

Title 3 – Connections and Construction

3.01 Building Laterals, Street Laterals and Connections

3.01.010 Permit Required

In accordance with Title 5 of this Code, no person shall construct a building lateral, street lateral or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required herein.

3.01.020 Design and Construction Requirements

Design and construction of building laterals and street laterals shall be in accordance with the requirements of the district and in accordance with the most recent District Standard Specifications.

3.01.030 Separate Sewers

Except as hereinafter provided, every building fronting on the same street or easement requiring sewer service shall be separately and independently connected with the public sewer; provided, however that where two or more buildings are on the same parcel, belonging to one owner, and which cannot legally be subdivided, separate connections need not be made with the public sewer. No two separate owners of adjacent parcels shall be permitted to join in the use of the same sewer lateral. Notwithstanding the provisions hereof, single family residential units with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, 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 General Manager, be permitted to maintain a common side sewer or sewers. Indemnification language approved by the District shall be included in the covenants, conditions and restrictions.

3.01.040 Old Building Sewers

Old building laterals may be used in connection with new buildings only when they are found, upon examination and testing, to meet all requirements of the District as determined by the District. If the laterals are not adequate, then the Applicant shall pay for all costs to reconstruct the laterals.

3.01.050 Cleanouts

Cleanouts in building laterals shall be provided in accordance with the current Uniform Plumbing Code, the City and/or County Plumbing Code, and the District Standard Specifications.

3.01.060 Sewer Too Low

In all buildings in which any building lateral is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building lateral shall be lifted by artificial means approved by the General Manager, and discharged to the public sewer at the expense of the owner.

3.01.070 Connection to Public Sewer

The connection of the side sewer into the public sewer shall be made in accordance with the current District Standard Specifications at the applicant's expense. The connection to the public sewer shall be made in the presence of a District Inspector and under his supervision and direction. Any damage to the public sewer shall be repaired in conformance with District Standard Specifications at the cost of the applicant.

3.01.080 Maintenance of Building Laterals and Side Sewers

Building laterals shall be maintained by the owner of the property served thereby provided, however, that where a side sewer provides service to more than one single family residential unit in a development with common walls, condominium, townhouse, stock cooperative, community apartment or other similar improvements, including commercial condominiums or other similar units, the obligation to maintain the side sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

3.01.090 Testing

All building laterals and street laterals shall be tested in accordance with current District Standard Specifications.

3.02 Public Sewer Construction

3.02.010 Permit Required

In accordance with Title 5 of this Code, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

3.02.020 Design and Construction Standards

Minimum standards for the design and construction of sewers within the District shall be in accordance with the District Standard Specifications heretofore adopted by the Board, together with the subsequent amendments. Copies are on file at the District Office. The General Manager, may permit modifications or may require higher standards where unusual conditions are encountered.

3.02.030 Plans, Profiles and Specifications Required

The application for a permit for public sewer construction shall be accompanied by two (2) complete sets of plans, profiles and specifications, complying with all applicable ordinances,

rules, and regulations of District, prepared by a Civil Engineer registered in the State of California, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the General Manager who shall within thirty (30) days approve them as filed or require them to be modified as he deems necessary for proper installation. After approval by the General Manager, the appropriate agreements shall be signed by the applicant and shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper, it shall sign the agreement and allow the issuance of a permit predicated upon the payment of all connection charges, fees and the furnishing of bonds and deposits and two (2) complete signed sets of plans, profiles, and specifications as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

- A. **Security Deposit Required.** Prior to the commencement of public sewer construction, the applicant shall file with the District a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions as set forth in the construction plans and specifications and a good and sufficient security for payment of labor and materials equal to the amount of the faithful performance bond to secure the claims to which Reference is made in Title 15 of Part 4 of Division 3 of the Civil Code of the State of California (commencing with Section 3082).

Acceptable types of security are:

- (1) A bond or bonds by one or more duly authorized corporate sureties; or
- (2) A deposit with the District of cash in the form of a cashier's check or negotiable bonds of the kind approved for securing deposits of public moneys; or
- (3) An instrument of credit, in a form acceptable to the District's counsel, from an agency of the State, Federal, or local government when any such agency provides at least twenty percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to carry out the agreement are on deposit and guaranteed for payment; or
- (4) A letter of credit, in a form acceptable to the District's counsel, issued by a financial institution subject to regulation by the state or federal government guaranteeing that all or any portion of the funds available pursuant to the letter of credit will be paid upon written demand of the District and that such written demand need not present documentation of any kind as a condition of payment, including proof of loss.

- B. **Security Deposit Reduction.** The General Manager may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon request by the applicant. The amount of reduction of the security shall be determined by the General Manager; however, in no event may the General Manager authorize a release of the improvement security which would reduce the security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the State Subdivision Map Act, this ordinance, or the Subdivision Agreement.

The conditions for security deposit reduction are as follows:

- (1) The applicant shall be allowed to reduce the security deposit one time for each development project.
- (2) The applicant shall pay the District 1/8 of 1% (.00125) of the original security deposit amount with a minimum of \$150.00 to pay for the District's administration cost.
- (3) The District shall allow the security deposit to be reduced an amount equal to 80% of the value of the portion of the sanitary sewer facilities which have been installed and have passed final inspection, as determined by the General Manager.
- (4) The applicant shall be responsible for maintenance and operation of that portion of the sanitary sewer facilities for which the security deposit was reduced for one year after the entire project is accepted by the District Board for Maintenance and Operation.

C. **Maintenance Security.** Upon acceptance by the District's Board of the sanitary sewer and/or recycled water improvements the developer shall provide security in the amount of 10% of the construction cost of the improvements to guarantee the improvements throughout the one year warranty period. If no deficiencies are detected at the end of the one year warranty period the maintenance security will be released.

3.02.040 Subdivisions

The requirements of Sections 3.02.010 and 3.02.020 shall be fully complied with before the City or County shall approve any final subdivision map. The final subdivision map shall provide for the dedication for public use of streets, in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

3.02.050 Easements or Right of Way

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the General Manager a proper easement or grant of right of way having a minimum width of twenty (20) feet sufficient in law to allow the laying and maintenance of such extension or connection.

3.02.060 Persons Authorized to Perform Work

Only properly licensed contractors shall be authorized to perform work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewer installed concurrently with public sewer construction.

3.02.070 Compliance with Local Regulations

Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain permits and

pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

3.02.080 Record Drawings

Prior to acceptance by the District's Board of any sanitary sewer and/or recycled water improvements, the project owner shall provide the District with a complete set of record drawings which shall include one set of full size drawings along with an electronic copy of the record drawings in a CAD format acceptable to the District.

3.02.090 Completion of Sewerage Works Required

Before acceptance of any sewerage works by the District and prior to the admission of any sewage into the system: The sewerage works shall be tested and shall be complete and in full compliance with all requirements

3.02.100 Reimbursement Agreement

Where the cost of the public sewer main extension has been deposited or paid by the person making such extension, the District may thereafter, but not for longer than ten (10) years after the date of such extension is originally connected to the District's sewerage system, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the District, as the amount of front footage owned by such person subsequently connecting to such extension bears to the total amount of front footage held by potential users along the extension as determined by the District as of the time the extension is connected to the District's sewer system. Such sums as are thus actually received by the District shall be paid by the District to the person originally making such extension, but the District shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such Refund be made from any other revenues of the District. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amounts which they severally contribute toward the cost of the extension and pursuant to the preceding plan.

3.02.110 Special Reimbursement Agreements

Where special conditions exist, in the opinion of the District, relating to any agreement pursuant to Section 3.02.100 of this Code, they shall be the subject of a special contract between the District and the person making the public sewer main extension.

3.03 Permits

3.03.010 Permit Required

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any street lateral or building lateral without first obtaining a written permit from the District.

3.03.020 Application for Permit

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Applicant shall give a description of the character of the work proposed, and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager may require plans, profiles, specifications or drawings and such other information, as deemed necessary. This section does not apply to Title 4 – Sewer Use of this Code.

If the General Manager determines that the plans, profiles, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, the applicant shall be issued a permit upon payment of the required fees as hereinafter fixed.

3.03.030 Installation Permits and Fees

No public sewer, side sewer, building lateral or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained from the District and all fees paid in accordance with the requirements of the ordinances, rules and regulations of District.

3.03.040 Performance Guarantee-Public Sewer Construction

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for public main extension entered into with the Board. Said surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated costs of the work, or in such other sum as may be fixed by the Board, and shall in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer main for a period of one year following the completion and acceptance of the work by the District.

3.03.050 Compliance with Permit

After approval of the application, evidenced by the issuance of a permit, no changes shall be made in the location of the sewerage works, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued, except with the written permission from the General Manager.

3.03.060 Agreement

The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant. This section does not pertain to Section 4.04 of this Code.

3.03.070 Contractor Requirements

Contractors working in the public right-of-way or District easements or on facilities that will be dedicated to the District upon completion, are required to have a valid Class A California contractor's license, an active Cal-OSHA T-1 annual trench/excavation permit, and shall be bonded with the District. The bonding requirement may be waived by the District for projects bonded for by an owner or developer.

3.03.080 Public Right-of-Way Excavation Permit

A separate permit must be secured from the County and/or City or any other agency having jurisdiction thereover by owners or contractors intending to excavate in a public Right-of-Way for the purpose of installing sewers or making sewer connections.

3.03.090 Failure to Obtain Permit

In the event any part of the side sewer is installed without the issuance of a permit and the inspection of said sewer, the fee for the issuance of said permit and the inspection of said sewer shall be double the amounts herein provided, plus an additional fee of \$100.00.

3.03.100 Liability

The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

3.04 Inspections

3.04.010 Plumbing and Sewers on Private Property

The installation, use, maintenance, repair and inspection of all plumbing and sewers inside private property shall be subject to and governed by the most recent version of the California Building Code as adopted by City or County ordinance, now existing or as hereafter amended, except the District will inspect building sewers to insure proper line, grade and tightness of joints for infiltration/inflow control.

3.04.020 All Work to be Inspected

All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the inspector.

For public sewer construction, the owner or owners and/or contractor shall deposit with the General Manager a sum to be fixed by the General Manager prior to commencement of work. Said sum shall be estimated to equal the cost of inspecting said work and other expenses regularly incurred in connection therewith. The amount to be charged for inspection shall be on a lineal footage basis on all lines of 6" diameter or more and a flat fee for 4" street laterals established by resolution adopted by the Board of Directors of the District. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner or owners and/or contractor shall advance such additional sums as shall be necessary to pay said costs prior to the final inspection of work.

3.04.030 Notification

It shall be the duty of the person doing the work authorized by permit to notify the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and Holidays excluded, before the work is ready to be inspected. It shall be the duty of the person doing the work to make sure that the work will pass the tests required by the District before giving the above notification.

3.04.040 Condemned Work

When any work has been inspected and the work condemned, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

3.04.050 All Costs Paid by Owner

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.