

ORDINANCE NO. 07-1

**ORDINANCE AMENDING CHAPTERS 1 & 9 OF THE DISTRICT CODE
IN ORDER TO CLARIFY THE RIGHTS AND RESPONSIBILITIES OF
PROPERTY OWNERS WITH RESPECT TO THE INSPECTION AND TIMELY
REPLACEMENT OF EXISTING PRIVATE BUILDING SEWERS**

IT IS ORDAINED by the Board of Directors of Crockett Community Services District (“District”) as follows:

1. Definitions. For the purposes of this Ordinance, the following terms have the meanings specified below.

1.1 “Building sewer” means the privately owned and maintained sewer line that links the sanitary or waste plumbing (building drain) of a house or other building with the main sewer. The building sewer begins at its point of connection (including the connection) with the main sewer and terminates at its point of connection to the building drain. The point of connection to the building drain shall be two (2) feet or less from the building foundation at the point where the plumbing first extends outside the foundation. (normally 4 or 6 inches in diameter.)

1.2 “Lateral sewer” means “building sewer” or “side sewer.”

1.3 “Side sewer” means “building sewer” or “lateral sewer.”

1.4 “Main sewer” means a public sewer that has been constructed to accommodate one or more side sewers. (normally 6, 8 or 10 inches in diameter.)

2. Chapter 9 of the Crockett Community Services District Code is hereby amended by the addition of Section 9.10 as set forth below.

Chapter 9.10 BUILDING SEWER INFLOW & INFILTRATION CONTROL

Section 9.10.010 Purpose of Certificate of Compliance

The District has determined that significant public cost results from intrusion of rain water, ground water and other exterior sources of water, known collectively as “inflow & infiltration” (I&I). In addition, the SWRCB General Waste Discharge Requirement (WDR), adopted in May, 2006, requires all public sanitary sewer collection systems greater than one mile in length to develop and implement a written Sewer

System Management Plan (SSMP). The goal of the SSMP is to “provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent sanitary sewer overflows (SSO), and to mitigate any SSOs that do occur.” One component of that program is to minimize I&I to eliminate SSOs.

A building sewer shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the pipe, damaged or missing clean-out, damaged or missing backwater overflow protection device, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage. A building sewer shall also be considered defective if it contains unpermitted materials, or lacks a manufactured connection to the main sewer, or is otherwise in violation of the District Standard Specifications. If within a period of one year, a building sewer suffers more than one blockage resulting in an overflow, that building sewer shall be considered defective.

Storm water can invade defective building sewers and overload the District’s sewer system, causing blockage and backups, causing sewer overflows, and occasionally overloading wastewater treatment facilities. Defective building sewers can also leak raw sewage into the ground, infiltrating the drainage system that flows to the bay, which is a public health hazard. To reduce these environmental, health and financial impacts to the public, and to comply with the statewide WDR, the District hereby requires that all building sewers shall be maintained in reliable condition and be repaired or replaced when they have deteriorated to a point where they may allow infiltration. Each building sewer shall be free of any structural defects, cracks, breaks or missing portions. All joints shall be tight and all pipes shall be sound. Connection to the building sewer of drains, roof leaders, or conduits carrying irrigation drainage, rain water or liquids other than sewage (inflow) shall be prohibited.

Section 9.10.020 Certificate of Compliance requirement

To further the public purpose of I&I reduction, the property owner who is selling the property shall obtain a Certificate of Compliance from the District prior to the close

of escrow for the sale or other transfer in a non-probate transaction of any property from which a building sewer is connected to the District sewage system. The Certificate of Compliance shall certify that the building sewer is operating properly, is not leaking into the ground, and is not allowing infiltration or inflow of drainage, rainwater or ground water. Alternatively, the owner may submit to the District prior to close of escrow a signed contract to have the building sewer replaced, and shall either submit corresponding escrow instructions to withhold funds in the amount specified in the contract, or shall post an equivalent cash bond, or equivalent security acceptable to the District, in the amount of a signed estimate plus associated fees with the District to guarantee compliance. The bond is refundable upon certification of compliance.

For properties sold or transferred in a probate proceeding, the Certificate of Compliance shall be obtained within sixty (60) days after the probate sale or transfer.

A transfer of ownership between family members, where there is no reassessment of property value by the County, does not require testing or a Certificate of Compliance.

Section 9.10.030 Sewer videotape/testing

To obtain a Certificate of Compliance, the owner shall submit a videotape of the building sewer, prepared by a licensed plumbing contractor. The District shall determine compliance and prepare and mail a Certificate of Compliance or a Deficiency Report within one week. Alternatively, the owner may elect to replace the entire building sewer.

Section 9.10.040 Repair or replacement

The owner shall obtain a permit from the District and carry out the sewer repairs or replacement as indicated in the Deficiency Report. Following inspection of all work, the District shall witness an air test of the building sewer by the owner's contractor. A replaced or repaired building sewer shall not be covered or backfilled until it has been inspected by a representative of the District. Upon satisfactory completion of permitted work, the District shall prepare and mail a Certificate of Compliance to the owner.

Section 9.10.050 Exceptions

The District shall issue a Certificate of Compliance upon evidence that a building sewer has been newly constructed or replaced under District permit within the past ten (10) years. Such Certificate of Compliance shall be valid for five (5) years from the date of issuance, unless at the expiration of five years the building sewer is still less than ten (10) years old. In that case, the Certificate of Compliance will be valid until the building sewer is ten (10) years old. *No work done without District permit shall qualify for this exception.*

Certificates of Compliance issued for Building Sewers which have been inspected by the District and found to be in satisfactory condition, but which are not newly constructed or replaced, shall be valid for five (5) years from the date of issuance.

Section 9.10.060 Hardship deferrals for building sewer repair or replacement

In the event that the repair or replacement of a Building Sewer, either before the close of escrow in a non-probate sale or within sixty (60) days of a probate sale or transfer, would result in undue hardship inconsistent with the purpose of intent of this Ordinance, a request for hardship status may be submitted to the District. The District Board shall make a hardship finding only if the requesting property owner presents facts that clearly demonstrate that in the District's determination the property owner's payment for and completion of a Building Sewer repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the following deferrals shall apply. In the case of a non-probate sale, the property owner who is selling the property (and the property owner who is purchasing the property) shall have up to six months after the close of escrow to repair, replace, or restore the building sewer. In the case of a probate sale, the property owner who is purchasing the property shall have up to six extra months to repair or replace the building sewer, in addition to his or her 60 days from the date of the probate sale.

For the 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 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 extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship.

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 repair or replacement requirement is only deferred up to six additional months—not waived entirely. In the case of non-probate sales, 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.

3. **Chapter 1** of the Crockett Community Services District Code is hereby amended by the addition of Section 1.08.110 as set forth below.

Section 1.08.110 Violation

In the event of a failure to comply with the Building Sewer Infiltration & Inflow Control Ordinance (Chapter 9.10 of the Code) within the allotted time, the District may bring an enforcement action and exercise any other remedy provided by the District Code and applicable laws against the property owner and any other responsible party.

When a violation is discovered, the District shall issue a Notice of Violation to the Buyer, and where practical to the previous owner, in accordance with Section 10-04.H of the District Standard Specifications. The recipient of the Notice of Violation shall be required to take all steps necessary to obtain a Certificate of Compliance within sixty (60) days. The Buyer may have recourse under state real estate disclosure laws to obtain reimbursement from the previous owner. Failure to comply with the Notice of Violation, however, shall cause the District to take such actions as are set forth in this chapter 1.08 of the District Code.

4. **Severability**. If any portion of this Ordinance is for any reason held invalid by a court of competent jurisdiction, the remainder of the Ordinance, including the application of such

part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

5. **Superseding Effect.** This Ordinance supersedes all previous and currently existing regulations that are in conflict with its provisions, and all such regulations are rescinded and repealed as of the date of this Ordinance becomes effective.

6. **CEQA.** In accordance with the California Environmental Quality Act Public Resources Code Sec. 21000 *et seq.* (“CEQA”) and the regulations promulgated pursuant to CEQA (“the State Guidelines”), the Board of Directors finds that this Ordinance is not a “project” within the meaning of CEQA or the State Guidelines.

7. **Effective Date.** Upon adoption, this Ordinance shall be entered in the minutes of the Board and shall be published in the West County Times promptly following its passage and adoption, and this Ordinance shall take effect and be in force and effect immediately after the 30th day following adoption.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Crockett Community Services District, at a regular meeting thereof, held on the 27TH day of JUNE, 2007, by the following vote:

AYES: BURLISON, LOVESETH, ROCK

NOES: NONE


ABSTAIN:

ABSENT: MACKENZIE, PETTY




Bud Burlison
President of the Board of Directors,
Crockett Community Services District,
County of Contra Costa,
State of California

COUNTERSIGNED:



Kent G. Peterson, Secretary
Crockett Community Services District

Approved as to Form:



Kenton L. Alm
General Counsel