

ORDINANCE NO. 6-15-04

**ORDINANCE AMENDING ORDINANCE NO. 3-23-71 (As Amended) ADOPTING
UNIFORM PLUMBING CODE AND ADMINISTRATION THEREOF,
PRESCRIBING FEES, CHARGES AND PLANNING REQUIREMENTS
AND REPEALING ORDINANCES IN CONFLICT THEREWITH**

The Board of Directors of the West County Wastewater District of the County of Contra Costa, California, does ordain as follows:

SECTION I. Chapter 3. – Plumbing Code: of Ordinance No. 3-23-71, previously amended by Ordinance No. 11-7-89 is hereby amended to read as follows:

Section 17 – “Backflow Protection”

(a) Purpose for Requiring Installation of Backwater Overflow Prevention Devices.

When blockages or stoppages occur in sanitary sewers, there exists the potential for adverse public and private health impacts, bodily injuries and damage to property resulting from sewage overflow and back-flooding on public and private property. It is the purpose of this Ordinance to protect the health, safety and welfare of residents of the West County Wastewater District (WCWD) and to minimize the possibility of damage to property or injury to persons by requiring the proper installation and maintenance of backwater overflow prevention devices pursuant to the directives and standards of the WCWD.

(b) Responsibility for Backwater Overflow Prevention Devices.

All property owners shall install, repair and maintain a backwater overflow prevention device on any Building Sewer or Sewer Lateral that is connected to, or is intended for connection to, the WCWD’s sewer system. In this Ordinance, the term “backwater overflow prevention device” includes, but is not limited to, backwater overflow devices and backwater check valves, pressure relief devices and shutoff systems, and any other devices the WCWD may approve for the purpose of preventing or minimizing the possibility that raw sewage will back up into any structure or for any similar purpose. All backwater overflow prevention devices shall comply with standards acceptable to the WCWD and shall be maintained and repaired by the property owner to provide for their uninterrupted function for the purpose for which they were designed.

(c) New Building Sewer or Sewer Lateral Installations, Alterations or Repairs to Existing Building Sewers or Sewer Laterals.

No person shall install, alter, or repair a Building Sewer or Sewer Lateral that is connected, or is intended for connection to the WCWD sewer system, without first paying all fees and obtaining a permit from the WCWD. No person shall install, alter, or repair a Building Sewer or Sewer Lateral that is connected, or is intended for connection to the WCWD sewer system without first installing a sewer cleanout in a location approved by the WCWD, and without first installing a backwater overflow prevention device of the type and in the manner prescribed by the WCWD and any permit requirements imposed by the WCWD.

(d) Correction Upon Sale or Transfer.

(i) Except as hereinafter provided, no person shall sell, transfer or convey any improved real property that is connected to the WCWD sewer system without (1) first installing or confirming the

presence of a sewer cleanout in a location and of a type approved by the WCWD's District Engineer and (2) without first installing or confirming the presence of a backwater overflow prevention device of a type and in the manner prescribed by the WCWD and any permit conditions imposed by the WCWD. The property owner shall obtain a signed repair permit confirming a proper sewer cleanout and backwater overflow prevention device or a certificate of compliance with this Ordinance from the WCWD's District Engineer prior to the close of escrow of any sale, transfer or conveyance of any improved real property that is connected to the WCWD sewer system. If any sale, transfer or conveyance of improved real property that is connected to the WCWD sewer system is to be accomplished without an escrow, then the property owner shall obtain a certificate of compliance with this Ordinance from the WCWD's District Engineer prior to recording any deed or other document evidencing such sale, transfer or conveyance.

(ii) For purposes of this ordinance, the following shall not be considered to be a sale, transfer or conveyance of improved real property:

(1) Transfers solely between husband and wife including, but not limited to, addition of a spouse, death or other removal of a spouse or transfer as a result of a settlement resulting from the dissolution of a marriage;

(2) Documents and transfers recorded solely for the purpose of correcting the name(s) of the person(s) holding title to the property;

(3) Documents recorded to create, terminate or reconvey a lender's interest in the property;

(4) Documents recorded only as a requirement for financing purposes or to create, terminate or reconvey a security interest in the property;

(5) Documents recorded to substitute a trustee under a deed of trust, mortgage or other similar security interest;

(6) Documents, which result in the creation of a joint tenancy in which the transferor remains as one of the joint tenants;

(7) Documents which return title to the property to the person(s) who created a joint tenancy; and

(8) Documents, which transfer the property to a trust for the benefit of the grantor or the grantor's spouse or to a trust revocable by the grantor.

(e) **Maintenance Requirements.**

All backwater overflow prevention devices shall fully comply with all WCWD requirements and shall be maintained by the property owner to provide for their continuing function as designed. All backwater overflow prevention devices shall be accessible at all times and shall be free from any obstructions, including, but not limited to, rocks, soil, vegetation, debris, grass, trees, bushes, plants, landscaping, concrete, asphalt or other ground coverings or any other materials or substances that may impair the proper function of or unobstructed accessibility to the devices.

(f) **Elevation Requirements.**

All backwater overflow prevention devices shall be installed at an elevation that protects the property upon which it is installed and other property in its vicinity from damage. The property owner shall either confirm that the backwater overflow prevention device is properly installed at the proper

elevation, or obtain competent assistance from a duly licensed plumber or contractor to confirm its proper elevation. If any subsequent modification of the property results in the backwater overflow prevention device being at an improper elevation, the property owner shall adjust the backwater overflow prevention device to the proper elevation. The property owner shall be responsible for any damage to property or injury to person that is sustained as a result of the improper installation or location of a backwater overflow prevention device.

(g) Failure to Follow Backwater Overflow Protection Device Requirements.

Any property owner whose property has no backwater overflow prevention device, or which has a defective or improperly installed backwater overflow prevention device, or which has a backwater overflow prevention device that does not comply in all respects with the requirements of this Ordinance or with any standards adopted or utilized by the WCWD shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed or noncompliant device to prevent or minimize such damage. The WCWD will not be liable for damage resulting from sewer overflows when a backwater overflow prevention device has not been installed.

Section 4 – “Definitions” is hereby amended to add the following definition:

Building Sewer and Sewer Lateral shall mean that part of the generally horizontal piping of a drainage system which extends from the end of the Building Drain and which receives the discharge of the Building Drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The Building Sewer or Sewer Lateral begins at the wye or point of connection with the public sewer, private sewer, individual sewage disposal system or other point of disposal and terminates at the point of connection to the Building Drain two feet outside the building wall.

SECTION II. Chapter 4. – Fees and Charges: of Ordinance No. 3-23-71, previously amended by Ordinance No. 1-11-72, 4-11-72, 4-10-73, 12-26,74, 11-28-78, 12-4-79, 8-12-80, 3-3-81, 12-7-82 and 11-1-83, is hereby amended as follows:

Section 3. – “Fees and Charges”

(d) Plan Approval and Sewer Permit Fees

The charge payable to the District for review and plan approval and for issuance of a sewer permit shall be as follows:

<u>Classification</u>	<u>Plan Approval</u>	<u>Permit</u>
Single Family Dwelling	\$10.00	\$70.00
Multiple Family Dwelling, Condominium	\$10.00 per bldg.	\$70.00 per Building Sewer
School Buildings or Churches	\$10.00 per bldg.	\$70.00 per Building Sewer
Commercial Building	\$10.00	\$150.00
Industrial Installments (a) Contributing domestic flow only.	\$10.00	\$150.00

(b) Contributing industrial waste as defined by Section 5 Ordinance No. 1-12-71A.	\$100.00 min.*	3% of est. cost of private sewer system
Miscellaneous Installations	\$10.00 min.*	\$70.00 min. or 3% est. cost of private system
Minor Repairs & Alterations (including Cleanout & Backwater Overflow Prevention Device)	No charge	\$70.00

* The total fee will be based on the cost of staff time spent reviewing and processing the application, plus consultant and other actual charges. The applicant will be billed upon completion of plan review. All fee payments are due prior to final inspection. Final inspection will not be made until all fees are received.

(e) Large Developments and Tentative Map Review Fees

Large Developments

Large Developments are developments that are greater than one acre and have estimated equivalent residential dwelling units greater than 12 per acre. Large Developments shall pay a minimum plan review fee of \$400.*

Tentative Map/Minor Subdivision

Each person submitting a tentative map or minor subdivision to the District for review and approval in accordance with the provisions of Chapter 5 of this ordinance shall pay a fee at the time of tentative map submittal in accordance with the following schedule:

<u>Number of Proposed Lots in Subdivision</u>	<u>Minimum Tentative Map Review Fee</u>
Minor Subdivision (2-4 lots)	*\$150
5-20	*\$200
21-99	*\$400
100 or more	*\$600

* The total fee will be based on the cost of staff time spent reviewing and processing the application, plus consultant and other actual charges. The applicant will be billed upon completion of plan review. All fee payments are due prior to final inspection. Final inspection will not be made until all fees are received.

SECTION III. Chapter 5. – Planning and Subdivisions: of Ordinance No. 3-23-71, is hereby amended as follows:

Section 8 – “Improvement Plans” is hereby amended by adding the following:

At the completion of construction and before Acceptance of the Work, the Owner shall submit to the Engineer stamped and signed copies on Mylar showing all As-Built changes to the improvement plans. Owner shall also submit the As-Built drawings in electronic form in the format approved and utilized by the District for the District’s use.

SECTION IV. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To that end, all provisions of this Ordinance are severable. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses, or phrases are held unconstitutional, invalid or unenforceable.

SECTION V. Effective Date.

Upon passage and publication of this Ordinance or a summary thereof pursuant to Health & Safety Code §6490 and §6491.3, this Ordinance shall take effect on July 1, 2004.

PASSED AND ADOPTED this 15th day of June, 2004, by the
following vote:

AYES:	Soltow, Schmidt, Battaglia, Oliver, Granzella
NOES:	None
ABSENT:	None