SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
ORDINANCE NO. 45

AN ORDINANCE OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY, A SUBSIDIARY DISTRICT TO
THE TOWN OF CORTE MADERA:

- REPEALING existing SECTION 21.20.100 - Inspection and correction of inflow and infiltration in lateral sewers;

- ADDING CHAPTER 21.22 - INFILTRATION AND INFLOW; INSPECTIONS, REPAIRS TO TITLE 21 OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY

THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY, A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 21.20.100 of Title 21 is repealed.

Section 2. Sections 21.04.010, 21.04.030, 21.04.120, 21.12.010 and 21.16.020 of Title 21 are amended to read as follows:

21.04.010 - Definitions.
For the purposes of this title the terms that are used shall be given the following definitions:
(1) "Applicant" means the person making application for a permit for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or the owner's authorized agent.
(2) "Board" or "board of directors" means the board of directors of Sanitary District No. 2 of Marin County, a subsidiary district to the town of Corte Madera.
(3) "Building" means any structure used for human habitation or a place of business, recreation or other purposes and connected to the district sewer system.
(4) "Cleanout" means a pipe fitting and associated piping connected to a private sewer lateral that provides access to the private sewer lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes.
(5) "Combined sewer" means a sewer receiving both surface runoff and sewage.
(6) "Commercial building" means any building, or portion thereof, designed, intended or used to accommodate a business, commercial, mixed commercial and residential or industrial enterprise, or a public or private school.
(7) "Common interest development" means 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.
(8) "Connection" means any physical connection between a lateral sewer and the district sewer system.
(9) "Contractor" means 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.
(10) "County" means the County of Marin, California.
(11) "District" means Sanitary District No. 2 of Marin County, a subsidiary district to the Town of Corte Madera.
(12) "District sewer system" means any sewer which is part of the sewage facilities owned and operated by the district.
(13) "District staff" shall be defined as stated in section 21.04.090.
(14) "Dwelling unit" means a building or portion of a building containing one or more rooms, a separate bathroom, and a single kitchen, designed for occupancy by one family for living or sleeping purposes, including non-paying guests and servants employed on the premises.
(15) "Family" means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than three adults not including servants or children, who are not related, living as a single housekeeping unit.
(16) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
(17) "Homeowners’ Association" and "HOA" means a nonprofit corporation or unincorporated association created for the purpose of 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.
(18) "Hotel or motel" means a building or part thereof containing furnished individual guest rooms or suites without kitchens, occupied on a transient basis, where lodging is provided for compensation.
(19) "Infiltration" means 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 mainline system.
(20) "Inflow" means any water other than sewage that is directed toward or connected to the District’s collection system through drainage ditches, open or enclosed culverts, roof drains, yard or area drains, or any other source of storm or ground water.
(21) “I & I” means Inflow and Infiltration.
(22) "Lateral sewer" (sometimes referred to as "lateral," "sewer lateral," "side sewer," "sewer service lateral" "building sewer" or “private sewer lateral ”) means a privately owned sewer which conveys sewage from a building to the District’s collection system, including all pipes, fittings, and appurtenances, from the outer face of the building served to the connection into the District’s sewer main, including the connection itself.
  • Lower lateral: The portion of the private sewer lateral extending from the cleanout near the curb line to the sewer main, or from the curb line in the street to the sewer main if there is no cleanout near curb line. The lower lateral includes the connection to the sewer main. A lower lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any structure located on that parcel. More than one lower lateral may be associated with an individual parcel.
  • Upper lateral: The portion of the private sewer lateral extending from the cleanout near the curb line to the structure(s) served by that private sewer lateral, or from the curb line in the street to the structure(s) served by that private sewer lateral if there is no cleanout near curb line. The upper lateral includes all portions of the private sewer lateral upon the parcel containing the structure(s) served. If the parcel contains a sewer pipe system or multiple private sewer laterals, the entire sewer pipe system, including manholes and other appurtenances, and all private sewer laterals are part of the upper lateral to the extent they are located on that parcel. If a private sewer lateral connects to a rear or side yard sewer main located in an easement, or to a manhole, the entire private sewer lateral, including the connection to the sewer main or manhole, is an upper lateral. An upper lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any structure located on that parcel. More than one upper lateral may be associated with an individual parcel.
(23) "Main sewer" (sometimes referred to as "sewer main or main") means a District-owned pipeline designed and operated to accept sewage from a private sewer lateral for disposal or conveyance.
(24) "Mobile home or trailer court" means any tract of land where space is rented and sewer connections are provided for use by mobile homes, automobile trailers, campers or camping trailers.
(25) "Multiple dwelling" means a building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families, including, but not limited to the following: hotels, motels, residential apartments, auto courts, trailer courts, apartment houses, duplexes, rooming houses, boarding houses and dormitories.
(26) “Notice to Repair” and NTR means the notice issued by the District Manager or his/her designee, to the owner advising that the owner appears to be in violation of the respective code or ordinance with respect to the owner’s private sewer lateral, or in violation of the code or ordinance in a manner of the private sewer lateral’s connection to the District sewer system, which order directs the abatement of the identified violation in a timely manner.
(27) "Outside sewer" means a sanitary sewer beyond the limits of the district not subject to the control or jurisdiction of the district.
(28) "Owner" means any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any premises, real property or floating home situated within the District.

(29) "Permit" means any written authorization required pursuant to this or any other regulation of the district for the installation of any sewage works.

(30) "Person" means any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the state of California, or the United States of America, or any department or agency of any thereof. The singular in each case shall include the plural.

(31) "Premises" means any lot, piece or parcel of real property improved or unimproved within the territorial limits of the district. “Premises” as used in this title includes any real property.

(32) "Private sewage disposal system" means an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries. A typical example is a septic tank and leechfield system.

(33) “Property” means and includes “premises.”

(34) “Repair” means restoration of the lateral in a manner that eliminates breaks, voids, separations, sags, or other defects that allow non-sewage materials, including but not limited to groundwater, roots, soils, and infiltration, to enter the lateral or defects which may cause sewer backups and overflows. All repairs shall comply with the Municipal Code, Sanitary District Sewer Standard Specifications & Details and be approved by the Sanitary District Manager or his/her designee.

(35) "Residential apartment" means a hotel or motel in which seventy-five percent or more of its individual guest rooms or suites are equipped with kitchens. As used in this section "kitchen" means an area in the guest room or suite which has any or all of the following types of facilities: a cabinet for storage of pots, pans, plates, glasses, or other eating or drinking utensils, refrigerator, microwave, oven, dishwasher, a sink basin that is deep enough to hold pots, pans or plates for washing purposes.

(36) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(37) "Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

(38) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

(39) "Sewer" means a pipe or conduit for carrying sewage.

(40) “Sewer Service Lateral Inspection” means an inspection of a sewer service lateral that consists of the retention of a licensed plumber by the owner in order to visually examine and inspect a sewer service lateral in the manner deemed appropriate by District staff. Such an inspection shall, at a minimum, include the use of a closed circuit television inspection device or/ and a pressure test for the purposes of determining whether the sewer service lateral complies with the requirements of this Chapter. The type of test should be pre-approved by District Staff.

(41) "Sewer System" means all facilities for collecting, pumping, treating and disposing of sewage.
(42) "Sewer user unit" means any dwelling unit or any building, commercial establishment, industry or other improvement which discharges a sewage flow equivalent to one dwelling unit.
(43) "Single-family unit" means the place of residence for a single family.
(44) "Standard Specifications" means the then current version of the District’s Sewer Standard Specifications and Drawings, Sanitary District No. 2 of Marin County, adopted by resolution of the District Board of Directors.
(45) "Storm sewer or storm drain" means a sewer which carries storm and surface or ground waters and drainage, but excludes sewage.
(43) "Street" means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.
(46) “Testing” means the undertaking of a test witnessed by the District’s authorized representative(s) to verify that all private sewer laterals associated with the parcel pass a pressure test and comply with the ordinance, district standards and details and municipal code.
   • Air pressure test: The air test pressure in the private sewer lateral shall be between four (4) psi maximum and three and half (3.5) psi minimum at the beginning of the test. For all lateral pipe diameters there shall be no pressure drop over 15 minutes test period. Any leaks discovered shall be repaired.
   • Water pressure test: The water testing of the private sewer lateral shall be with a riser at least eight (8) feet in height. For all lateral pipe diameters there shall be no water level drop over one (1) hour test period. Any leaks discovered shall be repaired.
(47) “Title Transfer” means the sale or transfer of an entire real property estate or the fee interest in that real property estate, including the sale or transfer of partial interest such as a leasehold. The following are also considered title transfer for purposes of this Ordinance:
   1. a transfer to an heir by a fiduciary in the course of the administration of a decedent’s estates, guardianship, conservatorships, 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 trustor to fund an inter vivos trust;
   4. a transfer made to a spouse, or to a registered domestic partner, or to a person 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 foreclosure or similar process. A transfer from a financial institution to a new property owner is a title transfer for purposes of this title.
(48) "Town" means the Town of Corte Madera.
(49) "Winter" as used to determine base year water consumption means any two consecutive months falling within the three-month period of December through February.
(50) "Year" means the fiscal year commencing on the first day of July and ending the following last day of June.
(51) Additional Definitions. For the purpose of this title, additional terms shall have the meaning indicated in the most recent edition of the California Plumbing Code and the most recent edition of the district's "Standard Specifications and Drawings."

21.04.030 - Purpose.
This title is intended to provide rules and regulations for the use and construction of sanitary sewer facilities installed, altered or repaired within the district and to establish regulations for the inspection, testing, repair, replacement, lateral overflows and ongoing maintenance of private sewer laterals and to enhance the operation and maintenance of the District’s wastewater conveyance and treatment facilities in a reliable and serviceable manner and to reduce infiltration and inflow into the Sanitary District sewer system as well as into the environment, and additionally to meet NPDES waste discharge requirements set forth in RWQCB ORDER No. R2-2018-0003/NPDES No. CA0038628.

21.04.120 - Appeals.
(a) Any action, decision, or determination made by district staff under this title may be appealed to the board of directors by the applicant or any other interested party. Any appeal permitted under this title shall be filed with the district clerk within ten calendar days of the date that the action was taken by district staff.
(b) The notice of appeal shall be accompanied by the required fee in the amount set by the town council for appeals under Title 18, Zoning, of the Corte Madera Municipal Code, and shall specifically state the reasons upon which the appeal is based, including but not limited to:
   (1) Whether the action taken is in accordance with this title;
   (2) Whether the action was taken in error or constituted an abuse of discretion; and/or
   (3) Whether the action taken was not supported by the record or the facts presented to district staff.
(c) Following the filing of an appeal permitted by this section, the district clerk shall schedule the appeal for the next available meeting of the board of directors. At least ten calendar days in advance of the hearing, the applicant shall be noticed in writing of the date, time and location of the public hearing at which the appeal will be heard. The board shall hold a public hearing on the prescribed date and may affirm, reverse or modify the action taken by district staff based upon the facts as they are presented at the hearing. At the public hearing all oral and written testimony shall be presented to the board. Formal rules of evidence shall not be applied to the hearing. Any determination of an appeal made by the board shall be final and may only be challenged in accordance with the procedure set forth by the Code of Civil Procedure beginning with Section 1094.5.
(d) All appeals must be made to the District in writing within 180 days of receipt of Notice of Repair (hereinafter referred to as N.T.R) and all sewers subject to Appeals must pass a pressure test.

21.12.010 - Board approval required.
Upon or after July 18, 2002, no person may connect any building to a private sewage disposal system without the prior approval of the district board of directors.
21.16.020 - Types of wastes prohibited. 
Except as hereinafter provided, no person shall discharge or deposit, or cause or allow to be discharged or deposited into the District sewer system any wastewater which contains any of the following:
(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
(2) Any water or waste which may contain more than one hundred milligrams per liter of fat, oil or grease;
(3) Any gasoline, benzin, naptha, fuel oil, or other flammable or explosive liquid, solid or gas;
(4) Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension;
(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
(6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create any hazard in the receiving waters of the sewage treatment plant;
(8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
(9) Any noxious or malodorous gas or substance capable of creating a public nuisance;
(10) Any septic tank sludge;
(11) Cooking grease whether emulsified or not;
(12) Waste automotive radiator coolant or any other automotive fluid;
(13) Explosive mixtures;
(14) Radioactive wastes;
(15) Solid or viscous wastes which may cause obstruction to the flow in a sewer pipeline, including cleansing wipes or "flushable" wipes;
(16) Any toxic substances in excess of the United States Environmental Protection District standards pursuant the Clean Water Act, or any other substances which may interfere with the biological processes of the wastewater system;
(17) Petroleum products of any kind.

Section 3. Sections 21.04.115, 21.16.005, 21.20.002, 21.20.004, 21.20.006, 21.20.075, 21.28.005, 21.36.005, 21.36.015 and 21.36.017 are added to Title 21 to read as follows:

21.04.115 Damage to District Sewer System. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the District Sewer System. Any violation of this section shall be punishable under Section 21.36.015 and any violation may constitute other crimes under the California Penal Code or the United States Codes.
21.16.005 Improper and Illegal Connection to Sewer Lateral. It shall be improper and illegal for a contractor or owner to connect the following to a private sewer lateral: storm drains, roof drains, non-permitted or non-authorized pool drains and/or non-sewage pipes or drains, or cracks or open fittings or caps in lateral pipes letting in ground or surface water. Violation of this section is punishable under Section 21.36.017.

21.20.002 New Construction Sewer Laterals
All new residential, apartments, industrial and commercial buildings shall have installed a new private sewer lateral. A minimum four-inch lateral shall serve single or duplex residential dwelling units. A minimum six-inch lateral shall be installed to serve buildings with three or more residential units, and industrial and commercial buildings. Construction shall conform to District standards.

21.20.004. Ownership, Maintenance and Repair of Private Sewer Laterals.
A. Private sewer laterals shall be owned, maintained and repaired by the owner of the property which the lateral serves. The entire private sewer 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.
B. Owners must clean, maintain and repair sewer laterals serving their property sufficient to keep the sewer lateral in operable condition at all times. The owner shall perform such duties as may be required in response to observed overflows or seepage attributable to the lateral, or as discovered by smoke testing, televising, pressure testing or other surveys of the lateral. Where such maintenance requires excavation and/or replacement of existing facilities, the owner shall apply for and receive a connection permit (21.28.005) from the District.

21.20.006
(a) It shall be the policy of the District to require one private sewer lateral serving one single family home. However, the District is cognizant that portions of the sewer service system within the District are very old with multiple hillside single-family homes being historically serviced by one private sewer lateral (e.g., one private sewer lateral for two or more homes). Where no apparent deficiency exists with a shared sewer lateral, the District shall allow the shared sewer lateral. Where repairs are necessary, the owners of the residences served by the shared lateral shall jointly be responsible for the repairs. Where repairs and/or replacement of such a shared lateral is necessary, the District may require the construction of a new private sewer lateral for each residential single-family home or the construction of a new larger private sewer lateral to accommodate the residences that share the sewer lateral.
(b) The District encourages owners of shared sewer laterals to enter into a maintenance agreement between all of the owners sharing the private lateral to ensure that there is a mechanism in place to pay for required repairs and/or replacement of the private sewer lateral. In general terms, a common method is to proportion the costs of the maintenance, repair or replacement among the owners sharing the lateral. For example, owners upstream of the shared lateral section requiring rehabilitation would proportion their costs relative to the length of the shared lateral which serves their home divided by the length of the entire shared
lateral from the sewer main upstream to the point of the repair. The relative percentage may vary along the pipe depending on the number of connections upstream of the repair. Owners that are part of a shared lateral connection not otherwise in violation of this title are not subject to the transfer of property title requirement (21.22.020 (b)).

21.20.075 Access to Properties for Sewer Lateral Inspection. The District Manager (or any designated representative thereof) is hereby authorized to inspect private sewer laterals with advance notice to the 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 thereto and flushing the same, if necessary.
(c) To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged.
(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 he/she suspects that the lateral may be allowing inflow or infiltration.

Nothing herein shall be deemed to provide the District Manager with any right or authority to enter a building or other apparently private or interior area of a real property, except to the extent such entry is expressly authorized by state law, a public emergency or by consent or permission of the resident.

21.28.005 Connection Permits. Prior to constructing a lateral or connecting a new building to an existing lateral, or undertaking a major repair of a lateral, the owner shall apply for and obtain a connection permit from the District. The application shall include a plan showing the location of the lateral and the proposed repair or replacement, and all buildings, other utilities, significant features and topography of the property and showing the public right-of-way or easement in which the lateral and the District sewer are located, and the proposed connection of the lateral to the District’s sewer main line.

21.36.005. Common Interest Developments
The Homeowners Association of a Common Interest Development shall, along with the owner, be jointly and severally liable for the duties and obligations imposed by this Title in relation to any private sewer lateral located within a common area of the development. If no Homeowners Association exists, then the individual unit owners sharing use of the private sewer lateral, considered jointly, shall be liable for the duties and obligations with respect to private sewer laterals established by this title.

21.36.015 Punishment for Violation; Punishment for Violation of Prohibited Discharges
(a) Misdemeanor: 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 title shall be deemed a separate violation and each and
Section 4. Chapter 21.22 is added to Title 21 to read as follows:

Chapter 21.22 INFILTRATION AND INFLOW; INSPECTIONS; REPAIRS
21.22.010 Findings
(a) For the reasons stated below, the District finds and determines Infiltration and Inflow (hereinafter referred to as I & I) into the sewer system to be a concern for the District that requires inspections and repairs required in this title. During heavy rains a significant amount of storm water is introduced into the District’s sanitary system as a result of I & I from breaches in the entire pipeline system which includes private sewer laterals that lead to the pump stations and Central Marin Sanitation Agency (hereinafter referred to as CMSA) treatment plant. To a great extent, much of this I & I is introduced into the District’s pipelines and sewer mains from the private sewer laterals or unpermitted drainage structures leading from a property to the District’s sewer mains. As a result of I & I, the CMSA sewer treatment facilities have the potential to become overburdened during periods of heavy rains leading to sewage overflows or bypass and possible spills into the San Francisco Bay waters. Such overflows and spills can lead not only to significant fines and penalties against the CMSA Treatment Plant and District by regional state and federal water regulatory agencies, but may pose a significant risk to the environment, and the health and safety of the public at large. The District has determined that it is in the public interest to address I & I and sewer overflows contributed by private sewer laterals and, as such, it is a District priority to authorize and mandate the enforcement of the upgrade, replacement or repair of private sewer laterals as required in this title including as a condition of building permits, construction work and property sales.
(b) The District also finds that inflow and infiltration from the lateral sewers of property owners has caused the district sewer system to back up, leak, malfunction, and operate at a lower efficiency and capacity than the system is intended and designed to do. Further, the district finds that these problems have resulted in the district paying considerable extra expense annually in order to continue the operations of its sewage pump stations. The District also finds that this inflow and infiltration into the district sewer system is caused by the age and wear and tear to sewer laterals that have existed for many years without being tested, replaced and/or repaired. The district hereby establishes in this section a voluntary sewer lateral replacement program to address the problems associated with inflow and infiltration in lateral sewers throughout the district.
(c) During each fiscal year and until the need shall no longer arise, the District board or staff may in its sole and unfettered discretion offer to owners served by the District sewer system the option of executing an agreement with the District to test for inflow and infiltration and repair or replace the owner's lateral sewer cost and expense of the District in exchange for the owner's agreement to retain ownership and maintenance responsibility over the private sewer lateral after the District completes the repair or replacement of the lateral sewer. The agreement shall release, hold harmless and indemnification provisions in favor of the district and shall be in a form provided by district staff.

(d) The District shall not be required by this section to offer any owner being served by the District the opportunity to participate in the program described in this section. The District board or staff shall determine which properties, if any, are to be offered participation in this program based upon the availability of District resources, the needs of the property owners, and any other factors that it may deem relevant to its decision. Notwithstanding any other provision in this title, no person shall have the right to appeal any decision or determination made by the district under this section.

(e) The District shall test the lateral sewer for inflow and infiltration according to the "Standard Specifications and Drawings, Sanitary District No. 2 of Marin County" or similar guidelines that may be established by or for the district.

(f) Nothing in this section shall alter or modify the owner's maintenance, repair and ownership responsibilities over the lateral sewer as set forth in Section 21.20.060.

21.22.020 Mandatory Inspections

(a) Health and Safety Basis for Requiring a Private Sewer Lateral Inspection.
An owner of any private sewer lateral serving owner’s residential property, fixed and floating property, commercial property, publicly owned building, common interest development, apartment building and any other structure which has a private sewer lateral shall have the sewer lateral inspected in accordance with the requirements of this chapter (as directed and within the time period indicated by the District Manager) upon the occurrence of any of the following events:

1. Overflow or Malfunction. Whenever District staff determines that the private sewer lateral has recently overflowed or has recently malfunctioned;

2. Lateral Failure or Lack of Maintenance. Whenever District staff finds that there is sufficient evidence to conclude that the private sewer lateral has failed, is likely to fail, or has not been properly maintained.

3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a private sewer lateral.

4. Age of pipes and/or extent flora causing higher flow within the service area. Whenever the District Manager determines that the age of pipes (clay, plastic or other material) in combination with observed flora (tree roots near the sewer lateral suggesting root intrusion causing infiltration) or the age of the pipes independently are causing excessive flow in a neighborhood or area, the District Manager may direct an inspection of the private sewer lateral to determine the need for repair.

(b) Events Requiring a Sewer Service Lateral Inspection-
All Properties. An Owner shall have the private sewer lateral serving his or her property inspected and all defects repaired in accordance with the requirements of this chapter and the District Standard Specifications upon the occurrence of any of the following events:

1. Additions and Improvements. Prior to the issuance of a county or city building permit for a building addition or new improvements on the real property where said addition or improvements (or cumulative additions or improvements through multiple projects over the prior 3 years) have a value of $50,000 or greater (2nd units, additions, water meter change size or fire sprinkler installed, fixture counts change, or District Manager request).
   
   (i) District shall notify the relevant jurisdiction (Town, City or County) of this requirement so that issuance of a building permit is conditioned upon meeting the requirement of a lateral inspection.

2. Transfer of Property Title. Where the sale of any real property with sewer improvements is proposed, the seller shall have the private sewer lateral inspected prior to transfer of property title, including transfers made by a trust or other mechanism within the same family.
   
   i. It is suggested that the seller provide an inspection report of the private sewer lateral as specified in 21.20.030 to District Staff upon offering the home for sale. The responsibility for any repair of a lateral is an issue between the buyer and seller. Regardless of who is responsible for the private sewer lateral repair, such repair shall be completed within 180 days of the close of sale.
   
   ii. Should the seller fail to have an inspection conducted on the property prior to the sale of the property, the District shall require the new owner to conduct an inspection and make any necessary repairs to the lateral.

3. Whenever the District is replacing a sewer main or conducting repair of a sewer main or the Town of Corte Madera or County of Marin is resurfacing roads on or near the road where the private sewer lateral connects to the sewer main, owners will be notified by the District of the current work and need for an inspection report on their private sewer lateral prior to the road work or construction so that any remedial work to the lateral is completed prior to completion of the construction or road work. Sanitary District Capital Improvements Projects may necessitate the repair or replacement of portion or the entire private sewer lateral at the District Manager’s discretion at which time the requirement in this subsection may be waived by the District Manager. Any private sewer lateral repaired or replaced by the District shall remain the responsibility of the property owner as described in 21.20.060.

4. Where an owner refuses to provide an inspection, District may conduct a televised inspection or pressure test and the owner shall be responsible for the costs of such inspection. Should an inspection reveal the need for repairs, the District may issue a Notice To Repair to the owner and have the remedies provided for in 21.040(d) of this title to ensure repairs are made and costs are paid by the owner.

5. Exception to Inspection for Recent Prior Inspections and Replacements. The following are exceptions to the inspection requirements of this subparagraph b). The following exceptions do not apply to any inspection required under subparagraph a) above.
   
   i. Prior Replacement of Sewer Lateral. An owner otherwise required to perform a private sewer lateral inspection under this subsection shall not be required to perform such an inspection if the owner (or the owner’s predecessor-in-interest) has originally
installed or has replaced his or her property's entire private sewer lateral within the three (3) years prior to the date of the application for a building permit, listing the property for sale, or the road work or sewer repair, unless reasonable cause is made apparent to District staff that the new lateral is compromised.

ii. Prior Inspection and Repair of a Sewer Lateral. An owner otherwise required to perform an inspection under this subsection (b) shall not be required to perform such an inspection if the owner has either completed a remedial inspection (conducted in accordance with the inspection requirements of this title and completed a permitted repair of the sewer lateral within the three (3) years prior to the date the inspection would otherwise be required.

iii. Proof of Prior Replacement of a Sewer Lateral. Owner shall provide proof of any prior replacement of a private sewer lateral 10 years or less in age and approved by the District Manager in the form of a certificate, a paid bill or any sufficient documentation that ensures such prior replacement of a private sewer lateral occurred pursuant to subsections (b)(1) or (b)(2) above. The form and content of the document or proof must be deemed sufficient by the District or its designated representative.

iv. Shared Portions of Laterals may apply for a onetime 180-day extension to assist owners' time to schedule needed repairs or replacement.

v. Homeowners' Associations (H.O.A.'s) may apply for a 3-year blanket approval if a lateral or laterals in the condominium complex are inspected at one time, and approved in accordance with this title by the District.

21.22.030 Sewer Lateral Inspection Report - Requirements
(a) Inspection Standards. The Sewer Lateral Inspection Report required by this chapter shall be prepared in accordance with the following requirements and specifications.
(1) The Inspection Report shall be prepared by a licensed plumber;
(2) The Inspection Report shall identify all of the following:
   i. Verification and description of a), b), c) and d) of 21.20.075.
   ii. Any and all defects that could allow Infiltration into the lateral or otherwise create a maintenance issue in the District sewer system. Such defects may include but not be limited to the following: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, Inflow or Infiltration or extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the sewer service.
   iii. Whether any connection, by pipes or otherwise, allows rainwater to groundwater to enter the private sewer lateral or public sewer or main.
   iv. Whether the private sewer lateral has an installed backwater devices (i.e. Contra Costa valve or popper and check valve where applicable) where any outlet or trap of the private sewer lateral is below the level of the nearest manhole. If a backwater device is already installed, the report shall indicate whether the backwater device is functioning properly.
(3) The Inspection Report shall contain an express certification from the certified inspector that the property has been inspected for any outdoor drain connection to the District.
sewer system and that no such unpermitted lateral exists. The report shall be prepared in a format acceptable to the District.

(4) Based upon the District staff evaluation of the deficiencies outlined in the report, the District will determine the level of repair or replacement that is necessary and cost will be the responsibility of the owner.

(b) Compliance with Regulations. The Inspection Report shall, in all other aspects, comply with the requirements and specifications described in the District Manager’s specification for a Sewer Lateral Inspection Report as established in subsection 1, below.

(1) Requirements for an Inspection Report: The following items are required to be addressed in an inspection report which conforms to NASSCO (National Association of Sewer Service Companies) pipe inspection Standards:

i. Date of inspection;

ii. Name of inspector and name of plumbing firm along with license #; NASCO certification #

iii. Certification that a televised video was taken of the lateral;

iv. A certification that no roof, swimming pool, floor and/or surface drains or any other non-sewage drains are physically connected to the lateral or sewer main and items described in subsection a) of this section.

v. Identification and linear footage location with respect to the private sewer lateral of any displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration or extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the sewer service.

vi. Certification that an installed backwater device(s) are in place where any outlet or trap of the sewer lateral is below the level of the nearest manhole. If a backwater device is already installed, the report shall indicate whether the backwater device is functioning properly.

vii. A Declaration under penalty of perjury that the report is true and correct.

21.22.040 Sewer Laterals – Required Repairs. All repairs shall comply with the Municipal Code, Sanitary District Sewer Standard Specifications & Details and be approved by the Sanitary District Manager.

(a) Notice To Repair. Upon receipt of the Sewer Lateral Inspection Report pursuant to this title, the District Manager (or designated staff) will determine whether it indicates any deficiencies in the operation of the private sewer lateral and if it does, the District Manager shall provide the owner(s) with a Notice to Repair as may be deemed appropriate by District staff. District staff shall provide the determination and issue a Notice to Repair within 15 business days after receipt of the Inspection Report. The Notice to Repair/Replace shall specifically identify the deficiencies to be corrected and shall establish a deadline of 180 days, within which the owner(s) shall complete the required corrective actions at owners’ expensive. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this title or any uniform code adopted by the District.
(b) Obligations of the Owner. The owner shall repair his or her private sewer lateral to
the satisfaction of the District Manager, and, if a building permit is required for the
repairs, the owner shall obtain a final permit inspection and approval of the relevant
Building Official.
(c) Repairs to Improper Connections Consisting of Multiple Private Connections to a
Common Lateral. A private sewer lateral serving more than one residential dwelling,
except as provided for in 21.20.006, is an improper connection and shall be repaired
or replaced as deemed appropriate by the District Manager. The owner of each
affected premises shall be responsible for disconnecting their private sewer lateral
from the common lateral and connecting to the nearest sewer main.
(d) 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:

(1) Public Nuisance: Continued habitation of any home, building or continued
operation of any industrial facility in violation of a Notice to Repair or replace a private
sewer lateral is hereby declared to be a Public Nuisance. The District may cause
proceedings to be brought for the abatement of the occupancy of the home, building or
industrial facility (i.e., a court order directing the occupant(s) to vacate the home,
building or industrial facility until the directed repairs are made) during the period of
such violation. The District shall have the right to recover its attorney fees and costs for
the pursuit of the abatement.

(2) Disconnection of private sewer lateral to Sewer Main. The District shall have
the right to commence proceedings in Marin Superior Court to seek a court order
disconnecting the private sewer lateral from the sewer main, thus leaving the home,
building or industrial facility without municipal sewer service. The District shall have the
right to recover its attorney fees and costs for the pursuit of disconnection.

(3) Corrections of Violations: Section 6523 of the California Health and Safety
Code provides that in order to enforce the provisions of any ordinance of a 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. Whatever
option the District pursues under this subsection 3, the District shall be entitled to its
costs and attorney fees.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this
ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the
validity of the remaining portions of this ordinance. The Board of Directors of Sanitary District
No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, hereby declares that
it would have passed this and each section, subsection, phrase or clause thereof irrespective of
the fact that any one or more sections, subsections, phrases, or clauses be declared
unconstitutional on their face or as applied.
Section 6. Effective Date. This ordinance shall become effective 60 days after the date of adoption.

Section 7. Posting. The Clerk of the District shall cause this ordinance to be published by summary notice and/or posted within fifteen days after its adoption.

*

This ordinance was introduced on the 15th day of May, 2018 and adopted on the 4th day of June, 2018, by the following vote:

AYES, Board Members: Andrews, Bailey, Condon, Furst
NOES, Board Members: - None-
ABSENT, Board Members: Ravasio
ABSTAIN, Board Members: - None -

APPROVED:

[Signature]
Carla Condon, President

ATTEST:
[Signature]
District Clerk