

ORDINANCE NO. Final Adoption (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ADDING AND AMENDING CERTAIN SECTIONS OF
CHAPTER 3 (CITY UTILITIES) OF TITLE 6 (SANITATION AND HEALTH)
OF THE WATSONVILLE MUNICIPAL CODE REGARDING OWNERSHIP
AND MAINTENANCE OF WATER, FIRE, AND SEWER FACILITIES

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WHEREAS, the City of Watsonville provides water service for use of the City and its inhabitants pursuant to Government Code sections 38730 et seq.; and

WHEREAS, the City of Watsonville also owns and operates a sanitation and sewer system pursuant to Government Code sections 54725 et seq.; and

WHEREAS, the City intends to clarify the ownership, maintenance, and inspection responsibilities of water service facilities, fire service facilities, and lateral sewer lines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

Article 1 (Definitions) of Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code is hereby amended by amending subsection (ccc) of Section 6-3.100 (Definitions) to read in words and figures as follows:

CHAPTER 3 CITY UTILITIES ARTICLE 1. Definitions

Sec. 6-3.100 Definitions.

(ccc) "Private sanitary sewer collection system" shall mean a sewer collection system serving four (4) or more units, including but not limited to: apartment complexes, mobile home parks, condominiums, cooperative apartment buildings and commercial centers. It may also be a sewer collection system with a privately owned and maintained sewer lift station, or an agreement between two (2) or more parcels to own, operate, and maintain an existing shared sewer lateral, with prior approval from the Director of Public Works.

Article 2 (City Utility Service General Provisions) of Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code is hereby amended by adding Section 6-3.211 (Regulations) to read in words and figures as follows:

ARTICLE 2. City Utility Service General Provisions

Sec. 6-3.211. Regulations.

The Director of Public Works shall be and is authorized and directed to promulgate such rules and regulations as they may deem to be necessary to enforce the regulations established by this Chapter.

Article 4 (Water Service Provisions) of Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code is hereby amended by amending Section 6-3.410 (Ownership of installations) to read in words and figures as follows.

ARTICLE 4. Water Service Provisions

Sec. 6-3.410 Ownership of installations.

Service connections (except fire services) including but not limited to mains, water services, meters, and meter boxes, up to and including the meter become the property of the City upon City acceptance of the installation, whether located on public or private property. Any service connection facility located on private property except water meters and meter boxes shall be owned and maintained by the property owner. All Fire service facilities located in the public right-of-way are the property of the City. Fire service detector checks, including associated electronics and wiring, are owned by the City, regardless of location. Fire service facilities on private property are owned and maintained by the property owner, except the Fire service detector check and associated electronics and wiring, which are City property.

Representatives of the Public Works Department shall have access to any City-owned meters, service connections, City-owned Fire service facilities, and other water facilities located on private property for purposes reasonably associated with the furnishing of water or fire service. Representatives of the water department shall have access at reasonable hours (except in emergencies) to service connections on private property, such as shut-off valves and exterior hose bibs, for the purposes associated with furnishing water or fire service. Such access shall be with notice except in the case of emergency.

Article 5 (Sewer Services) of Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code is hereby amended by amending Section 6-3.503 (Separate sanitary sewer laterals) to read in words and figures as follows:

ARTICLE 5. Sewer Services

Sec. 6-3.503 Separate sanitary sewer laterals.

Each parcel is required to have a separate sanitary sewer lateral. Upon change of ownership of a parcel sharing a sanitary sewer lateral, the owner of that parcel shall install a separate sanitary sewer lateral. The Director of Public Works may grant an exception to this requirement, if all property owners on the existing shared lateral agree to execute and record a maintenance agreement for the proposed private sanitary sewer collection system that delineates ownership and maintenance responsibilities of all participating properties. If agreement between all connected property owners cannot be reached, the exception shall not be granted.

Article 5 (Sewer Services) of Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code is hereby amended by amending Section 6-3.508 (Maintenance of sanitary sewer laterals and private sanitary sewer collection systems; Reimbursement for Regulatory Fines) to read in words and figures as follows:

Sec. 6-3.508 Maintenance of sanitary sewer laterals and private sanitary sewer collection systems; Reimbursement for Regulatory Fines.

(a) Sanitary sewer laterals shall be owned, repaired, maintained, and/or replaced by the owner(s) of each property served, at such owner's sole expense, or pursuant to a maintenance agreement accepted by the Director of Public Works, pursuant to Section 6-3.503.

(b) Overflows from Sanitary Sewer Laterals Serving Single Units. If a property has a sanitary sewer overflow, the property owner shall cause the overflow to stop immediately and have sewer lateral blockages, breaks, and other deficiencies repaired within, ten (10) working days. In addition, should a second overflow occur within a twelve (12) month period, it is required that the sanitary sewer lateral be televised and repaired or replaced and certified in writing, by a NASSCO certified, licensed plumber, to be in good working order and free of obstructions and/or breaks.

(c) Overflows from a Private Sanitary Sewer Collection System. If a sanitary sewer overflow occurs, the property owner shall cause the overflow to stop immediately and have sewer lateral blockages, breaks, and other deficiencies permanently repaired by a NASSCO certified, licensed plumber within five (5) working days. The property owner shall submit a written report to the City describing the cause of the overflow and the remedial actions taken to repair the sanitary sewer collection system. The Director shall evaluate the report and make a determination as to the acceptability of the remedial actions and whether additional remedial actions, including full or partial replacement of the sanitary sewer collection system shall be taken.

(d) Testing of Sanitary Sewer Laterals. Upon change of ownership and before close of escrow, or upon proposed change of use, any property that includes buildings or structures connected to a sanitary sewer main that was constructed more than fifteen (15) years before the date of sale or change in use, and has not had its sanitary sewer lateral inspected within the past fifteen (15) years, shall have the sanitary sewer lateral inspected. A video inspection shall be completed by a NASSCO certified, licensed plumber from the building to the connecting public sanitary sewer main, and shall certify the lateral to be in good working order and free of obstructions and/or breaks. The

Director shall establish or approve testing procedures. The City will not assume responsibility for costs of the testing and/or repairs.

(1) For the purposes of this Section, “proposed change of use” includes any significant improvement, addition, construction, reconstruction, remodeling, modification or alteration of or to an existing or previous existing property, any change of tenancy in property located in areas zoned for commercial use in the City’s General Plan, or the addition of an accessory dwelling unit and/or junior accessory dwelling unit.

(2) Option to Transfer Seller’s Responsibility to Buyer. Before the sale of property, the seller and buyer may mutually agree to transfer responsibility for any needed sanitary sewer lateral repairs identified in the lateral testing procedure. The signed Transfer of Responsibility to Repair form must be accepted by the City prior to close of escrow and included in the real estate transfer documentation. Repairs must be completed by the buyer within the timeframe specified in the Transfer of Responsibility to Repair. The City reserves the right to complete the required lateral repairs within the City’s right of way and charge the property owner for the cost of said repairs if the property owner fails to comply with the terms of the transfer agreement.

(e) All private sanitary sewer lift stations (pump systems) shall be inspected annually by a NASSCO certified, licensed plumber to confirm the system is in good working order. The Director shall establish or approve testing procedures. Upon change of ownership and prior to close of escrow, or upon change of use of a property containing a private sanitary sewer lift station, a maintenance agreement shall be executed and recorded on the property if one does not currently exist.

(f) All private sanitary sewer collection systems shall be repaired, maintained and/or replaced by the entity that owns the system. Private sanitary sewer systems must submit a written report to the Director of Public Works detailing annual maintenance records. Upon request of the City, private collection system owners shall submit video inspection of the entire system a minimum of every 15 years. A NASSCO certified, licensed plumber shall video inspect the complete system the entity is responsible for, including, but not limited to laterals, connections, manholes, force mains, and collectors.

(g) Reimbursement for Regulatory Fines. The property owner shall be required to make payment to the City and reimbursement for any fines levied against the City by regulatory agencies as the result of failure of a sanitary sewer lateral, private sanitary sewer collection system, or private sanitary sewer lift station.

SECTION 2. RECITALS.

The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as defined in Section 15378 of the CEQA Guidelines.

SECTION 4. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to

be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.
