

SANITARY DISTRICT NO. 1 OF MARIN COUNTY

ORDINANCE NO. 39

AN ORDINANCE AMENDING THE SANITARY CODE

THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY DOES ORDAIN AS FOLLOWS:

SECTION I. Section 103 of the Sanitary Code is amended to read as follows:

BOARD: BOARD shall mean the Board of Directors of Sanitary District No. 1 of Marin County.

SECTION II. Section 104 of the Sanitary Code is amended to read as follows:

DISTRICT MANAGER: DISTRICT MANAGER shall mean the person appointed by the Board to administer and enforce the rules, regulations and ordinances of the District. District Manager shall also refer to any person designated to perform duties of the District Manager.

SECTION III. Section 119 of the Sanitary Code is amended to read as follows:

LATERAL STUB: LATERAL STUB shall mean the portion of a sewer lying within a public street, public right-of-way or public easement connecting a building sewer to the Public Sewer.

SECTION IV. Section 121 of the Sanitary Code is amended to read as follows:

LATERAL or SIDE SEWER: LATERAL or SIDE SEWER shall mean the sewer line beginning at the foundation wall of any building and terminating at the Public Sewer and includes the Building Sewer and Lateral Stub together.

SECTION V. Section 128 is added to the Sanitary Code to read as follows:

SEWER EJECTOR PUMP: A self contained mechanical unit designed to transport sewage under pressure from a private building to a Public Sewer. Sewer ejector pumps and their discharge laterals are owned, operated and maintained by the respective property owner.

SECTION VI. Section 208 of the Sanitary Code is amended to read as follows:

PERMITS AND FEES. No Public Sewer, Side Sewer or other sewage facility shall be installed within the District until a permit for the work has been obtained from the District and all fees paid in accordance with the requirements of Article VII of the Sanitary Code.

SECTION VII. Section 211 is added to the Sanitary Code to read as follows:

CONDEMNATION: When a Public Sewer Extension is sought by an applicant and a right-of-way is necessary for the Public Sewer through property not owned by the applicant, the applicant shall first seek to obtain the necessary right-of-way for a Public Sewer through negotiations with the other property owner. If such negotiations are not successful, the District may, upon conditions established by the Board, order condemnation of the required Public Sewer easement.

SECTION VIII. Section 403 of the Sanitary Code is amended to read as follows:

SEPARATE SEWERS. Except as provided for in this code, every house and building requiring sewer service shall be separately and independently connected with the Public Sewer; provided, however, that where two or more buildings are on the same lot, belonging to one owner, separate connections need not be made with the Public Sewer. No two separate owners of adjacent lots shall be permitted to join in the use of the same side sewer.

SECTION IX. Section 407 of the Sanitary Code is amended to read as follows:

OWNERSHIP AND MAINTENANCE OF SIDE SEWER. Side Sewers shall be owned and maintained by the owner of the property served thereby.

SECTION X. Section 408 of the Sanitary Code is amended to read as follows:

SIDE SEWER REQUIREMENTS: In the event that a Side Sewer is installed on property not owned in fee by the applicant, the applicant must obtain an easement for the installation and maintenance of the Side Sewer from the owner of the other property and provide the District with a copy of such easement.

Notwithstanding the above:

- (a) Side Sewers shall not be allowed to cross more than one adjacent parcel of property not owned in fee by the applicant nor extend more than one-hundred (100) feet from the property to be served.
- (b) Side Sewers must connect to a Public Sewer within twenty-five (25) feet from the point at which the Side Sewer exits from the property line of the applicant or from the property line of the adjacent parcel.

The Board shall have the discretion to make an exception to above requirements.

Side Sewers shall be installed in conformance with the then current District Standard Specifications and Drawings.

SECTION XI. Section 409 of the Sanitary Code is amended to read as follows:

MATERIAL: All side sewers shall be constructed and installed with an approved type of pipe, depth of cover, and bedding in conformance with the then current District Standard Specifications and Drawings. The District Manager may permit modifications or may require higher standards where unusual conditions exist.

SECTION XII. Section 410 of the Sanitary Code is amended to read as follows:

DEPTH OF SIDE SEWER: All Side Sewers must be placed at a depth approved for the type of pipe as shown in the then current District Standard Specifications and Drawings. The District Manager may permit modifications or may require higher standards where unusual conditions exist.

SECTION XIII. Section 414 is added to the Sanitary Code to read as follows:

BACKWATER PREVENTION DEVICES: All Side Sewers for new construction shall be equipped with a District-approved backwater prevention device, a check valve or both as deemed appropriate by the District. Any existing Side Sewer that experiences a backup or flood out which occurs by reason of a blockage in the Public Sewer shall be similarly equipped with an approved backwater prevention device, check valve, or both as deemed appropriate by the District. In the event that the property owner, after written notice from the District, fails to install the appropriate device(s) within ninety (90) days of such notice, the District shall have the right to install the appropriate backwater prevention device(s) and bill the property owner for the cost thereof. If full payment is not made within sixty (60) days of the date of billing, the property owner shall be in violation of this ordinance, and the District shall have the right to place a lien upon the property or to disconnect the sewer facilities pursuant to Section 805.

If the property owner fails to install such devices after notice from the District and the District does not exercise its right to install the appropriate backwater prevention device(s), the District shall not be responsible for any injury or damage which results from a future backup or flood out.

SECTION XIV. Section 415 of the Sanitary Code is added to read as follows:

PUMP STATIONS AND COMMUNITY FORCE MAINS: Pump Stations and Community Force Mains shall be permitted only with the approval of the Board in those instances where no feasible alternative exists. Pump Stations and Community Force mains, if approved by the Board, shall be constructed in accord with the criteria set forth in the then current District Standard Specification and Drawings. District review of such a sewer system shall be subject to special design, plan checking and inspection fees to be paid to the District.

For the purposes of this Section, the following definitions shall apply:

PUMP STATION: A self-contained mechanical unit designed to transport sewage under pressure, servicing sewage from a Public Sewer. Pump Stations are owned and operated by District.

COMMUNITY FORCE MAIN: A non-gravity sewer line within a public right-of-way owned and maintained by the District with private sewer ejector pumps connected.

SECTION XV. Section 416 is added to the Sanitary Code to read as follows:

PROHIBITED FACILITIES: The following sewer facilities are prohibited:

- 1) Private force mains serving more than one building, except as provided in Section 403.
- 2) A private or public sewer which conveys septic sewage or effluent from one or more septic tank(s) to the District sewer facilities.

SECTION XVI. Section 500 is added to the Sanitary Code to read as follows:

PUBLIC SEWER EXTENSION: A Public Sewer Extension shall be required when the development of a vacant parcel or a septic tank conversion on a developed parcel requires installation of a sewer line extending more than twenty-five (25) feet beyond the point at which the Side Sewer exits from the property line of the parcel it serves or from the property line of the adjacent parcel.

The Board may grant an exception to the above requirements.

Prior to the Board hearing any application for a final approval of a Public Sewer Extension, the applicant must have initial local planning jurisdiction approval or conditional approval required for a project needing the Public Sewer Extension, except for a Public Sewer Extension that is to be installed solely for the purpose of the conversion of an existing inhabited building from septic tank to Public Sewer.

In the event that the District is determined to be the lead agency for the purpose of compliance with the California Environmental Quality Act (CEQA), the Applicant must pay a processing fee of two thousand dollars (\$2,000.00) to the District. The District shall refund to the applicant the difference between the fee paid and the actual cost to the District of processing the application through the procedures required by CEQA. If the actual cost to the District of processing the application through the procedures required by CEQA exceeds the processing fee, the applicant shall pay to the District said amount. In the event that it is determined that an Environmental Impact Report is required, it shall be the responsibility of the applicant to pay the full cost associated with the preparation, review and consideration of the Environmental Impact Report.

SECTION XVII. Section 503 of the Sanitary Code is amended to read as follows:

SUBDIVISIONS: The requirements of Section 500, 501, 502 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the Board. The final subdivision map shall provide for the dedication for public use of all streets, easements or right-of-ways in which the Public Sewers are to be constructed. If the final subdivision map of a tract is not completed within the time limit allowed in the permit, the Board may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

SECTION XVIII. Section 702 of the Sanitary Code is amended to read as follows:

APPLICATION FOR PERMIT: Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. The applicant 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 as well as any other information required by District policy. The District Manager may require plans, specifications or drawings and such other information as may be deemed necessary. Except in those instances when approval from the Board is required, if the District Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant are in compliance with ordinances, rules and regulations of the District, the District Manager shall issue the permit applied for upon payment of the required fees as hereinafter fixed.

SECTION XIX. Section 707 of the Sanitary Code is amended to read as follows:

PUBLIC SEWER EXTENSION FEES: An applicant for a Public Sewer Extension Permit shall pay the following fees:

- a) Tentative District Approval - Five hundred dollars (\$500.00) which shall be applicable to the fee for Final District Approval.
- b) Final District Approval - Five percent (5%) of the District's estimated cost of construction or five hundred dollars (\$500.00), which ever is greater.

SECTION XX. Section 802 of the Sanitary Code is amended to read as follows:

MISDEMEANOR. A violation of a regulation or ordinance of this District is a misdemeanor punishable by fine not to exceed one thousand dollars (\$1,000.00), imprisonment in the County jail not to exceed thirty days, or both. Each and every violation of the Ordinance or regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the Ordinance or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

SECTION XXI. This Ordinance shall take effect and be in full force and effect on October 15, 1993, after publication in the Independent Journal, Ross Valley Reporter, and the Twin Cities Times, newspapers of general circulation published in Sanitary District No. 1, Marin County.

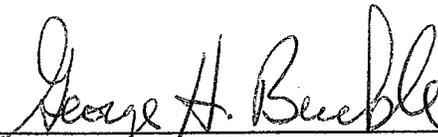
The foregoing Ordinance was passed by the Board of Directors of Sanitary District No. 1 of Marin County on October 5, 1993 by the following vote:

AYES: BUCKLE, CANEER, HILL, MANSELL, OLIVA

NOES: NONE

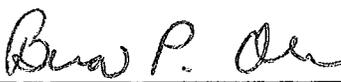
ABSTAIN: NONE

ABSENT: NONE



GEORGE H. BUCKLE
PRESIDENT OF THE BOARD

ATTESTED:



BRIAN P. OLIVA
SECRETARY OF THE BOARD