

ORDINANCE NO. 60

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, THE INSTALLATION OF SEWER LATERALS, REQUIRING PERMITS FOR THE INSTALLATION OF SEWER LATERALS AND REGULATING PLUMBING, DRAINAGE AND SEWERING IN THE GOLETA WEST SANITARY DISTRICT

The Board of Directors of the Goleta West Sanitary District, Santa Barbara County, California, does hereby ordain as follows:

Section 1. Ordinance No. 3 is repealed.

Section 2. The following, Ordinance No. 60, is adopted in its place.

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ARTICLE I. DEFINITIONS

1.01 Definitions.

For the purpose of this ordinance the terms used herein are defined as follows.

(1) Applicant is the person making application for a permit for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

(2) Board of Directors or Board is the Board of Directors of the District.

(3) Building is any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

(4) Building Sewer is a sewer conveying wastewater from the premises of a user to a public sewer (i.e., the part of the horizontal piping beginning at the foundation wall of any building, including the lateral sewer, and terminating in the main sewer).

(5) Contractor is an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be the owner or his agent.

(6) County is the County of Santa Barbara.

(7) Discharge means to pump, to place, to deposit, or to permit or to cause to flow.

(8) District is the Goleta West Sanitary District.

(9) Garbage is solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

(10) General Manager or Manager is the General Manager of the District.

(11) Lateral Sewer is the portion of the side sewer within a public street.

(12) Outside Sewer is a private sewer beyond the limits of the District.

(13) Permit is any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of any sewage works.

(14) Person is any human being, firm, company, partnership, association, and private, public or municipal corporations, the United States of America, the State of California, districts and all

political subdivisions, governmental agencies and mandatories thereof.

(15) Plumbing System includes all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewage pipes within the property lines of the premises.

(16) Premises is a parcel of real estate, including any improvements thereon, that is determined by the District to be a single user for purposes of receiving, using, and paying for service.

(17) Private Sewer is one which has an independent sewage disposal not connected with a public sewer and which accommodates one or more buildings.

(18) Public Sewer is a sewer in a public right-of-way or easement held by the District or any sewer constructed by or owned by the District.

(19) Public Street includes all of any dedicated public right of way.

(20) Secretary is the Secretary of the Board.

(21) Sewage is a combination of water-carried wastes from buildings and industrial establishments connected to the District sewage system or from any private sewer.

(22) Sewage System consists of all facilities for collection, pumping, treating and disposing of sewage.

(23) Sewer is a pipe or conduit, which carries sewage and/or industrial wastes.

(24) Side Sewer is a Building Sewer, as defined above.

(25) Street is any public highway, road, street, avenue, alleyway, easement or right of way.

ARTICLE II. GENERAL PROVISIONS

2.01 Purpose.

This ordinance is intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in sanitary sewage facilities and in lateral sewers hereafter installed, altered or repaired. This ordinance shall not apply retroactively and, in the event of alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

2.02 Short Title.

This ordinance shall be known as the Goleta West Sanitary District Sewer Use Ordinance No. 60.

2.03 Violation Unlawful.

Following the effective date of this ordinance it shall be unlawful for any person to connect to, construct, install, provide, maintain, or use any other means of sewage disposal from any

building in the District, except by connection to a public sewer in the manner as provided in this ordinance.

2.04 Relief on Application.

(a) *Application.* When any person, by reason of special circumstances, is of the opinion that any provision of this or any other ordinance is unjust or inequitable as applied to his or her premises or circumstances, he or she may file a petition with the Board of Directors, citing the provision complained of, and requesting suspension or modification of that provision as applied to his or her premises.

(b) *Grant of Relief by Board.* If such application is approved, the Board may, by resolution, suspend or modify the provision complained of as applied to such premises, to be effective as of the date determined by the Board and continuing during the period of the special circumstances, or any part thereof.

2.05 Relief on Own Motion.

The Board may, on its own motion, find that by reason of special circumstances any provision of this or any other ordinance should be suspended or modified as applied to a particular person, building or parcel, and may, by resolution, order such suspension or modification for such person, building or parcel during the period of such special circumstances, or any part thereof.

2.06 Plumbing, Inspection, Compensation.

The Manager shall perform the duties of inspecting the installation, connection, maintenance and use of all lateral sewers and plumbing, sewerage, sanitary drainage work and facilities in connection therewith in the District. The Manager may delegate the inspection duties under this ordinance to any agent or employee of the District or governmental entity having jurisdiction and authority to perform such inspections.

2.07 Powers and Authorities of District Officers, Employees, and Delegates.

The officers, inspectors and any duly authorized employees or delegates of the District shall wear or carry an official badge of office or other evidence establishing their position as such and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings and properties for the purposes of inspection, reinspection, observation, measurement, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

2.08 Treatment of Wastes Required.

It shall be unlawful to discharge to any stream or watercourse any sewage or other contaminant.

2.09 Unlawful Disposal.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage, without all permits required by law.

2.10 Occupancy Prohibited.

No building or other structure shall be occupied unless the owner of the premises is in compliance with all rules and regulations of the District.

ARTICLE III. USE OF PUBLIC SEWERS

3.01 Connection to Public Sewer Required.

The owner of any building situated within the District requiring sewage disposal is hereby required at his or her expense to connect said building directly with the proper public sewer where such connection is required by the ordinances, rules, or regulations of the County of Santa Barbara or other applicable law.

3.02 Discharge Prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.

3.03 Drainage Into Sewers Prohibited.

No leaders from roofs and no surface drains for rainwater shall be connected to any sewer. No person shall discharge or cause to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water, into any sewerage facility that is directly or indirectly connected to any sewer.

3.04 Swimming Pools.

It shall be unlawful for any person to discharge the contents of a swimming pool into a sewer, without written permission from the District.

3.05 Duty of Sewer Service User to Report.

It shall be the duty of each owner of property connected to the District sewer system to report to the District all premises discharging waste into the District sewer. Any premises that are not so reported shall be deemed to have been connected to the District sewer from the date either (a) the property was first connected to the District sewer or (b) the individual parcel on which the unreported premises was established.

3.06 Unreported Connections.

Upon discovery of an unreported connection to the District sewer system, the District shall charge all current charges and fees, including all current connection charges, plus a ten percent (10%) basic penalty, up to three (3) years back charges for current sewer service fees, and a ten percent (10%) penalty on such back charges. All charges and fees pursuant to this section shall be billed and collected in the same manner as sewer service charges.

3.07 Protection from Damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the District's sewage system or connect to or disconnect from said

system, without District authorization and all permits required by law. Any person violating this provision shall be subject to the penalties provided by law.

ARTICLE VI. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

4.01 Compliance with District Specifications Required.

All sewer construction within the District must be in compliance with the Standard Specifications for the Construction of Sewer Facilities, as adopted by the Board of Directors, which may be amended from time to time.

4.02 Separate Sewers.

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer. Every building must be separately connected to a public sewer if such public sewer exists in the street upon which the property abuts or in an easement that will serve said property. However, two or more buildings located upon one parcel of real property may be served with the same side sewer during the period of ownership by one owner. Each such connection shall obtain a separate connection permit from the District. Upon the subsequent subdivision and sale of a portion of said lot the portion not directly connected with such public sewer shall be separately so connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain the original indirect connection.

4.03 Existing Building Sewers.

Existing building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Manager, to meet all requirements of the District.

4.04 Sewer Too Low.

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the Manager, and gravity discharged to the public sewer at the expense of the owner.

4.05 Protection of Excavation.

All excavations for side sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the city, county or any other person having jurisdiction thereover. The Manager may require steel plating on all excavations within 12 feet of any public access left open overnight.

4.06 Maintenance of Side Sewer.

Building or side sewers shall be maintained by the owner of the property served thereby.

4.07 All Work to Be Inspected.

All sewer construction work shall be inspected by the Manager or other authorized person to ensure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. Nothing shall be permitted to enter the

District's public sewer until the work covered by the permit has been completed, inspected and approved by the Manager. If the work is approved, the Manager shall issue a certificate of satisfactory completion.

4.08 Notification.

It shall be the duty of the person doing the work authorized by permit to notify the office of the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the test required by the District before giving the above notification.

4.09 Condemned Work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, the Manager or his or her delegate shall issue a written notice to that effect to the owner of the building, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

4.10 All Costs Paid by Owner.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

4.11 Liability.

The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of performance of any work by any applicant for a permit from the District. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of their work or any failure which may develop therein. The District may require an applicant for a District permit to execute such documents as may be necessary or desirable to implement or enforce this provision.

ARTICLE V. PERMITS

5.01 Permit Required.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance or perform any work on any sewer or drainage system without first obtaining written authorization from the District.

5.02 Application for Permit.

(a) *Application.* Permit applications shall be made on forms provided by the District. Applicants shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The District may

require plans, specifications or drawings and such other information as may be deemed necessary by the Manager. Permit applications shall contain a provision that requires the applicant to comply with the ordinances, rules, and regulations of the District. This provision shall specifically require, but not by way of limitation, the agreement by the applicant, that in the event of any litigation arising directly or indirectly between applicant and the District from the terms and provisions of any district ordinance or concerning any of their terms and provisions, in which the District is the successful litigant, the applicant will pay to the District reasonable attorney fees and expert witness fees, all costs of suit and each, every, any and all further costs occasioned to said District by reason of any such litigation. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of the ordinances, rules, and regulations of the District, and with the plans and specifications the applicant has filed with his or her application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

(b) *Issuance.* If the District determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, it shall issue the permit applied for upon payment of any required fees or charges.

5.03 Compliance with Permit.

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, fixture count or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the Manager or other authorized representative.

5.04 Classes of Permits.

There shall be five classes of permits, as follows:

- (a) Single family residential building sewer connection permit.
- (b) Multi-family residential sewer connection permit.
- (c) Commercial, industrial, miscellaneous sewer connection permit.
- (d) Public sewer construction permit.
- (e) Inspection, modification, replacement, demolition, or disconnection of existing lateral permit.

5.05 Street Excavation Permit.

Owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections must secure separate permits from the State, County or any other person having jurisdiction.

5.06 One-Time or Temporary Discharge Permits.

The Manager may issue a one-time or temporary discharge permit for the discharge of trucked, hauled, or other water-carried waste into the District's sewer system; provided, however, the Manager may not issue a permit pursuant to this section for the discharge of septage or discharges prohibited under the District's industrial waste ordinance. The Manager may, in his or her absolute discretion, deny any application for a permit pursuant to this section on the grounds that the strength characteristics or volume of the proposed discharge is unsuitable for discharge to the District's sewer system. "Septage" for the purposes of this section means the liquid and semisolid contents removed by pumping from a septic tank, outhouse, portable sanitation unit or holding tank.

5.07 Availability Letter; Can and Will Serve Letter.

The Manager, using such procedures and forms as the Manager determines are appropriate, is authorized to issue a letter in the name of the District (i) indicating that sewer service capacity will be reserved for application for a period of one year from the date of the issuance of such letter (Availability Letter) and (ii) making a commitment to provide sewer service (Can and Will Serve Letter). The Manager may delegate this authority to District staff for projects of five (5) equivalent residential units or less. Any Can and Will Serve Letter provided by the District shall be subject to all conditions and limitations as stated therein.

5.08 Time Limit on Permits.

If work under a permit is not commenced within six (6) months from the date of issuance, or, if after partial completion, the work is discontinued for a period of one (1) year, the permit shall become void and no further work shall be done until a new permit is issued. All fees shall be paid upon the issuance of said new permit, except when this requirement is waived by the Board.

Section 3. Publication. Upon adoption, this ordinance shall be entered in the minutes of the Board and either posted for one week in three public places in the District or published as required by law, and shall take effect upon expiration of the week of such publication or posting. If published, the General Manager shall prepare a summary of the ordinance for publication; the summary shall include the names of those board members voting for and against the ordinance.

Section 4. Severability. If any section, sub-section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

PASSED and ADOPTED by the Board of Directors of the Goleta West Sanitary District on the 22nd day of February 2000.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Diane Powers, Secretary

(SEAL)

Kenneth Hendrickson, President