

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE SALTON COMMUNITY SERVICES DISTRICT
REQUIRING TESTING, INSPECTION, REPAIR AND REPLACEMENT OF
BUILDING SEWER LATERALS AND INSTALLATION OF CLEANOUTS AND
BACKWATER PROTECTION DEVICES

THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES
DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

**TESTING, INSPECTION, REPAIR AND REPLACEMENT
OF BUILDING SEWERS AND SEWER LATERALS**

Sec. 1 Purpose.

The purposes of this ordinance are (i) to provide for operation and maintenance of the District's sewer system in a reliable and serviceable condition, (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of infiltration and inflow into the District's sewer system, (iii) to comply with applicable legal requirements pertaining to the District's sewer system and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to a District Public Sewer Main.

Sec. 2 Definitions.

As used in this ordinance, the following words, phrases and terms shall have the following definitions:

(a) "Air Testing" or "Air Tested" shall mean and refer to a method whereby a Building Sewer Lateral is pressurized with air for the purpose of detecting leaks or defects in the pipe being tested. An Air Tested Building Sewer Lateral will be deemed defective for purposes of this Ordinance if it does not hold 3.5 pounds per square inch of air pressure (psi-air) for at least 2 minutes with at least 2.5 psi-air remaining at end of the Air Test.

(b) "Backwater Prevention Device" includes, but is not limited to, backwater overflow devices, backwater check valves, pressure relief devices, shutoff systems, and any other devices the District may approve for the purpose of preventing or minimizing the possibility that raw sewage will back up into any structure or for any similar purpose.

(c) "Building Drain" shall mean and refer to that part of the lowest piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes within the building or structure and conveys it to the Building Sewer Lateral. The point of connection of the Building Drain to the Building Sewer Lateral shall be within two (2) feet of the outside of the Building Wall. A cleanout and Backwater Prevention Device shall be installed at the point of connection of the Building Drain to the Building Sewer Lateral..

(d) "Building Sewer Lateral" shall mean and refer to that part of a drainage system which extends from the end of the Building Drain and conveys discharge to a Public Sewer or other point of disposal. The Building Sewer Lateral shall terminate at the wye or other Manufactured Connection to the public sewer.

(e) "Building Wall" shall mean and refer to the exterior component part of a

structure built, erected, framed and designed for the housing, shelter, enclosure or support or persons, animals, or property of any kind.

(f) "Certificate of Compliance" shall mean and refer to a written certificate issued to a Property Owner by the District General Manager or his/her designee certifying that a Building Sewer Lateral is properly equipped, structurally sound and complies with all standards established by the District.

(g) "Defective Sewer Lateral" shall mean and refer to any Building Sewer Lateral that displays leaks or defects upon the completion of Video Inspection or that is deemed by the District, in its discretion, to be defective upon completion of Air Testing or any other testing method required by the District.

(h) "Manufactured Connection" shall mean and refer to a commercially manufactured and available sewer "wye" or "tee" fitting of the proper size and material for the subject application.

(i) "Property Owner" shall mean and refer to any individual or entity owning property within the boundaries of the District that is connected to a District Public Sewer.

(j) "Public Sewer" shall mean and refer to the sewers owned or maintained by the District lying within the limits of the public streets, roads, easements, reserves, non-exclusive easements or other public rights of way serving or intended to serve two or more separate properties, persons, or parcels. That portion of the Building Sewer Lateral which may lie within any public street or right of way is not a Public Sewer in the District.

(k) "Video Inspection" shall mean and refer to a process whereby a camera is placed into, run through, photographs and electronically records the inside of a Building Drain, Building Sewer Lateral or Public Sewer for the purpose of detecting leaks or other obvious defects.

Sec. 3 Requirement for Backwater Prevention Device and Sewer Lateral Clean-out.

A clean-out and a Backwater Prevention Device conforming to District requirements shall be installed as close as possible to the beginning of the Building Sewer Lateral.

Sec. 4 Testing of New Building Sewer Lateral.

All new Building Sewers Laterals shall be tested by Air Testing or water method conforming to District requirements. The method used shall be at the discretion of the District. Testing shall be conducted throughout the full length of the Building Sewer Lateral.

Sec. 5 Testing of Existing Building Sewer Lateral.

(a) **General.** It shall be unlawful for any Property Owner to maintain a Building Sewer Lateral in a defective condition. As used in this ordinance, "defective condition" includes, but is not limited to: (i) displaced joints; (ii) root intrusion; (iii) substantial deterioration; (iv) damaged or missing cleanout; (v) damaged or missing Backwater Prevention Device; (vi) in a condition that will allow infiltration and inflow of extraneous water or exfiltration of sewage; (vii) in a condition that materially increase the possibility of

a blockage or overflow; (viii) constructed without a proper permit or with materials not approved by the District; (ix) lack of a Manufactured Connection to the District's sewer system; (x) otherwise in violation of District requirements; or (xi) in such a condition that the tests required by this Chapter cannot be accomplished to the satisfaction of the District.

(b) Conditions Requiring Cleaning and Inspection of Existing Building Sewer Lateral. All existing Building Sewer Laterals, including but not limited to those serving residential, multiple residential, commercial and industrial properties connected to the District's Public Sewer be cleaned and inspected at the Property Owner's expense, when any of the following events occur:

(1) The installation of additional plumbing facilities that produce a major increase, in the judgment of the District, in sewage flow from the house, building, property or other structure served.

(2) A change of use of the house, building, property or other structure served from residential to business, commercial, or other non-residential use; or from non-residential, non-restaurant, non-commercial, non-industrial to restaurant, commercial or industrial uses.

(3) Upon repair or replacement of any portion of the Building Sewer Lateral.

(4) Upon the determination by the District that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare.

(5) Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served. A transfer of ownership does not require testing if reassessment of property value is not required by the County Tax Assessor.

(6) In a probate or other testamentary proceeding or in the event of a transfer pursuant to the terms of a revocable living trust, joint tenancy termination or other similar instrument, within 180 days after the sale, transfer or conveyance of the house, building, property or other structure served.

(7) Upon request by the District at any time commencing upon the expiration of the fifth year after the effective date of this ordinance.

(c) Inspection Procedures for Existing Building Sewer/Sewer Lateral.

(1) All existing building sewers/sewer laterals shall be inspected by Video Inspection method in accordance with District requirements.

(2) Prior to testing, the Building Sewer Lateral shall be thoroughly cleaned.

(3) All Video Inspections shall be witnessed by a representative of the District.

(4) The Property Owner or an agent for the Property Owner shall notify the District of the Video Inspection's time and date at least seven (7) calendar days prior to the Video Inspection.

(5) The Video Inspection shall be conducted by a person and/or firm qualified to do such work and meeting the approval of the District.

(6) A Video Inspection shall be valid for a period of six months from the date of the inspection. If a Property Owner fails to obtain a Certificate of Compliance within six months after obtaining a Video Inspection, the District may, in its discretion, require the Property Owner to obtain another Video Inspection before issuing a Certificate of Compliance.

Sec. 6 Mitigation of Failed Test or Inspection

When the District determines, in its discretion, that a Building Sewer Lateral is in a defective condition, the Property Owner shall cause all repairs necessary to bring the Building Sewer Lateral into compliance. All costs of repair or replacement of the Building Sewer Lateral shall be borne by the Property Owner.

Upon completion of repairs to or replacement of the Building Sewer Lateral, a Video Inspection shall be conducted to verify that the repairs or replacement have been properly completed.

Sec. 7 Repair or Replacement of Building Sewer Lateral upon Sale or Transfer of Property.

The repairs or replacement of a Building Sewer/Sewer Lateral that result from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate or other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a Building Sewer Lateral shall be completed within 180 days after the probate sale or other transfer.

Sec. 8 Building Sewer Lateral Compliance and Issuance of Certificate of Compliance.

The District shall review the final submitted Video Inspection for compliance with this ordinance. When all conditions are met to the satisfaction of the District, the Building Sewer Lateral shall be certified as complying with the provisions of this Ordinance. The District shall thereupon issue a Certificate of Compliance to the Property Owner, noting that the Building Sewer Lateral serving the property is properly equipped, structurally sound and meets the requirements of the District. Once a Certificate of Compliance is issued, the Building Sewer Lateral for which the Certificate of Compliance is issued shall not require testing for a period of ten (10) years from the date of issuance of the Certificate of Compliance unless the District has reason to believe the Building Sewer Lateral is in a defective condition. The Certificate of Compliance shall not imply a warranty or guarantee of any kind.

Sec. 9 Hardship Deferrals for Building Sewers and Sewer Laterals Repair or Replacement.

In the event that the Property Owner establishes to the satisfaction of the District that repair or replacement of a Building Sewer Lateral before the close of escrow in a non-probate sale will result in undue hardship inconsistent with the purpose or intent of this Chapter, a request for hardship status may be submitted to the General Manager. The General Manager shall make a hardship finding only if the requesting Property Owner presents facts that clearly demonstrate, in the General Manager's sole discretion, that the Property Owner's payment for and completion of a Building Sewer Lateral repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the Property Owner who is selling the property, or the purchaser of such property, shall have no more than 180 days after the close of escrow or other transfer of the property to repair or replace the Building Sewer Lateral.

(a) For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the Property Owner; (2) the immediate transfer or removal of the Property Owner from the state, thereby making the hiring of a contractor to repair or replace the Building Sewer Lateral impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Building Sewer Lateral extraordinarily difficult or impractical. The Property Owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the General Manager.

(b) Any Property Owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the Property Owner that the Building Sewer Lateral repair or replacement requirement is only deferred up to 180 days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the Property Owner who is selling the property and to the purchaser of the property.

(c) In the event of a failure to comply with this Ordinance within the allotted time, the District may bring an enforcement action and exercise any other remedy against the Property Owner and any other responsible party.

Sec. 10 Notices to Correct Violations.

If the District General Manager receives notice that a Building Sewer Lateral does not or may not meet the standards set forth in this Chapter and the Property Owner does not agree in writing to perform the repairs or replacements necessary to bring the Building Sewer Lateral into compliance, then the District General Manager shall give written notice to the Property Owner of any conditions that violate this Chapter. Such notice shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction, and shall advise the Property Owner of the enforcement provisions of this Chapter.

Sec. 11.

This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of the fifteen (15) days from the passage thereof, the Ordinance or a summary of the Ordinance shall be published at least once in the IV Press and thereupon and thereafter this ordinance shall take effect and be in force according to law.

PASSED AND ADOPTED BY the Board of Directors of the Salton Community Services District, Salton City, California, held on the 15th day of June, 2016 by the following vote

	YES	NO
Fran Aldridge	<u> / </u>	_____
Dale Johnson	<u> / </u>	_____
Bryon Pickrell	<u> X </u>	_____
Forrest Kerr	<u> X </u>	_____
Chris Klontz	<u> X </u>	_____

Dale Johnson

 Dale Johnson, President of the Board of Directors

ATTEST:

Teri Klontz

 Teri Klontz, Secretary of the Board of Directors

~~By: Dale Johnson, President of the~~

~~Board~~

~~ATTEST:~~

 Teri Klontz, Board Secretary