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BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE
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ORDINANCE INTRODUCED: September 19, 2011
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. October 3, 2011

OFFICE OF CITY CLERK
CITY HALL
SAN MATEO, CA

ORDINANCE NO. 2011- 8

AMENDING SECTION 7.38.030, "DEFINITIONS," SECTION 7.38.430,
"ACCESS TO THE SANITARY SEWER SYSTEM,"
SECTION 7.38.432, "PRIVATE SEWER LATERALS," OF CHAPTER 7.38,
"SANITARY SEWER USE," AND SECTION 23.16.020,
"SECTION 719.0 AMENDED - CLEANOUTS," OF CHAPTER 23.16,
"PLUMBING CODE," OF THE SAN MATEO MUNICIPAL CODE
RELATED TO PRIVATE SEWER LATERAL
MAINTENANCE AND SPECIFICATIONS

WHEREAS, the City of San Mateo owns, operates, and maintains the sewer system within the city limits of the City of San Mateo; and

WHEREAS, the City of San Mateo's ability to effectively manage the sewer system can be affected by owner maintenance of sewer laterals; and

WHEREAS, it is the responsibility of the users of the City of San Mateo's sewer system to maintain their sewer laterals; and

WHEREAS, historically the City has performed courtesy private lateral maintenance service under San Mateo Municipal Code section 7.38.430 for the portion of the private lateral that passes under the public right of way if a proper cleanout is installed; and

WHEREAS, it has been found that this practice provides an inequitable service to property owners; and

WHEREAS, the City Council adopted Resolution No. 109 (2011), approving a Sewer Lateral Maintenance and Cost Sharing Program (the Program) to facilitate City-wide lateral repair which will result in a more equitable use of sewer service fees, and will benefit all sewer system users with improved sewer system performance; and

WHEREAS, the purpose of the proposed code amendments are to clearly define that, pursuant to State law, ownership and responsibility for private lateral repair and maintenance rests with the property owner;

ORIGINAL

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS that:

Section 1. Section 7.38.030, “Definitions,” Subsection 4, of Chapter 7.38, “Sanitary Sewer Use,” of the San Mateo Municipal Code is amended to read:

(4) “Sewer Lateral” means a privately owned sewer service line conveying the wastewater of a discharge from a residence, building or other structure to a public sewer, including direct connections where permitted.

Section 2. Section 7.38.430, “Access to the Sanitary Sewer System,” of Chapter 7.38, “Sanitary Sewer Use,” of the San Mateo Municipal Code is amended to read:

7.38.430 ACCESS TO SANITARY SEWER SYSTEM.

(a) Access to Sewer Line or Manhole Required. When a sewer line or manhole exists within a sewer, public utility, or right-of-way easement across private property, the owner of the private property shall provide reasonable access to the sewer line and unobstructed access to the manhole.

(b) Unlawful to Cover Line or Manhole. It is unlawful for any person to obstruct, cover, or alter any sewer line or manhole in the City without the written permission of the City. Any structure, shed, deck, patio, concrete or other obstruction covering any sewer, public utility, or right-of-way easement without written permission of the City will be removed at the expense of the property owner.

Section 3. Section 7.38.432, “Private Sewer Laterals,” of Chapter 7.38, “Sanitary Sewer Use,” of the San Mateo Municipal Code is amended to read:

7.38.432 PRIVATE SEWER LATERALS.

(a) Sewer Lateral Responsibility for Repair, Replacement and Maintenance. The owner of the property(ies) serviced shall be responsible for any portion of the private sewer lateral extending from a building to the public sewer main, including the wye connection which joins the private sewer lateral to the public sewer main. Any repairs, replacement or maintenance, such as the clearing of pipes using common industry hydro or mechanical cleaning tools, will not be provided by the City on private sewer laterals or in private sewer systems. Responsibility for such repairs, replacement and maintenance is that of the owner of the property(ies) serviced by the lateral.

(b) Mandatory Installation of Cleanout. When installing or replacing a sewer lateral connection from a building to the public main sewer, if not already present, the property owner shall install a cleanout near the property structure in accordance with the requirements of the Uniform Building Code, the California Plumbing Code, and any other applicable regulations adopted by the City, City standards, or plans and specifications approved by the City Engineer.

Section 4. Section 23.16.020, “Section 719.0 Amended – Cleanouts,” of Chapter 23.16, “Plumbing Code,” of the San Mateo Municipal Code is amended to modify section 719.7 to read:

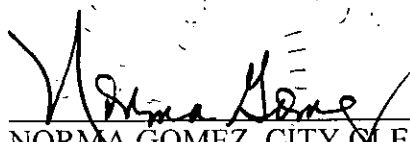
719.7 Cleanout. Cleanouts shall be installed adjacent to the property structure in conformance with the California Plumbing Code. All such line cleanouts shall be extended to grade with materials and according to specifications approved by the Director of Public Works, or his designee, and terminate within a concrete box.

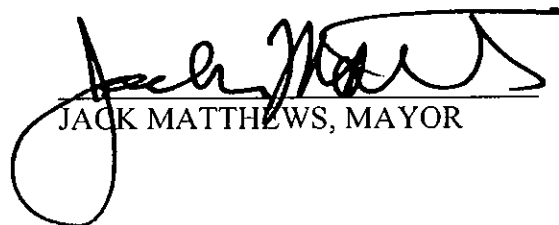
Section 5. SEVERABILITY. In the event any section, clause or provision of this Chapter shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 6. ENVIRONMENTAL REVIEW. In accordance with California Environmental Quality Act Guidelines section 15301(b) this action is categorically exempt as operation of existing facilities because the adoption of this Ordinance will not result in the expansion of an existing use.

Section 7. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

ATTEST:



NORMA GOMEZ, CITY CLERK

JACK MATTHEWS, MAYOR

Ordinance No. 2011-8 introduced on September 19, 2011 and adopted on October 3, 2011 by the City Council of the City of San Mateo, California, at a regular meeting held on October 3, 2011, by the following vote of the Council:

AYES: Council Members LIM, LEE, GROTTTE, ROSS
and MATTHEWS

NOES: NONE

ABSENT: NONE

(SEAL) /s/ NORMA GOMEZ, City Clerk