



Adopted 09/10/2019  
Board of Directors  
DOC-2019-724

## ORDINANCE NO. D-91

### DAVENPORT COUNTY SANITATION DISTRICT SANTA CRUZ COUNTY, CALIFORNIA

AN ORDINANCE AMENDING DISTRICT CODE TITLE 1, CHAPTER 1, CODE ADOPTION, TITLE 3, CHAPTER 3.08, WATER SERVICE AND CONNECTIONS, TITLE 4, CHAPTER 4.04, SEWER SERVICE RULES AND REGULATIONS (VARIOUS SECTIONS)

The Board of Directors of the Davenport County Sanitation District DO ORDAIN as follows:

#### SECTION I

**Section One.** Section 1.01.090 of Title 1, Chapter 1.01, "General Provisions", of the Davenport County Sanitation District Code, "Violation - Penalty", is hereby added to read as follows:

1.01.090 Violation - Penalty. Except as this code may otherwise permit, following the effective date of the ordinance codified in this code it shall be unlawful for any person to violate the provisions of this code. Any person violating the provisions of this code shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine not to exceed one thousand dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. Fines assessed by any judgement made by the District as a result of noncompliance with this code shall be paid to the District within thirty days of the date of citation. The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this code.

#### SECTION II

**Section Two.** Section 3.08.080 of Title 3, Article II, "Connection Charges", of the Davenport County Sanitation District Code, "Amount of connection charge –New facilities", is hereby amended to read as follows:

**3.08.080 Amount of connection charge – New facilities.**

The amount of the connection charge shall be determined in accordance with the following schedule:

A. For each new residential facility, including new facilities added to existing multiple dwellings, three thousand dollars plus one hundred fifty dollars per fixture unit where the number of fixture units exceeds eighteen as determined and defined under the most recent published California Plumbing Code, Drainage Fixture Unit Values (DFU) Table.

B. For each new commercial facility, twelve dollars multiplied by the estimated number of gallons of water used per day of average daily flow; provided, however, that the connection charge shall be not less than three thousand dollars.

Attachment: Ordinance No. D-91 DCSD Code (7770 : Ordinance D-91 final adoption, DCSD Code Titles 1, 3 and 4)

C. For each new public facility, including new facilities added to existing public facilities, the connection charge shall be based on the commercial facility rate, except that the board may, by resolution, amend, modify or waive connection charges for a particular public facility.

D. For any water connection permit issued for each residential structure identified as an accessory structure by the County Planning Department, specifically intended for (1) one or two-person households meeting the Income and Asset Guidelines requirements established by the Board of Supervisors resolution for lower income households; (2) senior households where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements for moderate or lower income households; or (3) one or two persons sharing residency with the property owner and who are related by blood, marriage or operation of law, or have evidence of a stable family relationship with the property owner; and (4) meeting all other requirements as specified by County Ordinance No. 4282; the connection charges will be as follows:

1. One-third for one bedroom; or
2. Two-thirds for two bedrooms

of the new residential connection charge described in Section 3.08.080 paragraph A of District Code for water connection charges. (Ord. 46 §1, 1994: Ord. 40 §2.2, 1993: Ord. 33 §1, 1990: Ord. 7 §2.2, 1983)

### SECTION III

**Section Three.** Section 03.08.110 of Title 3, Article II, "Connection Charges", of the Davenport County Sanitation District Code, "Flow rate-Determination by District engineer", is hereby amended to read as follows:

**3.08.110 Flow rate – Determination by District engineer.**

The District engineer shall determine flow rates to be applied to each facility under this article based on the California Plumbing Code or flow data provided by the owner of the facility and acceptable to the District engineer. (Ord. 7 §2.5, 1983)

### SECTION IV

**Section Four.** Section 4.04.030 of Title 4, Article I, "General Provisions", of the Davenport County Sanitation District Code, "Definitions", is hereby amended to read as follows:

**4.04.030 Definitions.**

Unless the context otherwise indicates, the words and phrases defined in this section shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section. For the purpose of this chapter, additional terms shall have the meaning indicated in the latest edition of the "California Plumbing Code", adopted by the California Building Standards Commission, copies of which are on file with the District Engineer. Terms not otherwise defined herein 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 Water Pollution Control Federation.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, appearing in 33 U.S.C.A. §1251 et seq.

"Applicant" means the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested or their authorized agent.

"Best management practice" (BMP) shall mean either any schedules of activities, prohibitions of practices, maintenance procedures, or other management practices to prevent or reduce the pollution of the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs also include pollution control practices designed to reduce the pollutants contained in discharges.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

"Board" means the Board of Directors of the Davenport County Sanitation District.

"Building" means any structure used for human habitation or a place of business, recreation, or for other purposes, containing sanitary facilities.

"Building Drain" means that part of the lowest horizontal piping of wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

"Building sewer" (Private Sewer Lateral) means that part of wastewater drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer main; includes: clean outs, overflow valves, backflow valves, wye branches, connection to sewer main, forced sewer piping, gravity sewer piping, and appurtenances.

"Clean Water Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., Stat. 816 PL 92-500. Any terms defined in the Federal Clean Water Act, and acts amendatory thereof or supplementary thereto, or defined in the regulations promulgated pursuant to said Act (as may from time to time be amended) and used in this Chapter shall have the same meaning as in that statute or those regulations.

"Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

"Commercial User" means any commercial business not in an industrial classification.

"Compatible pollutant" means BOD, suspended solids, pH, grease and oil; fecal coliform bacteria, and such additional pollutants as are now, or may be in the future, specified and controlled in the County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

"Connector" means any owner of any premise connected to the sewer system.

"Contractor" means any person, firm, corporation, partnership, or association duly licensed by the state of California to perform the type of work to be done on sewerage facilities.

"County" means the County of Santa Cruz, California.

"District" means the Davenport County Sanitation District.

"District Engineer" means the Director of the Department of Public Works of the County or any person designated by the Board.

"Domestic sewage" means a combination of liquids or water carrying human waste, laundry water, and kitchen waste from residential, business or industrial buildings.

"Domestic waste" means liquid wastes (i) from the noncommercial preparation, cooking and handling of food, or (ii) containing human waste and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

"Illicit Discharge" means any discharge to the County storm water sewer system not composed entirely of storm water except, discharges pursuant to a NPDES permit or those charges resulting from firefighting activities.

"Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

"Indirect Discharge" means introduction of pollutants into a POTW from any nondomestic source regulated under section 307 (b), (c), or (d) of the Act.

"Industrial user" means a source of indirect discharge.

"Industrial wastewater" means wastewater from any source including an industrial plant or facility which introduces toxic pollutants, as defined in 40 CFR 116 and 40 CFR 401, into publicly owned treatment works.

"Interference" means a discharge which, alone or in conjunction with a discharge or

discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2. Therefore is a cause of violation of any requirement of POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
  - a. Section 405 of the Clean Water Act,
  - b. The Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA,
  - c. The California Domestic Water Quality and Monitoring Regulations (Title 22 of the California Code of Regulations),
  - d. The Clean Air Act,
  - e. The Toxic Substances Control Act,
  - f. The Marine Protection, Research and Sanctuaries Act.

"Installer" means any person who installs main sewers within the District for connection to the District sewer system.

"Main sewer" means sewer main.

"National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

"Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, firm, company, partnership, corporation, association, group or society, and includes the state of California, and agencies, Districts, commissions and political subdivisions created by or pursuant to state law.

"pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.



"POTW" means Publicly Owned Treatment Works. Works qualify as publicly owned if any portion of the works are publicly owned.

"Premises" means any lot, parcel of land, building or establishment.

"Pretreatment" means application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of, the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

"Pretreatment standards" means all applicable Federal rules and regulations implementing Section 307 of the Act, as well as any state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"Private sanitary sewer collection system" means a sewer collection system serving any commercial business, any sewer collection system serving four (4) or more units including but not limited to: apartment complexes, mobile home parks, condominiums, cooperative apartment buildings, as well as any sewer collection system with a privately owned and maintained sewer lift station.

"Private sewer lateral" means the building sewer.

"Public sewer" means a sanitary sewer which is maintained by the District.

"Sewer" means a conduit for carrying off sewage.

"Sewer main" means a public sewer designed to accommodate more than one building sewer.

"Significant industrial discharger" means any industrial user of the District's wastewater treatment system who meets one or more of the following:

1. Has a discharge flow of twenty- five thousand gallons or more per average work day;
2. Has in its waste toxic pollutants as defined pursuant to section 307 of the Act;
3. Is found by the County, SWQCB or the US EPA to have significant impact, either singly or in combination with other contributing industries, on the system's effluent quality, or air emissions generated by the system;
4. A waste stream discharge which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the District works wastewater treatment system.

"Significant noncompliance" means user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits:

- a. Chronic Violations. Sixty-six percent or more of all the measurements taken for the same pollutant parameter exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of concentration over the most stringent limit) a numeric Pretreatment Standard or Requirement, including instantaneous limits.
- b. Technical Review Criteria (TRC) violations. Thirty- three percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC.
  - i. Group I TRC for conventional pollutants (BOD, TSS, fats, oil and grease): TRC = 1.4
  - ii. Group II TRC for all other pollutants except pH: TRC = 1.2
2. Violations of compliance schedule milestones for starting construction, completing construction, and attaining final compliance by ninety days or more after the schedule date.
3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports and periodic reports) within 45 days of the due date.
4. Failure to accurately report non-compliance.
5. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of the POTW, personnel or the general public.
6. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
7. Any other violation or group of violations, which may include a violation of Best Management Practices which the District determines will adversely affect the operation or implementation of the local Pretreatment Program.

"Sludge" means a semi-liquid sediment, resulting from the accumulation of settleable organic and/or inorganic solids deposited from wastewaters or other fluids.

"Slug loading" means either:

1. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the District works or causes the pass-through of pollutants to

receiving waters, or

2. Any discharge of a pollutant (s), measured by a grab sample, at a concentration exceeding five times the composite or grab sample discharge limit, or

3. Any discharge of wastewater outside the pH range of five through ten for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day.

"Storm water" means rainwater, surface water, groundwater, roof runoff and subsurface drainage.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Unit" or "dwelling unit" means separate living quarters for one or more persons having a separate kitchen or toilet facilities.

"Unpolluted water" means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

"User" means any person who discharges, causes or permits the discharge of wastewater into the POTW system.

"User classification" means a classification of user based on the latest edition of the Standard Industrial Classification (S.I.C.) Manual prepared by the office of management and budget.

"Wastewater" means the liquid and water-cared industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the District works system.

"Wastewater treatment system" means any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements used to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be a part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"Work" means any work directly involved with the sewers.



"Works" shall include sewage treatment plants, intercepting and collecting sewers, outfall structures, sewers, force mains, pumping stations, ejector stations, aerated lagoons and all other appurtenances necessary, useful or convenient for the treatment, purification or disposal of swage

## SECTION V

**Section Five.** Section 4.04.190 of Title 4, Article III, "General Regulations for Building Sewers", of the Davenport County Sanitation District Code, "Construction Requirements", is hereby amended to read as follows:

### 4.04.190 Construction Requirements.

The construction of the building sewer and the connection to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. New and existing plumbing fixture tallies shall be part of the required inspection. If more fixture units are determined than what was paid at the time of permit issuance, then payment for the extra fixture unit charges shall be made prior to building occupancy or permit sign-off. If an excessive amount of unapproved fixtures have been installed without permit, then the owner must first receive written approval from the District for those fixtures to remain connected to the District's sewer before building occupancy will be granted. The District engineer may determine where and how the connection is to be made. The private sewer lateral shall be installed and connected to public sewer by a contractor licensed in the state of California. (Ord. 1 §3.1, 1979)

## SECTION VI

**Section Six.** Section 4.04.240 of Title 4, Article III, "General Regulations for Building Sewers", of the Davenport County Sanitation District Code, "Old building sewers to meet requirements", is hereby amended to read as follows:

### 4.04.240 Old building sewers to meet requirements.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing, to meet all applicable requirements. The applicant must provide a video and video inspection report completed by a licensed plumber to the District, per current District requirements. The District will determine if the new or existing building may connect to the old building sewer, or if repairs or replacement of the old building sewer are required before connection is allowed. (Ord. 1 §3.6, 1979)

### **Exception:**

If the entire old building sewer was constructed and approved by inspection by the District within the twenty years prior to the application date, a video and video inspection report will not be required. The applicant must provide documentation proving the installation/inspection date of the building sewer and obtain District approval prior to connection.

## SECTION VII

**Section Seven.** Section 4.04.445 of Title 4, Article V, "Use of Sewers", of the Davenport County Sanitation District Code, "Private Sanitary Sewer Systems", is hereby amended to read as follows:

**4.04.445 Private Sanitary Sewer Systems.**

- A. All sewer lines, lift stations, and appurtenances from the building wall to and including the connection to the public sewer main are the property of the owner of the parcel upon which the connected building sited. All property owners whose properties are connected to a public sewer main or otherwise connected to the District's sewer system by sewer lateral shall, at their own expense, maintain the private sanitary sewer collection system and private sewer lateral in a fully functioning condition and ensure the lines are free of cracks, fractures, voids, leaks, inflow or infiltration of extraneous water, exfiltration of sewage, root intrusion, obstructions, offset joints, sub-standard materials, faulty mainline connections or other defects identified by the District. Property owners shall ensure that lines drain freely to the sewer main without excessive sags that collect grease and sediments. Owners shall also ensure that pump or lift stations are maintained in proper working order.
- B. Owners of Private sewers shall ensure that they are maintained per Section 04.04.466
- C. Private Sewer Repair.
1. Should more than two overflows occur within a six-month period, it is required that the private sewer be video recorded and repaired or replaced and certified in writing, by a licensed plumber, to be in good working condition and free of obstructions and/or breaks.
  2. Before close of escrow, (in transfer of title sales only) any property that includes buildings or structures, connected to a private sewer lateral, constructed more than 20 years before the date of sale and has not had its sanitary sewer system inspected and approved by District within the past 20 years shall have the sanitary sewer system video inspected and evaluated by a licensed plumber, using the District's current inspection report. The District shall determine if the private sewer is in good working order and free of the conditions listed in subsection (C)(3) below. The testing, inspection and repair shall be the responsibility of the seller; and shall be nontransferable to the buyer. The District will not assume responsibility for the costs of testing, inspection, or repair. Requirements of this ordinance must be disclosed by the seller to the buyer in a timely manner prior to the close of escrow. The District shall have ten working days from the date of the plumber's inspection report and video submittal to provide review comments to the plumber. If the District finds that the submitted video and inspection report are not complete or do not meet District standards, the District shall have ten working days from the date of completed resubmittal to provide review comments.

- a. Option to Transfer Seller's Responsibility to Buyer. Before the sale of property, the seller and buyer of the property may mutually agree to transfer the responsibility for making any needed repairs to the private sewer lateral in compliance with this chapter, to the buyer. In the event the buyer agrees to assume responsibility for repairing the private sewer lateral, the seller shall provide the inspection video and inspection form (reviewed by the District) to the buyer, which indicates the repairs needed to meet the District's standards. The buyer shall then complete the repairs to meet the District's standards no later than ninety calendar days after the date the Transfer of Responsibility is accepted by the District. Before the time of sale, the seller and buyer shall complete the following procedures:
  - i) Both the seller and buyer shall sign a Transfer of Responsibility to Repair Form certifying that the seller has completed an inspection, obtained repair requirements from the District, and that the buyer has assumed responsibility for these required repairs; and
  - ii) The signed Transfer of Responsibility to Repair Form must be accepted by the District before the close of escrow and included in the real estate transfer documentation.

#### Verification of Compliance.

The seller (or buyer if a valid Transfer of Responsibility to Repair Form exists) shall verify compliance with this chapter by obtaining a completed County of Santa Cruz Sanitation District Permit, stamped and signed by the District Inspector.

3. The private sewer must be replaced or repaired if a licensed plumber or the District encounters any of the following during inspection: obstructions, root intrusion, offset or leaky joints, cracks, fractures, voids, breaks, significant sags, damaged or defective cleanouts, inflow and infiltration of extraneous water, exfiltration of sewage, older pipe materials that are known to be inadequate, appurtenances and materials that are defective or substandard, damaged sewer main connections, other defects identified by the District, inadequate lift or pump stations, and inadequate alarm systems for overflows.

4. An existing private sewer lateral may only be connected to by a new or existing building when video inspection of the private sewer lateral has shown, to the satisfaction of the District Engineer, that none of the conditions in (C)(3) of this section are present.(Ord. F-15 §3, 2012) See Section 4.04.240 for additional requirements and exceptions.

5. Before the District will permit a building remodel or building addition, the applicant must provide to the District a video and inspection report for

the existing private sewer lateral completed by a licensed plumber per current District requirements. The District will determine if the remodeled building or building addition may be permitted or if repairs or replacement of the existing private sewer lateral are required prior to permitting. Conditions in subsection (C)(3) above are grounds for repairs.

**Exceptions:**

- a. If the applicant can provide documentation proving the entire existing private sewer lateral was constructed and approved by inspection by the District within the twenty years prior to the application date, a video and video inspection report will not be required.
- b. This section does not apply to remodels that do not consist of the following:
  - i. an increase in the square footage of the building; or
  - ii. an increase in the previously permitted plumbing fixture units within the building.

D. Cleanout and Overflow Devices. A cleanout and an overflow device approved by the District Engineer shall be installed and maintained, at the sole expense of the property owner, on all private sewer laterals. In general, the overflow device shall be located as close to the building wall as practical. The installation of the devices shall be required as follows:

1. When building a new structure on a property with an existing sewer system, or when otherwise proposing to connect a previously unconnected structure to an existing private sewer;
2. As a condition of approval of any major building remodel project. A major building remodel project increases the square footage of the building or increases the previously permitted plumbing fixture units within the building;
3. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
4. Whenever the District finds that a sewage spill emanating from a private sewer system presents a threat to public health, even if it has not flowed across a property line.

E. The District may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property,

according Section 4.04.446 (B)(2)

F. The District may impose civil administrative penalties against a property owner who fails to comply with the escrow requirements of Section 3.04.445(C)(2) according to the following: Any person who intentionally violates the escrow requirements of this chapter or any regulations of the District is guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed thirty days, or both. Fines assessed by any judgment made by the District as a result of noncompliance with District standards shall be paid to the District within fifteen days of the date of the assessment.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the sewer system to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

G. The District may disconnect any premises from the public sewer if required repairs are not made. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the public sewer. In the event such arrearages are paid, and premises are reconnected to the public sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action.

## SECTION VIII

**Section Eight.** Section 4.04.446 of Title 4, Article V, "Use of Sewers", of the Davenport County Sanitation District Code, is hereby amended to read as follows:

### **4.04.446 Private Sewer Maintenance.**

A. Property Owners shall be responsible for the maintenance, repair and proper operation of the private sewer laterals and/or private sanitary sewer collection system that connects the sanitary sewer building drain(s) to the public sewer main, including the connection, regardless of whether any part of the private sewer lateral or private sanitary sewer collection system is located on private property or within the public right-of-way. The District shall have no responsibility or obligation for the maintenance, repair, or proper operation of such private sewer lateral or private sanitary sewer collection system. Property owners shall ensure that private sewers are maintained to prevent sanitary sewer overflows and limit exfiltration of sewage, inflow, and infiltration of extraneous water.



1. Owners of private sanitary sewer collection systems shall clean the entire system, once annually, at the minimum, to ensure the line is free of obstructions. Prior to cleaning, the owner shall notify the District and obtain approval. Records of said cleanings shall be retained by the owner and furnished to the District upon request.
2. Owners of private sanitary sewer collection systems shall obtain video inspections and inspection reports meeting the District's current requirements on all the private sewers in their entire system (laterals and private sewer collection lines) by January 1, 2022. All videos and inspection reports shall be provided to the District. The District will determine any necessary repairs/replacement and provide notice to the property owner. This video inspection/District review process shall be repeated every twenty years (at minimum).

**Exemption:**

Those portions of the private sanitary sewer collection systems which the owner can prove to the District have been constructed, inspected and approved by the District inspector within the twenty years prior to January 1, 2022, do not require submission of videos and inspection reports to the District on January 1, 2022. However, when videos of the private sanitary sewer collection system are required by the District for the next twenty-year video cycle, these previously un-videoed portions of the system will require videos and inspection reports, along with the rest of the system.

3. Owners of private sanitary sewer collection systems shall prepare a maintenance program for the system addressing the operation, maintenance, and inspection of the lines, pump stations, and appurtenances in the system. A document outlining said program shall be provided to the District prior to July 1, 2023, or as required by the District Engineer. The document shall contain a schedule to complete all repairs deemed necessary by the District based on the District's review of the previously submitted videos and inspection reports as outlined in Section 4.04.466 (A)(2). The maintenance program and repair schedule shall be updated at least every twenty years, or more frequently as needed.
4. Building owners shall have the private sewer lateral serving their building inspected by a licensed plumber using video inspection every ten years (at minimum) to ensure that the lateral is in good condition. Videos and corresponding inspection reports shall be retained by the owner and furnished to the District upon request.
5. Owners of private pump stations shall inspect and maintain the system annually (at minimum) to ensure that pump station failure does not result in a sanitary sewer overflow. The District may request maintenance and repair records at any time.
6. Maintenance of all private sewers (private sewer laterals and private sanitary sewer collection systems) shall include but not be limited to:
  - a. removing grease, settled debris, roots, and other obstructions;

- b. replacing failed or deteriorating pipe segments or appurtenances;
  - c. repairing or eliminating non-watertight joints;
  - d. repairing or replacing pipe segments containing voids, cracks, or fractures;
  - e. correcting offset joints;
  - f. repairing connections to the public sewer main;
  - g. eliminating sags;
  - h. replacing materials or appurtenances not meeting current District standards, as deemed necessary by the District; and
  - i. removing any non-sanitary sewer connections from the building sewer.
7. The property owner shall be responsible for clearing any and all obstructions in the private sewer lateral and/or private sanitary sewer collection system immediately upon discovery and/or notification by the District. Prior to any cleaning or repair work on the private sewer, the owner shall notify the District and gain necessary approvals.

**B. Sanitary Sewer Overflows from Private Sewers.**

**1. Corrective Action.**

If a building drain, private sewer lateral, or private sanitary sewer collection system is not operating properly and causes the discharge of wastewater to any location outside of the building, it is considered a sanitary sewer overflow. Any sanitary sewer overflow condition shall constitute a public nuisance to be abated by the property owner. The following procedure shall take place:

- a. The property owner shall:
  - 1) take immediate action to stop the overflow immediately and have sewer blockages, breaks, and other deficiencies permanently repaired by a licensed plumber; and
  - 2) notify the District within twelve hours upon discovery or occurrence of the overflow.
- b. The District shall request abatement of the overflow and inspection of the private sewer by serving a Notice of Violation (N.O.V.) to a property owner, or posting the

N.O.V. conspicuously on, or in front of, the building. The N.O.V. shall be deemed effective immediately upon service and begin the timeline for correcting and abating the sanitary sewer overflow.

- c. Within seventy-two hours of service or posting of the N.O.V., the property owner shall have a licensed plumber inspect the private sewer (lateral and private collection lines, as needed) internally by a closed-circuit television camera to determine the cause of the overflow and identify remedial actions needed to bring the condition of the private sewer up to District standards. The property owner or licensed plumber shall submit to the District the video and a written inspection report describing the cause of the overflow and the remedial actions taken to repair the private sewer. The District shall evaluate the report and video and make a determination as to the acceptability of the remedial actions and whether additional remedial actions, including full or partial replacement of the private sewer lateral and/or private sanitary sewer collection system, shall be taken.
  - d. Within fourteen calendar days after service of the N.O.V., the property owner must have obtained all required permits and completed all necessary repairs to bring the condition of the private sewer up to District standards and submit evidence of the repair or corrective action to the District.
2. Penalties for Non-Compliance/Abatement by the District.

In addition to exercising any other remedies, if the corrective action is not completed within the required timeframes, the District may notify the owner of the private sewer of its intent to record an abatement order and may thereafter abate the nuisance at the owner's expense, including assessing an administrative fee to reimburse the District for all related administrative costs. The property owner may also be assessed civil penalties for failure to comply in the amount of a minimum of \$500 or as otherwise set by Board resolution for each day the violation continues after expiration of:

- a. the fourteen day deadline specified above; or
- b. other deadline for repair or corrective action as set by the District.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the private sewer to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

3. Appeal.

Any appeal of an abatement order will be in accordance with Article I and as described herein. In the event that the District Engineer notifies the owner of its intent to record an abatement order and charge costs for abatement, enforcement, and/or assess civil

penalties to the property owner, the property owner may request an appeal hearing in writing to the Secretary of the board in accordance with the provisions of Article I and payment of an appeal fee as set by the District within ten calendar days from the date of service of the notice of intent to record the order. Absent such an appeal, the abatement order shall constitute a final administrative decision confirming such costs, and a lien or special assessment on the property may be recorded with the County Recorder without further hearing for failure to pay within sixty days. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.

#### 4. Disconnection.

In addition, or alternative to any of the foregoing remedies, the District may disconnect any premises from the public sewer if remedial actions to correct sanitary sewer overflows are not timely taken in accordance with this code and the directions of the District Engineer, and/ or costs of abatement, including fees and penalties, are not paid. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the public sewer. In the event such arrearages are paid, and premises are reconnected to the public sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action.

### SECTION IX

**Section Nine.** Section 4.04.500 of Title 4, Article VI, "Treatment of Waters and Waste", of the Davenport County Sanitation District Code, "Abandoned interceptors", is hereby amended to read as follows:

#### 4.04.500 Abandoned interceptors.

Abandoned interceptors shall be pumped and filled as required for abandoned septic tanks pursuant to the California Plumbing Code and applicable county ordinances. (Ord. 1 §5.11(part), 1979)

## SECTION X

**Section Ten.** Section 4.08.080 of Title 4, Article II, "Connection Charges", of the Davenport County Sanitation District Code, "Amount of connection charge –New facilities" and is hereby amended to read as follows:

**4.08.080 Amount of connection charge – New facilities**

The amount of the connection charge shall be determined in accordance with the following schedule:

- A. For each new residential facility, including new facilities added to existing multiple dwellings, three thousand dollars plus one hundred fifty dollars per fixture unit where the number of fixture units exceeds eighteen, as determined and defined under the most recent published California Fixture Unit Values (DFU) Table.
- B. For each new commercial facility, twelve dollars multiplied by the estimated number of gallons of sewage discharged per day of average daily flow; provided, however, that the connection charge shall be not less than three thousand dollars, and, provided further, that in the event that the quality of waste discharged by a commercial facility is of such a character that it will impose a more than normal maintenance and operation burden on the District works, the amount of the connection charge for such commercial facility shall be determined by the board.
- C. For each new public facility, including new facilities added to existing public facilities, the connection charge shall be based on the commercial facility rate, except that the board may, by resolution, amend, modify, or waive connection charges for a particular public facility.
- D. For any sewer connection permit issued for each residential structure identified as an accessory structure by the County Planning Department, specifically intended for (1) one or two person households meeting the Income and Asset Guidelines requirements established by the Board of Supervisors resolution for lower income households; (2) senior households where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements for moderate or lower income households; or (3) one or two persons sharing residency with the property owner and who are related by blood, marriage or operation of law, or have evidence of a stable family relationship with the property owner; and (4) meeting all other requirements as specified by County Ordinance No. 4282; the connection charges will be as follows:
  1. One-third for one bedroom; or
  2. Two-thirds for two bedrooms

of the new residential connection charge described in Section 4.08.080 paragraph A of District Code for sewer connection charges. (Ord. 47 §1, 1994: Ord. 39 §2.2, 1993, Ord. 6 §2.2, 1983)



## SECTION XI

**Section Eleven.** Section 04.08.110 of Title 4, Article II, "Connection Charges", of the Davenport County Sanitation District Code, "Flow rate determination by District engineer", is hereby amended to read as follows:

**4.08.110 Flow rate determination by District engineer.**

The District engineer shall determine flow rates to be applied to each facility under this article based on the California Plumbing Code or flow data provided by the owner of the facility and acceptable to the District engineer. (Ord. 6 §2.5, 1983)

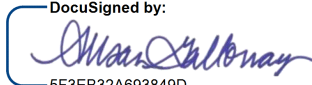
**Section Twelve.** Upon adoption, this Ordinance shall be entered in the minutes of the Board and shall be published once within fifteen days following its adoption in a newspaper published in the County and having general circulation in the District. This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

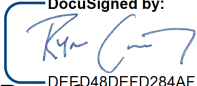
PASSED AND ADOPTED by the Board of Directors of the Davenport County Sanitation District, State of California, this 10th day of September, 2019, by the following vote:

AYES: DIRECTORS Leopold, McPherson, Friend, Caput, Coonerty

NOES: DIRECTORS None

ABSENT: DIRECTORS None

DocuSigned by:  
  
 5F3EB32A693849D...  
 ATTEST: Susan Galloway  
 Clerk of the Board

DocuSigned by:  
  
 DEED48DEFD284AF...  
 Ryan Coonerty  
 Chairperson of the Board

Approved as to form:

  
 Office of County Counsel

Distribution: County Counsel  
 Public Works

Attachment: Ordinance No. D-91 DCSD Code (7770 : Ordinance D-91 final adoption, DCSD Code Titles 1, 3 and 4)

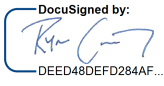
## Certificate Of Completion

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Source Envelope:	
Document Pages: 19	Signatures: 3
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Susan Galloway
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	2633 Camino Ramon Ste 500
	San Ramon, CA 94583
	susan.galloway@co.santa-cruz.ca.us
	IP Address: 207.7.154.9

## Record Tracking

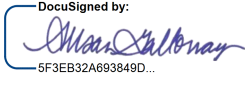
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9/12/2019 6:04:38 PM	susan.galloway@co.santa-cruz.ca.us	

## Signer Events

Signer Events	Signature	Timestamp
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Ryan.Coonerty@co.santa-cruz.ca.us		Viewed: 9/14/2019 5:34:33 PM
eSign		Signed: 9/14/2019 5:34:38 PM
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## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

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Susan.Galloway@co.santa-cruz.ca.us		Viewed: 9/16/2019 10:04:41 AM
Chief Deputy, Clerk of the Board of Supervisors		Signed: 9/16/2019 10:04:46 AM
County of Santa Cruz	Signature Adoption: Drawn on Device Using IP Address: 63.194.190.100	
Security Level: Email, Account Authentication (None)		

## Electronic Record and Signature Disclosure:

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County of Santa Cruz	Signature Adoption: Drawn on Device Using IP Address: 63.194.190.100	Freeform Signing
Security Level: Email, Account Authentication (None)		

## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

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## Agent Delivery Events

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## Intermediary Delivery Events

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## Certified Delivery Events

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## Carbon Copy Events

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Carbon Copy Events	Status	Timestamp
County Counsel dana.mcrae@co.santa-cruz.ca.us Accela, Inc. Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 9/16/2019 10:48:09 AM
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