing procedure, the Director of Ukiah Public Utilities or his/her designee shall execute a Certificate of Sewer Lateral Compliance which shall be filed with both the Director of Ukiah Public Utilities and the Director of Planning and Community Development and recorded with the County Clerk Recorder/Assessor.

The County Director of Planning and Building and the Director of Transportation are hereby authorized to take the actions necessary to



implement this section through the building and encroachment permit process for property within District boundaries.

**Section 29-7            REQUIREMENTS FOR SEWER LATERALS UPON REPAIR OR REPLACEMENT OF THE PUBLIC SEWER MAIN OR UPON DETERMINATION OF THE DIRECTOR OF UKIAH PUBLIC UTILITIES:**

A. Testing Procedure: Testing may be performed in accordance with the requirements of section 29-4, or, if authorized by City Council resolution, testing may be performed by the City in conjunction with its repair and replacement work. Upon completion of the testing, the Director of Ukiah Public Utilities or his/her designee shall issue either a Certificate of Sewer Lateral Compliance or a Notice to Repair

B. Failure of Test and Requirement for Repair: It shall be the responsibility of the property owner to repair and/or replace any sewer lateral which has been found through testing and/or inspection to exhibit conditions which would permit infiltration to enter the sewer system. Upon completion of the repair and/or replacement of the sewer lateral, re-inspections shall be conducted until the sewer lateral passes the required test.

1. All repair or replacement work shall be completed by a licensed plumber and/or contractor and shall be completed under all appropriate permits from the City including, as appropriate, building and encroachment permits.

2. All repairs must be completed within six (6) months unless, for good cause shown, an extension is granted by the Director of Ukiah Public Utilities.

3. If repair is not completed within the required time period, the City shall complete the required repairs and may add a surcharge onto the property's utility account until the costs are recovered in not more than five (5) years.

4. The Board may by resolution adopt alternative procedures prescribed by the City Council by which the repair or replacement work shall be performed including, but not limited to, the degree to which the City shall offer to perform all or a portion of the work or contribute towards the cost of the work.

C. Certificate of Sewer Lateral Compliance:

Once the sewer lateral has successfully passed the testing procedure, the Director of Ukiah Public Utilities or his/her designee shall execute a Certificate of Sewer Lateral Compliance which shall be filed with both the Director of Ukiah Public Utilities and the Director of Planning and Community Development and recorded with the County Clerk Recorder/Assessor.

**Section 29-8            FEES:**

The Board shall adopt by resolution any fees established to enforce this ordinance.

**Section 29-9 SEVERABILITY:**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 29-10 CEQA:**

This Ordinance is exempt from the California Environmental Quality Act under Public Resources Code Sections 21065 and 21080(b) (8).

**Section 29-11 THREE MONTH REVIEW:**

This Board will review within three months of adoption and implementation, enforcement of this Ordinance. Such review shall include the feasibility of implementing an inspection program that will require inspections of all sewer laterals within the District on a geographic basis and within a specified time period.

**Section 29-12 EFFECTIVE DATE:**

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

This ordinance was introduced on the 4<sup>TH</sup> day of January, 2007 and

**DULY AND REGULARLY ADOPTED** by the Board of Directors for the Sanitation District this 11<sup>th</sup> day of January, 2007 by the following vote:

AYES: Directors Crane, Delbar, and Wattenburger.

NOES:

ABSENT:



  
JIM WATTENBURGER, Chair

ATTEST: KRISTI FURMAN  
Clerk of Said Board

By:   
Secretary, Ukiah Valley Sanitation District

APPROVED AS TO FORM:

JEANINE B. NADEL, County Counsel

by: 