

ORDINANCE NO. 2007-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ADDING SECTION 5-9-355 (“INSPECTIONS AND REPAIR OF BUILDING SEWERS”)
TO ARTICLE 3 OF CHAPTER 5-9 OF THE
SAN JUAN BAUTISTA MUNICIPAL CODE**

WHEREAS, there are in the City many older improved properties where the sewer line from the improvements to the City main (these lines to the main are sometimes called “laterals,” but in Chapter 5-9 of the Municipal Code are referred to as “building sewers”) are as well old and in questionable repair; and

WHEREAS, public health, safety, and welfare dictate that all sewer lines be and remain in good repair; and

WHEREAS, to assure that building sewers shall continue in good repair, this Council desires to put in place regulations requiring inspection, maintenance, repair and replacement of building sewers under certain defined circumstances;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 5-9-355 hereby is added to Article 3 of Chapter 5-9 of the San Juan Bautista Municipal Code, to read as follows:

5-9-355 Inspection and repairs of sewer laterals.

(A) Property owners shall inspect, and provide to the City a report of the results of an inspection of, the building sewers on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the City Manager, and if found defective, repair the building sewers, as follows:

(1) When building a new structure on property with an existing building sewer, when otherwise proposing to connect a previously unconnected structure to an existing building sewer;

(2) As a condition of approval of any building remodel project that is estimated by the City to cost \$50,000.00 or more;

(3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing , provided, the inspection and report requirement

shall be excused if the buyer executes a release and waiver in a form approved by the City Manager;

(4) Whenever the city finds that a sewage overflow emanating from a building sewer has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(5) Whenever the City finds that a sewage overflow emanating from a building sewer presents a threat to public health, even if it has not flowed across a property line.

In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the City that such inspection is required. Existing building sewers shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the City Manager.

(B) As part of its periodic construction and maintenance of sewer mains, the City may discover defective building sewers. The City may order the property owner to conduct an inspection, repair or replacement of any building sewer that the City knows or reasonably suspects to be defective.

(C) The building sewer shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a blockage, or if, within a period of one year, suffers two or more blockages resulting in overflows.

(D) Whenever defective building sewers are found, the property owner, at the sole expense of the property owner, shall repair or replace the building sewer. The City Manager shall determine the extent of repair required, and more limited repair than complete replacement of the building sewer may be permitted at the sole discretion of the City Manager. The following requirements shall be met.

(1) A replaced or repaired building sewer shall not be covered or backfilled until it has been inspected by a representative of the City.

(2) All new and repaired building sewers must pass an air pressure test as specified by the City Manager.

(3) All repaired or replaced building sewers shall be brought into compliance with the requirements of this Code. Overflow devices must be installed on all repaired or replaced building sewers, and backflow valves may be required to be installed on building sewers meeting the criteria of this Code.

(E) In the absence of a specific deadline established by the City Manager, all repair or replacement work shall be completed within sixty days of notification by the City that such repair or replacement is required.

(F) When a building sewer is completely replaced, the property owner is not required to inspect the building sewer upon sale of the property for ten years following the date of complete replacement of the building sewer.

(G) Roots, grease, or other material which have accumulated in a building sewer cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the building sewer. 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 City for any fines or other expenses incurred by the City resulting from the spill.

(H) The City shall have the authority to recover from a property owner the City's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the City resulting from an overflow, the City, pursuant to Chapter 2-7, may impose civil administrative penalties for failing to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:

(1) The City manager shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the City upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the building sewer to a degree sufficient to ensure avoidance of further violations.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City County on the 20th day of March, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 17th day of April, 2007, by the following vote:

AYES: Hill, Dias, Edge, Paradise

NOES: None

ABSENT: Laverone

ABSTAIN: None

Priscilla J. Hill, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney