

**ORDINANCE NO. 2012-001**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA ADDING CHAPTER 22.250 [PRIVATE SEWER LATERALS] TO PART 2 [SEWER SERVICE] OF DIVISION 22 [PUBLIC UTILITIES] OF THE SAN BUENAVENTURA MUNICIPAL CODE**

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Chapter 22.250 of the San Buenaventura Municipal Code [Private Sewer Laterals] is added to read as follows:

**Chapter 22.250**

**Private Sewer Laterals**

- Sec. 22.250.010 - Purpose and Findings**
- Sec. 22.250.020 - Definitions**
- Sec. 22.250.030 - Separate Parcel Connections**
- Sec. 22.250.040 - Property Owner's Obligation to Inspect, Maintain, Repair and Replace Private Sewer Lateral**
- Sec. 22.250.050 - Notice, Inspection and Inspection Report**
- Sec. 22.250.060 - Maintenance, Repair and Replacement of Private Sewer Lateral**
- Sec. 22.250.070 - Violation and Enforcement**
- Sec. 22.250.080 - Private Sewer Lateral Program**

**Sec. 22.250.010 – Purpose and Findings**

A. *Purpose.* The purpose of this chapter is to establish regulations for the inspection, maintenance, repair and replacement of private sewer laterals by property owners within the City.

B. *Findings.* When not properly inspected, maintained, repaired or replaced by property owners, private sewer laterals may become blocked and result in overflows of sewage from the private sewer laterals. Sewage overflows negatively impact the public health, safety and welfare of both the property owner and the public by exposing them to untreated sewage. Sewage overflows also frequently result in illicit discharges of sewage from private property to the public storm drains or waters of the United States or the State. Further, private sewer laterals that are not properly inspected, maintained, repaired or replaced by property owners can interfere with the operation of the public sewer system by, for example,

allowing roots to infiltrate sewer mains. Interference with the operation of the public sewer system may, in turn, cause sewage overflows from the public sewer system. Therefore, the establishment of regulations for private sewer laterals is necessary to protect the public health, safety and welfare by both preventing overflows from the private laterals and interference with the operation of the public sewer system.

#### **Sec. 22.250.020 – Definitions**

As used in this chapter, the following terms shall have the following meanings:

A. "Closed Circuit Television" or "CCTV" means the camera inserted into a private sewer lateral to capture images of the line and determine the location and severity of deficiencies in the line.

B. "*Commercial Property*" means all types of nongovernmental commercial uses, including hospitals, hotels, mobile home parks, motels and rooming houses, operated within the City, including such uses located on property which is zoned "C-1" (limited commercial), "C-1A" (intermediate commercial), "C-2" (commercial), "C-P-D" (commercial planned development), "C-T-O" (commercial tourist oriented), "H-C" (harbor commercial), "D-T-R" (downtown redevelopment), or "PO" (professional office) on the City's official zoning map, as it may be amended from time to time.

C. "*Common Interest Development*" means a development characterized by individual ownership of a unit or parcel coupled with the shared ownership or right to use common areas and facilities, including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned developments.

D. "*Private Sewer Lateral*" means the privately owned sanitary sewer piping or line connecting the building or other structure to the public sewer, and includes the wye or saddle at the public sewer. The term "Private Sewer Lateral" includes a "private sewer" as that term is defined in the California Plumbing Code.

E. "*Property Owner*" means any person having legal title (or any partial interest in the legal title) in any real property situated within the City.

F. "*Public Sewer*" means the sanitary sewer system that is owned and operated by the City.

#### **Sec. 22.250.030 – Separate Parcel Connections**

Each parcel shall be provided a separate private sewer lateral.

**Sec. 22.250.040 – Property Owner's Obligation to Inspect, Maintain, Repair and Replace Private Sewer Laterals**

A. *Property Owner's Obligation.* Each property owner shall, at the property owner's expense, inspect, maintain in good working order, repair and replace, as necessary, the private sewer lateral so that it does not cause or contribute to any sewage overflow from either the private sewer lateral or the public sewer. The private sewer lateral shall be free of displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, infiltration of extraneous water, fats, oils and grease, sediment deposits or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sewer lateral or the public sewer.

B. *Private Sewer Laterals not Part of Public Sewer System.* The private sewer laterals are the property of the property owner and are not part of the public sewer. Nothing in this chapter shall be interpreted as changing the private nature of the private sewer laterals or incorporating them into the public sewer.

**Sec. 22.250.050 – Notice, Inspection and Inspection Report**

A. *Inspection and Report Upon Notice from City.* A property owner shall have the private sewer lateral inspected by a licensed plumber upon the receipt of written notice from the City that an inspection is required. A copy of any such notice will be made available to the City's building and safety division and disclosed upon request in connection with a transfer of title to the property. The City may issue a written notice that an inspection is required whenever it determines from its operation, maintenance or inspection of the public sewer, or through any other means, that the private sewer lateral is defective or otherwise in a condition that might cause a blockage in the private sewer lateral or the public sewer. Conditions that render the private sewer lateral defective or in a condition that might cause a blockage include, but are not limited to, displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, infiltration of extraneous water, fats, oils and grease, sediment deposits or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sewer lateral or the public sewer. The City's written notice shall set forth a reasonable time in which the inspection must occur and shall require the property owner to submit an inspection report meeting the requirements of this chapter to the City within a reasonable time, to be specified in the City's written notice, after completion of the inspection. The property owner shall be responsible for obtaining any required City permits prior to any construction.

B. *Inspection and Report Prior to Sale of Property.* A property owner shall have the private sewer lateral inspected by a licensed plumber prior to and as a condition precedent to any sale of the property. An inspection report meeting the requirements of this chapter shall be prepared and submitted to the buyer, with a copy to the City, prior to any sale of the property. No inspection shall be required pursuant to this subsection if the owner can demonstrate that either i) an inspection was already completed within the preceding ten years or, ii) that the lateral was constructed within the last ten years. This subsection shall become effective on January 1, 2014.

C. *Inspection and Report for Common Interest Developments and Commercial Properties.* In addition to the requirements of section 22.250.050 A. and B., the property owner or property owners of any common interest development or commercial property shall have the private sewer lateral inspected in accordance with the requirements of this chapter once every ten (10) years beginning January 1st of the year following the adoption of this chapter. A copy of the inspection report shall be provided to the City within thirty days of the property owner's receipt of the report.

D. *Inspection and Inspection Report Requirements.* All inspections and inspection reports required by this chapter shall be completed in accordance with the following requirements:

1. The inspection and inspection report shall be completed by a licensed plumber.
2. The inspection shall include, at a minimum, a CCTV inspection of the private sewer lateral.
3. The inspection and inspection report shall identify, as applicable, the severity and location of all of the following:
  - (a) Displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration of extraneous water, sediment deposits or other conditions likely to cause or contribute to blockage of the private lateral or the public sewer.
  - (b) Any connection by pipe or otherwise, that allows rainwater or groundwater to enter the private lateral or public sewer.
  - (c) Any backwater device installed in the private sewer lateral and the condition of the backwater device.

(d) All corrective actions that must be taken to maintain, repair or replace the private sewer lateral and the estimated time and cost associated with such maintenance, repair or replacement.

4. The inspection report shall contain either a printed image, DVD, or other suitable electronic recording of the CCTV inspection of the private sewer lateral in a format acceptable to the City.

E. The notice, inspection and reporting requirements in this section are in addition to the requirements of the California Plumbing Code.

**Sec. 22.250.060 – Maintenance, Repair and Replacement of Private Sewer Lateral**

A. *Maintenance, Repair and Replacement in Response to City Notice.* Based upon the inspection report required by section 22.250.050 A., the City may provide the property owner with a written notice to maintain, repair or replace the private sewer lateral by taking specified corrective actions by a date to be specified in the written notice. In establishing the date by which the work must be completed, the City may take into account the cost of the work and the risk that the private sewer lateral will overflow. The property owner must cause the corrective actions specified in the written notice to be taken by a licensed plumber within the time specified in the notice and in accordance with this chapter. The property owner shall provide the City with written notice of completion of the corrective actions in accordance with the requirements set forth in the City's written notice.

B. *Maintenance, Repair and Replacement Prior to Sale of Property.* Based upon the inspection report required by section 22.250.050 B., the property owner shall notify the City and all parties to the sale of the required repairs identified in the inspection report and the estimated cost of the repairs, and the City shall immediately provide notice of the time within which the repairs must be accomplished. The property owner and the buyer may agree on who will pay for the costs of the corrective work.

C. *Maintenance, Repair and Replacement Upon Inspection of Commercial Property or Common Interest Development.* Based upon the inspection report required by section 22.250.040 C., the property owner shall cause a licensed plumber to perform the corrective actions identified in the inspection report. The property owner shall cause the work to be completed within a reasonable time after receiving the report, but in no case later than six months after receipt of the report. Upon written request, the City may grant additional time to complete the work, taking into account the cost of repairs and the risk that the private lateral will overflow. The property owner shall provide the City with written notice of

completion of the corrective action within thirty days of completion of the work.

D. *Use of Best Management Practices During Maintenance, Repair and Replacement Work.* The property owner shall cause its licensed plumber to use all reasonable and feasible best management practices when performing the maintenance, repair or replacement work required by this chapter. Such best management practices must be employed to prevent the maintenance, repair or replacement work from causing or contributing to an overflow of the private sewer lateral or the public sewer, including, without limitation, preventing debris, root-balls, sediment or fats, oils and grease from being flushed into the public sewer.

#### **Sec. 22.250.070 – Violation and Enforcement**

A. *Violation.* No person shall violate any provision or fail to comply with any of the requirements of this chapter. Any violation or failure to comply with the requirements of this chapter shall be a violation of the San Buenaventura Municipal Code.

B. *Enforcement.* The City may enforce any violation of the requirements of this chapter in accordance with the criminal, civil and public nuisance abatement provisions of division 1 of the San Buenaventura Municipal Code.

#### **Section 22.250.080 – Private Sewer Lateral Program**

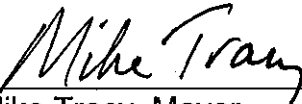
Within ninety days of the adoption of the ordinance enacting this chapter, the General Manager of Ventura Water shall prepare and approve a private sewer lateral program to provide administrative guidances on the implementation and enforcement of this chapter. The City shall update the private sewer lateral program administratively as needed to achieve the applicable performance standards for the public sewer.

#### **Section 2. CEQA Findings.**

**EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT.**  
The City Council further finds that this Ordinance is exempt under Section 15061(b)3 of the of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the enactment of this Ordinance merely implements a regulatory process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. Accordingly, it can be seen with certainty that the enactment of this Ordinance does not have the potential to result in significant effects on the environment. Moreover, this Ordinance is exempt under Section 15308 of the State CEQA Guidelines as to a regulatory action to assure the maintenance, restoration, enhancement, or protection of the

environment where the regulatory process involves procedures for protection of the environment.

PASSED AND ADOPTED THIS 9th day of January, 2012.

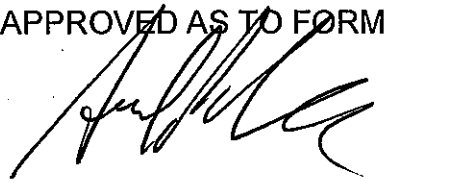
  
Mike Tracy, Mayor

ATTEST:



Elaine M. Preston  
Interim City Clerk

APPROVED AS TO FORM



Ariel Pierre Calonne  
City Attorney

STATE OF CALIFORNIA                     )  
COUNTY OF VENTURA                    ) ss  
CITY OF SAN BUENAVENTURA            )

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on January 9, 2012, by the following vote:

AYES:           Councilmembers Brennan, Weir, Morehouse, Andrews,  
                    Monahan, Deputy Mayor Heitmann, and Mayor Tracy.

NOES:           None.

ABSENT:        None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on January 10, 2012.

  
Deputy City Clerk

