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## CITY OF SANTA BARBARA

### ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** April 20, 2021

**TO:** Ordinance Committee

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Introduction Of Ordinance To Amend Municipal Code Title 14 For The Sewer Lateral Inspection Program

#### **RECOMMENDATION:**

That the Ordinance Committee forward to City Council for introduction, an Ordinance of the Council of the City of Santa Barbara Amending Title 14, Chapters 14.34, 14.44, and 14.46 of the Santa Barbara Municipal Code Pertaining to Sewers and Sewer Lateral Maintenance and Inspection.

#### **DISCUSSION:**

##### Background

The City of Santa Barbara operates and maintains a 256-mile sewer collection system. This publicly owned infrastructure is maintained by a combination of City staff and private contractors. Approximately 25,000 privately owned sewer laterals, totaling 300 miles, connect private plumbing fixtures to the City's sewer collection system. Individual property owners are responsible for maintaining their sewer laterals. However, many sewer laterals in the City have outlived their useful service lifespans and are in disrepair.

The City of Santa Barbara's Sewer Lateral Inspection Program (SLIP) was established in 2007 as a way to assist with addressing the maintenance and repair of private sewer laterals. Over the years, the program has continued to develop and change in response to the community's needs. As a result, language in Title 14 needs to be updated and clarified to be current with today's practices.

##### Proposed Changes

Language in Title 14 of the Municipal Code, Chapters 14.34, 14.44, and 14.46 govern the actions and activities relating to sewers and sewer lateral maintenance and inspection. The proposed code amendments have been prepared by the City Attorney's Office and are intended to update and clarify code language to be consistent with existing practices.

The amendments to Title 14 have been prepared to coincide with the recent updates to the SLIP program. Proposed language defines SLIP; prescribes roles and responsibilities;

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and clarifies the maintenance of sewer laterals serving private buildings, common interest developments and multi-unit developments. The proposed changes also add a schedule, as well as exemptions, for sewer lateral inspections, and updates requirements for making sewer lateral repairs.

The proposed changes to the Municipal Code better define terms, such as available public sewer, house connection sewer, private sewage disposal system, and Public Works Director. Other proposed changes include clarification of requirements for private sewage systems connecting to the public sewer system, and prohibitions on obstructing public sewer flows. Please see the attached proposed ordinance for the specific changes.

**SUSTAINABILITY IMPACT:**

Planned maintenance and repair of private sewer laterals reduces the potential for sanitary sewer system overflows and protects public health and the environment.

**ENVIRONMENTAL REVIEW:**

The adoption of the code amendments to update and clarify language are exempt from the California Environmental Quality Act.

**WATER COMMISSION RECOMMENDATION:**

This item was presented to the Water Commission at its meeting on April 15, 2021, and the Commission voted **X-X** in support of staff's recommendations.

**ATTACHMENT:** Ordinance For The Sewer Lateral Inspection Program

**PREPARED BY:** Catherine Taylor, Water Supply and Services Manager/GF/rb

**SUBMITTED BY:** Joshua Haggmark, Acting Public Works Director

**APPROVED BY:** City Administrator's Office

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTERS 14.34, 14.44, AND 14.46 OF THE SANTA BARBARA MUNICIPAL CODE PERTAINING TO SEWERS AND SEWER LATERAL MAINTENANCE AND INSPECTION

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 14.34.010 of Chapter 14.34 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.34.010 Definitions Generally.**

As used in this Title, the ~~following words and terms shall for the purposes of this title, defined in Section 14.34.020~~ have the meanings respectively ascribed to them by ~~this chapter that Section~~, unless it shall be apparent from the context that a different meaning is intended.

SECTION 2. Section 14.34.020 of Chapter 14.34 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.34.020 Terms Defined.**

A. “AVAILABLE PUBLIC SEWER.” ~~Including any other reference to a public sewer being or becoming available means when a public sewer is located within 200 feet, measured in a straight line, from the closest edge of a structure having plumbing fixtures and the parcel on which the structure is located abuts a street or easement containing a public sewer to a connection could be constructed for a total cost as estimated by the Chief of Building and Zoning based on standard prevailing unit prices of not more than~~

~~\$750.00 or for a total cost of not more than \$1,000.00 when not less than \$250.00 is reimbursable under Section 14.52.010.~~

B. CESSPOOL. ~~“Cesspool” means a~~ An excavation in the ground which receives discharge from any sanitary plumbing facilities.

C. DOMESTIC SEWAGE. ~~“Domestic sewage” means a~~ Any and all waste substance, liquid or solid, associated with human habitation.

D. HOUSE CONNECTION SEWER. ~~“House connection sewer” means~~ The pipes and other facilities connecting a premises to a public sewer for the purpose of conveying domestic sewage and/or industrial liquid waste, including that portion extending into the public street or right of way and the point of connection to the public sewer. House connection sewer, private sewer lateral, building sewer lateral, sewer lateral, and lateral all have the same meaning. ~~that portion of the horizontal piping which extends from the public sewer to the street property line or right-of-way.~~

E. INDUSTRIAL LIQUID WASTE. ~~“Industrial liquid waste” means a~~ Any waterborne waste, except domestic sewage.

F. INDUSTRIAL WASTE. ~~“Industrial waste” means a~~ Any and all liquid or solid waste substance, not domestic sewage, from any producing, manufacturing or processing operation of whatever nature.

G. LICENSED CONTRACTOR. ~~“Licensed contractor” means a~~ A sewer contractor having a valid license issued pursuant to the Business and Professional Code of the State which license includes the activities listed on the permit applied for.

H. LOT. ~~“Lot”~~ means a Any piece or parcel of land bounded and defined or shown upon a plot or deed recorded in the Office of the Recorder of the County, as a separate or individual parcel, except that in the event any building or structure covers more than a lot, the word “lot” shall include all such pieces or parcels of land upon which such building or structure is wholly or partly located.

I. PREMISES. ~~“Premises”~~ means a Any lot, parcel of land, building or establishment.

J. PRIVATE SEWAGE DISPOSAL SYSTEM. A system composed of a septic tank and a dispersal field and related equipment and appurtenances. Private sewage disposal systems are also referred to as onsite wastewater treatment systems, septic systems, onsite sewage disposal systems, or individual sewage disposal systems and may include alternative and supplemental treatment systems.

K. PUBLIC SEWER. ~~“Public sewer”~~ means a Any main line sewer constructed in any street, highway, alley, place or right-of-way dedicated for public use. Such term shall not include house connection sewers.

L. PUBLIC WORKS DIRECTOR. ~~“Public Works Director”~~ means The Director of the Public Works Department and any City personnel exercising authority delegated by the Public Works Director. ~~official agent, branch or function of the City responsible for the design, construction, maintenance and operation of sanitary sewers in the City. It shall include all officers, agents and employees engaged in sewer services.~~

M. SEPTIC TANK. ~~“Septic tank”~~ means a A structure for private treatment for sewage before disposal into a cesspool, seepage hole or leaching system.

SECTION 3. Section 14.44.010 of Chapter 14.44 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.44.010 Connection to Public Sewer - Required When Public Sewer Available.**

A. When a public sewer is available, all plumbing that~~which~~ receives the waste discharge from any building, structure or place of business, shall be connected to a public sewer.

B. All plumbing receiving waste discharge which is connected to a~~premises served by a private sewage disposal system shall be connected to an available public sewer when required under Chapter 22.04 of this Code or when the private sewage disposal system fails.~~

SECTION 4. Section 14.44.020 of Chapter 14.44 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.44.020 When Sewer Not Available.**

If there is no available public sewer, a premises may be served by a private sewage disposal system when authorized under Chapter 22.04 of this Code. Nothing in this Section shall be construed to preclude a requirement for extension of public sewer to serve a parcel as a condition of subdivision or other development of property.~~The connection to a public sewer required by Section 14.44.010 may be dispensed with when no public sewer is available and when, in the opinion of the Health Officer of the County, a private sewage disposal system would be adequate and safe and would not constitute a menace to public health.~~

SECTION 5. Section 14.44.030 of Chapter 14.44 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.44.030 When Connection to Approved Private Sewage Disposal System Required.**

\_\_\_\_\_All plumbing receiving waste discharge which is not connected to a public sewer shall be connected to an approved private sewage disposal system ~~approved by the Chief of Building and Zoning and Health Officer of the County.~~

SECTION 6. Section 14.44.150 of Chapter 14.44 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.44.150 Maintenance Generally Not to Obstruct Public Sewer Flow.**

\_\_\_\_\_No person shall do, or cause to be done, any maintenance which would damage or obstruct the flow of any public sewer. No person shall maintain a building drain or private sewer lateral in a condition that prevents or interferes with the cleaning or inspection of the public sewer.

SECTION 7. Section 14.46.010 of Chapter 14.46 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.46.010 Definitions.**

\_\_\_\_\_Unless the context indicates otherwise, the following definitions apply to the use of the following terms for the purposes of this Chapter:

\_\_\_\_\_A. BUILDING SEWER LATERAL INSPECTION. An inspection of a Building Sewer Lateral that consists of the retention of a licensed plumber (as certified under Section 14.46.050) by the Owner in order to visually examine and inspect a Building

Sewer Lateral in the manner deemed appropriate by the City Public Works Director. Such an inspection shall, at a minimum, include the use of a closed-circuit television inspection device for the purposes of determining whether the Building Sewer Lateral complies with the requirements of this eChapter, the Regulation adopted under Section 14.46.080, and any applicable state laws.

      B.      BUILDING SEWER LATERAL. ~~That part of the horizontal piping including the lateral connection that carries sewage and liquid waste from the building or structure of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal. The pipes and other facilities connecting a premises to a public sewer for the purpose of conveying domestic sewage and/or industrial liquid waste, including that portion extending into the public street or right of way and the point of connection to the public sewer. As used in this Chapter, For the purposes of this chapter, a Building Sewer Lateral shall also include a Septic Tank if one exists upon the Property and it is in use.~~ the pipes and facilities that connect a premises to an approved private sewage disposal system.

      C.      COMMERCIAL PROPERTY. Any real property ~~not used for commercial, industrial or mixed commercial and residential purposes. and not a Common Interest Development.~~

      D.      COMMON INTEREST DEVELOPMENT. A residential development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities,



including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments, which contains three or more dwelling units and which has a Building Sewer Lateral shared by three more dwelling units.

\_\_\_\_\_ E. \_\_\_\_\_ MULTI-UNIT RENTAL DEVELOPMENT. A residential development, other than a common interest development, having three or more units connected to a common sewer lateral.

\_\_\_\_\_ F. \_\_\_\_\_ NOTICE TO REPAIR. The notice issued by the City Public Works Director to the Owner advising that the Owner appears to be in violation of the Santa Barbara Municipal Code with respect to the Owner's Building Sewer Lateral, or in violation of the Code in the manner of the Building Sewer Lateral's connection to the City sewer system, which order directs the abatement of the identified apparent violation in a timely manner.

\_\_\_\_\_ G. \_\_\_\_\_ OWNER. Any person, partnership, association, corporation or fiduciary having an ownership interest ~~legal title (or any partial interest)~~ in any real property situated within the City. Owner includes a homeowner's association or similar organization of a common interest development. Owner includes multiple owners jointly and individually.

\_\_\_\_\_ H. \_\_\_\_\_ SEPTIC TANK. As the term is defined in Section 14.34.100.

\_\_\_\_\_ I. \_\_\_\_\_ SEWER LATERAL CONNECTION. That portion of the Building Sewer Lateral that connects to the public sewer main, commonly using a tee, wye, or saddle.

SECTION 8. Section 14.46.020 of Chapter 14.46 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.46.020 Maintenance of Private Building Sewer Laterals and Private Sewage Disposal Systems.**

A. An Owner is responsible, at the Owner's cost, for all preventative and corrective maintenance activities for the building sewer lateral serving the Owner's premises, up to and including the sewer lateral connection to the public sewer, including periodic video inspection, testing, cleaning, repair and replacement.

~~A. MAINTENANCE OF BUILDING SEWER LATERALS.~~ B. An Each Owner shall maintain each his or her Building Sewer Lateral serving the Owner's premises in good working condition, ~~(s)~~ free of displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, ~~inflow, or infiltration of extraneous water,~~ root intrusion, grease and sediment deposits, or ~~any other similar conditions, defects, or obstructions~~ likely to cause or increase the likelihood ~~chance~~ for blockage of the Building Sewer Lateral.

~~B. MAINTENANCE OF SEPTIC TANK.~~ C. Each An Owner of a premises served by a private sewage disposal system shall maintain the system to be his or her Septic Tank free of deterioration, corrosion, damage, disposal failure or any other ~~similar deficiencies or defects~~ condition likely to increase likelihood of failure of the system ~~Septic Tank~~.

~~C. GENERAL MAINTENANCE REQUIREMENTS.~~ The maintenance obligation imposed by this ~~s~~Section shall be in addition to and supplemental of the general private sewer system maintenance obligations imposed by Section 14.44.160 of this ~~e~~Code.

SECTION 9. Section 14.46.030 of Chapter 14.46 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.46.030 Building Sewer Lateral Inspections - Access to Premises.**

~~\_\_\_\_\_The Public Works Director or the City Health Officer (or any designated representative thereof) is hereby authorized to inspect, measure, sample, and test any Building Sewer Lateral, and the contents thereof, in use within the City and connected to the City sewer system for the following purposes:~~

~~A\_\_\_\_\_1. To determine the size, depth, and location, and condition of any sewer connection or building sewer lateral;~~

~~B\_\_\_\_\_2. To determine the end outlet of any sewer connection or building sewer lateral; by depositing harmless testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.~~

~~C\_\_\_\_\_3. To determine, by measurements and samples, the quantity and nature of the sewage or waste water being discharged into any sewer.;~~

~~D\_\_\_\_\_4. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a sewer.~~

~~Nothing herein shall be deemed to provide the Public Works Director (or the Director's designee) with any right or authority. This Section does not authorize City personnel to enter a building or other apparently private or interior area of a premisesreal property, except by permission of the owner or occupant or as to the extent such entry is expressly otherwise authorized by state law.~~

SECTION 10. Section 14.46.040 of Chapter 14.46 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.46.040 Mandatory Building Sewer Lateral Inspections.**

\_\_\_\_A. HEALTH AND SAFETY BASIS FOR REQUIRING A BUILDING SEWER LATERAL INSPECTION. An Owner shall have the Building Sewer Lateral of his or her real property inspected in accordance with the requirements of this eChapter (as directed and within the time period indicated by the Public Works Director) upon the occurrence of any of the following events:

\_\_\_\_1. Overflow or Malfunction. Whenever the Public Works Director has sufficient evidence (as determined by the Director) that the Building Sewer Lateral has recently overflowed or has recently malfunctioned;

\_\_\_\_2. Lateral Failure or Lack of Maintenance. Whenever, based on sewer system inspection or testing conducted by the City (of either the Building Sewer Lateral or the City's public sewer system), the Public Works Director finds that there is sufficient evidence to conclude that the Building Sewer Lateral has failed, is likely to fail, or has not been properly maintained as required by Section 14.46.020.

\_\_\_\_3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a Building Sewer Lateral.

\_\_\_\_B. EVENTS REQUIRING A BUILDING SEWER LATERAL INSPECTION - RESIDENTIAL PROPERTIES. An Owner shall have the Building Sewer Lateral of his or her residential Property inspected in accordance with the requirements of this chapter upon the occurrence of any of the following events:

\_\_\_\_1. Home Additions. Prior to the issuance of a City building permit for a residential building addition or new improvements on the real property in excess of 400

square feet of habitable space as that phrase is defined in the California Building Code as adopted and amended by the City;

\_\_\_\_\_2. New Plumbing Fixtures. Prior to the issuance of a City building permit for two or more new plumbing fixtures attached to the Building Sewer Lateral upon the residential Property. For the purposes of this sSection, the phrase “new plumbing fixtures” shall refer only to an increase in the number of plumbing fixtures in use on the real property prior to the application for a building permit for the “new” plumbing fixtures.

\_\_\_\_\_C. ~~SCHEDULE FOR LATERAL INSPECTIONS - NONRESIDENTIAL ANDCOMMERCIAL PROPERTY, COMMON INTEREST DEVELOPMENTS, REAL PROPERTIESAND MULTI-UNIT RENTAL DEVELOPMENTS.~~

~~1. Nonresidential Properties. An Owner or Owners of a nonresidential property within the City shall have that Property’s Building Sewer Lateral(s) inspected in accordance with the requirements of this chapter once every 10 years beginning January 1st of the year following the adoption of the Ordinance first enacting this chapter. Within each 10-year period of time, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule attached to this section as Exhibit 1 and dated as of September 26, 2006, in the order and by district as established on Exhibit 1. [For the purposes of this section, a property which has a mixture of allowed residential and nonresidential uses shall be considered a nonresidential property with respect to its compliance with the sewer lateral inspection requirements of this section.]~~

~~2. Common Interest Developments. The Owner or Owners of a Common Interest Development shall have that Property's Building Sewer Lateral(s) inspected in accordance with the requirement of this chapter once every 10 years beginning January 1st of the second year following the enactment of the Ordinance first enacting this chapter. Within each 10-year period of time, such lateral inspections shall occur in accordance with and not later than the Citywide area map and schedule attached to this section as Exhibit 1 and dated as of September 26, 2006, in the order and by district as established on Exhibit 1, an official full size color copy of which shall remain on file in the City Clerk's office.~~

In addition to any inspection that may be required under Subsection A of this Section, the owner of commercial property, a common interest development, a or multi-unit rental development shall have the building sewer lateral or laterals serving the owner's property inspected in accordance with the requirements of this Chapter once every 15 years according to a schedule established by the Public Works Director commencing as of January 1, 2007.

\_\_\_\_\_D. EXCEPTION TO INSPECTION FOR RECENT PRIOR INSPECTIONS AND REPAIRS. The following are exceptions to the Inspection requirements of sSubsections B and C above:

\_\_\_\_\_1. Prior Replacement of Building Sewer Lateral. An Owner otherwise required to perform a Building Sewer Lateral inspection under subsection B or C of this section shall not be required to perform such an inspection if the Owner (or the Owner's predecessor in interest) has originally installed or has replaced his or her Property's

~~Building Sewer Lateral and Sewer Lateral Connection within the 20 years prior to the date of the application for a building permit~~An inspection is not required under Subsection B if the building sewer lateral serving the premises has been originally installed or replaced within 20 years of the date of the application for building permit.

\_\_\_\_\_2. Prior Inspection or Repair of a Building Sewer Lateral. An inspection is not required ~~Owner otherwise required to perform an inspection under s~~Subsection B or C of this s~~Section shall not be required to perform such an inspection if the Owner has either completed~~ if a remedial inspection showing the building sewer lateral to be in good repair was ~~(conducted in accordance with the Inspection requirements of this eChapter)~~ or completed a permitted repair of the ~~Building Sewer Lateral and Sewer Lateral Connection~~ within the three years prior to the date the inspection would otherwise be required. The period for mandatory inspection under Subsection C will be reset and start anew whenever a remedial inspection for a premises is conducted and repairs to the building sewer lateral are made as required by this Code.

SECTION 11. Section 14.46.060 of Chapter 14.46 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

**14.46.060 Required Building Sewer Lateral Repairs.**

\_\_\_\_\_A. NOTICE TO REPAIR. Upon receipt of the Building Sewer Inspection Report pursuant to this eChapter, the Public Works Director ~~(or his or her designee)~~ will determine whether it indicates any deficiencies in the operation of the Building Sewer

Lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair or Replace as may be deemed appropriate by the Director. The Notice to Repair/Replace shall specifically identify the deficiencies to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this eCode or any uniform code adopted by the City.

\_\_\_\_\_B. OBLIGATIONS OF THE OWNER. The Owner shall repair his or her Building Sewer Lateral to the satisfaction of the Public Works Director, and, if a building permit is required for the repairs, the Owner shall obtain a final permit inspection and approval of the City Building Official.

~~C. REPAIRS UPON OTHER PROPERTIES NOT REQUIRED. If a Building Sewer Lateral traverses private property other than the Owner's Property, the Owner shall only be responsible for the repairs to that portion of the Building Sewer Lateral that are upon the Owner's Property and also to that portion of the Building Sewer within a public right-of-way.~~