

**ORDINANCE NO.****AN ORDINANCE OF THE CITY OF PLACERVILLE ADDING CHAPTER 17 TO TITLE 7, HEALTH AND SANITATION, OF THE PLACERVILLE MUNICIPAL CODE REGULATING PRIVATE SEWER LATERALS**

**WHEREAS**, the proper maintenance of private sewer laterals is necessary to eliminate or minimize sewage overflows and spills, mitigate surface water pollution, protect fish and wildlife habitat, and to protect the public health and safety; and

**WHEREAS**, the City's sanitary sewer system is regulated by the California Water Resources Control Board pursuant to Order No. WQ 2013-0058-EXEC effective July 26, 2013; and

**WHEREAS**, the City Council seeks to be compliant with State required monitoring and reporting programs and to reduce or eliminate Sanitary Sewer Overflow (SSO) events; and

**WHEREAS**, in 1998, the City performed a sewer smoke test on the public and private sewer collection systems to determine sources of inflow and infiltration (I&I) and determined that most of the I&I within the overall City sewer collection system originates from failing private sewer laterals and private sewer systems; and

**WHEREAS**, the City Council finds it necessary to promulgate regulations affecting private property owners responsible for the operation and maintenance of private sewer laterals; and

**WHEREAS**, on May 23, 2017, the City Council adopted Resolution No. 8522 which affirmed its commitment to the prevention of uncontrolled discharges from the Hangtown Creek Water Reclamation Facility and from the public sanitary sewer collections system which serves privately owned and maintained sewer laterals and private services; and

**WHEREAS**, on January 9, 2018, the City Council held a duly noticed public hearing considering the draft Ordinance and continued the item off-calendar; and

**WHEREAS**, on August 9, 2022, the City Council held a duly noticed public hearing considering the draft Ordinance and continued the item off-calendar directing staff to hold a public workshop; and

**WHEREAS**, on May 24, 2023, the City held a public workshop on the draft Ordinance and received public input from affected property owners; and

**WHEREAS**, on October 24, 2023, the City Council held a duly noticed public hearing, continued the item off-calendar, and created an ad-hoc subcommittee comprising Councilmembers Neau and Yarbrough to work with staff on the draft Ordinance and bring back to the Council; and

**WHEREAS**, on December 12, 2023, the City Council held a duly noticed public hearing, found that the Ordinance was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15304 and 15308; and introduced the Ordinance waiving the first reading.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I: Findings.**

In adopting this Ordinance, the City Council finds as follows:

1. That the proposed amendments are in general conformance with the City of Placerville General Plan, including the Public Facilities and Services Element, Goal B, Policies 4, and 5; the Natural, Cultural, and Scenic Resources Element, Goal A; and the Health and Safety Element, Goal F.
2. That the health, safety, and general welfare of the citizens of the City of Placerville are adversely affected by the discharge of untreated sewage into the environment, surface waters, and Waters of the State, as defined by the California Water Code; and that the City Council further finds that violation of this Ordinance may constitute a human and environmental health risk.
3. That the City seeks the reduction of I&I and reduce or eliminate SSOs in accordance with its Statewide General Waste Discharge Requirements for Sanitary Sewer Systems as established by the State Water Resources Control Board.
4. That the adoption of this ordinance is exempt from environmental review pursuant to Section 15308 of the California Environmental Quality Act (CEQA) Guidelines under the Class 8 exemption consisting of actions taken by regulatory agencies to improve the maintenance, restoration, enhancement of private laterals to reduce the frequency of unauthorized spills and release of untreated sewage into the environment and provide for the protection of the operation of the City’s sanitary sewer collection system and the Hangtown Creek Water Reclamation Facility and 15304 (Minor Alterations to Land).

**SECTION II:** Title 7, Chapter 17, Sections 1 – 17, “Private Sewer Lateral and Systems Ordinance” is added to the City of Placerville Municipal Code in its entirety to read and provide as follows:

“CHAPTER 17”

**PRIVATE SEWER LATERAL ORDINANCE**

**Sections:**

- |         |  |
|---------|--|
| 7.17.1: | Title  |
| 7.17.2: | Purpose  |
| 7.17.3: | Applicability  |
| 7.17.4: | Definitions  |
| 7.17.5: | Responsibility and Standards for Maintenance of a Private Sewer Laterals |
| 7.17.6: | Certificate of Lateral Compliance Requirements                           |
| 7.17.7: | Obtaining a Certification of Lateral Compliance (COLC)                   |
| 7.17.8: | Person(s) authorized to repair or replace a Private Sewer Laterals       |

- 7.17.9: Certification of Lateral Compliance Term Limits
- 7.17.10: Time Extension Certifications
- 7.17.11: Common Interest Development (HOAs)
- 7.17.12: Right of Entry
- 7.17.13: Enforcement
- 7.17.14: Fees
- 7.17.15: Developing Policies and Procedures
- 7.17.16: Emergencies

**7.17.1: Title:** This Ordinance shall be known and may be cited as the “Private Sewer Laterals Ordinance.”

**7.17.2: Purpose:** The purpose of this Ordinance is to provide for the operation and maintenance of the City’s wastewater conveyance and treatment facilities in a reliable and serviceable manner and to reduce infiltration and inflow (I&I) into the City’s sanitary sewer collection system and to reduce or eliminate sanitary sewer overflows (SSOs). This Private Sewer Lateral Ordinance establishes regulations and enforcement for the inspection, testing, repair, replacement, and ongoing maintenance of Private Sewer Laterals (PSLs) resulting in the issuance of a Certification of Lateral Compliance (COLC).

**7.17.3: Applicability:** This Ordinance applies to all private sewer laterals that connect to the City’s municipal sewer collection system located either within the City of Placerville corporate limits or located within the unincorporated areas of El Dorado County that are served by the City’s municipal sewer collection system.

**7.17.4: Definitions:** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings respectively ascribed to them by this section. Terms not defined in this section shall have their ordinary and common meaning or, if applicable, the definitions set forth in the California Building and Plumbing Code or Water Code:

**ASTM:** The acronym for the American Society for Testing and Materials International, formerly known as the American Society for Testing and Materials, a globally recognized leader in the development and delivery of international voluntary consensus standards.

**BACKFLOW DEVICE:** A valve that is opened by the flow of wastewater exiting a structure through a private service to a private lateral but closes when the flow reverses, preventing wastewater from backing up into the structure. All backflow valves shall conform to the specifications and requirements set forth in the California Building and Plumbing Code and all guidelines and policies established by the Building Official to implement this Ordinance.

**BUILDING OFFICIAL:** The Building Official of the City of Placerville or his or her designee.

**BUILDING SEWER:** The part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to the public sewer, private sewer, private sewage disposal system, or another point of disposal.

Building Sewer and Private Sewer Lateral may be used interchangeably.

**CALIFORNIA PLUMBING CODE:** The most recent addition of the California Plumbing Code, published by the California Building Standards Commission.

**CCTV:** Closed Circuit Television Video.

**CERTIFICATION OF LATERAL COMPLIANCE (COLC):** The certification issued by the Building Official certifying that a PSL complies with the standards set forth in this Ordinance. A fee for a COLC shall be charged in accordance with the City's Master Fee Schedule. A COLC is valid only for the PSL at the address specified in the COLC and for a period of not to exceed (20) years.

**CITY AUTHORIZED REPRESENTATIVE:** The City Manager or his or her designee.

**CITY ENGINEER:** The City Engineer of the City of Placerville or his or her designee.

**CITY MANAGER:** The City Manager of the City of Placerville or his or her designee.

**CITY'S FEE AND RATE SCHEDULE:** A list of all City of Placerville's service, penalty, interest, and permit fees, and hourly personnel and equipment rates, as published in the City's Master Fee Schedule.

**CLEANOUT:** A segment of pipe connected to a PSL and rising to the surface, providing access to the PSL for purposes of inspection and removal of obstructions. (See also "two-way cleanout," defined herein below.) Each cleanout fitting and each cleanout cap or plug shall be of an approved type.

**COMMON INTEREST DEVELOPMENT:** A development managed or governed by a Homeowners' Association. Examples of Common Interest Developments may include condominium projects, planned unit developments, community apartment projects (in which the individual units are owned), and stock cooperatives.

**COMMON BUILDING SEWER:** The part of the plumbing system that is designed and installed to serve more than one building, or sewer (such as an apartment complex or commercial shopping center).

**COMMON SEWER LATERAL:** That part of the Private Sewer Lateral that serves more than one property. ~~All property owners shall be jointly and severally responsible for the repair and maintenance of the common sewer lateral.~~ The term Common Sewer Lateral includes but is not limited to the Common Building Sewer.

**DIRECTOR:** The Director of the Development Services Department of the City of Placerville, or his or her designee.

**HOMEOWNER'S ASSOCIATION (HOA):** A nonprofit corporation or unincorporated association created for the purpose of managing or governing a Common Interest Development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a Homeowners' Association.

**ILLCIT WASTE:** Any form of solid or liquid waste or debris that is not comprised of non-sanitary wastewater discharge. This includes, but is not limited to, concrete, asphalt, paint, gravel, tile, nails, miscellaneous building materials, rags, towels, blankets, medical devices or equipment, batteries, toxic waste, diapers, and vegetation.

**LINEAL CONSANGUINITY RELATIONSHIP:** A person is in a Lineal Consanguinity Relationship with another person if, and only if, one person is a direct descendent of the other person. The following are examples of Lineal Consanguinity Relationships: parent and child, grandparent and grandchild, and great-grandparent and great-grandchild. Persons are not in a Lineal Consanguinity Relationship if neither person is directly descended from the other, even if both persons are descended from a common ancestor. The following are not Lineal Consanguinity Relationships: aunt and niece, uncle and nephew, siblings, and cousins of any degree.

**MAIN OR SEWER MAIN:** Any public sewer pipe within a public or private street or right-of-way receiving or intended to receive the discharges of one or more PSLs. No sewer main or private sewer lateral constructed after the effective date of this Ordinance shall be less than six inches (6") in diameter when laid or constructed in any City street, easement, or right-of-way under the control of the City, except to the lines, grades, and specifications approved by the City Engineer.

**MAINTENANCE:** The routine visual inspection, flushing, rodding, and removal of grease, roots, and debris of sewer to maintain a free-flowing condition.

**NON-SANITARY SEWER CONNECTION:** Anything that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater, or subsurface drainage into the Sanitary Sewer, including, but not limited to, down spouts, yard drains, sump pumps, or other sources of storm water, run-off, or groundwater.

**ORDINANCE:** Means this Private Sewer Lateral Ordinance.

**PARCEL GROUP:** Two or more contiguous or directly adjacent parcels of real property under common ownership.

**PERSON:** An individual, trust, corporation, nonprofit organization, Homeowners' Association, partnership, firm, joint venture, Limited Liability Company, association, city, county, special district, or other public agency, including the State of California and the United States of America and the political subdivisions thereof. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

**PRIVATE SEWER LATERAL (PSL):** A private sewer lateral (PSL) shall have the same meaning as a “private sewer” as defined in the California Plumbing Code, and shall more particularly mean a pipe or pipes and appurtenances that carry wastewater and liquid waste from the structure(s) served to the point of connection at the public sewer line located in the City right-of-way or easement, regardless of whether the structure(s) is [are] publicly or privately owned. A PSL is associated with a parcel, if it, or any portion of it, is located upon the parcel or conveys wastewater and liquid waste from any structure located on that parcel. More than one PSL may be associated with an individual parcel. A PSL may be located on abutting parcels in order to provide access to an available public sewer.

**PRIVATE SEWER MAINTENANCE AGREEMENT (PSMA):** The recorded easement and maintenance agreement required by the California Plumbing Code that clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of County Recorder as part of the conditions of ownership of said properties, and shall be binding on heirs, successors, and assigns to such properties. A copy of such recorded instrument showing the recording information shall be filed with the City.

**PLUMBING FIXTURES:** Includes sinks, baths, showers, toilets, bidets, and all fixtures and appliances, such as dishwashers and washing machines, from which water or wastewater are discharged as defined by the California Plumbing Code.

**PROPERTY OWNER:** A person that owns a parcel of real property, or that person’s authorized representative including a tenant or contractor.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works, as defined by Section 212 of the Clean Water Act (33 USC Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. In this Ordinance, the POTW is the Hangtown Creek Water Reclamation Facility and its collection system.

**REMODELING:** Any improvement, addition, construction, reconstruction, remodeling, modification, or alteration of or to an existing or previously existing structure requiring issuance of building permit.

**REPAIR:** Construction activities performed to bring a part of the PSL (commonly referred to as a “point repair”) into compliance with this Ordinance consisting of the correction of less than the entire PSL.

**REPLACEMENT:** The construction activities performed to bring a PSL into compliance with this Ordinance consisting of the replacement, lining, or pipe bursting of the complete length of the PSL. “Replaced” has the same meaning as “replacement” where used in this Ordinance and the California Plumbing Code.

**SANITARY SEWER:** Sewer pipes that convey wastewater from a Structure and to which storm water, groundwater or surface water is not intentionally admitted. The Sanitary Sewer includes public Sewer Mains, and PSLs.

**SANITARY SEWER OVERFLOW (SSO):** A condition whereby untreated sewage is discharged into the environment prior to reaching sewage treatment facilities.

**SANITARY SEWER STANDARD SPECIFICATION FOR DESIGN AND CONSTRUCTION:** The City of Placerville document which governs sewer design and construction work by private individuals, public agencies, and businesses within the boundaries of the City of Placerville. The jurisdiction of the City of Placerville includes the entire sewerage system and its appurtenances from the point of connection with each building's plumbing to the discharge terminus of the treatment plant outfall. The Placerville Municipal Code and all uncodified ordinances of the City of Placerville shall be considered a part of these Specifications and all plans, profiles, cut sheets, right-of-way documents, and specifications shall conform to the standards and requirements herein established.

**SANITARY SEWER SYSTEM:** Sanitary sewer system shall have the same meaning as Publicly Owned Treatment Works as defined herein above.

**SECTION:** A section of this Ordinance unless otherwise specified.

**SEWER LATERAL COMPLIANCE PLAN:** A plan establishing fair and consistent policies and procedures for the inspection, testing, repair, and replacement of all defective PSLs and the issuance of a "Certificate of Lateral Compliance."

**SEWER MAIN:** A publicly owned Sanitary Sewer that receives flows from PSLs. The Sewer Main does not include any portion of a PSL.

**STRUCTURE:** Any building or facility that is required to be provided with public sewer service or that is actually provided with public sewer service, or that is served by a PSL.

**SUBDIVIDED:** To cause land to be divided into separate developed or developable lots that are or may be owned by different persons.

**TIME EXTENSION CERTIFICATION:** A Certification issued by the Director in connection with a Title Transfer transaction to a Property Owner, or to a transferee, that extends the deadline to obtain a Certification not to exceed 180 days from the date the Time Extension Certification is issued.

**TITLE TRANSFER:** The sale or transfer of an entire real property estate or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as leasehold. The following are not Title Transfers for purposes of this Ordinance:

- (1) A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust if the trust is for the benefit of the grantor or grantors.

- (2) A transfer made by a trustee to fund an inter vivos trust.
- (3) A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the California Family Code, or to a person or persons in a Lineal Consanguinity Relationship with one or more of the transferors.
- (4) A transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership or resulting from a decree of legal separation or from a property settlement agreement incidental to a decree.
- (5) A transfer from a Property Owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new Property Owner is a Title Transfer for purposes of this Ordinance.

**TWO-WAY CLEANOUT:** A "Y" or "V"-shaped segment of pipe connected to a PSL and rising to the surface, providing access to the PSL in both directions for purposes of inspection and removal of obstructions and meeting the specifications and requirements of the California Plumbing Code.

**VERIFICATION INSPECTION:** A CCTV inspection to verify that all PSLs associated with the parcel comply with this Ordinance. The CCTV inspection of the PSL must be from the building drain cleanout serving the structure(s) to the connection to the public sewer main. Verification Inspections shall be performed by a licensed contractor.

**WASTEWATER:** The liquid and water-carried industrial wastes and wastewater from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**7-17-5: Responsibilities and Standards for Maintenance of Private Sewer Laterals (PSLs)**

- (A) Each property owner shall, at the property owner's expense, inspect, maintain in good working order, repair, and replace, as necessary, the PSL so that it does not cause or contribute to any sewage discharge or exfiltration outside of the sanitary sewer system from either the PSL or the public sewer. The owner shall perform such duties as may be required in response to observed overflows or seepage attributable to the PSL, or as discovered by smoke testing, televising or other surveys of the PSL. Where such maintenance requires excavation or replacement of existing sewer facilities, the owner shall apply for and receive an encroachment permit from the City if within a City right-of-way and approval from any other affected property owner.
- (B) Where it has been determined that a PSL exists on two or more adjoining lots, each property owner utilizing the private common building sewer lateral shall be responsible for their portion of the common sewer lateral and those parts described in section 7-17-6(a)(1) ~~all property owners utilizing the private common sewer lateral shall be jointly and severally responsible~~ or make direct connection to the public sewer system in accordance

with the California Plumbing Code and all applicable provisions of the Placerville Municipal Code.

1. Each property owner will be ~~jointly and severally~~ responsible for the maintenance, repair, or replacement of their portion of the common sewer lateral building sewer as a unit, from their individual building drain cleanouts to the public sewer connection. ~~This shall mean both sewer lines from each building cleanout and the section of the line shared to the public sewer connection will be one system regardless of which property located upon.~~
  2. The common sewer lateral may be relocated or abandoned if owners mutually agree and such relocation or abandonment is first approved by the City, with the appropriate permits.
  3. In the event an owner neglectfully or intentionally damages or interferes with the efficient operation of the common sewer lateral, that owner shall be responsible for all costs of repairing such damage or removing any obstruction caused by the owner.
  4. All owners shall acknowledge that pursuant to the California Plumbing Code, the City shall have enforcement rights with respect to this Ordinance, and that, in the event the City is required to bring action to enforce this Ordinance or any part thereof, owners agree to pay for reasonable legal fees and staff time.
- (C) All PSLs must meet the following standards and the requirements of the California Plumbing Code, including:
1. The PSL shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.
  2. All 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 by waste or infiltration by ground water or storm water.
  3. The grade of every PSL shall be uniform without sags or offsets not being less than ¼ inch per foot of grade.
  4. The PSL shall have an exterior two-way cleanout located at or near the structure and a two-way cleanout located at the property line most directly adjacent to public right-of-way or easement. All cleanouts shall be securely capped at all times. Additional cleanouts shall be installed at intervals not to exceed 100 feet straight run.
  5. The PSL shall be equipped with a California Plumbing Code approved backflow device.
  6. In conjunction with a PSL serving a structure in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from the fixtures to the sewer main, the property owner shall install and maintain a pump or other appropriate device or devices to lift the contents of the PSL to the City's sanitary sewer system. Such devices shall be installed and maintained in accordance with the California Plumbing Code and all applicable provisions of the Placerville Municipal Code, and shall be subject to

inspection, testing, repair and replacement under the provisions of this Ordinance governing PSLs

7. There shall be no Non-Sanitary Sewer Connections to the PSL plumbing. Any non-sanitary sewer connections shall be subject to immediate removal when discovered at the property owner's sole expense. Illicit waste is also not permitted.
- (D) Property Owners shall provide connections to the sanitary sewer system in accordance with all applicable state and local laws.
- (E) Property Owners shall report to the City of any wastewater that is released from a PSL to the surface resulting in a sanitary sewer overflow or spill within 24 hours.

**7-17-6: Certification of Lateral Compliance (COLC) Required**

- (A) All Property Owners must obtain a COLC at the time and in the manner required by this Section, except that Common Interest Developments shall obtain a COLC as prescribed in Section 7-17-11.
1. Before completing a title transfer through sale associated with a parcel containing any structure not already having a valid COLC. ~~The parties to a common sewer lateral are jointly and severally responsible for the common portion of the private sewer lateral and shall obtain a COLC in accordance with Section 7-17-7.~~ To the extent that a portion of a common sewer lateral is on property that is not being directly served by the common sewer lateral, all benefited private properties on the common sewer lateral shall be jointly and severally responsible for repair, replacement, and associated fees, costs, and fines.
  2. Whenever property containing one or more structures is subdivided, the PSLs serving the property shall have a Verification Inspection. Before the subdivision, lot line adjustment, or parcel map is approved, all repairs or replacements necessary to bring a PSL into compliance shall be performed. If the subdivision of land causes structures served by a single PSL to be separated onto different lots, PSLs for each lot on which there is a structure shall be constructed in accordance with the California Plumbing Code and all applicable provisions of the Placerville Municipal Code.
  3. Whenever property that is served by the City's sewer system is altered to include the addition of two or more new plumbing fixtures that discharge into a sanitary sewer system, the PSL(s) to the property shall have a Verification Inspection performed.
  4. Whenever an application is submitted for the construction, alteration, relocation, enlargement, replacement, repair, use and occupancy, or maintenance, of a structure, the cost of which equals or exceeds twenty five percent (25%) of the market value of the structure before the start of construction of the improvement.
  5. Upon the repair or replacement of a portion of the Building Sewer, Common Building Sewer, or Private Sewer Lateral.

6. Upon a determination of a violation by the Building Official, the cleaning, testing, repair, or replacement of the PSL is required for the protection of the public health, safety, and welfare.
7. For structures and/or where the PSL was installed without a permit and does not have a COLC, the property owner shall comply with the standards set forth in Section 7-17-7.

(B) Exceptions:

1. Where the property owner possesses a valid COLC.
2. Where the property owner(s) has installed a PSL under a permit and the finaling date of said permit is less than twenty (20) years.
3. Where a pressurized private common sewer lateral system is maintained through a Private Sewer Maintenance Agreement and said agreement contains language requiring regular maintenance and funding, the Building Official shall issue a COLC unless the system is currently out of compliance with the California Plumbing Code and/or this Ordinance.

**7-17-7: Obtaining a Certification of Lateral Compliance (COLC)**

- (A) Whenever a COLC is required under this Ordinance, a Property Owner who does not hold a valid COLC shall do the following at the Property Owner's expense:
1. If the PSLs are not in compliance, for one or more of the reasons described in Section 7-17-6, the Property Owner shall obtain any required permits and perform all work needed to bring the PSLs into compliance with the California Plumbing Code.
  2. The Property Owner shall then document, to the satisfaction of the Building Official that all PSLs associated with the parcel, including Common Sewer Laterals if applicable, are in compliance with the standards set forth in Section 7-17-5 and that all other requirements of this Ordinance have been satisfied following completion of all necessary repairs and finaling of the building permit, a COLC shall be issued.
  3. For all single and multi-family dwellings, and other residential structures, if it is determined that the PSL does not meet the standards as set forth in the California Plumbing Code, all applicable provisions of the Municipal Code, including this Ordinance, the Property Owner shall repair or replace the PSL in its entirety from the structure to the main in accordance with those same standards.
  4. For all non-residential structures, if it is determined that the PSL, ~~Common Building Sewers,~~ does not meet the standards as set forth in the California Plumbing Code, all applicable provisions of the Municipal Code, including this Ordinance, the Property

Owner shall repair or replace the PSL in its entirety from the structure to the main in accordance with those same standards.

- (B) In the event the PSL associated with a particular parcel has passed the Verification Inspection, and upon payment of the appropriate fee as published in the City's fee and rate schedule, the Building Official shall issue a signed COLC to the property owner specifying the address of the property served by the subject PSL. A COLC shall be valid for a period not to exceed twenty (20) years and shall be valid only for the PSL at the address specified in the COLC. The Director shall maintain records of all COLCs issued.
- (C) If the Building Official, following a Verification Inspection, determines that a PSL does not meet the standards set forth in 7-17-5 and the property owner has not agreed in writing to perform the repairs or replacements necessary to bring the PSL into compliance, then the Building Official shall give written notice to the property owner(s) of any conditions that violate this Ordinance and shall cause a Notice to Correct. Such written notice shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction and shall advise the property owner(s) of the enforcement provisions of the City Municipal Code as specified in Code Section 7-4-20.

**7-17-8: Person authorized to repair or replace PSLs**

Contractors performing any work on a ~~private sewer laterals or private sewer systems~~ PSL must meet all state and local licensing requirements prior to commencing such work. In the instance where encroachment in the public right-of-way is needed for the repair of a PSL, an encroachment permit must first be obtained from the City Engineer and the work shall be performed by a licensed contractor.

**7-17-9: Certification of Lateral Compliance (COLC) Term Limits**

- (A) Where the PSL is totally replaced, the COLC shall be valid for a period not to exceed twenty (20) years from the date of issuance and is required to be renewed every twenty years.
- (B) Where the City approves a partial replacement or repaired PSL, the COLC shall be valid for a period to be determined by the Building Official in accordance with the California Plumbing Code.

**7-17-10: Time Extension Request – Close of Escrow**

In the event repairs cannot be completed before the close of escrow, Property Owners may request a Time Extension from the Director. Extensions and duration may be granted at the discretion of the Director up to a maximum of 180 days.

**7-17-11: Common Interest Development**

- (A) COLC Requirement. A COLC must be obtained with respect to Common Interest Developments as described in this Section.

- (B) Responsibility of Homeowners' Associations and Individual Unit Owners.
1. The division of responsibility for PSL maintenance between the Homeowners' Association and the Property Owners of individual units may be described in any document but is typically described in the Covenants, Conditions, and Restrictions applicable to Common Interest Developments or the parcels in them. In some Common Interest Developments, the Homeowners' Association has assumed responsibility to maintain all PSLs. In other Common Interest Developments, the owner of each individual unit is responsible to maintain the PSLs associated with the unit he or she owns, and the Homeowners' Association is responsible to maintain the remaining PSLs within the Common Interest Development. If the individual unit owner is responsible to maintain their respective PSL, the individual owner must obtain a COLC in accordance with Section 7-17-7.
  2. If the Homeowners' Association has assumed responsibility to maintain all PSLs within the Common Interest Development, the Homeowners' Association must obtain a COLC in accordance with Section 7-17-7.
  3. If the Property Owners of individual units and the Homeowners' Association share responsibility to maintain PSLs within the Common Interest Development, or if no allocation of responsibility is provided, the parties' respective responsibility to obtain COLCs is as follows:
    - (a) The Property Owner of the individual unit must obtain a COLC in accordance with Section 7-17-7 and notwithstanding paragraph (A)2 of that Section, provided that the Building Official shall require a Verification Inspection of only those PSLs or portions of PSLs that are the responsibility of the Property Owner of the individual unit before issuing a COLC.
    - (b) The Homeowners' Association must obtain a COLC in accordance with Section 7-17-7 for all parcels associated with any PSL that is the Homeowners' Association's responsibility to maintain, provided that the Building Official shall require a Verification Inspection of only of those PSLs or portions of PSLs that are the responsibility of the Homeowners' Association before issuing a COLC.
    - (c) The issuance of a COLC under paragraph (B)3 of this Section to either a Property Owner of an individual unit or to a Homeowners' Association, with respect to a specific parcel within a Common Interest Development, does not relieve another party that shares responsibility to maintain PSLs associated with the same parcel of its obligation under paragraph (B)3 of this Section to obtain a COLC for that parcel.
- (C) A COLC issued to a Homeowners' Association under this Section shall be valid for a period not to exceed 20 years from the date it is issued. The Homeowners' Association must obtain a new COLC in accordance with Section 7-17-7 immediately prior to the expiration of the previously issued COLC.
- (D) Developments where no Homeowners' Association exists. For the purposes of this Ordinance, any development without a Homeowners' Association is not a Common Interest Development, even if the development is classified in county records as

condominiums, residential planned unit developments, or similar. This Section does not apply to such developments. Individual unit owners within such developments must obtain a COLC that is compliant with the standards set forth in Section 7-17-7.

**7-17-12: Right of Entry**

The City may, with the consent of the property owner or after compliance with the requirements of applicable laws, enter, inspect, collect water/wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of any portion of this Ordinance. Unless there is an emergency threatening the public health, safety or welfare, the Director shall provide at least ten (10) business days' notice to the property owner of the City's intent to enter upon the property. The City shall also request that a property owner provide all written records of PSL inspections, maintenance, repair, and replacement at the time of inspection or within ten (10) or more business days after receipt of the request.

**7-17-13: Enforcement**

- (A) The Director shall have the authority to enforce this Ordinance.
- (B) Violations of this Ordinance include, but are not limited to:
  1. Failure to obtain a COLC when one is required, including after the expiration of a Time Extension Certification;
  2. Failure to obtain a Time Extension Certification if a COLC is not obtained or to timely perform all required work after receiving a Time Extension Certification;
  3. Failure to comply with the California Plumbing Code requirements for Repair, Replacement and Verification Inspection;
  4. Falsifying facts to obtain a COLC;
  5. Performing work without appropriate licensing;
  6. Performing work without first obtaining a building permit;
  7. Failure to obtain a City encroachment permit, if the work is to be performed within a City right-of-way, prior to commencing work on the PSL;
  8. Presenting a false COLC or false documentation (videos, testing results, maps etc.) to the City; and
  9. Allowing a PSL or sewer clean-out to operate if the PSL or sewer clean-outs which contains leaks or breaks; uncapped or improperly capped sewer clean-outs; sump pumps; down spouts or yard drains that discharge into the City's sanitary sewer system; or any other sources of accidental, negligent, or intended introduction of storm water runoff or similar waters into the sanitary sewer system.
- (C) Violations of this Ordinance are hereby declared to be a public nuisance, subject to abatement in accordance with City Code Title 1, Chapters 4, 4A, and 4(B) if, after being notified of the nuisance condition, the property owner fails to correct the condition. If the City abates a sewer-related public nuisance, the costs of such abatement shall be assessed against the subject

property owner and may result in a lien against the subject property in accordance with Placerville Municipal Code Title 1, Chapter 4(B) and Title 7, Chapter 4, Section 7-4-20.

- (D) When the Director finds that a person has violated this Ordinance, or in his or her sole discretion, determines that a violation is imminent, the Director shall notify the person in writing. Within 30 days of the mailing of that notification, the notified person must submit for approval by the Director a detailed time schedule of specific actions the person shall take in order to correct or prevent a violation of this Ordinance. The person must take action within 90 days of the mailing date of the Director's notification. A violation will be deemed to be imminent if it is likely to affect the public health or safety. Under such circumstances, the Director need only provide twenty-four hours' written notice prior to being authorized to have the City abate the violation and charge the person for the costs.
- (E) Revocation of a Certification. The Director reserves the right to issue a notice of COLC Revocation. Such findings by the Director include but are not limited to the following:
1. Street subsidence at the connection of the PSL to the sewer main;
  2. Private sanitary sewer overflows from the PSL of the Property Owner; or
  3. Any condition related to the PSL that creates a nuisance or a violation of the California Plumbing Code or the Placerville Municipal Code, including this Ordinance.
- (F) The Director may take enforcement action against a person who violates the provisions of this Ordinance or fails to perform any act required by this Ordinance, including but not limited to initiating court action to obtain an injunction requiring the work to be done and/or terminating service to the POTW. The Director may recover from any person in violation of this Ordinance the costs the City incurs in connection with enforcing this Ordinance, including staff time, and may seek attorneys' fees in any court action or proceeding. Where persons are made jointly and severally liable under this Ordinance, enforcement actions can be taken against any one or more of the jointly and severally liable parties.
- (G) Citation penalties. In addition to, or in lieu of, the remedies set forth in this Ordinance, any violation of this Ordinance may result in the issuance of an administrative citation pursuant to the Placerville Municipal Code Title 1, Chapters 4, 4A, and 4B; and Title 7, Chapter 4, Section 7-4-20.

**7-17-14: Fees and Policies**

Fees and charges to recover the percentage of costs reasonably borne for the purpose of compliance with this Ordinance may be adopted by resolution or as adopted by the City Council as part of the City's Master Fee Schedule.

**7-17-15: Developing Policies and Procedures**

The Director shall develop, implement, and maintain written policies, procedures and guidance materials for the administration and enforcement of this Ordinance and shall make them available on the City's website and upon request.

**7-17-16: Emergencies**

During a proclaimed State of Emergency or declaration of local emergency, the City Manager may temporarily suspend any or all provisions of this Ordinance until the next regular or special meeting of the City Council. At the regular or special meeting, a report shall be made, and the City Council may consider whether to authorize continued suspension of this Ordinance for the full duration of the State of Emergency, or for any shorter time period the City Council finds appropriate.

**SECTION III**

**Compliance with the California Environmental Quality Act (CEQA).** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15308 that exempts "actions by regulatory agencies for protection of the environment" and that this Ordinance will improve the maintenance, restoration, enhancement of private laterals, services, and sewer systems to reduce the frequency of unauthorized spills and release of untreated sewage into the environment and provide for the protection of the operation of the City's Hangtown Creek Water Reclamation Facility and 15304 (Minor Alterations to Land).

**SECTION IV: Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause, or phrase.

**SECTION V: Effective Date.**

This Ordinance becomes effective thirty (30) days after its final passage and adoption.

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on November 14, 2023, by Councilmember \_\_\_\_\_, and it was read for the first time. The Ordinance was read for the second time on December 12, 2023, and Councilmember \_\_\_\_\_ moved its adoption. The motion was seconded by Councilmember \_\_\_\_\_. A pool vote was taken which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Mayor Michael Saragosa

ATTEST:

---

Regina O'Connell, CPMC, City Clerk