



P.O. Box 261  
Forestville, California 95436-0261  
Phone (707) 887-1551 Fax (707) 887-1552  
fwd@sonic.net

## FORESTVILLE WATER DISTRICT

### Ordinance No. 61

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE FORESTVILLE WATER DISTRICT, STATE OF CALIFORNIA, TO AMEND ORDINANCE NO. 32 AND 37 ADOPTING PRACTICES OF GOVERNING; (1) THE USE OF SANITATION FACILITIES OF THE FORESTVILLE WATER DISTRICT, (2) THE CONSTRUCTION OF SANITATION FACILITIES, (3) A SOURCE CONTROL PROGRAM, (4) A GREASE, OIL AND SAND INTERCEPTOR PROGRAM, (5) AN ENFORCEMENT PROGRAM AND (6) ESTABLISHING VARIOUS ADMINISTRATIVE PROCEDURES AND RELATED MATTERS.

## ORDINANCE NO. 61

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE FORESTVILLE WATER DISTRICT, STATE OF CALIFORNIA, TO REQUIRE PRIVATE SEWER LATERAL INSPECTION AND TESTING, AND REPAIR OR REPLACEMENT OF DEFICIENT LATERALS UPON SALE, TRANSFER OF PROPERTY OR OTHER QUALIFYING EVENT LOCATED WITHIN THE DISTRICT'S SEWER SERVICE AREA.

### SECTION 1

#### SHORT TITLE

This ordinance shall be known as the 'District Private Sewer Lateral Ordinance' and may be cited accordingly.

### SECTION 2

#### PURPOSE

This District Private Sewer Lateral Ordinance establishes regulations for the inspection, testing, repair, replacement and ongoing maintenance of Private Sewer Laterals. The purpose of this District Ordinance is to provide for the operation and maintenance of the District's wastewater collection and conveyance system in a reliable and serviceable manner and to reduce infiltration and inflow into the District's sanitary sewer collection system.

### SECTION 3

#### APPLICABILITY OF DISTRICT ORDINANCE

This District Ordinance applies only within the sanitary sewer service areas of the Forestville Water District.

### SECTION 4

#### DEFINITIONS

- A. Cleanout: A pipe fitting and associated piping connected to a private sewer lateral that provides access for the purpose of flushing, rodding, cleaning and other maintenance and diagnosis purposes. May include, condominium projects, planned unit developments, community apartment projects (in which individual units are owned) and stock cooperatives.
- B. Common Interest Development: A development managed or governed by a homeowners' association.
- C. Compliance Certificate: A certificate issued by the District upon its determination that all private sewer laterals associated with the parcel have demonstrated compliance with applicable standards by passing a verification test.

- D. Homeowners' Association: A nonprofit corporation or unincorporated association created for the purpose managing or governing a common interest development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a homeowners' association.
- E. Lineal Consanguinity Relationship: A person is in a lineal consanguinity relationship with another person if, and only if, one person is a direct descendant of the other person. The following are examples of this type of relationship: parent and child, grand parent and grandchild, great grandparent and great grandchild. Persons are not in this type of relationship if one is not directly descended from the other, even if both persons are descended from a common ancestor. The following are not applicable. Aunt and niece, uncle and nephew, siblings and cousins of any degree.
- F. Lower Sewer Lateral: The portion of the private sewer lateral extending from the cleanout at or near to the curb or property line to the sewer main, or from the curb or property line is there is no cleanout. More than one lower sewer lateral may be associated with an individual parcel.
- G. Private Sewer Lateral: A pipe or pipes and appurtenances that convey sewage and liquid waste from the structure(s) served, whether structure(s) is or are publicly or privately owned, to the sewer main. More than one Private Sewer Lateral may be associated with an individual parcel.
- H. Property Owner: A person who owns a parcel of real property, or that person's authorized representative including a tenant or contractor. As used in this paragraph, 'person' means and individual, trust, corporation, non-profit organization, homeowners' association, partnership, firm, joint venture, limited liability company or association. A public entity is NOT a property owner for the purposes of this Ordinance.
- I. PSL: has the same meaning as Private Sewer Lateral and is used interchangeably with that term.
- J. Public Entity: Any of the following: (1) a city or county, (2) a special district or agency of the state formed pursuant to general law or special act for the local or regional performance of governmental or proprietary functions within limited boundaries, (3) an agency or entity created by the Joint Exercise of Powers Act (Cal. Gov. Code, ss 6500, et seq) (4) a school or community college district, (5) The University of California, (6) the California State University, (7) any other entity with the capacity to own real property created by any of the above.
- K. Remodeling: Any significant improvement, addition, construction. Reconstruction, remodeling, modification or alteration of or to an existing structure.
- L. Sanitary Sewer: Sewer pipes that convey wastewater from a structure and to which storm water, groundwater, or surface water is not intentionally admitted. The sanitary sewer includes sewer mains and private sewer laterals.
- M. Structure: Any building or facility that is required to be provided public sewer, or that is actually provided with public sewer service or that is served by a private sewer lateral.
- N. Title Transfer: The sale or transfer of an entire real 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 purposes of this Ordinance:

1. a transfer to an heir by a fiduciary in the administration of a decedent's estates, guardianship, conservatorship, or trust;
  2. transfer from one co-owner to one or more 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 registered domestic partner 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 incident to a decree;
  5. a transfer made to a spouse or registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons of a lineal consanguinity relationship with one or more of the transferors and;
  6. a transfer from a property owner to a financial institution as a result of foreclosure or similar process. A transfer from a financial institution to a new property owner IS a title transfer for purposes of this Ordinance.
- O. Triggering Event: Any event that, upon the occurrence of the event, imposes an obligation on a property owner to obtain a compliance certificate.
- P. Upper Sewer Lateral: The portion of the private sewer lateral extending from the cleanout near the curb or property line to the structure(s) served by that private sewer lateral, or from the curb or property line to the structure(s) if there is no cleanout in the lateral. More than one upper sewer lateral may be associated with an individual parcel.
- Q. Verification test. A test witnessed or reviewed by the District's authorized representative(s) to verify that all PSLs associated with the parcel comply with this Ordinance or other applicable ordinance(s).

## SECTION 5

### RESPONSIBILITY AND STANDARDS FOR MAINTENANCE OF UPPER SEWER LATERALS

- A. All upper sewer laterals must meet the following standards:
1. The upper sewer lateral shall be kept free from roots, grease, deposits and other solids which may impede or obstruct flow.
  2. All joints must be watertight and all pipes shall be sound.
  3. The upper sewer lateral shall be free from any structural defects such as fractures, cracks, breaks, openings or missing portions.
  4. All cleanouts shall be securely sealed with a proper cap or approved overflow device at all times.
  5. There shall be no non-sanitary sewer connections to the upper sewer lateral or to any plumbing that connects thereto.
- B. Property owners must maintain all upper sewer laterals associated with their parcels to the extent necessary to ensure the upper sewer laterals meet the standards of this section and comply with all other requirements of this Ordinance and all other applicable local ordinance requirements. Property owners must perform any repairs or replacements necessary to ensure that the upper sewer laterals meet those standards and requirements.

- C. Public entities shall maintain upper sewer laterals in full compliance with the standards of this section.

## SECTION 6

### WHEN A COMPLIANCE CERTIFICATE IS REQUIRED

- A. All property owners must obtain a compliance certificate at the time and in the manner required in this section.
- B. Title Transfer: Before completing a title transfer associated with a parcel containing any structure, either the transferor of the transferee, as negotiated between them, shall obtain a compliance certificate. After the title transfer is complete, the transferee is solely responsible for obtaining a compliance certificate. The requirement to obtain a compliance certificate before title transfer in no way affects the legality of the transfer of title in the underlying property transaction.
- C. Construction or Remodeling: Whenever a property owner submits an application to the permitting authority for any permit or other approval needed for new construction upon a parcel, or for remodeling of an existing previously existing structure, the property owner shall obtain a compliance certificate before obtaining the final approval from the permitting authority. This paragraph applies to construction or remodeling if the cost of the permitted work exceeds \$75,000.00.
- D. Change in Water Service: Whenever a property owner requests an increase or decrease in the size of water meter, the property owner shall obtain a compliance certificate. The Forestville Water District or designated contractor will perform the work on the water meter. At no time is it permissible for the property owner to temper with, remove or replace a District water meter. The FWD may increase or decrease the water meter's size without first requiring the property owner to obtain a compliance certificate if the property owner holds a permit for construction or remodeling subject to paragraph (C) of this section.
- E. Change in Water Service: The addition of plumbing fixture(s) that has an aggregate value of two (2) or more fixture units as are assigned by the California plumbing code.
- F. Upon change of use of the property from a residential to a commercial use or from a non-restaurant commercial to a commercial restaurant.
- G. Upon the occurrence, sanitary sewer overflow from a private sewer lateral.
- H. District Initiated: If, during the normal course of inspection, maintenance and or repair of District owned main sewer lines, it is determined that a private sewer lateral has or shows signs of wear, damage, infiltration, exfiltration or other defect that may adversely affect the private sewer lateral's primary function

## SECTION 7

### HOW TO OBTAIN A COMPLIANCE CERTIFICATE

- A. Whenever a compliance certificate is required under this Ordinance, or at any time a property owner voluntarily requests a compliance certificate, a property owner who does not hold a valid compliance certificate shall do the following at the property owners' expense:

1. Condition assessment and repair or replacement: The property owner shall take steps to assess the condition of all private sewer laterals associated with the parcel to determine whether the PSLs comply with the standards set forth in this ordinance, all other requirements of this Ordinance and all other local ordinance requirements. If the PSLs are not in compliance, shall obtain any required permits and perform all repair or replacement work needed to bring the PSLs into compliance.
2. Verification testing: After the property owner determines through any combination of inspection, repair and or replacement that the PSLs associated with the parcel are in compliance with this ordinance and all other local Ordinances. The property owner shall perform a verification test in accordance with the District's procedures for verification. Upon successful completion of verification testing for all PSLs on the parcel, the District shall issue a certificate of compliance.
3. Test procedures: Testing /inspection may be accomplished by either water ex-filtration, low air pressure testing or Closed Circuit recording observation. Water and air tests are accomplished using ASTM procedures according to pipe schedule tested. This applies to commercial, industrial and residential properties. Laterals constructed of vitrified clay, cast iron or Orangeburg pipe whose installation age is fifteen (15) years or greater will not pass any of these tests or inspections, based on the District's hands-on experience. This criterion of testing is unnecessary and complete PSL replacement is recommended for these types of pipe. PVC pipe with glued joints and fittings have proved to be a stable system past fifteen (15) years. However, PVC and cast iron with rubber sleeves and clamps may not pass pressure tests.
4. Closed circuit video recording: If CCTV recording observation is selected as the preferred method of inspection then the video shall meet the following criteria:
  1. shall be in DVD format
  2. cloudy, fuzzy or otherwise unclear video will be returned for resubmission
  3. shall show the address of the lateral
  4. shall show the date the video was taken
  5. shall clearly show the cleanout or access point used to insert the camera into the lateral
  6. shall have a running foot or time marker clearly visible on the screen
  7. where joints are present, shall briefly stop the camera for at least two (2) seconds at each to clearly indicate their integrity
  8. shall have the date the DVD was submitted to the District written on the DVD along with the address of the inspection site and telephone number for the point of contact
5. At the discretion of the District General Manager, the video may be returned for resubmission in accordance with above requirements if any of the above requirements are not strictly adhered to. The selected inspection method can be performed by contractors who have current state licensure on customer parcel.
6. In cases where repairs or replacement of the PSL is located within the public right-of-way, proper encroachment permits are required, at owner's expense. Repair or replacement work in the public right-of-way must be done by a Class A (C-42 license)

California state licensed plumbing contractor or sanitation sewer contractor, or a general engineering contractor.

## SECTION 8

### COMPLIANCE CERTIFICATE TERM LIMITS AND FEES

- A. Term limit: A compliance certificate obtained as a result of replacement of all PSLs associated with a parcel shall be valid for fifteen (15) years from the date of issuance.
- B. Fees: The cost for issuance of a certificate of compliance is seventy-five dollars (\$75.00) based on time for review and issuance. The Board of Directors may, from time to time, revisit this amount and amend based on changed criteria.

## SECTION 9

### TIME EXTENSION CERTIFICATES

- A. Availability: If a compliance certificate cannot be obtained before title transfer, the transferor, transferee or other interested party or parties may be granted a time extension certificate from the District. Time extension certificates are issued in connection with title transfers transactions only.
- B. Deposit: The time extension certificate shall be completed and submitted along with a refundable one thousand-dollar (\$1,000.00) deposit and a non-refundable fee of twenty dollars (\$20.00) for the certificate. The deposit will be refunded after a compliance certificate is issued.
- C. Validity period: A time extension certificate expires ninety (90) days after it is issued.
- D. Obligation of property owner or transferee: During the ninety (90) day validity period, the property owner or transferee must complete any inspection, repair or replacement needed and obtain a compliance certificate.
- E. Forfeiture of deposit: If a compliance certificate is not obtained before a time extension permit expires, the deposit shall be forfeited and the current property owner is subject to enforcement action provided in this Ordinance.
- F. No renewal: Time extension certificates are not renewable.
- G. Transferability: The General Manager may authorize and regulate the transferability of time extension certificates. Transfers, if authorized, shall not extend the time extension certificate's expiration date.

## SECTION 10

### COMMON INTEREST DEVELOPMENTS

- A. Compliance certificate requirement: Compliance certificates must be obtained with respect to common interest developments as described in this section.

- B. Responsibility: Each property owner is responsible for obtaining a compliance certificate for each parcel, or an arrangement between the property owner and the homeowner's association for ensuring compliance in the stated regulatory time frames for title transfers or other triggering event. If the lateral is jointly shared then an arrangement between the property owners and the homeowner's association for ensuring compliance must be entered into. All such arrangements shall be immortalized in writing between the owners and homeowner's association.

## SECTION 11

### PARCELS OR PARCEL GROUPS WITH PRIVATE SEWER LATERALS EXCEEDING 500 FEET

- A. Condition assessment plan: Within a period of time no longer than one hundred eighty (180) days of enacting of this Ordinance, the property owner of a parcel or parcel group with private sewer laterals exceeding five hundred (500) feet in total combination within the parcel or parcel group shall submit for District approval a condition assessment plan. The condition assessment plan shall include a schedule for the performance of testing to assess the condition of all PSLs associated with the parcel or parcel group.
- B. Corrective action work plan: Following acceptance of the condition assessment plan, the property owner shall have one hundred eighty (180) days to submit a corrective action work plan for District approval. The corrective action work plan shall describe the type, quantity and schedule of work needed to bring all PSLs associated with the parcel or parcel group into compliance with the standards set forth in this Ordinance and all other applicable Ordinance conditions. The District shall approve the corrective action work plan if it determines the proposed work will result in full compliance within a reasonable time.
- C. Compliance certificate: After the property owner completes the work described in the corrective action plan, the property owner must obtain a compliance certificate under Section 7 for the parcel or parcel group. The compliance certificate(s) shall be valid for fifteen (15) years from the date issued and upon expiration the property owner must obtain a new compliance certificate(s) under section 7.

## SECTION 12

### ENFORCEMENT

- A. The General Manager shall enforce this Ordinance.
- B. Violations of this Ordinance include, but are not limited to:
1. Failure to obtain a compliance certificate when one is required, including after the expiration of a time extension certificate;
  2. Failure to obtain a time extension certificate is a compliance certificate is not obtained or to timely perform all required work after receiving a time extension certificate;



3. Failure to comply with the District's requirements for repair, replacement and verification testing;
  4. Falsifying facts to obtain a compliance certificate; and/or
  5. Presenting a false compliance certificate.
- C. Enforcement: When the General Manager finds that a person violates or threatens to violate this Ordinance, the General Manager may notify the person in writing. Within thirty (30) days of mailing of that notification, the notified person must submit for approval to the General Manager a detailed time schedule of specific actions the person shall take in order to correct or prevent a violation of this Ordinance. The person must take action within ninety (90) days of the mailing of the General Manager's notification.
- D. The General Manager may take enforcement action against a person who violates the provisions of this Ordinance or fails to perform any act required by this Ordinance, including, but not limited to, termination of water service to the parcel or parcel group and/or initiating court action to obtain an injunction requiring the work to be done. The District may recover actual costs from any person in violation of this Ordinance, including staff time, and may seek attorneys' fees in any court action or proceeding.

#### SECTION 14

#### EMERGENCIES

- A. During a State of Emergency, the General Manager may temporarily suspend any or all of the provisions of this Ordinance until the next regular or special meeting of the District's Board of Directors. At the regular or special meeting the General Manager shall make a report and the Board may consider whether to authorize continued suspension of this Ordinance for the full duration of the State of Emergency, or for any shorter time period the Board finds appropriate.

#### SECTION 15

#### SEVERABILITY

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

#### SECTION 16

#### EFFECTIVE DATE

This Ordinance, as amended, shall become effective and in full force at 12:01 am on the thirty-first (31) day following its passage.

THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE FORESTVILLE WATER DISTRICT THAT ORDINANCE # 61 WAS DULY & REGULARLY ADOPTED THIS 14<sup>th</sup> DAY OF November, 2017, BY THE FOLLOWING VOTE:

Chair Bandettini:            Yes / No / Abstain / Absent  
Vice Chair Benyo:            Yes / No / Abstain / Absent  
Director Reha:                Yes / No / Abstain / Absent  
Director Morgan:            Yes / No / Abstain / Absent  
Director Hasin:               Yes / No / Abstain / Absent

FORESTVILLE WATER DISTRICT

BY: [Signature]  
Richard Benyo  
~~Steven Bandettini, Chair of the Board~~

ATTEST  
BY: Judy D Evans  
Judy Evans, Clerk of the Board

Published in So. West Times, Nov. 2 & 9, 2017