

*Handout*

*Agenda Item*

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*Date* November 21, 2019

**THE BOARD OF DIRECTORS OF THE  
LAS GALLINAS VALLEY SANITARY DISTRICT**

**ORDINANCE NO. 180**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT**

The Board of Directors of the Las Gallinas Valley Sanitary District, Marin County, California, does ordain as follows:

Section 1. TITLE 1, CHAPTER 1, ARTICLE II, DEFINITIONS, of the ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT is hereby amended in its entirety as follows:

ARTICLE II. DEFINITIONS. As used in this Code, unless a different meaning is apparent from the context or is specified elsewhere in the Code:

Section 201. APPLICANT shall mean the Person making application for a Permit for a Sewer or plumbing installation and shall be the Owner of premises to be served by the Sewer for which a Permit is requested or his authorized agent.

Section 202. BOARD or BOARD OF DIRECTORS shall mean the Board of Directors of said District.

Section 203. BOD shall mean Biochemical Oxygen Demand, which defines the “strength” or organic content of Wastewater through the measurement of dissolved oxygen, as outlined in the District’s National Pollution Discharge Elimination System Permit.

Section 204. BUILDING shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Section 205. BUILDING SEWER shall mean that portion of any Sewer beginning at the plumbing or drainage outlet of any Building or industrial facility and running to the property line or to a private Sewage disposal system.

Section 206. CAPITAL FACILITIES CHARGE shall mean the fee designed to allow new or additional connections to the District to pay for line and plant capacity necessary to serve those connections.

Section 207. COMBINED SEWER shall mean a Sewer receiving both surface runoff and sewage.

Section 208. COMMON INTEREST DEVELOPMENT shall mean a development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities, including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments, which contains three (3) or more dwelling units and which has a Sewer Lateral shared by three (3) or more dwelling units.

Section 209. COMMON LATERAL shall mean any Sewer Lateral that connects directly to another Sewer Lateral, in lieu of connecting to the Public Sewer Main.

Section 210. CERTIFICATION OF COMPLIANCE shall mean any documentation issued by the District certifying that all Sewer Laterals associated with a parcel have demonstrated compliance with District Ordinances, Resolutions and Administrative Policies. This includes, but is not limited to, any District documentation indicating that the lateral is constructed correctly (for newly constructed laterals) and/or a Report of Findings that indicates

the lateral shows no indications of defects of concern, illegal connections, sources of inflow, or other condition(s) indicative of a violation of this Ordinance. .

Section 211. CONTRACTOR shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the Permit.

Section 212. CONTRACTUAL SERVICES shall mean any and all telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the District but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of these regulations

Section 213. COUNTY shall mean the County of Marin, California.

Section 214. DISTRICT shall mean the Las Gallinas Valley Sanitary District, Marin County, California.

Section 215. DISTRICT ENGINEER shall mean the Person holding the position of District Engineer, or other District personnel or consultant as designated by the General Manager (i.e., designee).

Section 216. DISTRICT STANDARDS shall mean the engineering and construction standards that are in effect at the time of inspection and/or Permit as determined by the General Manager or District Engineer or designee, and includes all Ordinances, Resolutions and Administrative Policies.

Section 217. EQUIVALENT SEWER UNIT shall mean the amount of sewage

estimated to be produced by a detached, single family residence.

Section 218. FIXTURE shall mean any sink, tub, shower or water closet or other facility connected by drain to the sewer.

Section 219. FIXTURE UNIT shall mean fixture units as defined in the most recent publication of the California Plumbing Code as updated periodically.

Section 220. FORCEMAIN shall mean a pipeline that is designed to convey sewage under pressure.

Section 221. GARBAGE shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce

Section 222. GENERAL MANAGER shall mean the Person or Persons appointed by the Board to administer and enforce the rules and regulations of the District.

Section 223. GREASE INTERCEPTOR/TRAP. A receptacle designed to collect and retain grease and fatty substances normally discharged from kitchens, food processing, or similar wastes.

Section 224. HEAVY CONSTRUCTION EQUIPMENT shall mean equipment such as bulldozers, carryalls, trucks, graders and all equipment and vehicles with axle load of five (5) tons or more.

Section 225. ILLEGAL CONNECTION shall mean any connection that violates the Ordinance Code of the District. Examples of Illegal Connections include, but are not limited to, roof downspouts, pool overflow piping, sump pump discharge piping, surface drainage features, modified, damaged or otherwise faulty “contra costa” valves or other backflow or backpressure relief features, connections of process discharges causing harm to the District’s collection and/or

treatment infrastructure or that are in conflict with regulatory requirements the District is required to comply with, and sewer lateral cleanouts that are not securely capped to prevent surface drainage to enter from entering the sewer lateral cleanout.

Section 226. IMPACT MACHINE shall mean equipment designed for compacting soil by impact and shall include drop hammers, pneumatically operated hammers, hydraulically operated hammers and pneumatic tampers weighing more than thirty-four (34) pounds.

Section 227. INFILTRATION shall mean water other than sewage which enters into the District's collection system through cracks, breaks, open joints, or other deficiencies which may exist in Laterals or in the District's system.

Section 228. INFLOW shall mean any material other than sewage that is directed toward or connected to the District's collection system through ILLEGAL CONNECTIONS as defined in Section 225.

Section 229. INFLOW AND INFILTRATION are sometimes referred to collectively as "I&I".

Section 230. LATERAL SEWER, SEWER LATERAL OR LATERAL shall mean a gravity and/or pressurized sewer which connects the Plumbing System in a Building to a Sewer Main owned and operated by the District, including the connection itself (i.e., the "wye" or similar connection as described in Section 601) and any associated equipment. The Lateral Sewer shall comprise the upper Lateral or Building Sewer, which extends from the Building to the property line, and the lower Lateral, which extends from the property line to the Sewer Main or within a sewer easement. No part of the Lateral is owned or maintained by the District.

Section 231. LOCAL BIDDER means a firm or individual who regularly maintains a place of business and transacts business in or maintains an inventory of merchandise for sale in

the County in which District is located.

Section 232. MAIN SEWER or SEWER MAIN shall mean a Public Sewer designed to accommodate more than one Lateral sewer.

Section 233. MANAGER shall mean the General Manager of the District.

Section 234. MULTI-FAMILY BUILDING shall mean a residential, attached dwelling unit connected by a common wall or walls to other similar dwellings; for example, apartments but not including condominiums.

Section 235. NOTICE TO REPAIR shall mean the Written notice issued by the General Manager, District Engineer or designee to the Building Owner advising that the Building Owner appears to be in violation of the respective Code or Ordinance with respect to the Building Owner's Sewer Lateral, or in violation of the Code or Ordinance in a manner of the Sewer Lateral's connection to the District's sewer system, which order directs the abatement of the identified violation in a timely manner

Section 236. OATH includes affirmation.

Section 237. OUTSIDE SEWER shall mean a Sanitary Sewer beyond the limits of the District not subject to the control or jurisdiction of District.

Section 238. OWNER shall mean any Person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the District.

Section 239. PAVEMENT BREAKERS shall mean drop hammers, pneumatically or hydraulically operated hammers designed for breaking pavement by impact and pneumatic jack hammers weighing more than eighty (80) pounds.

Section 240. PERMIT shall mean any Written authorization required pursuant to this or any other regulation of District for the installation of any sewage works.

Section 241. PERSON shall mean and includes any human being, individual, firm, company, partnership, association and or public and municipal corporations, the United State of America, the State of California, districts and all political subdivisions, and governmental agencies.

Section 242. PLUMBING FIXTURE UNIT shall mean fixture units as defined in the most recent publication of the California Plumbing Code as updated periodically.

Section 243. PLUMBING SYSTEM shall mean all plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all Sanitary Sewer pipes within a Building and extending to the Building Sewer connection two (2) feet outside the Building wall.

Section 244. PRESSURE TEST shall mean a District approved air or hydrostatic pressure test on the Sewer Lateral from as close as practical to the building foundation (as determined by the General Manager, District Engineer, or their delegate) to the sewer lateral's connection to the Public Sewer Main in order to demonstrate that the Lateral pipe and the connection to the Public Sewer Main are water tight. Unless specifically required by the General Manager or District Engineer, pressure testing of laterals shall only apply to newly constructed or repaired laterals.

Section 245. PRIVATE PUMPING STATION shall mean a privately-owned pumping, lifting, or sewer ejection facility, including privately-owned forcemain piping, that is used to convey Wastewater to a Sewer Lateral, and subsequently, to the public Main Sewer.

Section 246. PRIVATE SEWER shall mean a Sewer serving an independent sewage disposal system not connected with a Public Sewer and which accommodates one or more Buildings or industries.

Section 247. PUBLIC SEWER shall mean a Sewer lying within a Street or public right-

of-way, and which is controlled by or under the jurisdiction of the District.

Section 248. REPAIR or REHABILITATION or REPLACEMENT shall mean restoration of the Lateral in a manner that eliminates breaks, voids, separations, sags, illegal connections, or other defects that allow non-sewage materials, including but not limited to groundwater, roots, soils, and Infiltration, to enter the Lateral.

Section 249. SANITARY SEWER shall mean a Sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 250. SANITARY SEWER OVERFLOW or SSO shall mean any overflow, spill, release, discharge, or diversion of untreated or partially treated Wastewater from a Sanitary Sewer system.

Section 251. SECTION, ARTICLE, CHAPTER and TITLE mean, respectively, section, article, chapter and title of this Code.

Section 252. SEWER shall mean a pipe or conduit for carrying sewage.

Section 253. SEWER CONNECTION FEE shall mean Capital Facilities Charge plus other fees set by the District as payment for services supplied on a onetime basis during application for sewer service.

Section 254. SEWER LATERAL INSPECTION shall mean an inspection of a Sewer Lateral that consists of the retention of a licensed plumber, Contractor or Pipe Assessment Certification Program (“PACP”) certified inspector by the Owner, in order to visually examine and inspect a Sewer Lateral in the manner deemed appropriate by the General Manager or District Engineer or designee. Such an inspection shall, at a minimum, include the use of a closed-circuit television (CCTV) inspection, and submittal of the inspection report in digital format acceptable to the District at the time of submittal and inspection log for the purposes of determining whether the



Sewer Lateral complies with the requirements of this Ordinance. For inspections required by section 705, the inspection shall also include a visual, “on-foot” inspection of the entire property served by the lateral, including crawlspace areas under any buildings on the property, to identify any obvious or suspect illegal connections and/or sources of inflow to the lateral. The inflow/illegal connection inspection shall be performed by the same inspector conducting any required CCTV inspection.

Where potential illegal connections are suspected but impossible to prove without invasive efforts (such as the case when a sump pump discharge is routed under concrete), the inspector shall verify operation of the potential illegal connection as necessary to determine that it is not connected to the lateral.

Section 255. SHALL and MUST are mandatory and MAY is permissive.

Section 256. SIDE SEWER shall mean the Sewer line beginning at the foundation wall of any Building and terminating at the Main Sewer and includes the Building Sewer and Lateral Sewer together.

Section 257. SINGLE-FAMILY UNIT. A Single-Family Unit is defined to mean and refer to the place of residence for a single family, and typically includes one (1) kitchen. Property improved for multi-family purposes shall constitute the number of units that the facilities thereon provide, and in calculating any charge for Multi-Family Buildings, the charge shall be a multiple of the number of units in the Multi-Family Building.

Section 258. STORM SEWER or STORM DRAIN shall mean a Sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

Section 259. STREET shall mean any public highway, road, Street, avenue, alleyway, public place, public easement or right-of-way.

Section 260. SUPPLIES and EQUIPMENT mean any and all articles, materials or things which shall be furnished to or used by District, but excluding services or materials furnished “in kind” in lieu of cash to indigents.

Section 261. SUSPENDED SOLIDS (SS). Solid material that either floats on the surface of, or is in suspension in, water, sewage, or other liquids and can be measured by laboratory filtering; expressed in terms of weight per unit volume, milligrams per liter (mg/l).

Section 262. SS LOADING. The established amount of SS contributed to the collection system by any given parcel within the District.

Section 263. VIBRATING MACHINE shall mean equipment designed for compacting soil by mechanical vibration.

Section 264. WASTEWATER FACILITIES shall mean all facilities for collecting, pumping, treating and disposing of Wastewater or Sewage, also referred to as sewage works.

Section 265. WASTEWATER or SEWAGE shall mean a combination of water-carried wastes from residences, business Buildings, institutions and industrial establishments.

Section 266. WASTEWATER TREATMENT PLANT or SEWAGE TREATMENT PLANT shall mean any arrangement of devices and structures used for treating Wastewater or Sewage.

Section 267. WRITTEN includes every form of legible recording.

Section 268. ADDITIONAL DEFINITIONS. For the purpose of this Ordinance, additional terms shall have the meaning indicated in the latest edition of that certain plumbing code entitled “International Association of Plumbing and Mechanical Officials Uniform Plumbing Code,” adopted by the International Association of Plumbing and Mechanical Officials, and the California Plumbing Code, a copy of which is on file in District offices.

Section 2. TITLE 2, CHAPTER 9 of the ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT is hereby enacted and provides as follows:

**TITLE 2, CHAPTER 9**  
**A CHAPTER RELATING TO THE REGULATION OF INSPECTION,**  
**MAINTENANCE, AND REPLACEMENT OF SEWER LATERALS**  
**“SEWER LATERAL ORDINANCE”**

ARTICLE I. PURPOSE. A Chapter regulating the inspection, maintenance, and replacement of Sewer Laterals within the Las Gallinas Valley Sanitary District.

ARTICLE II. DEFINITIONS

Section 201. Definitions for this Chapter are found in Title 1, Chapter 1, Article II.

ARTICLE III. GENERAL PROVISIONS

Section 301. Purpose. The Las Gallinas Valley Sanitary District (“District”) finds and determines that during heavy rains, water is introduced into the District’s system from Infiltration and Inflow (“I&I”). A portion of this I&I is believed to be introduced into the District’s Sewer Mains from Sewer Laterals or other unpermitted sources or connections. The District is required to convey, treat, and otherwise manage this I&I. This Chapter meets the requirement set forth in the District’s Wastewater Treatment Plant National Pollution Discharge Elimination System (“NPDES”) Permit regarding inspection of Sewer Laterals to help in identifying and addressing I&I from Laterals.

Section 302. Short Title. This Chapter shall be known as the “Sewer Lateral Ordinance.”

#### ARTICLE IV. NEW CONSTRUCTION

Section 401. Construction of new, repaired, replaced, or rehabilitated Laterals shall conform to District Ordinances, Resolutions and Administrative Policies (specifically Title 2, Chapter 1, Article V, “Building Sewers, Lateral Sewers and Connections”).

#### ARTICLE V. PERMITS

Section 501. Prior to constructing a Lateral or connecting a new Building to an existing Lateral, or undertaking a Repair, Replacement or Rehabilitation of a Lateral, the Owner shall apply for and obtain a permit for the work from the District in accordance with Title 2, Chapter 1, Article V, “Building Sewers, Lateral Sewers and Connections.” All fees must be paid in accordance with Title 2, Chapter 1, Article IX, “Permits and Fees”. The application shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager, District Engineer or designee may require plans, specifications or drawings and such other information as may be deemed necessary.

#### ARTICLE VI. OWNERSHIP, MAINTENANCE AND REPAIR.

Section 601. As required by Title 2, Chapter 1, Article V, “Building Sewers, Laterals Sewers and Connection,” Sewer Laterals shall be owned, maintained and repaired by the Owner of the property, which the Lateral serves. The entire service Lateral, from the Building connection to and including the “wye” connection or other-tie-in to the Sewer Main, shall fall within the Owner’s responsibility for installation, maintenance and repair.

Section 602. Property Owners must clean, maintain and Repair Laterals serving their property sufficient to keep the Lateral in operable condition at all times, as defined herein. The property Owner shall perform such duties as may be required to respond to and correct

conditions that do not meet this standard:

- (a) The Sewer Lateral shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.
- (b) All joints shall be watertight and all pipes shall be sound, which includes being free from any structural defects such as fractures, cracks, breaks, openings, or missing portions.
- (c) In order to prevent inflow from entering a lateral from a cleanout, all cleanouts shall be securely sealed with a proper cap or approved, unmodified, fully functional overflow or backflow device at all times.
- (d) There shall be no illegal connections to the Lateral.
- (e) There shall be no observed overflows, seepage, blockages, other deficiencies (such as Sewer too low to allow for proper gravity flow) in the Lateral as determined by the General Manager, District Engineer or designee.

Section 603. Sewer lateral defects may be discovered by District through the District's operations which include smoke testing, response to an SSO, closed circuit televising of underground infrastructure, Pressure Testing, or other District activities.

#### ARTICLE VII. MANDATORY INSPECTIONS AND/OR PRESSURE TESTING

Section 701. Applicability. This Section shall apply to residential properties, commercial properties, publicly owned buildings, Common Interest Developments, apartment buildings and any structure which has a Sewer Lateral.

Section 702. Inspection Report. Following all inspections, the Owner shall submit to the District Engineer a sewer service lateral inspection report per Section 901.

Section 703. Certification of Compliance. The District will certify compliance of a

newly constructed or repaired lateral following verification of its meeting the Pressure Test standards established by the District. The District Engineer, in their sole discretion, will verify results of any testing. In order for an owner to obtain Certification of Compliance, a newly constructed or repaired sewer lateral shall meet the pressure test criteria described in the District sewer lateral testing and reporting protocols.

Section 704. Health and Safety Basis For Requiring A Sewer Lateral Inspection. An owner, or if applicable, all multiple owners of a common sewer lateral, shall have the sewer service lateral of his or her real property inspected in accordance with the requirements of this Chapter, and/or as directed and within the time period indicated by the General Manager or District Engineer, upon the occurrence of any of the following events:

- (a) Overflow or Malfunction. Whenever the General Manager or District Engineer determines that the sewer service lateral has recently overflowed or has recently malfunctioned, or that a District sewer system overflow resulted from roots, grease, debris, or excess flow from a sewer lateral.
- (b) Lateral Failure or Lack of Maintenance. Whenever the General Manager or District Engineer finds that the lateral has not been properly maintained.
- (c) Public Health Threat. Whenever the General Manager District Engineer has cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a sewer service lateral.

After reviewing the results of the Inspection, the Owner shall be provided with a District issued Report of Findings. In the event the General Manager or District engineer is not satisfied with the results of the Inspections performed under a Health and Safety Basis, the Report of Findings shall describe any remedial actions required of the Owner, which may include repair or

replacement of the lateral.

Section 705. Other Events Requiring A Sewer Lateral Inspection. Except for those circumstances noted in Section 707, an owner, or if applicable, all multiple owners of a common sewer lateral(s), shall have the sewer service lateral(s) of his or her property inspected in accordance with the requirements of this Chapter upon the occurrence of any of the following events:

- (a) Additions and Improvements. Prior to the final inspection of work performed under a county or city building permit for a remodel where said remodel has a value of \$30,000 or greater. The District will notify the relevant jurisdiction (city or county) of this requirement so that issuance of a building permit is conditioned upon meeting this inspection requirement.
- (b) Sale or Transfer of Property. Upon proposed sale or transfer of property, the seller shall obtain and submit a lateral inspection report to the District prior to the close of escrow.
- (c) Title Transfer. The sale or transfer of an entire property estate or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as a leasehold. The following are not Title Transfers for the purposes of this

Ordinance:

- (1) A transfer to an heir by fiduciary in the course of the administration of a decedent's estates, guardianship, conservatorship or trust;
- (2) A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors;

- (3) A transfer made by a trustor to fund an inter vivos trust;
- (4) A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a Lineal Consanguinity Relationship with one or more of the transferors;
- (5) A transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or resulting from a decree of legal separation or from a property settlement agreement incidental to a decree; and
- (6) A transfer from a Property Owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new Property Owner is a Title Transfer for purposes of this Ordinance.

After reviewing the results of the Inspection, the Owner shall be provided with a District issued Report of Findings, which shall describe any remedial actions required of the Owner, which, for inspections done pursuant to this Section only, will be limited to elimination of illegal connections (sources of inflow). Repair or replacement of the lateral will not be required as a result of inspections performed pursuant to this section, however additional remedial actions may be described that the owner is advised to take in order to ensure reliable function of the lateral. See section 707 regarding exception to inspections required under this section.

Section 706. Notification of Right of Entry By District. When the District is replacing a sewer main or conducting repairs of a sewer main on a road where one or more sewer laterals connect to the sewer main, or responding to and evaluating the cause of an SSO, and requires access to property, owners will be notified by the District.



Section 707. Exceptions to Inspection for Recent Replacements, Repairs, or Inspections.

The following are exceptions to the inspection requirements of Article VII, section 705.

- (a) Installation of Lateral Within Prior 20 Years. An owner otherwise required to perform a sewer lateral inspection under this Article shall not be required to perform such an inspection if the owner (or the owner's predecessor-in-interest) has originally installed the sewer lateral, or replaced in full the pre-existing sewer lateral to the then-current District Standards and performed under a District-issued permit within twenty (20) years prior to the date of the application for a current building permit, or of listing the property for sale.
- (b) Certification of Compliance Within Prior 20 Years or District project. An owner otherwise required to perform a sewer lateral inspection under this Article shall not be required to perform such an inspection if the Owner has received a District Certification of Compliance or a Report of Findings indicating the absence of any Illegal Connections within the twenty (20) years prior to the date the inspection would otherwise be required or if the sewer lateral was replaced during a District project or as part of the Districts Sewer Lateral Replacement Program.
- (c) Proof of Prior Replacement or Rehabilitation of a Sewer Service Lateral. Owner shall provide proof of any prior replacement or repair of a sewer service lateral in the form of a certificate, a paid bill or any sufficient documentation that ensures such prior replacement or rehabilitation of a sewer service lateral occurred pursuant to a. and b. above. The form and content of the document or proof must

be deemed sufficient by the General Manager or District Engineer or designated representative in their sole discretion.

Discovery of suspected evidence of non-compliance of this Ordinance through District activities described in Section 603 shall negate applicability of Section 707.

Section 708. Fees. Prior to conducting any work by District staff, and in order to cover District staff time and administrative costs, the District will assess fees according to the Districts miscellaneous fee schedule.

Fees shall be payable immediately by the current property upon requesting District services. Additional information regarding fees is available at the District Offices and on the District Website.

Section 709. The District may contract with a firm to carry out any inspections or any inspection report review authorized by this Ordinance.

#### ARTICLE VIII. ACCESS TO PREMISES

Section 801. In accordance with Health and Safety Code § 6523.2 the District Engineer or designated representative is hereby authorized to inspect laterals with notice to the property owner for the following purposes:

- (a) To determine the size, depth, and location of any sewer connection.
- (b) To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached hereto and flushing the same, if necessary.
- (c) To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged into any sewer.
- (d) To determine the location of the roof, swimming pool, floor and surface drains,

and whether or not they physically connect to a sewer.

(e) To assess the condition of the lateral where the District has information indicating that the lateral may be allowing inflow or infiltration.

(f) To make any determinations regarding public health, safety or welfare.

Section 802. Powers and Authorities of Inspectors. The officers, inspectors, managers, and any duly authorized employees of the District shall carry evidence establishing their position as authorized representatives of the District, and upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities, and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance, resolutions and administrative policies of the District.

#### ARTICLE IX. INSPECTION REPORT REQUIREMENTS

Section 901. Inspection Report Requirements. An Inspection Report required by this Ordinance shall be prepared in accordance with and pursuant to all District regulations, standards and requirements. For current report requirements, Contact District Offices or visit the District Website.

#### ARTICLE X. REQUIRED REPAIRS

Section 1001. Notice to Repair. Upon receipt of the sewer service lateral inspection report or in the event of a failed pressure test, pursuant to this Chapter, the District Engineer or designee will determine whether it indicates any deficiencies in the operation of the sewer service lateral and, thereafter, shall provide the owner(s) with a Notice to Repair as may be deemed appropriate by the General Manager or District Engineer. The Notice to Repair may specifically identify the deficiencies to be corrected and shall establish a deadline within which

the owner(s) shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and may include the installation of cleanouts and backwater prevention devices if those devices are otherwise required by this Ordinance or any other provisions of the Ordinance Code. Failure to make repairs as required by the Notice of Repair may result in the District's recording of a Notice of Violation with the Marin County Recorder and any and all remedies available to the District.

Section 1002. Disconnection of Illegal Connections. For inspections conducted pursuant to Section 705, lateral replacement will not be required, however corrective action up to and including lateral replacement may be advised. Illegal connections or sources of inflow identified during inspections pursuant to Section 705, however, must be eliminated or otherwise disconnected from the lateral within a 90-day grace period as measured from date of discovery. Failure to comply within this grace period will result in a notice of Violation being filed with Marin County Recorder, in addition to pursuit of any legal remedies the District is entitled to. Adequate verification of disconnection shall include written summary of observed conditions during site review by a PACP inspector or licensed plumber pursuant to Section 901.

Section 1003. Additional or Subsequent Violations. If any violations of this Ordinance are discovered on a property after corrective action, up to and including lateral replacement, has been previously ordered by the District, a Notice of Violation may be filed by the District with the Marin County Recorder, in addition to pursuit of any legal remedies the District is entitled to, until verification of corrective action is supplied to District offices. The grace period described in Section 1002 shall not apply to violations described in this section. Adequate verification of corrective action shall include written summary of observed conditions during site review by a PACP inspector or licensed plumber pursuant to Section 901, or other verification if required by

the District.

Section 1004. Time Limits. Time limits described in sections 1002 and 1003 supersede those described in Title 2, Chapter 1, Article X of the Las Gallinas Valley Sanitary District Ordinance Code.

SECTION 1005. Pool Overflow Piping. Except for pools constructed prior to the effective date of this Ordinance, pool overflow piping is considered a source of inflow and, therefore, if connected to a sewer lateral, is considered an illegal connection and is not allowed. Due to concerns regarding environmental impact of pool overflow water, owners constructing or disconnecting pool overflows from sewer laterals are advised to coordinate any pool overflow piping construction or changes through the Marin County Stormwater Pollution Prevention Program. Draining of pool contents to sewer laterals for complete pool draining purposes is not considered inflow and is permissible under certain circumstances if a pool discharge permit is issued to the Owner by the District. Contact District Offices or visit the District Website for more information related to draining pools.

#### ARTICLE XI. MULTIPLE CONNECTIONS

Section 1101. It shall be the policy of the District to require one Sewer Lateral serving one single family home. However, the District recognizes that the existing sewer service system within the District contains groups of two or more properties that are serviced by one pre-existing Sewer Lateral. Where there is no problem with a Sewer Lateral that serves multiple properties, in the opinion of the General Manager or District Engineer or designee, then the District may allow the multiple service Lateral. Where Repairs are necessary, the Owners of the residences served by the Lateral shall jointly be responsible for the Repairs. Where Repairs and/or Replacement of such a Lateral is necessary, the District may require the construction of a new Sewer Lateral for each

residential single-family home or the construction of a new larger Sewer Lateral to accommodate the multiple residences.

Section 1102. Discovery of Common Lateral. If the District identifies that the Sewer Lateral conveys flow from one or more Common Laterals, the District will inform the property Owner. The property Owner remains responsible for the full cost of testing, and repair or replacement of the Sewer Lateral from the Public Sewer Main to the initial Building in question. Where multiple residential connections connect to one Sewer Lateral, it is the property Owner/Owners' responsibility to determine how costs related to Lateral, inspections and repairs will be shared. If during the inspection it is determined that a sewer lateral is serving more than one residence, the District can require the construction of an additional lateral to comply with present District standards.

## ARTICLE XII. DISTRICT'S AUTHORITY UPON FAILURE TO REPAIR.

Section 1201. Failure to Repair upon District Notification. Should an Owner fail to conduct the required Repairs upon issuance of a Notice to Repair by the District, the District shall have several options in order to ensure that the Repair or Replacement is completed:

- (a) Public Health: The District may determine that a property constitutes a hazard to public health and take all actions authorized by the Health and Safety Code or other relevant law.
- (b) Disconnection of Sewer Lateral to Sewer Main: The District shall have the right to commence proceedings in the County of Marin Superior Court to seek a court order disconnecting the Sewer Lateral from the Sewer Main, thus leaving the home, Building or industrial facility without sewer service.
- (c) Corrections of Violations: Section 6523 of the California Health and Safety Code

provides than in order to enforce the provisions of any Ordinance of the District, the District may correct any violation of an Ordinance of the District. The cost of such correction may be added to any sewer service charge payable by the Person violating the Ordinance or the Owner or tenant of the property upon which the violation occurred, and/or the District may place a lien on the property wherein the violation occurred or the District may pursue a civil action for recovery of the costs.

ARTICLE XIII. PUNISHMENT FOR VIOLATION OF PROHIBITED DISCHARGES

Section 1301. Section 6523 of the California Health and Safety Code provides that the violation of any ordinance, rule or regulation of a sanitary district by any Person is a misdemeanor punishable by imprisonment in the County jail not to exceed 30 days or by a fine not to exceed one thousand dollars (\$1,000) or both. Each and every connection, occupancy, prohibited discharge in violation of this Ordinance shall be deemed a separate violation and each and every day or part of a day a violation of the Ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

ARTICLE XIV. SEVERABILITY

Section 1401. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid, unconstitutional or unenforceable, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause of phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases is for any reason held invalid, unconstitutional or unenforceable.

Section 3. Upon adoption of this Ordinance, it shall be entered in full in the minutes of the Board of Directors, shall be posted in one place in the District, shall be published once in the

Marin Independent Journal, and shall take effect immediately upon the expiration of one (1) week of said publication and posting.

Section 4. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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I hereby certify that the foregoing is a full, true and correct copy of the Ordinance duly and regularly passed and adopted by the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, at a meeting hereof held on November 21, 2019, by the following vote of members thereof:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Teresa Lerch, District Secretary  
Las Gallinas Valley Sanitary District

APPROVED:

\_\_\_\_\_  
Craig Murray, Board President

(Seal)