



MEMORANDUM

DATE: 4 June 2010

TO: Planning Commission

FROM: John Swiecki *JAS*
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

13.04.430 - 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.
- B.
Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.
- C.
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.
- D.
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.
- E.
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).