

**ORDINANCE OF THE BOARD OF DIRECTORS OF WEST COUNTY
WASTEWATER DISTRICT, COUNTY OF CONTRA COSTA, CALIFORNIA**

ORDINANCE NO. 1-02-08

**REQUIRING TESTING, INSPECTION, REPAIR AND REPLACEMENT
OF BUILDING SEWERS AND SEWER LATERALS**

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

SECTION I. Title 8, Chapter 8.15 of the West County Wastewater District Code ("District Code") is hereby amended by adding Section 8.15.230 as follows:

SECTION 8.15.230. TESTING OF BUILDING SEWERS OR SEWER LATERALS

(a) PURPOSE.

The purpose of this ordinance is to provide for operation and maintenance of the District's sewer system in a reliable and serviceable condition, to eliminate or minimize Sewage overflows by eliminating or minimizing stoppages and reducing sources of infiltration and inflow into the District's sewer system, and to comply with applicable legal requirements pertaining to the District's sewer system.

(b) DEFINITIONS.

The words and phrases "Building Drain", "Building Sewer", "Sewer Lateral", "Building Wall" and "Public Sewer" shall have the same definitions they have under Section 8.15.040 of the District Code. All other words and phrases used in this Ordinance shall have the same definitions as they have under Section 8.15.010 of the District Code and any other codes or sources incorporated therein or adopted thereby.

(c) TESTING OF NEW BUILDING SEWERS OR SEWER LATERALS.

All new Building Sewers and Sewer Laterals shall be tested by air, water or video inspection method. The method used shall be at the discretion of the District. The test section shall be throughout the full length of the Building Sewer or Sewer Lateral. The air, water or video inspection test of a new Building Sewer or Sewer Lateral shall conform to all testing requirements established or utilized by the District in its discretion.

(d) TESTING OF EXISTING BUILDING SEWERS AND SEWER LATERALS

(i) **General.** It shall be unlawful for any owner of a house, building, property or other structure connected to the District's sewer system to maintain a Building Sewer or Sewer Lateral in a defective condition. As used in this ordinance, "defective condition" includes, but is not limited to (A) displaced joints, (B) root intrusion, (C)

substantial deterioration, (D) damaged or missing cleanout, (E) damaged or missing backwater overflow prevention device required pursuant to Section 8.15.170 of the District Code, (F) in a condition that will allow infiltration and inflow of extraneous water or exfiltration of sewage, (G) in a condition that materially increase the possibility of a blockage or overflow, (H) constructed without a proper permit or with materials not approved by the District, (I) lack of a manufactured connection to the District's sewer system, (J) otherwise in violation of District requirements or (K) in such a condition that the tests required by this Section cannot be accomplished to the satisfaction of the District.

(ii) **Conditions Requiring Cleaning and Testing of Building Sewers or Sewer Laterals.** All Building Sewers or Sewer Laterals, including but not limited to those serving residential, multiple residential and commercial properties connected to the District's sewer system shall be cleaned and tested, at the property owner's expense, when any of the following events occur:

(A) The installation of additional plumbing facilities that produce a major increase, in the judgment of the District, in Sewage flow from the house, building, property or other structure served.

(B) A change of use of the house, building, property or other structure served from residential to business, commercial, or other non-residential, or from non-residential/non-restaurant/non-industrial to restaurant or industrial uses such as carwashes, cleaners and laundries.

(C) Upon repair or replacement of a portion of the Building Sewer or Sewer Lateral.

(D) Upon a determination of the District that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare.

(E) Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served. A transfer of ownership between family members does not require testing if reassessment of the value of the property by Contra Costa County is not required.

(F) In a probate or other testamentary proceeding or in the event of a transfer pursuant to the terms of a revocable living trust, joint tenancy termination or other similar instrument, within 180 days after the sale, transfer or conveyance

of the house, building, property or other structure connected to the District's sewer system.

(iii) Testing Criteria for Existing Building Sewers and Sewer Laterals.

The owner or an agent of the owner of a house, building, property or other structure connected to the District's sewer system shall notify the District at least twenty-four (24) hours prior to testing so the District has the opportunity to witness the testing. All Building Sewers or Sewer Laterals shall be tested by television video inspection method in accordance with all requirements imposed by the District. When cleaning and testing of an existing Building Sewer or Sewer Lateral is required, the Building Sewer or Sewer Lateral shall first be cleaned, and then tested via an internal video inspection for the full length of the Building Sewer or Sewer Lateral. The internal video inspection shall be completed by a Person and/or firm competent by experience to perform the work. Video recordings of the inspection shall be submitted to the District for verification of the condition of the Building Sewer or Sewer Lateral. A Building Sewer or Sewer Lateral will comply with the provisions of this Chapter if video inspection verifies all of the following conditions as approved by the District:

(A) The Building Sewer or Sewer Lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of Sewage.

(B) There are no illicit or illegal connections to the Building Sewer or Sewer Lateral such as roof or yard drainage facilities.

(C) All joints in the Building Sewer or Sewer Lateral are tight and sound to prevent the exfiltration of Sewage and the infiltration of groundwater.

(D) The Building Sewer or Sewer Lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

(E) The Building Sewer or Sewer Lateral is equipped with at least one (1) cleanout located within five (5) feet of the building footprint and with a backflow protection device as required by Section 8.15.170.

(F) None of the other defective conditions referred to in Section 8.15.230(d)(i) exist.

A video inspection shall be valid for a period of six months from the date of the video.

(iv) **Testing Failure Mitigation.** When an existing Building Sewer or Sewer Lateral fails to meet the conditions required by Sections (d)(ii) and (d)(iii), the property owner shall cause all repairs necessary to bring the Building Sewer or Sewer Lateral to be made to the satisfaction of the District, or replace the Building Sewer or Sewer Lateral in accordance with all District requirements. All costs of repair or replacement of the Building Sewer or Sewer Lateral shall be borne by the property owner.

(v) **Building Sewer and Sewer Lateral Compliance and Issuance of Certificate of Compliance.** The District shall review the final submitted video for compliance with the conditions contained in Section (d)(iii). When all conditions are met to the satisfaction of the District, as verified by the video tape inspection, the Building Sewer or Sewer Lateral shall be certified as complying with the provisions of the District Code. The District shall thereupon issue a Certificate of Compliance to the property owner, noting that the Building Sewer or Sewer Lateral serving the property is properly equipped, structurally sound, meets the service conditions of the West County Wastewater District, and will not require testing for a ten (10) year period from the date of issuance unless the District has reason to believe the Building Sewer or Sewer Lateral may have become defective since issuance of the Certificate of Compliance or unless any of the conditions in Section (d)(ii) occur.

(vi) **Repair or Replacement of Building Sewers and Sewer Laterals upon Sale or Transfer of Property.** The repairs or replacement of Building Sewers or Sewer Laterals described in Section (d)(iii) that result from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a Building Sewer or Sewer Lateral shall be completed within 180 days after the probate sale or other transfer.

(vii) **Hardship Deferrals for Building Sewers and Sewer Laterals Repair or Replacement.** In the event that the property owner establishes to the satisfaction of the District that repair or replacement of a Building Sewer or Sewer Lateral before the close of escrow in a non-probate sale will result in undue hardship inconsistent with the purpose or intent of this Chapter, a request for hardship status may be submitted to the District General Manager. The District General Manager shall make a hardship finding only if the requesting property owner presents facts that clearly demonstrate, in the District General Manager's sole discretion, that the property owner's payment for and completion of a Building Sewer or Sewer Lateral repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the property owner who is selling the property (or the property owner who is purchasing the property) shall have up to 180 days after the close of escrow or other transfer of the property to repair or replace the Building Sewer or Sewer Lateral.

(A) For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the Building Sewer or Sewer Lateral impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Building Sewer or Sewer Lateral extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the District General Manager.

(B) Any property owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the property owner that the Building Sewer or Sewer Lateral repair or replacement requirement is only deferred up to 180 days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

(C) In the event of a failure to comply with the this Ordinance within the allotted time, the District may bring an enforcement action and exercise any other remedy provided by the District Ordinance Code applicable law against the property owner and any other responsible party. In addition thereto, any property owner who fails to fully comply with this Ordinance shall be responsible for all damages that arise from or relate to such failure. For purposes of this Section, “damages” include all compensatory damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

(viii) **Extension of Time for Building Sewer or Sewer Lateral Repairs and Replacements.** A property owner may request that an extension of time be granted for repairs or replacements that are required as a result of testing associated with the sale or transfer of property in a non-probate transaction. Extension requests shall be in writing and must include at the time of the extension request the name and contact information of the party responsible for accomplishing the repair or replacement of the Building Sewer or Sewer Lateral. The District will review the request and may grant a time extension of up to, but no more than, 180 days after the close of escrow on the subject property.

(ix) **Common Interest Developments.** The homeowners association of a Common Interest Development shall, provide video inspection verification of all privately owed Building Sewer or Sewer Lateral within the common interest areas at least once every ten years for duties and obligations imposed by this Title 8 of the District Ordinance Code in relation to any

Building Sewer or Sewer Lateral located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations with respect to Building Sewer or Sewer Lateral established by this Title 8 of the District Ordinance Code

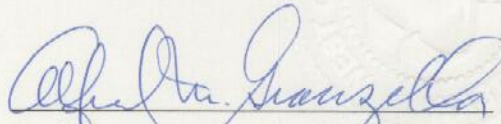
This ordinance shall take effect upon expiration of the week of publication.

PASSED AND ADOPTED this 2nd day of January 2008, by the Following vote:

AYES: Soltow, Caine, Battaglia, Schmidt, Granzella

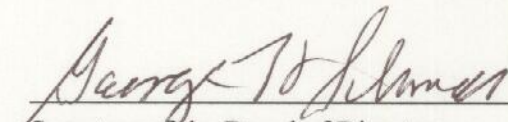
NOES: None

ABSENT: None



President of the Board of Directors
West County Wastewater District
Contra Costa County, California

ATTEST:



Secretary of the Board of Directors
West County Wastewater District
Contra Costa County, California