

disposal, and reclamation system. They also require capacity charges for connection to the subregional system and define the relationship between the city's public facilities fee program and the sewer capacity charges. The ordinances include provisions for enforcement and penalties for violation.

13.08.030 Applicability.

The sewer use ordinances shall apply to all property within the City and to all property served through an outside service agreement. The sewer use ordinances shall remain in effect unless and until repealed, amended or modified by the city council in accordance with applicable state law and local ordinances and procedures."

SECTION 2. Chapter 13.12, "Definitions," is hereby amended to include the following definitions:

"13.12.035 Certificate of Building Lateral Compliance defined.

"Certificate of Building Lateral Compliance" means a certificate issued by the city engineer or his or her designee certifying that the building lateral complies with the requirements of the sewer use ordinance, the Uniform Building Code, California Plumbing Code and other applicable regulations adopted by the City, applicable city standards and any applicable plans and specifications for the construction approved by the city engineer.

13.12.087 Common Interest Development defined.

"Common Interest Development" means either:

- A. A development characterized by individual ownership of a condominium unit (for residential or nonresidential use) coupled with the shared ownership or right to use common areas and facilities including a shared building lateral connection to the city sewer; or
- B. Individual properties that share a building lateral connection to the city sewer through private agreements or easements.

13.12.105 County Health Officer defined.

"County Health Officer" means the County Health Officer of the County of Sonoma.

13.12.205 Interceptor defined.

"Interceptor" means the portion of the city sewer which connects the city's terminal pump station to the subregional system's water recycling plant.

13.12.370 Sewer lateral defined.

"Sewer lateral" means the pipeline connecting a property to the sewer main. It includes both the building sewer and the street lateral.

agent must enter into a written agreement with the city which includes at least the following provisions:

- A. A provision that the connection shall be at the sole expense of the owners of the property;
- B. A provision that the owners of the property shall pay all applicable capacity fees and public facilities fees and other city fees related to impacts of providing capacity;
- C. A provision that the owners of the property or their successors in interest shall pay sewer service charges;
- D. A provision that the owners of the property or their successors shall comply the requirements of the Chapters 13.08 to 13.52 of this Code, the Uniform Building Code, the California Plumbing Code and other applicable regulations adopted by the City, applicable city standards and the plans and specification for the construction approved by the City Engineers. Absence of this provision in the service agreement does not relieve owners of property served by the city from complying with Chapters 13.08 to 13.52 of this Code.
- E. Provisions for the default and termination of the agreement.

13.16.030 Connection to interceptors.

No connections to the interceptor shall be permitted except in accordance with the provisions of the Agreement between the City of Santa Rosa and the Cities of Cotati, Rohnert Park, Sebastopol and the South Park County Sanitation District for Use of Santa Rosa subregional sewerage system.

13.16.040 Connection of surface or subsurface drains.

No person shall make connection of roof downspouts, area drains, foundation drains, or other surface or subsurface runoff or groundwater to a city sewer, building sewer, sewer lateral or any line which is directly or indirectly connected to a city sewer.

13.16.050 Prohibited methods of discharge to city sewer and laterals.

No person may discharge to the city sewer through any cleanout or manhole without the express written permission of the city engineer. Requests must be made in writing and are subject to the sole discretion of the city engineer whose determination shall be final.

13.16.060 Compliance with laws and regulations.

It is unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain. Discharge of waste from any premises within the city onto land or to any natural outlet may be permitted only if the discharge complies with all requirements of the Regional Water Quality Control Board and of all other local, state and federal laws and regulations.

13.16.070 Non-limitation of additional requirements.

Nothing contained in Chapters 13.08 to 13.52 of this Code shall be construed to limit any additional requirements that may be imposed by the county health officer, the Regional Water Quality Control Board, the State, the federal government, or by other governmental agencies having jurisdiction.

13.16.080 Right of entry

- A. Physical Inspection. The city engineer or his or her designee may enter and inspect any buildings, structures or premises and collect and test wastewater samples to secure compliance or prevent a violation of any portion of the sewer use ordinance.

Unless there is an emergency threatening public health, safety or welfare, the city engineer shall provide at least ten (10) business days notice to the property owner of intent to enter upon property.

- B. Written records. The city engineer may also request that a property owner provide all written records of lateral inspection, maintenance, repair or replacement at the time of inspection or within ten (10) or more business days after receipt of the request.

13.16.090 Conflict with State law.

Whenever the requirements of this chapter conflict with the California Plumbing Code, the requirements of the California Plumbing Code shall govern unless such requirements have been modified in the manner required by law and findings for such modifications have been filed with the California Building Standards Commission.”

SECTION 4. Chapter 13.20, “Private Sewerage Disposal,” is hereby repealed.

SECTION 5. Chapter 13.24, “Construction of Sewers and Sewer Connections,” is amended in its entirety to read as follows:

“Chapter 13.24 Design and Construction of City Sewers

Sections:

13.24.010 Conformity to design standards.

13.24.020 Construction or alteration--permit required.

13.24.010 Conformity to design standards.

All design and construction of city sewers shall conform to the requirements of Chapters 13.08 to 13.52 of this Code, the California Plumbing Code and other applicable regulations adopted by the City, applicable city standards and the plans and specifications for the construction approved by the city engineer.

13.24.020 Construction or alteration--permit required.

Construction, alteration, or connection to any city sewer or appurtenances shall be made by an appropriately licensed contractor. All applicable permits including those required by this Chapter, Chapter 12.04, “Encroachments” and Chapter 15.08, “Building Code”, of the Municipal Code shall be obtained for the work.”

SECTION 6. A Chapter 13.26, “Sewer Laterals,” is added to read as follows:

“Chapter 13.26 Sewer Laterals

Sections:

- 13.26.010 Conformity to design standards.
- 13.26.020 Construction or alteration--permit required.
- 13.26.030 Responsibilities for sewer laterals.
- 13.26.040 Requirements for building lateral repair and replacement.
- 13.26.050 Requirements for building lateral inspection.
- 13.26.060 Building lateral certification.
- 13.26.070 Property owner assistance program.
- 13.26.080 New connections to the sewer system.

13.26.010 Conformity to design standards.

All design and construction of sewer laterals, including the portion of the sewer lateral located on private property, shall conform to the requirements of Chapters 13.08 to 13.52 of this Code, the California Plumbing Code and other applicable regulations adopted by the City, applicable city standards and the plans and specifications for the construction approved by the city engineer. Every sewer lateral shall meet the following minimum requirements:

- A. It shall not be connected to roof downspouts, area drains, foundation drains or other sources of surface water or groundwater runoff;
- B. Its joints shall be tight and all pipes shall be sound and free from structural defects, cracks, breaks, openings, and missing portions to prevent ex-filtration of sewage or infiltration by ground water or storm water;
- C. Its grade shall be uniform without sags or offsets;
- D. It shall have a two-way cleanout located at or near the property line or at or near the sewer main easement, which shall be securely capped at all times;

13.26.020 Construction or alteration--permit required.

Construction, alteration, replacement or repair of any sewer lateral or appurtenances shall be made by an appropriately licensed contractor or by the legal owner of the property to the extent allowed by State law. All applicable permits including those required by this Chapter, Chapter 12.04, “Encroachments” and Chapter 15.08, “Building Code”, of the Municipal Code shall be obtained for the work.

13.26.030 Responsibilities for sewer laterals

The owner of any premises is responsible for the maintenance of the sewer lateral, including both the building lateral and the street lateral. The owner shall perform all necessary maintenance to the keep the sewer lateral free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of sewage.

The owner of any premises is also responsible for the condition of the building sewer. The owner shall perform all necessary repairs, including replacement, of the building sewer to keep it in good condition and free from structural defects, cracks, breaks, openings, and missing portions.

13.26.040 Requirements for building lateral repair and replacement.

- A. Repair. It shall be the responsibility of the owner of the premises to repair and/or replace any building lateral which has been found to exhibit conditions which would permit infiltration or inflow to enter the sewer system. All repair and replacement work shall conform to the applicable standards, including testing standards.

- B. Notice of required correction. Should the city engineer determine that a building lateral does not meet the standards, the city engineer shall give a minimum of thirty (30) days written notice to owner of the premises to correct said violation. The city engineer may allow for a reasonable correction schedule. The notice shall also provide that the city will affect the required repairs if not completed by the owner of the premises.

- C. City Repairs. If repair is not completed within the required time period, the city may complete the required repairs and may add a surcharge onto the premises' utility account so that the costs are recovered in not more than five (5) years.

13.26.050 Requirements for building lateral inspection.

- A. Circumstances under which inspection and testing is required. Beginning on July 1, 2008, all building laterals connected to the city sewer, including building laterals serving residential, multi-family residential, commercial or industrial uses, shall be cleaned and inspected and tested upon the occurrence of any of the following, unless a valid Certificate of Building Lateral Compliance is on file with the City:
 - 1. Application for a new connection to the sewer collection system, or
 - 2. Application for a change of use on the premises served from residential to commercial, or from non-restaurant commercial to restaurant commercial, or
 - 3. Application for a change of use on the premises served from any other land use to common interest development, or
 - 4. Upon determination of the city engineer that the cleaning and testing is required to abate a nuisance or for the protection of the public health, safety and welfare.

- B. Performance and inspection of testing. All building lateral inspections and testing shall be performed by a state licensed contractor to the satisfaction of the city engineer in accordance with applicable city standards. Results of all building lateral test shall be filed with the city engineer.

- C. Failure. No building lateral shall be allowed to remain connected to the city sewer for more than six months after failing to pass a test as specified in this section unless a written request for extension has been filed with and approved in writing by the city engineer.

- D. Fees. When any work, testing or inspection in this chapter does not specifically require an application for permit with a city, county or state agency, the city council may, by Resolution, approve a fee schedule to provide for administration of the inspection program.

13.26.060 Building lateral certification.

- A. Issuance. A Certificate of Building Lateral Compliance shall be issued by the city engineer upon the occurrence of either of the following:
 - 1. The city engineer has approved the results of inspection and testing and the owner of the premises has paid the appropriate fee;
 - 2. The owner of the premises has presented evidence, satisfactory to the city engineer that the building lateral was repaired or replaced within the last five (5) years and the owner of the premises has paid the appropriate fee.
- B. Validity. A Certificate of Building Lateral Compliance shall be valid for fifteen (15) years and shall be valid only for the lateral at the address specified in the certificate. The city engineer shall maintain records of all Certificates of Building Lateral Compliance issued.

13.26.070 Property owner assistance program.

The city council may, by resolution, prescribe a program by which the city shall offer to perform all or a portion of building lateral repair work or contribute towards the cost of the work.

13.26.080 New connections to the city sewer system.

All connections made to the city sewer after the effective date of this ordinance shall provide, at the owners' cost, a fully functioning sewer lateral in compliance with the requirements of Chapter 13.08 to 13.52 of this Code, the Uniform Building Code, California Plumbing Code and other applicable regulations adopted by the City, applicable city standards and the plans and specifications for the construction approved by the City Engineer.”

SECTION 7. Chapter 13.32, “Sewer – Permits,” is amended in its entirety to read as follows:

“Chapter 13.32 Sewer Use Permits

Sections:

- 13.32.010 Types designated.
- 13.32.020 Sewer use permit--Required--Exceptions.
- 13.32.030 Sewer use permit--Application.
- 13.32.040 Sewer use permits--Conditions.
- 13.32.050 Sewer use permits--Terms.
- 13.32.060 Sewer use permits – Temporary Suspension or Restrictions.
- 13.26.070 Sewer user permits – Revocation.

13.32.010 Types designated.

The following sewer use permits are provided for in this chapter:

- A. Nonresidential sewer use permit,
- B. Industrial sewer use permit.

13.32.020 Sewer use permit--Required--Exceptions.

Users whose premises are designated as either nonresidential or industrial under Chapter 13.28 shall not use the city sewerage system, either directly or indirectly through a private collection system, without first obtaining the proper sewer use permit and are subject to the following requirements:

- A. All nonresidential or industrial user applicants who intend to connect their premises to the city sewer must obtain a sewer use permit.
- B. All users who convey waste by tank truck or other vehicle to a point of direct entry into the city sewerage system must obtain a sewer use permit.

13.32.030 Sewer use permit--Application.

- A. Application Form. Persons applying for a sewer use permit shall complete and file with the city engineer an application form accompanied by the applicable fees. The application shall include the following information:
 - 1. A description of activity, facilities and plant process on the premises, including raw materials processes and types of materials which are or could be discharged;
 - 2. Total product produced by type;
 - 3. Number and type of employees;
 - 4. Estimated waste water strength;
 - 5. Estimated waste water flow;
 - 6. Average and peak waste water discharge flow for each service sewer;
 - 7. Locations of sewer laterals, sampling points, and pretreatment facilities;
 - 8. Water supply information;
 - 9. Source, volume and chemical characteristics of the contents of each tank, and
 - 10. Any other information the city engineer shall deem necessary to evaluate the permit application.
- B. Additional Information. The city engineer will evaluate the data furnished by the applicant and may require additional information. After evaluation and approval of the data furnished, the city engineer will determine the class of the user and may issue a nonresidential or industrial sewer user permit subject to conditions and terms as provided herein

13.32.040 Sewer use permits--Conditions.

- A. Non-residential and industrial sewer use permits. Sewer use permits may contain prohibitions on discharge of certain toxic substances as identified by federal or state law and of hazardous substances and may contain other conditions as deemed appropriate by the city engineer to insure compliance with Chapters 13.08 to 13.52 of this Code.

- B. Industrial sewer use permits. Industrial sewer use permits may impose any or all of the following additional conditions, or any other conditions deemed necessary by the city engineer:
1. Separation of industrial waste water from sanitary sewage prior to discharge to the city sewer;
 2. Pretreatment of industrial wastes;
 3. Limits on flow rate, time of discharge, strength of specific constituents or characteristics, or requirements for flow and constituent regulation or equalization;
 4. Requirements for inspection, flow measurement, and sampling facilities including access to such facilities by the city engineer;
 5. Monitoring program which may include: Sampling locations, frequency and method of sampling; number, types, and standard for tests; and the establishment of a reporting schedule. Monitoring shall be provided by the user at his expense, using a state certified laboratory. The user's laboratory, where available, may be used if approved by the city engineer;
 6. Submission of technical reports or discharge reports;
 7. Maintenance of plant records relating to waste water discharge, as specified by the city engineer, and affording the city engineer access thereto;
 8. Valid waste water discharge permit from City of Santa Rosa Subregional System's Industrial Waste division.

13.32.050 Sewer use permits--Terms.

- A. Validity. A sewer use permit shall be valid for five years from the date of its issuance unless one of the following occurs:
1. Change in User. A sewer use permit shall not be assigned or transferred.
 2. Change in Use. Whenever the use of the premises by the user, or the character of the discharge, changes materially from that stated in the permit application, or upon demand of the city engineer, the user shall file an application for a new permit within sixty days.
- B. Change of Permit Conditions. The city may change the conditions of a sewer use permit, including changing the limits or constituents of waste water strength from time to time as circumstances may require. The city shall allow a discharger reasonable time to comply with such changes.
- C. Tank Truck Discharges. A separate sewer use permit may be required for each load of wastes conveyed to discharge point by tank truck.

13.32.060 Sewer use permits - Temporary Suspension or Restrictions.

- A. Temporary suspension. The city engineer may temporarily suspend a sewer use permit at any time if, in his opinion, the continued discharge of the waste water or water into the city sewerage system would, when combined with other discharge into the city sewerage system:
1. Exceed the city's allocated capacity service in the subregional

- sewerage system;
 - 2. Substantially jeopardize the ability of the treatment system to meet water quality requirements;
 - 3. Cause an unsafe condition to occur; or
 - 4. Result in a discharge that has the potential to endanger human lives and/or injure the environment.
- B. Temporary restrictions. In lieu of temporary suspension of permits, the city engineer may impose such temporary restrictions, conditions, or limitation upon the quantities, qualities and rates of discharge made thereunder as he deems necessary to assure that said receiving waters quality requirements will not be violated by the sewage discharged by the city to the subregional system, or to alleviate the unsafe conditions.
- C. Notice. Notice of the temporary suspension or the imposition of temporary restrictions, conditions or limitations shall be given in writing by the city engineer to the permittee at least twenty-four hours prior to their effective date. Delivery of said notice to the permittee's place of business shall constitute delivery of notice to permittee.
- D. Compliance. Unless directed otherwise on the notice of revocation, the permittee shall cease discharging into the city sewer on the effective date of revocation.

13.32.070 Sewer use permits – Revocation.

- A. Grounds for Revocation. The city engineer may revoke a sewer use permit for any of the following reasons:
- 1. Failure of the permittee to comply with the conditions of the permit; or
 - 2. Failure of the permittee to pay when due any charges imposed as a condition of a permit.
- B. Notice. No permit shall be revoked by the city engineer until he has notified the permittee in writing of this intent to do so and has afforded the permittee the opportunity to appear before him within a reasonable period of time to show cause why the permit should not be revoked; provided, however, a permit may be summarily revoked by the city engineer without prior notice to the permittee, if in the opinion of the city engineer, the continuing discharge would result in a violation of receiving waters quality requirements.
- C. Compliance. Unless directed otherwise on the notice of suspension, the permittee shall cease discharging into the city sewer or conform to the temporary restrictions, conditions or limitations on the effective date of said notice.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The city council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 9. CEQA. This Ordinance is categorically exempt from review under CEQA in accordance with Section 15301(d) of Title 14 of the California Code of Regulations.

SECTION 10. Effective Date. This Ordinance shall be in full force and effective sixty (60) days after its adoption and shall be published and posted as required by law.

SECTION 11. Reopener. This ordinance shall be revisited by the City Council upon completion of the City's Sanitary Sewer Management Plan.

This ordinance was introduced on the 24th day of July, 2007 and

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 14th day of August, 2007 by the following vote:

AYES: Five (5) Council Members Breeze, Mackenzie, Smith, Stafford, and Mayor Vidak-Martinez

NOES: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

CITY OF ROHNERT PARK

/s/ Mayor Vicki Vidak-Martinez

ATTEST:

/s/ City Clerk Judy Hauff

APPROVED AS TO FORM:

/s/ Assistant City Attorney Gabrielle P. Whelan