

BURBANK SANITARY DISTRICT

ORDINANCE NO. 62

ORDINANCE ESTABLISHING POLICY REGARDING SEWER CONNECTIONS, CLEANOUTS, MAINTENANCE OF SIDE SEWERS, WORK ABOUT EXISTING SEWERS AND SEWAGE BACKFLOW PROTECTIVE DEVICES

Whereas, Burbank Sanitary District adopted Ordinance No. 50 on March 4, 2004 establishing a policy regarding sewer connections, cleanouts, maintenance of side sewers, work about existing sewers and sewage backflow protective devices; and

Whereas, State Water Resource Control Board (SWRCB) adopted Order No. 2006-0003 in 2006 which requires compliance with the waste water discharge and reporting; and

Whereas, Statewide General Waste Discharge Requirements for Sanitary Sewer system (GWDR) and Order No. WQ 2008-0002 was adopted on February 20, 2008 which prohibits sanitary sewer overflows and reporting thereof; and

Whereas, District adopted a Sanitary Sewer Management Plan on May 4, 2016 to manage and implement reduction in sanitary sewer overflows; and

Whereas, in the interest of public safety and health, Ordinance No. 50 is being superseded;

It is ordained by the Board of Directors of Burbank Sanitary District as follows:

ARTICLE I. GENERAL PROVISIONS.

Section 1. 1. Rules and Regulations. The following rules and regulations respecting sewer connection of the Burbank Sanitary District, County of Santa Clara, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Section 1. 2. Violation Unlawful. Following the effective date of this ordinance it shall be unlawful for any person to connect to, construct, install or provide other means of sewage disposal from any building in the Burbank Sanitary District except by connection to the sewerage system of said district in the manner as in this ordinance provided.

Section 1. 3. Permit, Inspection, and Fees. Prior to any work being performed the property owner shall obtain a permit from the District and pay all fees due and payable. Condition of permit is subject to Inspection to ensure compliance with District standards.

ARTICLE II. DEFINITIONS

Section 2. 1. Definitions: For the purpose of this ordinance the terms used herein are defined as follows:

Section 2. 2. Cleanout is a pipe fitting and associated piping connected between the upper and lower lateral that provides access to the lower sewer lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes..

Section 2. 3. Connector means any owner, contractor or renter of any premise connected to the sewer system.

Section 2. 4. District is the Burbank Sanitary District.

Section 2. 5. District Engineer means the Engineer of said District.

Section 2. 6. District Office is the business location of said District.

Section 2. 7. Upper Sewer Lateral is any side sewer beginning at the plumbing or sewer outlets of any buildings and running to the property line.

Section 2. 8. Lower Sewer Lateral is the portion of the side sewer within a public street.

Section 2. 9. Person is any person, firm, company, corporation or association.

Section 2. 10. Plumbing Fixtures is an approved receptacle or device intended to receive sanitary sewage and to discharge same into a soil pipe, waste pipe or special waste pipe with which they are connected.

Section 2. 11. Side Sewer is the part of the horizontal piping beginning at the foundation wall of any building and terminating in the main sewer.

Section 2. 12. Street is any public highway, road, street, avenue, alley, way, easement or right of way.

ARTICLE III. GENERAL REQUIREMENTS & PROCEDURES

Section 3. 1. CONNECTION TO SEWER:

All new buildings within the District shall connect to the District sewer system and all land development projects shall include provisions for future buildings to connect to the District's sewer system. An individual side sewer shall be provided for each building, except that when a building is located in the rear of another building on an interior lot, permission may be granted by the District to connect both buildings to the same side sewer, provided the buildings are under the same ownership and it would not be possible for the buildings to become vested under separate ownership.

Notwithstanding the provision hereof, single family residential units with common walls, condominium, stock cooperative, apartments or other similar improvement 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 Engineer, be permitted to maintain a common side sewer or sewers.

SECTION 3. 2. CLEANOUTS:

All new side sewers shall be provided by the connector, with a cleanout raised to grade at the back edge of a standard sidewalk. All cleanouts shall meet the Standard Specifications of the District and shall be watertight and maintained by the connector.

All existing side sewers, which do not have cleanouts, will be required to have cleanout installed upon following triggering events:

- 1) When property is being issued any building permits.
- 2) When the lower lateral is replaced as part of the District's 10-Year Capital Improvement Project.
- 3) When there is sanitary sewer overflow and the cause for the overflow is caused by lower sewer lateral condition PACP Rating 4 and 5.

Cleanouts are owned and maintained by the property owner. The cost to install cleanouts will be borne by the property owner. When cleanouts are installed by the District upon one of the above triggers, the property owner has the right to pay cash upon demand by the District and must pay within 30 calendar days. If the property owner fails to pay cash for the cleanout, the District will include the cost of the cleanout as part of the sewer service charges charged to that property that are placed on the tax roll, divided into four equal installments over a period of four (4) years, without interest.

SECTION 3. 3. MAINTENANCE OF SIDE SEWERS:

It shall be the responsibility of the property owner to maintain the entire side sewer, except that if a cleanout is provided pursuant to Section 3.2. hereof, the District will maintain the lower sewer lateral portion of the side sewer. In the event of a stoppage in the upper sewer lateral, which is caused by the connector, property owner shall reimburse the District for expenses incurred in clearing the stoppage. Where a side sewer provides service to more than one unit or dwelling unit in a development with common walls, condominium, stock cooperative, apartment or other similar improvements, the obligation to maintain the upper sewer lateral shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

SECTION 3. 4. WORK ABOUT EXISTING SEWERS:

Any person who undertakes to pave, resurface, grade or do any work that contains District sewers shall not cover up or conceal any manhole, or structure or their covers, and every care must be used to protect them. In the event said work results in damage to, or a change of grade in the area of the manhole or structure, the person performing the work shall be responsible, at his own expense, for repairing or modifying the manhole or structure to meet the new grade. Before any work is performed upon District manholes or structures, the District Office shall be contacted and all work shall be done under the direction of the District Engineer, and in accordance with District standards.

SECTION 3. 5. PLUMBING TOO LOW:

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from said fixtures to the main or other public sewers, the sewage from said fixtures shall be lifted by artificial means and discharged to the public sewer at the owner's expense. In all buildings where the floor elevation is below the rim elevation of the nearest upstream manhole, provisions for a backflow protective device shall be made in accordance with Section 3.6. A backflow protective device shall also be installed in side sewers at the cost of the property owner whenever the District Engineer determines that it is necessary.

SECTION 3. 6. SEWAGE BACKFLOW PROTECTIVE DEVICES:

To assist in the protection of health and property, a backflow valve or overflow device (backflow protective device) shall be installed within one foot from the property line cleanout in the side sewer serving any building where the lowest floor elevation (containing plumbing fixtures) will be less than one (1) foot above the rim of the nearest upstream manhole or flushing inlet. The cost of the backflow protective device shall be at the expense of the property owner.

When a backflow protective device is installed, the elevation of discharge of said installation shall be at least one (1) foot below the lowest floor elevation containing a plumbing fixture.

ARTICLE IV. ENABLING ORDINANCE

SECTION 4. 1. Effective Date. This Ordinance shall be adopted by the District's Board of Directors, entered into the minutes of the Board meeting at which adoption is approved and published one time in a newspaper of general circulation in the territory of the District. This Ordinance shall be effective at the end of the week in which publication occurs.


SECTION 4. 2. Superseding Effect. This Ordinance supercedes and repeals all ordinances, resolutions or other orders and actions of the Board which may have been adopted previously and which are contrary to or inconsistent with the provisions of this ordinance.

SECTION 4. 3. CEQA. The Board of Directors of the District has determined that the adoption of this Ordinance is exempt from CEQA under section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Alternatively, the adoption of this Ordinance is exempt from CEQA under section 15301, as requiring minor alterations to existing facilities.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Burbank Sanitary District, at a rescheduled regular meeting thereof, held on the 17th day of May, 2016 by the following vote.

AYES:	DIRECTORS:
NOES:	DIRECTORS: None
ABSENT:	DIRECTORS: None
ABSTAIN:	DIRECTORS: None



Michelle Kaelker-Boor, President
Burbank Sanitary District

ATTEST:



Keri Russo, Secretary
Burbank Sanitary District

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