

ORDINANCE NO. 1512

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTIONS 7412 and 7433 THE ARCATA MUNICIPAL CODE PERTAINING TO SEWER CLEAN-OUTS

The City Council of the City of Arcata does ordain as follows:

Section 1: Title VII (Public Works), Chapter 2 (Sewers), Sections 7412 and 7433 of the Arcata Municipal Code, are hereby amended as shown by the following strike through for deletions, double underscore for new text, and asterisks for unchanged portions of a Section:

SEC. 7412. Definitions.

F. Building Sewer or Upper Lateral. That portion of a Sewer beginning at the plumbing or drainage outlet of a Building and running to the ~~property line~~ City's Sewer Clean-out or to a ~~Private~~ the Public Sewer.

SEC. 7433. Sewer Clean-Outs.

A. General Requirements. All Sewer Clean-outs shall be installed by the property owner ~~and maintained~~ at the junction between the Building and the ~~Lateral~~ Public Sewer; ~~manhole or Public Sewer.~~ The property owner shall maintain the Upper Lateral between the Building and the Sewer Clean-out whenever the Upper Lateral connects to the Public Sewer at the property line. If a Sewer Clean-out does not exist ~~between the Building Sewer and Lateral Sewer at the property line,~~ the ~~P~~property owner shall be responsible for maintaining ~~both the Building Sewer and Lateral Sewer~~ the Upper Lateral to the point of connection into the City's Public Sewer, ~~line~~ and shall be liable to pay all costs incurred by the City for damages caused by obstruction or other incident occurring between the Building and the Public Sewer. ~~due to the absence of a Sewer Clean-out.~~ A Sewer Clean-out shall be installed on all properties at the property line as directed by the City at the time of major Building remodel in accordance with Section 7542 of this Chapter. ~~whenever a building permit for any Building improvements on the property is issued.~~

B. Standard Location of Sewer Clean-Outs. All Sewer Clean-outs shall be installed in the sidewalk, undeveloped public right of way if there is no sidewalk, or at the property line closest to the Public Sewer main line.

C. Exceptions. The City Manager, or designee, may approve of the following alternative locations for existing Sewer Clean-outs:

1. Within an existing utility easement owned by the City that grants the City access to the Sewer Clean-out for maintenance purposes.
2. Within ten (10) feet of the sidewalk, undeveloped public right of way if there is no sidewalk, or property line closest to the Public Sewer main line, if: 1) the property owner adequately demonstrates that the Clean-out was installed, approved, or accepted by the City; and 2) the Sewer line from the Clean-out to the Building passes testing as specified in Section 7453 of this Chapter. In such situations the owner must do all of the following:
 - i. Provide a site map of the property locating the Sewer Clean-out.
 - ii. Bring the Sewer Clean-out to grade level, and install a Cristy G-5 meter box, or equivalent box with a cast iron lid, covering the Clean-out.
 - iii. Convey a utility easement to the City granting access for maintenance purposes and authorizing the City to relocate the Clean-out to a standard location specified in Section 7433(B) of this Chapter. At such time when the City relocates the Clean-out to a standard location, maintenance of the Upper Lateral will revert to the property owner and the easement will be extinguished.
3. If a Sewer line fails the testing required in Section 7433(C)(2), the property owner shall repair or replace the Sewer line and relocate the Sewer Clean-out to the sidewalk, undeveloped public right of way if there is no sidewalk, or property line closest to the Public Sewer main. The property owner will not be required to repair or replace the Lower Lateral between the new Sewer Clean-out and the Public Sewer main.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it clarifies and implements existing laws and practices and there is no possibility that such clarification and implementation may have a significant effect on the environment.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: January 16, 2019

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Brett Watson
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1512, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 16th day of January, 2019, by the following vote:

AYES: WATSON, WINKLER, ORNELAS, PEREIRA, PITINO

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata