

ORDINANCE NO. F-27

FREEDOM COUNTY SANITATION DISTRICT
SANTA CRUZ COUNTY, CALIFORNIA

AN ORDINANCE AMENDING DISTRICT CODE TITLE III, ARTICLE V, SECTION 3.04.446,
“PRIVATE SEWER MAINTENANCE”

The Board of Directors of the Freedom County Sanitation District DO ORDAIN
as follows:

Section One. Section 3.04.466 of Title III, Chapter 3.04, Article V, “Use of Sewers”, of the
Freedom Sanitation District Code, is hereby amended to read as follows:

3.04.466 Private Sewer Maintenance.

A. Property owners shall be responsible for the maintenance, repair and proper operation of the private sewer laterals and/or private sanitary sewer collection system that connects the sanitary sewer building drain(s) to the public sewer main, including the connection, regardless of whether any part of the private sewer lateral or private sanitary sewer collection system is located on private property or within the public right-of-way. The District shall have no responsibility or obligation for the maintenance, repair, or proper operation of such private sewer lateral or private sanitary sewer collection system. Property owners shall ensure that private sewers are maintained to prevent sanitary sewer overflows and limit exfiltration of sewage, inflow, and infiltration of extraneous water.

1. Owners of private sanitary sewer collection systems shall clean the entire system, once annually, at the minimum, to ensure the line is free of obstructions. Prior to cleaning, the owner shall notify the District and obtain approval. Records of said cleanings shall be retained by the owner and furnished to the District upon request.
2. Owners of private sanitary sewer collection systems shall obtain video inspections and inspection reports meeting the District's current requirements on all the private sewers in their entire system (laterals and private sewer collection lines) by January 1, 2023. All videos and inspection reports shall be provided to the District. The District will determine any necessary repairs/replacement and provide notice to the property owner. This video inspection/District review process shall be repeated every twenty years (at minimum).

Exemption:

Those portions of the private sanitary sewer collection systems which the owner can prove to the District have been constructed, inspected and approved by the District inspector within the twenty years prior to January 1, 2023, do not require submission of videos and inspection reports to the District on January 1, 2023. However, when videos of the private sanitary sewer collection system are required by the District for the next twenty-year video cycle, these previously un-videoed portions of the system

- will require videos and inspection reports, along with the rest of the system.
3. Owners of private sanitary sewer collection systems shall prepare a maintenance program for the system addressing the operation, maintenance, and inspection of the lines, pump stations, and appurtenances in the system. A document outlining said program shall be provided to the District prior to July 1, 2024, or as required by the District Engineer. The document shall contain a schedule to complete all repairs deemed necessary by the District based on the District's review of the previously submitted videos and inspection reports as outlined in Section 3.04.466 (A)(2). The maintenance program and repair schedule shall be updated at least every twenty years, or more frequently as needed.
 4. Building owners shall have the private sewer lateral serving their building inspected by a licensed plumber using video inspection every ten years (at minimum) to ensure that the lateral is in good condition. Videos and corresponding inspection reports shall be retained by the owner and furnished to the District upon request.
 5. Owners of private pump stations shall inspect and maintain the system annually (at minimum) to ensure that pump station failure does not result in a sanitary sewer overflow. The District may request maintenance and repair records at any time.
 6. Maintenance of all private sewers (private sewer laterals and private sanitary sewer collection systems) shall include but not be limited to:
 - a. removing grease, settled debris, roots, and other obstructions;
 - b. replacing failed or deteriorating pipe segments or appurtenances;
 - c. repairing or eliminating non-watertight joints;
 - d. repairing or replacing pipe segments containing voids, cracks, or fractures;
 - e. correcting offset joints;
 - f. repairing connections to the public sewer main;
 - g. eliminating sags;
 - h. replacing materials or appurtenances not meeting current District standards, as deemed necessary by the District; and
 - i. removing any non-sanitary sewer connections ~~to~~ from the building sewer.
 7. The property owner shall be responsible for clearing any and all obstructions in the private sewer lateral and/or private sanitary sewer collection systems immediately upon discovery and/or notification by the District. Prior to any cleaning or repair work on the private sewer, the owner shall notify the District and gain necessary

approvals.

B. Sanitary Sewer Overflows from Private Sewers.

1. Corrective Action.

If a building drain, private sewer lateral, or private sanitary sewer collection system is not operating properly and causes the discharge of wastewater to any location outside of the building, it is considered a sanitary sewer overflow. Any sanitary sewer overflow condition shall constitute a public nuisance to be abated by the property owner. The following procedure shall take place:

- a. The property owner shall:
 - 1) take immediate action to stop the overflow immediately and have sewer blockages, breaks, and other deficiencies permanently repaired by a licensed plumber; and
 - 2) notify the District within twelve hours upon discovery or occurrence of the overflow.
- b. The District shall request abatement of the overflow and inspection of the private sewer by serving a Notice of Violation (N.O.V.) to a property owner, or posting the N.O.V. conspicuously on, or in front of, the building. The N.O.V. shall be deemed effective immediately upon service and begin the timeline for correcting and abating the sanitary sewer overflow.
- c. Within seventy-two hours of service or posting of the N.O.V., the property owner shall have a licensed plumber inspect the private sewer (lateral and private collection lines, as needed) internally by a closed-circuit television camera to determine the cause of the overflow and identify remedial actions needed to bring the condition of the private sewer up to District standards. The property owner or licensed plumber shall submit to the District the video and a written inspection report describing the cause of the overflow and the remedial actions taken to repair the private sewer. The District shall evaluate the report and video and make a determination as to the acceptability of the remedial actions and whether additional remedial actions, including full or partial replacement of the private sewer lateral and/or private sanitary sewer collection system, shall be taken.
- d. Within fourteen calendar days after service of the N.O.V., the property owner must have obtained all required permits and completed all necessary repairs to bring the condition of the private sewer up to District standards and submit evidence of the repair or corrective action to the District.

2. Penalties for Non-Compliance/Abatement by the District.

In addition to exercising any other remedies, if the corrective action is not completed within the required timeframes, the District may notify the owner of the private sewer of its intent to record an abatement order and may thereafter abate the nuisance at the owner's expense, including assessing an administrative fee to reimburse the District for all related administrative costs. The property owner may also be assessed civil penalties for failure to comply in the amount of a minimum of \$500 or as otherwise set by Board resolution for each day the violation continues after expiration of:

- a. the fourteen day deadline specified above; or
- b. other deadline for repair or corrective action as set by the District.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the private sewer to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

3. Appeal.

Any appeal of an abatement order will be in accordance with Article I and as described herein. In the event that the District Engineer notifies the owner of its intent to record an abatement order and charge costs for abatement, enforcement, and/or assess civil penalties to the property owner, the property owner may request an appeal hearing in writing to the Secretary of the board in accordance with the provisions of Article I and payment of an appeal fee as set by the District within ten calendar days from the date of service of the notice of intent to record the order. Absent such an appeal, the abatement order shall constitute a final administrative decision confirming such costs, and a lien or special assessment on the property may be recorded with the County Recorder without further hearing for failure to pay within sixty days. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.

4. Disconnection.

In addition or alternative to any of the foregoing remedies, the District may disconnect any premises from the public sewer if remedial actions to correct sanitary sewer overflows are not timely taken in accordance with this code and the directions of the District Engineer, and/ or costs of abatement, including fees and penalties, are not paid. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the

public sewer. In the event such arrearages are paid and premises are reconnected to the public sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action.

Section Two. Upon adoption, this Ordinance shall be entered in the minutes of the Board and shall be published once within fifteen days following its adoption in a newspaper published in the County and having general circulation in the District. This Ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED by the Board of Directors of the Freedom County Sanitation District, State of California, this 27th day of April, 2021, by the following vote:

AYES: DIRECTORS Coonerty, Koenig, Friend, Caput, McPherson

NOES: DIRECTORS None

ABSENT: DIRECTORS None

BRUCE McPHERSON
Chairperson of the Board

ATTEST: STEPHANIE CABRERA
Clerk of the Board

Approved as to form:

Office of County Counsel

3/30/2021 (AMS# 10341)

Distribution: County Counsel
Public Works