

ORDINANCE NO. 110

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT
AMENDING DISTRICT CODE SECTION 1.02 DEFINITIONS AND
SECTION 3.01 BUILDING LATERALS, STREET LATERALS AND CONNECTIONS
TO CLARIFY PROPERTY OWNER RESPONSIBILITIES AND DISTRICT RIGHTS OF ENTRY
REGARDING LATERALS AND CONNECTIONS**

WHEREAS, the Napa Sanitation District (“NapaSan”) is responsible for cleaning, maintenance, and rehabilitation of the street lateral, also call the public lateral; and

WHEREAS, property owners are responsible for cleaning, maintenance, and rehabilitation of the building lateral, also called the private lateral; and

WHEREAS, the Board desires to clarify the responsibilities of the District and property owners regarding laterals in District Code; and

WHEREAS, the clarification of responsibilities includes establishing and clarifying specific liabilities and responsibilities regarding installation, maintenance, rehabilitation and access; and

WHEREAS, the Board desires to clarify that NapaSan will allow sewage from building laterals to be lifted by artificial means only upon a showing of unusual circumstances and that the practice is disfavored; and

WHEREAS, the Board desires to clarify existing practice regarding Right of Entry by adopting it in District Code, where said policy allows NapaSan staff to have access to the public facilities at all times and access to the private facilities as appropriate, following stated process, in order to enforce the Code or investigate Code violations, or to clean, maintain, or rehabilitate the public facilities; now therefore

BE IT ORDAINED AND ENACTED by the Board of Directors of the Napa Sanitation District that Sections 1.02 and 3.01 of District Code are amended as follows:

SECTION 1. Specific definitions in District Code Section 1.02 are amended as follows:

1.02 Definitions

1.02.010 Definitions

Building Lateral or **House Lateral** or **Private Lateral** – shall mean that portion of a side sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to

the property line, easement line, or to a private sewage disposal system. Building laterals are privately owned and maintained.

House Lateral – see **Building Lateral**.

Private Lateral – see **Building Lateral**.

Private Sewer – shall mean a sewer, and associated laterals and appurtenances, that is owned, operated and maintained by private persons, businesses, and which accommodates one or more buildings or industries.

Private Sewer Mains – shall mean a private sewer, not dedicated and accepted as a Public Sewer by the District, designed to accommodate more than one lateral sewer where the owners of all parcels served by the private sewer main are responsible for the maintenance of the private sewer main. An agreement between the owners of the private sewer main and the District is required prior to construction of the private sanitary sewer main. Sewer facilities intended for dedication to the District are Private Sewers until such time as they are accepted by the District.

Public Lateral – see **Street Lateral**

Public Sewer – shall mean a sewer that is owned, operated and maintained by the District. This includes facilities designed and constructed by the District and facilities that have been dedicated and accepted by the District. Sewers constructed for dedication to the District do not become public sewers until they have been accepted by the District.

Street Lateral or Public Lateral – shall mean the portion of a side sewer lying within a public street, or easement, connecting a building lateral to the main sewer. Street laterals are owned and maintained by the District.

SECTION 2. District Code Section 3.01 is amended as follows:

3.01 Building Laterals, Street Laterals and Connections

3.01.010 Permit Required

In accordance with Title 5 of this Code, no person shall construct a building lateral, street lateral or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required herein.

3.01.020 Design and Construction Requirements

Design and construction of building laterals and street laterals shall be in accordance with the requirements of the district and in accordance with the most recent District Standard Specifications.

3.01.030 Separate Sewers

Except as hereinafter provided, every building fronting on the same street or easement requiring sewer service shall be separately and independently connected with the public sewer; provided, however that where two or more buildings are on the same parcel, belonging to one owner, and which cannot legally be subdivided, separate connections need not be made with the public sewer. No two separate owners of adjacent parcels shall be permitted to join in the use of the same sewer lateral. Notwithstanding the provisions hereof, single family residential units with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the District General Manager, be permitted to maintain a common side sewer or sewers. Indemnification language approved by the District shall be included in the covenants, conditions and restrictions.

3.01.040 Old Building Sewers

Old building laterals may be used in connection with new buildings only when they are found, upon examination and testing, to meet all requirements of the District as determined by the District. If the laterals are not adequate, then the Applicant shall pay for all costs to reconstruct the laterals.

3.01.050 Cleanouts

Cleanouts in building laterals shall be provided in accordance with the current Uniform Plumbing Code, the City and/or County Plumbing Code, and the District Standard Specifications.

3.01.060 Sewer Too Low

In all buildings in which any building lateral is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building lateral shall be lifted by artificial means approved by the General Manager, and discharged to the public sewer at the expense of the owner. Private pumping stations are disfavored design options that are only allowed where there is a showing of unusual circumstances, such as a technical infeasibility or significant hardship. The District Engineer must also find that they will not pose an unacceptable risk to the public sewer system. Supplemental permit conditions for privately owned pumping stations shall be required.

3.01.070 Connection to Public Sewer

The connection of the side sewer into the public sewer shall be made in accordance with the current District Standard Specifications at the applicant's expense. The connection to the public sewer shall be made in the presence of a District Inspector and under his supervision and direction. Any damage to the public sewer shall be repaired in conformance with District Standard Specifications at the cost of the applicant.

3.01.080 Maintenance of Building Laterals and Side Sewers

Building laterals shall be maintained by the owner of the property served thereby provided, however, that where a side sewer provides service to more than one single family residential unit in a development with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, the obligation to maintain the side sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common. It shall be unlawful for any owner of the house, building, or property connected to a District public sewer to maintain a building drain or building lateral in a condition that prevents or impedes the cleaning or inspection of the public sewer and/or street lateral.

3.01.090 Testing

All building laterals and street laterals shall be tested in accordance with current District Standard Specifications.

3.01.100 Installation and Maintenance Costs

- A. All costs and expenses incident to the installation, connection, repair, maintenance, renovation, replacement, disconnection, reconnection or relocation of a building lateral, including cleanouts, backflow protection devices, pumps or other appurtenances (collectively, "installation and maintenance") shall be borne by the property owner and person causing the connection to be made, including but not limited to the costs of application, plan submittal, plan check, capacity charge, or any other fee or charge of District or any other entity related to the installation.
- B. In no event shall District be responsible by reason of approval of plans, issuances of licenses or permits, or allowance of connection to the Public Sewer for any harm, cost, loss or damage which may be occasioned by the installation or maintenance of the building lateral and the same shall be borne by the property owner or the person causing the connection to be made.

3.01.110 Right of Entry

- A. Whenever the District determines it is necessary to make an inspection to enforce this code, or whenever there is reasonable cause to believe there exists a code violation in any building, or whenever District determines it is necessary to access any cleanout or other appurtenance for the purpose of cleaning, maintenance, operation, repair, rehabilitation or replacement of the street lateral and/or public sewer. Any authorized official of the District may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same, or to perform any duty imposed upon him by this code.
- B. Subject to the limitations of the United States Constitution and the California Constitution, where the property-owner or occupant has no reasonable expectation of privacy in a portion of their private property, the District has a right to perform an inspection, maintenance, or repair of that portion of the property without prior notification and without obtaining consent or an inspection warrant.

- C. Consent to entry for the purposes described in subdivision (A) shall be a condition of continuing use and connection to the public sewer. Failure by the property owner or occupant to give such consent may result in termination of District services.
- D. In the event the District sought prior consent to inspect the property but the property owner has refused entry, the District may request an inspection warrant from a duly authorized judge pursuant to California Code of Civil Procedure section 1822.50 et seq. at the sole cost of the property owner. Any person who willfully refuses to permit an inspection or abatement lawfully authorized by a warrant is guilty of a misdemeanor.
- E. In the event that any portion of the building lateral or street lateral is not accessible to the District due to actions or inaction by property owner or occupant, the District shall not be liable for any damage to personal property, building, or building lateral that may be caused by side sewer or public sewer operations (including overflows and backups), cleaning, maintenance, repair, rehabilitation or replacement activities. Examples of inaccessibility include, but are not limited to, locking cleanouts behind gates, covering or otherwise obscuring cleanouts or manholes, or not allowing District staff or authorized District contractors access to the property.

SECTION 3.

- 1. Severability. If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.
- 2. Within 15 days of adoption, this Ordinance shall be published in the Napa Valley Register, pursuant to California Health and Safety Code Sec. 4766 and California Government Code Section 25124.
- 3. Following a first reading of the title of this ordinance, which occurred at the regular meeting of the District Board, held on September 4, 2019, the foregoing ordinance was duly:

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PASSED AND ENACTED at a regular meeting of the Board of Directors of Napa Sanitation District duly held on the 18th day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jill Techel, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District