

DATE:

4 June 2010

TO:

Planning Commission

FROM:

John Swiecki

Interim Community Development Director

SUBJECT:

City Requirements-Private Sewers

On May 13, 2010 the Planning Commission requested that the City Engineer be invited to make a presentation regarding City policies regarding private sewers. In lieu of a presentation, relevant sections of the Municipal Code related to the sewer installation specifications and requirements (BMC Section 13.04.420) and joint sewer line installation and maintenance (BMC Section 13.04.430) are attached for the Commission's information.

In regard to the review of discretionary permits subject to Planning Commission review on properties where private sewers exist, the impacts of the requested permit on the sewer system (and vice-versa) are analyzed on a case-by-basis by the City Engineer. The City Engineer's review is guided by both professional judgement and legal requirements that there be a proportional relationship (nexus) between the impacts of a project and recommended conditions of approval.

To illustrate, what happens in the event a private sewer line exists on a lot that is subject to a variance or use permit? In reviewing the discretionary permit, the City Engineer would evaluate if the requested permit would materially impact the operations of the sewer line in question and make recommendations accordingly. In the event it is determined that a discretionary permit has no impact on an existing private sewer line, there would be neither the need nor legal basis to impose any sewer-line related conditions.

The City Engineer would further encourage any member of the public or Planning Commission to contact him directly if they have specific questions regarding this issue.

c: City Engineer

13.04.420 - Sewer installation specifications and requirements.

Sewers to be installed in the city shall satisfy the following requirements:

A.

All sewers constructed in the public right-of-way shall be constructed in accordance with plans and specifications approved by the city council upon recommendation of the city engineer. Sewer laterals shall be constructed in accordance with standard plans prepared by the city engineer and approved by the city council.

В.

Minimum size of all individual laterals shall be four (4) inches and shall require cleanout at the property line.

C.

The minimum size of sewer mains shall be six (6) inches and standard manholes shall be placed at frequencies no greater than three hundred (300) feet or in places of change of direction or grade, except sewers twelve (12) inches in diameter or greater, under which circumstances the specific design shall be recommended by the city engineer and approved by the city council.

D.

When sewers cannot be placed in the public right-of-way or in existing rights-of-way of ten (10) feet in width or greater, special easements shall be acquired a minimum of ten (10) feet in width and wherever possible shall straddle existing property lines.

E.

Wherever easements ten (10) feet in width or greater can be acquired, public sewers shall be extended in accordance with approved plans and specifications and in accordance with proper master planning for the area being served.

F

Wherever a public sewer can be extended along public rights-of-way or standard easements, each service shall be extended to the public sewer by a lateral serving only one unit of ownership unless the city council, by resolution, approves the service of more than one unit of ownership by a lateral.

G.

A cleanout shall be placed on each sewer lateral tying into a public utility easement at the line of the easement. The city shall maintain a portion of the lateral between the cleanout and the main so long as the cleanout is readily kept available and open for access by the city. Otherwise, it shall become the responsibility of the individual property owner who shall be liable for any damage to the main or lateral within the right of way.

Η.

Wherever a substandard extension of the sewer exists, i.e., a four (4) inch line or across private easements, no further extension of the sewer line can be made until such a time as an agreement for maintenance and rights of easement for all individuals using the line is recorded with the office of the county recorder.

I.

The city council may, by resolution, upon finding good cause therefor, grant approval for a private sewer line (one which traverses another's private property in order to connect to the public sewer main); provided, that each applicant therefor shall submit plans in advance to the city engineer for approval. Any approval granted by the city council for a private sewer line is contingent upon an acceptable easement being recorded with the county recorder for access and maintenance of the sewer line.

(Ord. 163 § 3, 1971: Ord. 53 § 3.6, 1963).

13.04.430 - Joint sewer line installation and maintenance.

The city council may, by resolution, upon finding good cause therefor, grant approval for a joint sewer line (one used by two (2) or more individuals); provided, that each applicant therefor shall submit plans to the city engineer for prior approval. Any approval granted by the city council for a joint sewer line is subject to the following terms and conditions:

- A. Installation and maintenance costs of the joint sewer line shall be shared equally by the parties thereto. Any person who subsequently connects to the joint sewer line shall share in the cost thereof on a pro rata basis.
- Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.
- One (1) owner may hire a licensed plumber to make emergency repairs without the consent of the other owners, in the event they are not available, and the cost of the emergency repairs shall be shared on a pro rata basis.
- No user shall interrupt the continuity of the service or cause to have interrupted the continuity of the service of the joint sewer lateral, in such a manner as to cause damage or inconvenience to the other users, other than for a reasonable time required for repair.
- In the event that the owner or users fail to act and the health department of the city determines that conditions in the joint sewer are such as to be a hazard to health or safety, then the city may, pursuant to written notice, order the work done and divide the cost, as specified in subsection A of this section, on the tax bill if it is not compensated within fifteen (15) days from the time of billing by registered mail to each of the users last known address or that shown on the last equalized assessment roll.
- F. The owners and users of the joint sewer shall assume all responsibility and liability in connection therewith and they shall hold the city harmless.
- G. The owners of the property on which the joint sewer is located shall grant and have recorded an easement of not less than five (5) feet in width for the maintenance and repair of the joint sewer.

(Ord. 163 § 4, 1971: Ord. 53 § 3.7, 1963).