

ORDINANCE NO. 30-A

AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT AMENDING SECTION 30-6 AND SECTION 30-10 OF ORDINANCE NO. 30 ESTABLISHING SEWER LATERAL TESTING

The Board of Directors of the Ukiah Valley Sanitation District hereby amends Ordinance No. 30 as follows:

Article 1. FINDINGS AND DEFINITIONS

SECTION 30-1 FINDINGS

1. The City of Ukiah (City) owns, operates and maintains a sewer collection system within its limits.
2. The City owns, operates and maintains a sewer treatment plant to treat, recycle and dispose of wastewater generated within the limits of the City and District.
3. The Ukiah Valley Sanitation District (District) contracts with the City to operate and maintain the collection system within District boundaries.
4. The District's ability to effectively manage its sewer collection system can be affected by the proper maintenance of private sewer laterals.
5. The District's ability to regulate private sewer laterals is outlined in Ordinance No. 12.
6. The modifications set forth below will facilitate the proper maintenance of private sewer laterals.

SECTION 30-2 SEWERS AND SANITATION DEFINITIONS

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

(1) 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.

(2) BOARD DEFINED

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

(3) BUILDING LATERAL DEFINED

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

(4) CERTIFICATE OF SEWER LATERAL COMPLIANCE DEFINED

Certificate of Sewer 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 Sewer Lateral Compliance shall be valid for a period of twenty-five (25) years for all sewer laterals constructed or repaired after Dec. 31, 2006; for sewer laterals that, as a result of inspection occurring after Dec. 31, 2006, are confirmed to meet the current building material standards of the City; and for sewer laterals meeting the requirements outlined in Section 30-8 that also meet the current building standards of the City. Certificates of Sewer Lateral Compliance shall be valid for a period ten (10) years for sewer laterals that satisfactorily pass inspection occurring after Dec. 31, 2006 or that meet the requirements outlined in Section 30-8 but that do not meet the current building material standards of the City.

(5) CITY DEFINED

City shall mean the City of Ukiah, California.

(6) CITY ENGINEER DEFINED

City Engineer shall mean the City Engineer of the City.

(7) 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.

(8) COUNTY DEFINED

County shall mean the County of Mendocino, California.

(9) DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

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

(10) DIRECTOR OF PUBLIC WORKS DEFINED

Director of Public Works shall mean the Director of Public Works of the City.

(11) 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.

(12) **DISTRICT DEFINED**

District shall mean the Ukiah Valley Sanitation District, California.

(13) **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.

(14) **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.

(15) **GARBAGE DEFINED**

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

(16) **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.

(17) **MAIN SEWER DEFINED**

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

(18) **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.

(19) **NOTICE TO REPAIR**

Notice to Repair shall mean notice issued by the Director of Ukiah Public Utilities to a property owner that the property owner is in violation of the Ordinance with respect to the property owner's sewer lateral, which order directs the abatement of the violation.

(20) **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.

(21) **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.

(22) **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.

(23) **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.

(24) **PRE-AUTHORIZED LIST**

Pre-authorized list shall mean the list of qualified plumbers, contractors, or other inspectors qualified by training and experience to conduct the required inspections, 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.

(25) **PROPERTY OWNER**

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.

(26) **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.

(27) **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.

(28) **PUBLIC SEWER DEFINED**

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

(29) **QUALIFYING SEWER LATERAL SERVICE CALL**

A Qualifying Sewer Lateral Service Call means work on a sewer lateral performed by a septic or sewer line cleaning business, plumber or similar service provider, where the service provider in the course of providing service encounters conditions indicating root

intrusion or other permanent damage to the sewer lateral, such as deflection or separation of the lateral.

(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 and sewer laterals 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 conveyance which carries storm waters, non-storm surface flows or ground waters and drainage, but in or through which sewage is prohibited.

(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 sewer lateral lying within a public street connecting a building lateral to the main sewer.

ARTICLE 2. SEWER LATERAL TESTING

SECTION 30-3 PURPOSE, POLICY AND ADMINISTRATION

A. The purpose of this ordinance is to codify requirements for the testing, repair and replacement of sewer laterals within the District.

B. It is the policy of the District to reasonably prevent infiltration, exfiltration and better protect the Sewer Treatment Plant and the environment by requiring a reasonable program of testing, and if necessary repair and replacement, of private sewer laterals.

C. The Ukiah Valley Sanitation District Board of Directors shall administer these requirements and has the authority to alter or waive the requirements prescribed in this ordinance, if such requirements are impractical, because of the nature or physical location of the sewer lateral.

D. Administrative Guidelines for Inspections

Within ninety (90) days of the adoption of the Ordinance enacting this article, the Sanitation District shall prepare and promulgate the public administrative guidelines, which shall, among other things, establish the following:

1. A certification program for licensed plumbers, contractors and other qualified inspectors who will be placed on the Pre-Authorized List and the basis for obtaining and maintaining such a certification or for decertification;
2. Standard Inspection Report Forms and Guidelines for completing and using Sewer Lateral Inspection Reports;
3. A standard Notice to Repair and enforcement procedures for repair and replacements;
4. A standard Certificate of Sewer Lateral Compliance.

SECTION 30-4 APPLICABILITY

A. This Chapter shall apply to property located within the District and to property, which is located outside the boundaries of both the City and the District, which are served by the City Sewer Treatment Plant or the City's sewer mains.

B. All sewer laterals that have been repaired or replaced, including gravity and pressure laterals, shall be tested in accordance with the applicable provisions of this article. No person constructing, repairing or replacing a sewer lateral, shall use that lateral to introduce sewage into the public sewer until the person has complied with sections 30.5 through 30.8 of this article, as appropriate.

D. 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 sections 30.5 through 30.8 of this article, upon the occurrence of any of the following, unless a valid Certificate of Sewer Lateral Compliance is on file with the City:

1. Upon the occurrence of a sanitary sewer overflow from the private lateral;
2. Upon the discovery of either an illegal connection as described in Section 2.4 of Ordinance 12 or an illegal discharge as described in Sections 3.3 and 7.5 of Ordinance 12 to the public sewer system;
3. Upon application for a building permit for work on an existing structure with a sewer service, where the value of the work, as set forth in the permit, exceeds \$100,000, provided, however, that the value of work required by the Americans with Disabilities Act ("ADA") or to add fire sprinklers as required by the California Fire Code as adopted in the City of Ukiah, shall not be included when determining whether a sewer lateral is subject to

inspection and testing; provided, further, that beginning on March 9, 2009, the \$100,000 amount shall be adjusted annually by the percentage increase in the Consumer Price Index over the same month in the previous year. CPI means the Consumer Price Index for San Francisco, Oakland-San Jose, CA, all items (base year 1982-1984=100) published by the United States Department of Labor, Bureau of Labor Statistics. In the event the CPI is discontinued or otherwise not available, "CPI" shall mean comparable statistics on the purchasing power of the consumer dollar as determined by the City Manager.

4. The addition of a plumbing fixture having assigned to it two or more fixture units as are assigned by the California Plumbing Code as adopted in the City;
5. Upon a change of use of the property served from a residential to a commercial use or from a commercial use to a restaurant;
6. In conjunction with the replacement or rehabilitation of the public sewer main to which the lateral is connected;
7. Upon the occurrence of a Qualifying Sewer Lateral Service Call; and
8. Sewer laterals serving parcels that are located within 100 feet of any creek or stream which is declared by District resolution to be impacted by the sewer system.

SECTION 30-5 APPROVED TESTING METHODS

The sewer lateral shall be inspected and tested, using the following methods as allowed by and in accordance with standards adopted by the Director of Ukiah Public Utilities:

1. TV inspection.
2. Exfiltration testing.
3. Other similar inspection or testing methods as approved by the Director of Ukiah Public Utilities.

SECTION 30-6. REQUIREMENTS FOR TESTING SEWER LATERALS PURSUANT TO SECTION 30-4.1.D.1-5 and 7-8

A. Sewer Lateral Service Providers:

1. On and after March 1, 2008, any person or business entity providing sewer lateral service in the District for compensation shall file a written report with the City of Ukiah Public Utilities Department of each Qualifying Sewer Lateral Service Call it makes in the City of Ukiah. The report shall contain the date of the call, the address where the sewer lateral is located, and a brief description of the service and of the conditions making it a Qualifying Sewer Lateral Service Call.
2. The Public Utilities Director may adopt a form for use in filing the reports.
3. Within fifteen (15) days of the receipt of a report of a Qualifying Sewer Lateral Service Call for an address in the District, the Public Utilities Director or designee shall provide

written notice to the property address that a sewer lateral inspection is required. The mailing of the notice is the event giving rise to the obligation to conduct an inspection and test of the sewer lateral.

4. The Public Utilities Director shall coordinate with the County Treasurer-Tax Collector to monitor whether businesses that provide septic and sewer line cleaning, plumbing and similar services, which have been issued a County business license, are filing reports as required by this subsection.

B. Testing Procedure:

1. Testing shall be completed within the time periods specified in the fourth column in the five-column chart contained in Section 30-10.

2. Testing shall be performed by a licensed plumber, contractor, or other person who possesses any license required by law, if any, to perform the test, and who is determined by the Director of Public Utilities to be qualified to perform the test based on training and experience.

3. Permits and Inspection. Testing shall not commence without a valid permit issued by the City and the Director of Ukiah Public Utilities or his/her designee may witness testing.

4. 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. The property owner must complete the required repair or replacement of the sewer later and the sewer lateral must pass a retest within the time specified in the fifth column in the table contained in Section 30-10. This deadline may be extended by the Public Utilities Director for good cause, not to exceed ninety (90) days. If repair is not completed within the required time period, the City on behalf of the District may 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.

E. 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 the Director of Ukiah Public Utilities, the Director of Planning and Community Development, and to the extent authorized by law, the Mendocino County Recorder.

F. Role of the Director of Planning and Community Development

The Director of Planning and Community Development and the Director of Ukiah Public Utilities, in consultation with each other, are hereby authorized to take the actions

necessary to implement this section through the building permit process and to integrate its implementation with the requirements of the Plumbing Code as adopted in the City.

SECTION 30-7 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 30-5 or, if authorized by District resolution, the City in conjunction with its rehabilitation or replacement work may perform testing. 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 person properly licensed to perform the work, including 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 time specified in the fifth column of the table in Section 30-10, unless, for good cause shown, the Director of Ukiah Public Utilities, not to exceed ninety (90) days, grants an extension

3. If repair is not completed within the required time period, on behalf of the District the City may 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 District may, by Resolution, prescribe alternative procedures, by which the repair or replacement work shall be performed including, but not limited to, the degree to which the City on behalf of the District shall offer to perform all or a portion of the work or contribute towards the cost of the work, using loans or grants.

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 the Director of Ukiah Public Utilities, the Director of Planning and Community Development and to the extent authorized by law, the Mendocino County Recorder.

SECTION 30-8 CERTIFICATE OF SEWER LATERAL COMPLIANCE WITHOUT INSPECTION

A Property Owner may apply for and the Director of Ukiah Public Utilities or his/her designee may issue a Certificate of Sewer Lateral Compliance without inspection under the following circumstances:

1. The Property Owner provides evidence, satisfactory to the Director of Ukiah Public Utilities, that the building on the property is ten (10) years old or less; or
2. The Property Owner provides evidence, satisfactory to the Director of Ukiah Public Utilities, that the sewer lateral was repaired or replaced and passed inspection within the previous ten (10) years; or
3. The Property Owner provides evidence, satisfactory to the Director of Ukiah Public Utilities, that the lateral has passed an inspection within the past five (5) years.

In such cases, the Director of Ukiah Public Utilities or his/her designee shall execute a Certificate of Sewer Lateral Compliance which shall be filed with the Director of Ukiah Public Utilities, the Director of Planning and Community Development.

SECTION 30-9 FEES

The District may establish fees by Resolution for administration of this Article.

SECTION 30-10 SEWER LATERAL INSPECTION AND TESTING PROGRAM, EVENTS AND TIME FRAMES TO COMPLETE WORK ON SEWER LATERAL

EVENT	TIME FRAMES TO PERFORM WORK ON SEWER LATERAL			
	Clean & Video Inspect	Water Test When Inspection indicates damage, displacement, or deflection of lateral	Water Test Complete	Repair or Replace Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Qualifying Sewer Lateral Service Call	At time of service	Inspection indicates damage, displacement, or deflection of lateral	Within 7 days of Service Call or Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Sanitary Sewer Overflow	Within 7 days of Notice or At Time of Service	Inspection indicates damage, displacement, or deflection of lateral	Within 7 days of Service Call or Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Remodels to Structure Being Served of \$100k or Greater	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final
Addition of 2 FU or Greater to Building or Site Plumbing	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final
Addition of Bedroom	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final
Change of Property Use: Residential to Commercial and Non-Restaurant Commercial to Restaurant Commercial	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use

Illegal Connection	Within 7 days of Notice	Within 7 days of Notice	Within 7 days of Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Prohibited Discharge	Within 7 days of Notice	Within 7 days of Notice	Within 7 days of Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Rehabilitation or Replacement of Sewer Main	Within 1 year of Completion of Sewer Main Work	Within 1 year of Completion of Sewer Main Work	Within 1 year of Completion of Sewer Main Work	Within 2 years of Failed Water Test
Parcel Served is within 100 feet of Creek which is Declared Impacted by Sewer System	Within 1 Year of Adoption of Resolution (or Notice)	Within 1 Year of Adoption of Resolution (or Notice)	Within 1 Year of Adoption of Resolution (or Notice)	Within 2 years of Failed Water Test

SECTION 30-11 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 District 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 30-12 CEQA

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

SECTION 30-13 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.

Introduced by title only on March 26, 2008, by the following roll call vote:

AYES: Directors Crane, Delbar, and Wattenburger
 NOES: None
 ABSENT: None

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 23rd day of April, 2008, by the following roll call vote:

AYES: Directors Delbar and Wattenburger
NOES: None
ABSENT: Director Crane



JIM R. WATTENBURGER, Chair
Ukiah Valley Sanitation District Board of Directors

ATTEST:

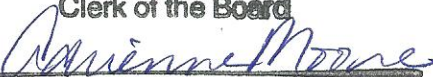
KRISTI FURMAN
Clerk of the Board/District Secretary



Deputy

I hereby certify that according to the provisions of Government Code Sections 25103, delivery of this document has been made.

KRISTI FURMAN
Clerk of the Board

By: 

DEPUTY

APPROVED AS TO FORM:

JEANINE B. NADEL, County Counsel

