

ORDINANCE NO. 932

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA AMENDING TITLE 13 OF THE LANCASTER MUNICIPAL CODE, MODIFYING CHAPTER 13.07 SANITARY SEWERS AND CHAPTER 13.08 SANITARY SEWERS AND INDUSTRIAL WASTE

WHEREAS, On January 13, 2009, the City Council adopted Ordinance No. 910 as the Sanitary Sewer and Industrial Waste Ordinance; and,

WHEREAS, On April 14, 2009, the City Council approved its Sewer System Management Plan (SSMP) in accordance with the WDRs; and,

WHEREAS, The SSMP addresses among other items, providing the legal authority to effectively operate and maintain the Lancaster sanitary sewer system; and,

WHEREAS, The City Council desires to be proactive in implementing the SSMP with respect to strengthening the legal authority for the operation and maintenance of the sewer system.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. It is the purpose and intent of the City Council that Exhibit "A" attached hereto amends Chapter 13.07 and 13.08 of the Municipal Code to strengthen the ability of the City to operate and maintain the City sewer system.

Section 2. That the City finds that this Ordinance is in the public interest of protecting the health, safety and welfare of the citizens of the City.

Section 3. The Mayor shall sign and the City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final adoption.

Section 4. That the City Clerk shall certify to the adoption of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 11<sup>th</sup> day of August, 2009, and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF LANCASTER            )

CERTIFICATION OF ORDINANCE  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 932, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(seal)

**Exhibit "A"**

**Replace in its entirety Section 13.07.060 with the following:**

**13.07.060 Responsibility and maintenance of facilities--Applicability of provisions.**

The requirements contained in this Chapter and Chapter 13.08 covering the maintenance of sanitary sewer collection system pipelines, sewage pumping plants, industrial waste pretreatment plants, or other appurtenances, shall apply to all such facilities now existing or hereafter constructed.

- A. Responsibility and maintenance for house laterals. Each property owner is responsible for the installation, repair and maintenance of the entire house lateral up to and including the wye or tee in the City's main line. Each owner shall keep his/her house lateral in good working order at his/her own expense and is responsible for damage to any of the City's property comprising any part of the public sewer system which results from the owner's use, repair or maintenance of the house lateral within the control and responsibility of the owner. If repair and/or maintenance of the house lateral extend into the main line sewer the Director shall be notified prior to any work in the main line sewer being performed and that portion of the work affecting the main line sewer shall be performed under the supervision of the Director. All house lateral facilities shall be maintained by the owners thereof in a safe and sanitary condition, and all devices or safeguards which are required by this Chapter for the operation of such facilities shall be maintained in good working order. The City shall have the right to enter onto private property for the purpose of inspection, maintenance and evaluation of house laterals to assure safe and sanitary conditions.
- B. Responsibility and maintenance of main line sewers. The City is responsible for the operation, maintenance, repair and replacement of any main line public sewer in a dedicated right-of-way.
- C. Resolution of disputes over location of sewer malfunctions – reimbursement to City. If the location of a sewer malfunction and the responsibility for its repair is disputed or cannot be determined from surface observation, the Director may expose parts of the sewer line within the public street, public right of way, or sewer main as necessary to determine the cause of the malfunction and whether it originates within either the house lateral or within the sewer main. If the malfunction is determined to be within the City's sewer system, the city shall conduct the repair at no charge to the property owner. If the malfunction is determined to be within the house lateral for which the property owner is responsible, the city may proceed with the repairs to such house lateral upon notice to the property owner of the need for repair. The city may require a written reimbursement agreement executed by the property owner before beginning repair. A malfunctioning house lateral is declared to be a public nuisance. The property owner shall reimburse the city for all costs necessarily incurred by the city in performing the repair work to the house lateral.
- D. This Chapter or Chapter 13.08 shall not be construed as permitting the removal or non-maintenance of any devices or safeguards on existing facilities unless authorized in writing by the Director.

**Replace the fee table in Section 13.07.300 with the following fee table to modify chapter numbers:**

**13.07.300 Refund procedures.**

<b>Chapter</b>	<b>Type of Fee</b>
13.08.065	Sewer construction permit fees
13.08.090	Tap fee
13.08.095	Manhole reconstruction inspection charges
13.08.105	Plan checking fees
13.08.110	Sewer easement processing fees
13.08.115	Special studies--Preparation and checking fees
13.08.120	Reimbursement processing fees
13.08.125	Charges for sewer maintenance
13.08.635	Industrial waste disposal permit--Application fee.

**Replace Section 13.08.180 in its entirety with the following:**

**13.08.180 Sewage pumping plants.**

Sewage pumping plants are expensive to maintain and are not the preferred method of sewage disposal. Sewage pumping plants are to be avoided whenever feasibly possible. If determined by the Director that a sewage pumping plant is the only feasible method of sewage disposal the plant shall conform to the requirements of the LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS WATERWORKS AND SEWER MAINTENANCE DIVISION GUIDELINES FOR WASTEWATER PUMP STATION DESIGN AND PLAN SUBMITTAL PROCEDURES dated June 2005 unless otherwise specifically approved by the Director. The private engineer designing the sewage plant shall demonstrate to the Director that a deviation from the Los Angeles County guidelines is warranted.

**Replace Section 13.08.390 in its entirety with the following:**

**13.08.390 Reimbursement for repairs and maintenance following violations.**

Whenever an industrial sewer connection permittee by reason of violation of 13.08.730 of this code, or any other person by reason of violation of 13.08.375, causes obstruction, damage or destruction of a public sewer, or any appurtenances thereto, or pumping plants in connection therewith, he shall reimburse the City in which damage occurred for the cost of flushing, cleaning, repairing and reconstruction of such sewer or facility, made necessary by such violation, within 30 days after the Director has rendered an invoice for the same. The amount when paid shall be deposited into the Sewer Enterprise Fund.