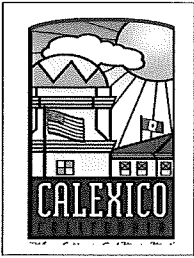


**AGENDA  
ITEM**

**5**



# AGENDA STAFF REPORT

**DATE:** March 6, 2019

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, City Manager *DD*

**PREPARED BY:** David B. Dale, City Manager

**SUBJECT:** Second Reading and Adoption of Ordinance No. 1197 – An Amendment to the City’s Municipal Code Regarding Responsibility for Repair and Replacement of Sewer Laterals outside the City’s Right-of-Way

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**Recommendation:**

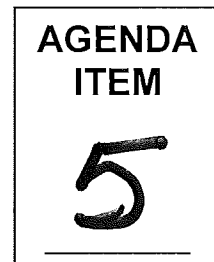
It is recommended that the City Council consider adopting the following Ordinance:

1. Ordinance No. 1197: An Ordinance of the City Council of the City of Calexico, California, Amending Section 15.12.030 and Adding Chapter 13.34 to the Municipal Code Relating to Private Sewer Laterals.

**Background and Discussion:**

Generally, local agencies take responsibility for the installation, maintenance, repair and replacement of infrastructure that is within the existing public right-of-way or easements, from the water or sewer main to the property line or to the “wye” connecting the sewer lateral to the main. The City of Calexico does the former for its water supply lines. Municipal Code Section 13.01.170 – Responsibility of service lines and house lines, states: “The city's responsibility for all water service lines is from the connection at the city's main water line to the water meter box. From the water meter box to the customer's premises is the sole responsibility of the customer to install, own, maintain, and/or replace.”

The Municipal Code, however, does not contain any equivalent language for the maintenance, repair, and replacement of private sewer laterals. Currently, the Calexico Municipal Code, Section 15.12.030 - Sewer connections, amends the Uniform Plumbing Code and reads as follows:



“Notwithstanding any other provisions of this code, the Uniform Plumbing Code, or any other ordinance, all connections to the city sewer system shall be made by the city from the property line to the sewer and shall be charged against the party ordering the connection.”

Chapter 15.12 contains the local amendments to the California Plumbing Code but does not contain maintenance obligations or reflect the City’s current practice regarding installation of sewer laterals.

Title 13 of the Municipal Code contains regulations relating to water and sewer service. The City would like to add Chapter 13.34 to the Municipal Code to clarify the scope of maintenance, repair, and replacement obligations for private sewer laterals. Specifically, the proposed ordinance would clarify that a property owner is responsible for maintenance, repair, and replacement of private sewer laterals from the building or structure to the property line.

Developers will still be required to pay the cost for new sewer connections pursuant to amended Section 15.12.030, which will reflect current practice.

This ordinance was introduced and approved at the regularly scheduled City Council meeting of February 20, 2019.

**Fiscal Impact:**

There should be little fiscal impact because the City already waives fees to install, maintain and replace laterals within the City’s right-of-way.

**Alternative:**

1. Continue this item and provide staff with direction.

**Attachments:**

1. Ordinance No. 1197.

**ORDINANCE NO. 1197**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING SECTION 15.12.030 AND ADDING CHAPTER 13.34 TO THE MUNICIPAL CODE RELATING TO PRIVATE SEWER LATERALS**

**WHEREAS**, the City of Calexico ("City") is a municipal corporation and general law city organized and existing under the Constitution and laws of the State of California; and

**WHEREAS**, when not properly maintained, repaired, or replaced by property owners, private sewer laterals may become damaged or blocked and can interfere with the operation of the public sewer system, which can, in turn, lead to sewage leaks and overflows from the private sewer laterals or the public sewer system. Leaking and overflowing sewage may enter groundwater or surface waters;

**WHEREAS**, proper maintenance, repair, and replacement of private sewer laterals is essential to preventing sewage leaks and overflows and to protecting the public health, safety and welfare;

**WHEREAS**, the City Council desires to clarify the definition of privately owned sewer laterals and the installation, maintenance, repair, and replacement responsibility for private sewer laterals.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines that each of the findings set forth above are true and correct.

**SECTION 2.** The City Council hereby amends Section 15.12.030 of the Calexico Municipal Code to read as follows:

**"15.12.030 – Sewer connections.**

Notwithstanding any other provisions of this code, the Uniform Plumbing Code, or any other ordinance, all private sewer laterals from the property line to a building or other structure shall be made by the property owner at the property owner's sole cost and expense, and connections to the city sewer system shall be made by the city from the property line to the sewer and shall be the city's cost and expense~~charged against the party ordering the connection.~~"

**SECTION 3.** The City Council hereby adds Chapter 13.34 "Private Sewer Laterals" to the Municipal Code as follows:

## CHAPTER 13.34 PRIVATE SEWER LATERALS

### Section 13.34.010 Purpose and Findings.

- A. The purpose of this Chapter is to protect the public health, safety, and welfare by establishing regulations for the maintenance and replacement of private sewer laterals by property owners within the City.
- B. Findings. When not properly maintained or replaced by property owners, private sewer laterals may become damaged or blocked and result in overflows of sewage from the private sewer laterals. Such sewage overflows negatively impact the public health, safety and welfare of both the property owner and the public by exposing them to untreated sewage. Such sewage overflows could also result in illicit discharges of sewage from private property to the public storm drains or waters of the United States or the State. Further, private sewer laterals that are not properly maintained or replaced by property owners can interfere with the operation of the public sewer system. Interference with the operation of the public sewer system may, in turn, cause sewage overflows from the public sewer system. Moreover, private sewer laterals that are not properly maintained or replaced by property owners may contain defects that result in the leakage of sewage from the private lateral to the ground water and ultimately to groundwater or surface waters. Therefore, the establishment of regulations for private sewer laterals is necessary to protect the public health, safety and welfare by both preventing overflows from the private laterals, interference with the operation of the public sewer system and leakage of sewage from private sewer laterals to groundwater and surface waters.

### Section 13.34.020 Definitions.

"Private Sewer Lateral" means the privately owned sanitary sewer piping or line extending from the property line to a building or other structure.

### Section 13.34.030 Private Sewer Lateral – Maintenance, Repair, and Replacement Required.

- A. Property Owner's Obligation. Each property owner must, at the property owner's expense, maintain in good working order, repair, rehabilitate and replace, as necessary, the private sewer lateral so that it does not cause or contribute to any sewage leakage or overflow from either the private sewer lateral or the public sewer. The private sewer lateral must be free of displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, infiltration of extraneous water, fats, oils and grease, sediment deposits or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sewer lateral or the public sewer.
- B. Private Sewer Laterals Not Part of Public Sewer System. The private sewer laterals are the property of the property owner and are not part of the public sewer.

Nothing in this Chapter shall be interpreted as changing the private nature of the private sewer laterals or incorporating them into the public sewer.

**Section 13.36.040 Violations and Enforcement.**

- A. Violation. No person shall violate any provision or fail to comply with any of the requirements of this Chapter. Any violation or failure to comply with the requirements of this Chapter is a violation of this Code.
- B. Public Nuisance. Any violation or failure to comply with the requirements of this Chapter constitutes a public nuisance. The City Attorney is authorized to commence necessary proceedings provided by local or State law to abate, remove and enjoin such public nuisance.
- C. Enforcement. The City may enforce any violation of the requirements of this Chapter by any means authorized at law or equity.

**EFFECTIVE DATE:** This Ordinance shall become effective thirty days after its adoption. The City Clerk shall certify the adoption of this Ordinance and cause it to be published as required by law.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Calexico on the 20<sup>th</sup> day of February, 2019; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Calexico, California, on the 6<sup>th</sup> day of March, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Lewis Pacheco, Mayor

**ATTEST:**

\_\_\_\_\_  
Gabriela Garcia  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos  
City Attorney

I, Gabriela T. Garcia, City Clerk, City of Calexico, California, certify that the foregoing Ordinance No. 1197 was adopted by the City Council at a regular meeting of the City Council held on the 6<sup>th</sup> day of March 2019 and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gabriela T. Garcia, City Clerk