

ORDINANCE NO. 20-01

**AN ORDINANCE OF THE SUNSET BEACH SANITARY DISTRICT
OF ORANGE COUNTY, CALIFORNIA
REGULATING THE SEWAGE COLLECTION SYSTEM**

The Board of Directors of the Sunset Beach Sanitary District Ordains as Follows:

**ARTICLE 1
GENERAL PROVISIONS**

101. PURPOSE AND POLICY

- A. The purpose of the Ordinance is to provide for the maximum public benefit from the use of sewers, and all the appurtenances thereto, owned, operated, maintained or contracted for by the Sunset Beach Sanitary District (hereinafter call the District).
- B. The District was formed on November 5, 1930, under the provisions of Sections 6400-6924 of the State of California Health and Safety Code, Sanitary District Act of 1923.
- C. The Board of Directors (hereinafter called the Board) is the governing body of the District and is responsible for the operation and maintenance of all facilities of the District and exercises its authority under the Sanitary District Act of 1923 as amended.

102. DEFINITIONS

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the American Environmental Federation. Other terms not herein defined shall be interpreted in accordance with the International Conference of Building Officials Uniform Building Code, Current Edition.
 - 1. Board shall mean the Board of Directors of the Sunset Beach Sanitary District of Orange County, California.
 - 2. Building Sewer shall mean that portion of any plumbing system outside the confines of the structure being served, which connects directly to the public sewer owned and operated by the District. House lateral and sewer lateral shall mean the same as building sewer. Building Sewers are privately owned.

3. Capital Facilities Connection Fee shall mean the onetime payment required by the District to connect to the District's Sewerage Facilities and shall include a capital facilities charge, other costs and the cost of normal District inspection of building sewers.
4. Discharger shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
5. District shall mean the Sunset Beach Sanitary District.
6. District Engineer shall mean the individual appointed by the Board to the position of District Engineer.
7. District Sewer shall mean any sewer owned, operated, and maintained by the District.
8. Domestic Wastewater shall mean the liquid and solid water borne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system. The strength shall be deemed to have 250 milligrams per liter (250 mg/L) BOD and Suspended Solids.
9. Grease shall mean any oil, fat, oily, fatty substance such as vegetable or animal fat that turns or may turn viscous with a change in temperature or other conditions.
10. Grease Control Device shall mean any grease interceptor, grease trap, or other mechanism which attached to wastewater plumbing fixtures for the purpose of collecting grease for off-site disposal rather than disposal with the wastewater to the public sewer.
11. Inflow, Infiltration, Surface Water shall refer to waters other than wastewater, which may be the result of rainwater, groundwater, pool or spa water, or yard water (i.e. Surface Water) that enters the District sewage collections system by any means. Such water discharge to the sewage collections system is illegal.
12. Inspection Fee shall mean the one-time payment for inspection of a building sewer only. If a Capital Facilities Connection Fee is paid, an Inspection Fee is not required.
13. May shall mean permissive.

14. OCSD shall mean the Orange County Sanitation District.
15. Person includes an individual, partnership, corporation, governmental subdivision or unit of a governmental subdivision, or public or private organization or entity of any character.
16. Sewage shall mean wastewater.
17. Sewerage Facility shall mean any and all facilities used for collecting, conveying, pumping, treating or disposing of wastewater. Sewerage Facility shall mean the same as sewage system.
18. Shall shall mean mandatory.
19. Superintendent shall mean the individual appointed by the Board to the position of Superintendent.
20. User shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger.
21. Wastewater shall mean waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.
22. Wastewater Constituents and Characteristics shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall include feminine and use of feminine shall include masculine.

ARTICLE 11 SANITARY SEWER FACILITIES

201. ADMINISTRATION

The purpose of this Section of the Ordinance is to provide the minimum standards for the sanitary sewer facilities owned or operated by the District for the protection of the public health, safety, and welfare located within the service area of the District.

- A. Among other things, this Ordinance applies to the installation, alteration, replacement, repair, or use of that portion of any plumbing system outside the confines of the structure being served, hereinafter referred to as 'building sewer'.
- B. That portion of any plumbing system within the confines of the structure served, shall comply with the requirements of the responsible agency of the City of Seal Beach for that portion of the District within the City of Seal Beach; and with the responsible agency of the City of Huntington Beach for that portion of the District within the City of Huntington Beach; except with respect to the use or disposal of hazardous materials in accordance with Section 204, herein.
- C. Any building sewer installed prior to the effective date of this Ordinance may continue its existing use, maintenance and repair in accordance with its original design provided that no hazard to the public health, safety, or welfare is created by such existing use. However, building sewers of any age may require repair, replacement or lining if defects or surface water connections of any type are discovered, when triggered by other sections of this Ordinance, such as construction, remodeling, building sewer failures or investigation by the District.
- D. An existing building sewer more than 20-years old for a structure to be reconstructed or remodeled, whereby such a reconstruction or remodeling cost is more than \$100,000, as determined by the District, shall be served by a new building sewer as provided herein and the existing building sewer shall be removed and plugged at the District sewer at the cost of the discharger. If approved by the District, the existing building sewer may be lined with plastic liner in a manner approved by the District (in accordance with Section 203(b)) in lieu of replacement.
- E. All residences, commercial or industrial structures within the District shall be connected to the District's sewer system.
- F. No Building Sewer may serve more than one residential or commercial or industrial building. In the event the one building will serve both a residence and commercial space in the same structure, one lateral may be permitted at the District's discretion; however separate Capital Facilities Connection Fees must be paid for each residential and/or commercial use. This applies to new construction or remodeling of an existing structure.

202. ABATEMENT OF NUISANCE

Any portion of a building sewer found to be unsanitary, or improperly maintained, or serving more than one structure, or in disrepair, or in any way connected to surface water inlets or drains of any type, constitutes a public nuisance.

The property owner, upon notification in writing of a nuisance from the District, must abate said nuisance as a condition of continued sewer service from the District.

- A. The connection of surface water in any form, directly or indirectly, poses a major problem to the District's sewage collection system. Surface water poses a public health nuisance to the community and a threat to the environment. The property owner must locate and repair, replace, and/or plug any such surface water connections. The District, or its authorized representative, may at its discretion, use any means to locate such surface water connections including inspection of the property and structure, and, if found, shall require abatement by the property owner in a timely manner.
- B. As part of its periodic construction, repair, inspection, or maintenance of sewerage facilities, the District may discover defective laterals or surface water connections of any type. These defective laterals or surface water connections are public nuisances and subject to the property owners timely repair and/or replacement.
- C. A lateral shall be considered defective if it has displaced joints, root intrusion, deterioration of the line, damaged or no cleanout, inflow or infiltration of surface water or groundwater or any other condition that in the opinion of the District increases the chance of a blockage of said lateral or of the District's sewerage facilities, or endangers other facilities, or if it suffers two or more blockages within a one year period that results in an overflow.

Certain District Sewers are shallow and may require installation of a back-flow prevention device on the private sewer lateral to protect the user's property from sewage back-ups. Back-ups may be caused by cleaning of the District sewer, or by high sewage flow. It is the responsibility of the property owner to install and maintain said device on the private sewer lateral. The District is not responsible for damage to private property caused by sewage back-up.

- D. The District, or its authorized representatives, shall have the authority to abate or require abatement of said public nuisance in such manner that will protect the health and safety of the community and the environment and protect the soundness of the building or the District's sewage system. The property owner, at the sole expense of the property owner, shall make all necessary repairs to the lateral or the structure in a manner meeting the District's approval. All repairs must be inspected by the District. In the event the private lateral does not have a clean-out, one must be installed. Repairs shall be made by complete building sewer lateral replacement or, if approved by the District, installation of a plastic liner.
- E. Disconnection of surface water connections from the District's sewage system must be completed to the satisfaction of the District within 30 days of the date of the notification. All other defections in sewer laterals must be completed within 60 days of the date of the notification.

- F. The failure of any person or entity to abate such public nuisance upon receipt of written notice shall constitute a violation of this ordinance which is a misdemeanor, and upon conviction, shall be punishable as provided by law. Each notification to abate shall imitate a new obligation to abate.

The District shall have the authority to repair or replace the private sewer lateral if not done by the property owner in a timely manner, if, in the opinion of the District, the repairs need to be completed for public safety. In this event, all costs incurred by the District including but not limited to, staff, contractor, permit charges, materials for the repair or clean-up, plus a 25% administrative penalty will be charged.

If any construction work is performed on the property or on the private sewer lateral or on the District's sewerage facilities without necessary District permits as described in Section 203, a new connection to and/or continued sewer service by the District may be denied until all District permits have been obtained and all District fees paid. The District may add charges for extra work.

In the event repairs are not made or the above charges not paid, the District may disconnect the property from the District's public sewer system until the repairs are made to the satisfaction of the District and any charges owed are paid.

- G. When necessary, at all reasonable times, the District or its authorized representatives may enter the property and the structure for inspection of the building sewer and surface water connections.

203. PERMIT REQUIRED

A permit from the District shall be required for the repair, replacement, abandonment, or construction of all or any portion of a building located within the District.

- A. A permit may be obtained from a District Superintendent or Assistant Superintendent by calling the District's phone number, which is (562) 493-9932, to arrange for a consultation or pay a required fee. For building demolitions, the permit is required to be taken out before the demolition work starts. Special conditions to prevent debris from entering the building sewer will be added to the permit. In the event the demolition is started before the permit is taken, or the conditions of the permit are not complied with, the District, at its discretion, may block the property building sewer and the property owner will be required to pay any costs incurred by the District prior to receiving sewer service.
- B. Any person who owns or is entitled to use any existing building, development, or change of use from residential to commercial (or industrial), or vice a-versa, or any project to connect, or reconnect to the District sewer system using an existing or repaired or

replacement building sewer lateral to the District sewage system must, prior to connections, pay a Capital Facilities Connection Fee in accordance with the following schedule:

Residential:	\$3,000.00 per unit
Industrial/Commercial:	\$3,000.00 minimum for up to 2,000sf Increases \$1.50 per square foot greater than 2,000sf

The Board of Directors may from time to time revise these fees by Ordinance as appropriate.

- C. Written Notice from the Permittee of at least 48 hours shall be given to the District when inspection(s) will be required. Phone number is (562) 493-9932.
- D. The District or its authorized representatives may suspend or revoke a permit issued in accordance with this Ordinance should any provision hereof be violated.
- E. Street opening permits shall be obtained from the appropriate authorities for all work performed within the street area for those streets within the District.
- F. All work performed within street areas shall be performed to the satisfaction of the appropriate agencies provided the laying, bedding, and joining of the building sewer shall be performed in conformance with the requirements of the District.
- G. All persons requiring a Capital Facilities Connection Fee permit for the connection or reconnection of a building sewer shall be required to replace the sewer lateral from the building to the District sewer line. Alternatively, Permittee may, at permittees' expense, demonstrate by using a TV camera running through the entire length of the existing building lateral that said lateral is sound and able to be lined with an approved plastic liner. District's Superintendent's judgement shall be final as to whether or not the existing lateral can be used for lining. In the event a new lateral is constructed, all old laterals must be plugged at the connection to District's main sewer. All new sewer laterals must have an approved clean-out.
- H. In the event an existing building sewer is damaged, leaking, subject to root intrusion, or in general disrepair, and the building owner or user wishes to replace it at their cost and not as a requirement of a building remodel, the Owner/User shall pay an inspection fee as follows:

Inspection Fee for Building Sewer Replacement only: \$800.00

- I. In the event Capital Facilities Connection Fees or Inspection Fees are paid to the District, and the project is later canceled, a written claim for a refund may be filed by the original applicant. The refund claim shall be sent to the District's address and include the permit number and the reason for the refund request. Refunds may be issued only to the original applicant, and will not be issued if construction has begun. No refunds will be issued after 12 months from the date of issuance. The refund will be prorated over the 12 months. An 18% administrative fee will be deducted.

204. USE VIOLATIONS

It shall be unlawful to discharge or permit to be discharged to a building sewer any of the following substances:

- A. Groundwater or surface water by subsurface drainage systems or cracked and leaking building sewers.
- B. Roof water (rainwater) typically by connection of roof drains connected to the building sewer or directly to the District's sewer.
- C. Rainwater or irrigation water by yard of area drains connected to the building sewer or directly to the District sewer.
- D. Seawater from any source.
- E. Chemicals, liquid, semi-solid, or solid, having an adverse effect on health, sewer operations, sewer maintenance, or sewage treatment, (hazardous materials) except as permitted by "Regulations for Use of District Sewerage Facilities, County Sanitation District of Orange County", latest edition.
- F. Wastes of any nature shall not be discharged directly into a manhole except by permission of or by direction of the District Board.
- G. Outdoor water sources including pool water or water from spas or ornamental water features.
- H. Violation of any or all of the above shall constitute a nuisance punishable as provided by law.

205. MATERIALS

Pipe installed for a building sewer shall be polyvinyl chloride sewer pipe with compression jointing or an equal approved by the Superintendent, in accordance with the requirements of the Uniform Building Code, latest edition. A building sewer shall have a four-inch diameter unless the District requires a larger size.

206. CONSTRUCTION

The workmanship in the construction of a building sewer shall conform to the best practices of the trade and the latest edition of the Standard by the District Board Specifications for Public Works Construction that has been approved by the Board of Directors. The Standard Plans are those designated S-21-2; S-37-1; S-37-2; S-37-3; S-43-1; SS-43-2; S-43-3; and S-45-1, the latest edition as approved by the Board of Directors.

- A. Connection to the District sewer shall be made by core cutting a neat hole of minimum size to receive the building sewer. Nearly all District sewers are constructed of clay pipe with an interior PVC liner.
- B. The building sewer shall be connected to the District sewer by an approved PVC Hub with rubber sleeve, banded in place with stainless steel bands, or by an optional method approved by the District Superintendent.
- C. The building sewer grade shall be uniform at the rate of not less than one-quarter inch per foot (2%). Where such grade cannot be obtained, or special design problems occur, an alternative design may be prepared and submitted for District approval.
- D. The building sewer shall have a minimum cover of four feet at the curb line or in lieu of curb, a minimum of four feet of cover at property line. Where such depth of cover is not possible, the building sewer shall be encased in concrete slurry as approved by the Superintendent.
- E. The connection of the building drain to the building sewer shall be made to the satisfaction of the District and shall not be covered until inspected by an authorized representative of the District.

207. MAINTENANCE

It shall be the responsibility of the owner of the structure served to maintain the building sewer in a safe and sanitary condition at all times. Upon discovery of a deficiency in a building sewer by the District, notice in writing will be given to the structure owner to correct the deficiency. The owner of the structure shall notify the District before he/she or their contractor begins work on the building sewer. Failure to correct a deficiency within a reasonable period of time shall constitute a violation of the Ordinance and may additionally constitute a public nuisance.

208. EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**ARTICLE III
EFFECTIVE DATE AND CERTIFICATION**

In July, 2020, a summary of this Ordinance was posted for not less than one week at the United States Post Offices in Surfside Colony and Sunset Beach, CA, and was published once in the SUN Newspaper, a newspaper of general circulation covering the service area of the District.

This Ordinance shall be effective thirty days after enactment. This Ordinance supersedes Ordinance No. 18-01, dated January 10, 2019.

Should any portion of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the remaining portions hereof shall remain in full force and effect.

This Ordinance was introduced at the regular meeting of the Board of Directors of the Sunset Beach Sanitary District held on June 11, 2020 and adopted by the Board of Directors at the regular meeting held on August 13, 2020.

SECRETARY CERTIFICATION

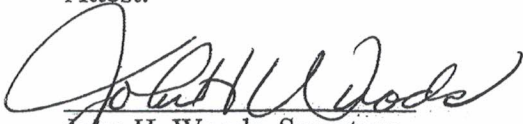
I, *John H. Woods*, Secretary of the Board of Directors of the Sunset Beach Sanitary District, do hereby certify that the foregoing Ordinance was introduced and passed by the District at a regular meeting by the following vote:

Ayes: John H. Woods, Graham K. Hoad, Bernard H. Hartmann, David E. Evans

Nays:

Absent: Jon H. Regnier

Attest:


John H. Woods, Secretary

This Ordinance shall become effective thirty (30) days after adoption