



REGIONAL PRIVATE SEWER LATERAL ORDINANCE

Effective November 28, 2014

**Adopted by Ordinance No. 359-13
Amended by Ordinance No. 362-14**

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SECTION 1

SHORT TITLE

This ordinance shall be known as the “Regional Private Sewer Lateral Ordinance” and may be cited accordingly.

(Ord. No. 359-13, 7-23-2013)

SECTION 2

PURPOSE

This Regional Private Sewer Lateral Ordinance establishes regulations for the inspection, testing, repair, replacement, and ongoing maintenance of Private Sewer Laterals. The purpose of this Regional Ordinance is to provide for the operation and maintenance of the District’s wastewater conveyance and treatment facilities in a reliable and serviceable manner and to reduce infiltration and inflow into the regional sanitary sewer system.

(Ord. No. 359-13, 7-23-2013)

SECTION 3

APPLICABILITY OF REGIONAL ORDINANCE

This Regional Ordinance applies only within the sewer service areas of the City of Emeryville, City of Oakland, City of Piedmont, and Stege Sanitary District. This Regional Ordinance also applies within the sewer service areas of the City of Alameda and City of Albany effective January 1, 2015.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)



SECTION 4

DEFINITIONS

(a) Cleanout. A pipe fitting and associated piping connected to a Private Sewer Lateral that provides access to the Private Sewer Lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes.

(b) Common Interest Development. A development managed or governed by a Homeowners' Association. Examples of Common Interest Developments may include condominium projects, planned unit developments, community apartment projects (in which the individual units are owned), and stock cooperatives.

(c) Compliance Certificate. A certificate issued by the District upon its determination that all Private Sewer Laterals associated with a parcel have demonstrated compliance with applicable standards by passing a Verification Test.

(d) Director. The Director of Wastewater of the East Bay Municipal Utility District, or his or her designated representative.

(e) District. Special District No. 1 of the East Bay Municipal Utility District.

(f) Exemption Certificate. A certificate issued by the District as described in Section 10. A Property Owner who holds an Exemption Certificate for a given parcel need not obtain a Compliance Certificate for that parcel during the period the Exemption Certificate remains valid.

(g) General Waiver. A status that applies to a Property Owner that relieves the Property Owner from the requirement to perform work on and testing of the Lower Sewer Lateral, or a specified portion of it, where a Satellite presents the District with sufficient evidence that the entire Lower Sewer Lateral was Replaced by the Satellite at any time during the 20 year period preceding a Triggering Event.

(h) Homeowners' Association. A nonprofit corporation or unincorporated association created for the purpose of managing or governing a Common Interest Development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a Homeowners' Association.



(i) Limited Waiver. A document with a definite expiration date issued by a Satellite to a Property Owner for any reason other than the Satellite's prior Repair or Replacement of the Lower Sewer Lateral that relieves the Property Owner from the requirement to perform work and testing on the Lower Sewer Lateral, or a specified portion of it, until the Limited Waiver's expiration date.

(j) Lineal Consanguinity Relationship. A person is in a Lineal Consanguinity Relationship with another person if, and only if, one person is a direct descendent of the other person. The following are examples of Lineal Consanguinity Relationships: parent and child, grandparent and grandchild, and great-grandparent and great-grandchild. Persons are not in a Lineal Consanguinity Relationship if neither person is directly descended from the other, even if both persons are descended from a common ancestor. The following are not Lineal Consanguinity Relationships: aunt and niece, uncle and nephew, siblings, and cousins of any degree.

(k) Local Ordinance Requirements. All standards or requirements duly adopted by a Satellite or a department of a Satellite that relate to the maintenance or condition of Private Sewer Laterals, Lower Sewer Laterals, and/or Upper Sewer Laterals.

(l) Lower Sewer Lateral. The portion of the Private Sewer Lateral extending from the Cleanout near the curb line to the Sewer Main, or from the curb line in the street to the Sewer Main if there is no Cleanout near the curb line. The Lower Sewer Lateral includes the connection to the Sewer Main. A Lower Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any Structure located on that parcel. More than one Lower Sewer Lateral may be associated with an individual parcel.

(m) Non-Sanitary Sewer Connection. Anything that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage into the Sanitary Sewer, including, but not limited to, down spouts, yard drains, sump pumps, or other sources of storm water, run-off or groundwater.

(n) Parcel Group. Two or more contiguous or directly adjacent parcels of real property under common ownership.

(o) Permitting Authority. A city, city department, county or special district, including a Satellite but excluding the District, that regulates buildings, construction, land use, and/or sewers within any portion of the District's wastewater service area.



(p) Private Sewer Lateral. A pipe or pipes and appurtenances that carries sewage and liquid waste from the Structure(s) served, whether the Structure(s) is or are publicly or privately owned, to the Sewer Main. The Private Sewer Lateral includes the Upper Sewer Lateral. The Private Sewer Lateral of a given parcel includes the Lower Sewer Lateral only if applicable Local Ordinance Requirements require the Property Owner to obtain a Compliance Certificate for the Lower Sewer Lateral. A Private Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any Structure located on that parcel. More than one Private Sewer Lateral may be associated with an individual parcel.

(q) Property Owner. A person that owns a parcel of real property, or that person's authorized representative including a tenant or contractor. As used in this paragraph, "person" means an individual, trust, corporation, nonprofit organization, Homeowners' Association, partnership, firm, joint venture, limited liability company, or association. A Public Entity is not a Property Owner for purposes of this Regional Ordinance. Any person expressly required by applicable Local Ordinance Requirements to obtain a Compliance Certificate from the District or pursuant to this Regional Ordinance is a Property Owner for purposes of this Regional Ordinance.

(r) PSL. Has the same meaning as "Private Sewer Lateral" and is used interchangeably with that term.

(s) Public Entity. Any of the following: (1) a city or county, (2) a special district or agency of the state formed pursuant to general law or special act for the local or regional performance of governmental or proprietary functions within limited boundaries, (3) an agency or entity created pursuant to the Joint Exercise of Powers Act (Cal. Gov. Code, § 6500, et seq.), (4) a school district or community college district, (5) the University of California, (6) the California State University, (7) an air pollution control district or an air quality maintenance district, (8) a housing authority, or (9) any other entity with the capacity to own real property created by any of the above.

(t) Regional Ordinance. This Regional Private Sewer Lateral Ordinance.

(u) Remodeling. Any significant improvement, addition, construction, reconstruction, remodeling, modification or alteration of or to an existing or previously existing Structure.



(v) Repair. Construction activities performed to bring a Private Sewer Lateral into compliance with this Regional Ordinance and/or applicable Local Ordinance Requirements consisting of the correction of less than the entire Private Sewer Lateral, except a Replacement of the entire Upper Sewer Lateral is a Replacement and not a Repair if the Property Owner holds General Waiver status.

(w) Replacement. Construction activities performed to bring a Private Sewer Lateral into compliance with this Regional Ordinance and/or applicable Local Ordinance Requirements consisting of the replacement or lining of the complete length of the Private Sewer Lateral, or the complete length of the Upper Sewer Lateral if the Property Owner holds General Waiver status. “Replaced” has the same meaning as “Replacement” where used in this Ordinance.

(x) Sanitary Sewer. Sewer pipes that convey wastewater from a Structure and to which storm water, groundwater or surface water is not intentionally admitted. The Sanitary Sewer includes Sewer Mains and Private Sewer Laterals.

(y) Satellite. A city or special district that owns and operates a sanitary sewer collection system to which a Private Sewer Lateral is connected within the District’s wastewater service area. Satellites include the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, and the Stege Sanitary District.

(z) Section. A section of this Regional Ordinance unless otherwise specified.

(aa) Sewer Main. A publicly owned Sanitary Sewer that receives flows from Private Sewer Laterals. The Sewer Main does not include any portion of a Private Sewer Lateral.

(bb) State of Emergency. A State of Emergency exists while there is in effect a declaration of emergency within the District’s service area or any portion thereof, made by Board of Directors of the District under the Municipal Utility District Act (Pub. Util. Code, § 11501 et seq.), or by any person to whom the Board of Directors has expressly delegated that authority, or by any person authorized to declare an emergency of any degree under the California Emergency Services Act (Gov. Code, § 8550 et seq.) or under Federal law.

(cc) Structure. Any building or facility that is required to be provided with public sewer service, or that is actually provided with public sewer service, or that is served by a Private Sewer Lateral.



(dd) Time Extension Certificate. A certificate issued by the District in connection with a Title Transfer transaction to a Property Owner, or to a transferee, that extends the deadline to obtain a Compliance Certificate for 180 days from the date the Time Extension Certificate is issued.

(ee) Title Transfer. The sale or transfer of an entire real property estate or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as a leasehold. The following are not Title Transfers for purposes of this Regional Ordinance:

(1) a transfer to an heir by a fiduciary in the course of the administration of a decedent's estates, guardianship, conservatorship, or trust;

(2) a transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors;

(3) a transfer made by a trustor to fund an inter vivos trust;

(4) a transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a Lineal Consanguinity Relationship with one or more of the transferors;

(5) a transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or resulting from a decree of legal separation or from a property settlement agreement incidental to a decree; and

(6) a transfer from a Property Owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new Property Owner is a Title Transfer for purposes of this Regional Ordinance.

(ff) Triggering Event. Any event described in Section 6 that, upon the occurrence of the event and subject to the exceptions listed in that Section, imposes an obligation on a Property Owner to obtain a Compliance Certificate.

(gg) Upper Sewer Lateral. The portion of the Private Sewer Lateral extending from the Cleanout near the curb line to the Structure(s) served by that Private Sewer



Lateral, or from the curb line in the street to the Structure(s) served by that Private Sewer Lateral if there is no Cleanout near the curb line. The Upper Sewer Lateral includes all portions of the Private Sewer Lateral upon the parcel containing the Structure(s) served. If the parcel contains a sewer pipe system or multiple Private Sewer Laterals, the entire sewer pipe system, including manholes and other appurtenances, and all Private Sewer Laterals are part of the Upper Sewer Lateral to the extent they are located on that parcel. If a Private Sewer Lateral connects to a rear or side yard Sewer Main located in an easement, or to a manhole, the entire Private Sewer Lateral, including the connection to the Sewer Main or manhole, is an Upper Sewer Lateral. An Upper Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any Structure located on that parcel. More than one Upper Sewer Lateral may be associated with an individual parcel.

(hh) Verification Test. A test witnessed by the District's authorized representative(s) to verify that all PSLs associated with the parcel comply with this Regional Ordinance and applicable Local Ordinance Requirements.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 5

RESPONSIBILITY AND STANDARDS FOR MAINTENANCE OF UPPER SEWER LATERALS

- (a) All Upper Sewer Laterals must meet the following standards:
- (1) The Upper Sewer Lateral shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.
 - (2) All joints shall be watertight and all pipes shall be sound.
 - (3) The Upper Sewer Lateral shall be free of any structural defects such as fractures, cracks, breaks, openings, or missing portions.
 - (4) All Cleanouts shall be securely sealed with a proper cap or approved overflow device at all times.



(5) There shall be no Non-Sanitary Sewer Connections to the Upper Sewer Lateral or to any plumbing that connects thereto.

(b) Property Owners must maintain all Upper Sewer Laterals associated with their parcels to the extent necessary to ensure the Upper Sewer Laterals meet the standards of this Section and comply with all other requirements of this Regional Ordinance and all applicable Local Ordinance Requirements. Property Owners must perform any Repair or Replacement necessary to ensure the Upper Sewer Laterals meet those standards and requirements.

(c) Public Entities shall maintain Upper Sewer Laterals in full compliance with the standards of this Section.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 6

WHEN A COMPLIANCE CERTIFICATE IS REQUIRED

(a) All Property Owners must obtain a Compliance Certificate at the time and in the manner required by this Section, except for the following:

(1) Property Owners entitled to an Exemption Certificate under Section 10;

(2) Property Owners within certain Common Interest Developments governed by Section 11; and

(3) Property Owners of any parcel or Parcel Group with Private Sewer Laterals totaling greater than 1000 feet, which are governed by Section 12.

(b) Title Transfer. Before completing a Title Transfer associated with a parcel containing any Structure, either the transferor or the transferee, as negotiated between them, shall obtain a Compliance Certificate under Section 7, unless a Time Extension Certificate is obtained as provided in Section 9. After the Title Transfer is complete, the transferee is solely responsible for obtaining a Compliance Certificate. The requirement



to obtain a Compliance Certificate before Title Transfer in no way affects the legality of the transfer of title in the underlying property transaction.

(c) Construction or Remodeling. Whenever a Property Owner submits an application to a Permitting Authority for any permit or other approval needed for new construction upon a parcel, or for Remodeling of an existing or previously existing Structure, the Property Owner shall obtain a Compliance Certificate under Section 7 before obtaining a final permit or approval from the Permitting Authority. This paragraph applies to construction and Remodeling if the cost of the permitted work exceeds \$100,000.00.

(d) Change in Water Services. Whenever a Property Owner requests an increase or decrease in size of the Property Owner's water meter, the Property Owner shall obtain a Compliance Certificate under Section 7 before the East Bay Municipal Utility District will perform work on the water meter. The East Bay Municipal Utility District may increase or decrease a water meter's size without first requiring the Property Owner to obtain a Compliance Certificate if the Property Owner holds a permit for construction or Remodeling subject to paragraph (c) of this Section.

(e) Local Ordinance Requirements. A Property Owner must obtain a Compliance Certificate under Section 7 when expressly required to do so by Local Ordinance Requirements.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 7

HOW TO OBTAIN A COMPLIANCE CERTIFICATE

(a) Whenever a Compliance Certificate is required under this Regional Ordinance, or at any time a Property Owner voluntarily requests a Compliance Certificate, a Property Owner who does not hold a valid Compliance Certificate shall do the following at the Property Owner's expense:

(1) Condition Assessment and Repair or Replacement. The Property Owner shall take steps to assess the condition of all Private Sewer Laterals associated with the parcel to determine whether the PSLs comply with the



standards set forth in Section 5, all other requirements of this Regional Ordinance, and all applicable Local Ordinance Requirements. If the PSLs are not in compliance, the Property Owner shall obtain any required permits and perform all Repair or Replacement work needed to bring the PSLs into compliance.

(2) Verification Testing. After the Property Owner determines through any combination of inspection, Repair and/or Replacement that the PSLs associated with the parcel are in compliance with this Regional Ordinance and applicable Local Ordinance Requirements, and upon payment of the required Compliance Certificate fee and any other applicable fees, the Property Owner shall perform a Verification Test in accordance with the District's procedures in the presence of the District's authorized representative. The District will issue a Compliance Certificate if its authorized representative determines that the Verification Test confirms that all PSLs associated with the parcel are in compliance with this Regional Ordinance and applicable Local Ordinance Requirements, except that Compliance Certificates issued within certain Common Interest Developments under Section 11(b)(3) will be issued on the conditions set forth in that Section.

(b) Procedures for Verification Testing of Private Sewer Laterals. The Director will maintain written procedures for Verification Testing. The procedures shall be made available upon request.

(c) Effect of General Waiver. A Property Owner who holds General Waiver status may obtain a Compliance Certificate without performing condition assessment, Repair or Replacement work, or Verification Testing on the Lower Sewer Lateral.

(d) Effect of Limited Waiver. If a Satellite has issued a Limited Waiver for the Lower Sewer Lateral or a portion of it, the Property Owner may obtain a Compliance Certificate without performing condition assessment, Repair or Replacement work or Verification Testing on the Lower Sewer Lateral, except such work and testing is required for any portion of the Lower Sewer Lateral not covered by the Limited Waiver.

(e) Voluntary Certification. The District shall provide a Compliance Certificate to any Property Owner or Public Entity who requests one and passes a Verification Test conducted pursuant to this Section, including but not limited to a Property Owner or Public Entity who receives notice from the District or a Satellite that



the Private Sewer Lateral is damaged, deteriorating, defective, or in any other way fails to comply with Section 5 or with applicable Local Ordinance Requirements.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 8

COMPLIANCE CERTIFICATE TERM LIMITS

(a) Term Limit. A Compliance Certificate obtained as a result of Replacement of all PSLs associated with the parcel shall be valid for 20 years from the date of issuance. All other Compliance Certificates shall be valid for 7 years from the date of issuance, except as provided in paragraphs (b) and (c) and in Sections 11(c) and 12(c).

(b) Effect of General Waiver. A Compliance Certificate obtained by a Property Owner while the Property Owner holds General Waiver status shall be valid for a specified period as follows:

(1) A Compliance Certificate obtained as a result of Replacement of the entire Upper Sewer Lateral shall be valid for 20 years from the date the Compliance Certificate is issued; and

(2) All other Compliance Certificates shall be valid for 7 years from the date the Compliance Certificate is issued, except as provided in Sections 11(c) and 12(c).

(c) Effect of Limited Waiver. If a Satellite has issued a Limited Waiver for the Lower Sewer Lateral, or a portion of it, the Compliance Certificate shall be valid for the same period as the Limited Waiver and shall expire on the Limited Waiver's expiration date, provided that the Compliance Certificate shall in no case be valid beyond 7 years from the date it is issued.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)



SECTION 9

TIME EXTENSION CERTIFICATES

(a) Availability. If a Compliance Certificate cannot be obtained before Title Transfer, the transferor, transferee, or other interested party or parties may obtain a Time Extension Certificate from the District. Time Extension Certificates are issued in connection with Title Transfer transactions only.

(b) Deposit. The Time Extension Certificate shall be completed and submitted to the District along with a refundable \$4,500.00 deposit and any nonrefundable fee that the District may require. The deposit will be refunded after a Compliance Certificate is issued.

(c) Validity Period. A Time Extension Certificate expires 180 days after it is issued.

(d) Obligation of Property Owner or Transferee. During the 180-day validity period of a Time Extension Certificate, the Property Owner or transferee must complete any necessary Repair or Replacement and obtain a Compliance Certificate. Property Owners are responsible for the full cost of compliance with this Regional Ordinance and applicable Local Ordinance Requirements and that cost may exceed the deposit.

(e) Forfeiture of Deposit. If a Compliance Certificate is not obtained before a Time Extension Certificate expires, the deposit may be forfeited and the current Property Owner is subject to enforcement action as provided by this Regional Ordinance. The Property Owner may apply to the District for release of forfeited funds, less the District's costs. The District will not release forfeited funds unless the Property Owner first demonstrates full compliance with this Regional Ordinance.

(f) No Renewal. Time Extension Certificates are not renewable.

(g) Transferability. The Director may authorize and regulate the transferability of Time Extension Certificates. Transfers, if authorized, shall not extend the Time Extension Certificate's expiration date.

(Ord. No. 359-13, 7-23-2013)



SECTION 10

EXEMPTION CERTIFICATES

(a) Generally. An Exemption Certificate issued in connection with a parcel excuses the Property Owner of that parcel, while the Exemption Certificate remains valid, from any requirement to obtain a Compliance Certificate upon the occurrence of a Triggering Event. An Exemption Certificate also documents to third parties that no Compliance Certificate is required. Grounds for Exemption Certificates are specified in this Section. The District may require a Property Owner to submit specified supporting documentation for review before an Exemption Certificate will be issued.

(b) Exemption for Documented Prior Work on Private Sewer Lateral.

(1) Alameda, Albany & Stege Sanitary District. The City of Alameda, the City of Albany and Stege Sanitary District issued documents similar to Compliance Certificates before this Regional Ordinance became effective in their jurisdictions. A Property Owner may request an Exemption Certificate from the District if one of these Satellites, before the Regional Ordinance became effective in its jurisdiction, issued a valid and un-expired document similar to a Compliance Certificate indicating that all Private Sewer Laterals associated with the Property Owner's parcel met applicable standards at the time the document was issued, and such Exemption Certificate will expire on the same date that the document issued by the Satellite expires.

(2) Emeryville, Oakland & Piedmont. The Cities of Emeryville, Oakland, and Piedmont did not issue documents similar to Compliance Certificates before this Regional Ordinance became effective in their jurisdictions but did issue final building and sewer permits that, in some cases, indicate the Private Sewer Laterals on the parcel were Replaced or newly constructed. A Property Owner may request an Exemption Certificate from the District if one of these Satellites issued a dated and approved final building or sewer permit indicating that all Private Sewer Laterals associated with the Property Owner's parcel were Replaced or newly constructed. The District will issue an Exemption Certificate upon receiving confirmation from the issuing Satellite of the final permit's validity. The Exemption Certificate expires ten years after the date the Satellite issued the final permit that provides the basis for the Exemption Certificate. An Exemption Certificate will not be issued unless the Satellite issued



the final permit during the ten-year period preceding the Regional Ordinance's effective date within the Satellite sewer service area in which the parcel is located:

Satellite	First Day of Ten-Year Period	Last Day of Ten-Year Period	Regional Ordinance Effective Date
City of Emeryville	8/22/2001	8/21/2011	8/22/2011
City of Oakland	1/16/2002	1/15/2012	1/16/2012
City of Piedmont	8/22/2001	8/21/2011	8/22/2011

(c) Other Exemptions.

(1) Grounds. A Property Owner may request a short-term Exemption Certificate on any of the following grounds:

(i) an entire real property estate, or the fee interest in that real property estate, has been sold or transferred, and the District is provided documentation showing the sale or transfer is not a Title Transfer as defined by this Regional Ordinance;

(ii) no Private Sewer Lateral ever existed on the parcel;

(iii) no Private Sewer Lateral associated with the parcel is connected to the public sewer system; or

(iv) all Private Sewer Laterals associated with the parcel are pressurized.

(2) Expiration. An Exemption Certificate issued on any grounds provided by paragraph (c)(1) will expire as follows:

(i) six months after issuance, if issued on the grounds provided in paragraph (c)(1)(i) and before the sale or transfer is recorded; and



(ii) one month after issuance in all other cases.

(d) Common Interest Developments. A Property Owner of an individual unit within a Common Interest Development need not obtain and will not be issued an Exemption Certificate if the Homeowners' Association has assumed responsibility to maintain all Private Sewer Laterals within the Common Interest Development.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 11

COMMON INTEREST DEVELOPMENTS

(a) Compliance Certificate Requirement. Compliance Certificates must be obtained with respect to Common Interest Developments as described in this Section.

(b) Responsibility of Homeowners' Associations and Individual Unit Owners.

(1) The Homeowners' Association and the Property Owner of an individual unit within the Common Interest Development are each responsible to obtain a Compliance Certificate to the same extent each party is responsible to maintain PSLs within the Common Interest Development. The division of responsibility for PSL maintenance between the Homeowners' Association and the Property Owners of individual units may be described in any document but is typically described in the Covenants, Conditions and Restrictions applicable to Common Interest Developments or the parcels in them. In some Common Interest Developments, the Homeowners' Association has assumed responsibility to maintain all PSLs. In other Common Interest Developments, the owner of each individual unit is responsible to maintain the PSLs associated with the unit he or she owns, and the Homeowners' Association is responsible to maintain the remaining PSLs within the Common Interest Development.

(2) If the Homeowners' Association has assumed responsibility to maintain all PSLs within the Common Interest Development, the Homeowners' Association must obtain Compliance Certificates under Section 7 on or before July 12, 2021 for all parcels within the Common Interest Development, except that the Homeowners' Association must comply with Section 12 if the total



combined length of PSLs within the Common Interest Development exceeds 1000 feet.

(3) If the Property Owners of individual units and the Homeowners' Association share responsibility to maintain PSLs within the Common Interest Development, the parties' respective responsibility to obtain Compliance Certificates is as follows:

(A) The Property Owner of the individual unit must obtain a PSL Compliance Certificate at the time and in the manner required by Section 6 and notwithstanding paragraph (a)(2) of that Section, provided that the District will require Verification Testing only of those PSLs or portions of PSLs that are the responsibility of the Property Owner of the individual unit before issuing a Compliance Certificate.

(B) The Homeowners' Association must obtain a Compliance Certificate under Section 7 on or before July 12, 2021 for all parcels associated with any PSL that is the Homeowners' Association's responsibility to maintain, provided that the District will require Verification Testing only of those PSLs or portions of PSLs that are the responsibility of the Homeowners' Association before issuing a Compliance Certificate.

(C) The issuance of a Compliance Certificate under paragraph (b)(3) of this Section to either a Property Owner of an individual unit or to a Homeowners' Association, with respect to a specific parcel within a Common Interest Development, does not relieve another party that shares responsibility to maintain PSLs associated with the same parcel of its obligation under paragraph (b)(3) of this Section to obtain a Compliance Certificate for that parcel.

(c) A Compliance Certificate issued to a Homeowners' Association under this Section shall be valid for 20 years from the date it is issued. The Homeowners' Association must obtain a new Compliance Certificate under Section 7 upon the expiration of the previously issued Compliance Certificate.



(d) Developments Where No Homeowners' Association Exists. For the purposes of this Regional Ordinance, any development without a Homeowners' Association is not a Common Interest Development, even if the development is classified in county records as condominiums, residential planned unit developments, or similar. This Section does not apply to such developments. Individual unit owners within such developments must obtain a PSL Compliance Certificate at the time and in the manner required by Section 6.

(Ord. No. 359-13, 7-23-2013)

SECTION 12

PARCELS OR PARCEL GROUPS WITH PRIVATE SEWER LATERALS EXCEEDING 1000 FEET

(a) Condition Assessment Plan. On or before July 12, 2016, the Property Owner of any parcel or any Parcel Group with Private Sewer Laterals exceeding 1000 feet in total combined length within the parcel or Parcel Group shall submit for District approval a Condition Assessment Plan. The Condition Assessment Plan shall include a schedule for the performance of testing to assess the condition of all PSLs associated with the parcel or Parcel Group.

(b) Corrective Action Work Plan. On or before July 12, 2021, a Property Owner subject to this Section shall complete all condition assessment testing and submit a Corrective Action Work Plan for District approval. The Corrective Action Work Plan shall describe the type, quantity and schedule of work needed to bring all PSLs associated with the parcel or Parcel Group into compliance with the standards set forth in Section 5, all other requirements of this Regional Ordinance, and all applicable Local Ordinance Requirements. The District shall approve the Corrective Action Work Plan if it determines the proposed work will result in full compliance within a reasonable time.

(c) Compliance Certificate. After the Property Owner completes the work described in the approved Corrective Action Plan, the Property Owner must obtain a Compliance Certificate under Section 7(a)(2) for the parcel or parcels. The Compliance Certificate(s) shall be valid for 20 years from the date issued, and upon expiration the Property Owner must obtain new Compliance Certificate(s) under Section 7.

(Ord. No. 359-13, 7-23-2013)



SECTION 13

ENFORCEMENT

(a) The Director shall enforce this Regional Ordinance. Enforcement of Local Ordinance Requirements is the responsibility of the Satellite that adopted the Local Ordinance Requirements.

(b) Violations of this Regional Ordinance include, but are not limited to:

(1) Failure to obtain a Compliance Certificate when one is required, including after the expiration of a Time Extension Certificate;

(2) Failure to obtain a Time Extension Certificate if a Compliance Certificate is not obtained or to timely perform all required work after receiving a Time Extension Certificate;

(3) Failure to comply with the District's requirements for Repair, Replacement and Verification Testing;

(4) Falsifying facts to obtain an Exemption Certificate or a Compliance Certificate; and/or

(5) Presenting a false Exemption Certificate or Compliance Certificate.

(c) Enforcement

(1) When the Director finds that a person violates or threatens to violate this Regional Ordinance, the Director may notify the person in writing. Within 30 days of the mailing of that notification, the notified person must submit for approval by the Director a detailed time schedule of specific actions the person shall take in order to correct or prevent a violation of this Regional Ordinance. The person must take the actions within 90 days of the mailing date of the Director's notification.

(2) The Director may take enforcement action against a person who violates the provisions of this Regional Ordinance or fails to perform any act required by this Regional Ordinance, including but not limited to initiating court



action to obtain an injunction requiring the work to be done and/or terminating water service. The District may recover from any person in violation of this Regional Ordinance the costs it incurs in connection with enforcing this Regional Ordinance, including staff time, and may seek attorneys' fees in any court action or proceeding.

(Ord. No. 359-13, 7-23-2013)

SECTION 14

REQUESTS FOR RELIEF OR RECONSIDERATION

(a) Requests for Relief. Any person or entity unable to comply with the requirements of this Regional Ordinance, or any person affected by any District decision, action, or determination related to this Regional Ordinance, may submit to the District a written request for relief setting forth in detail the facts supporting the request. The Director shall designate a District officer or employee with managerial authority who will consider the matter without a hearing and decide whether to grant relief. The Director's designee may request additional information. The Director's designee may decide the matter within fifteen (15) business days from the receipt of the request, or, if additional information is requested and received within fifteen (15) business days from the receipt of the request, then fifteen (15) business days from the date the District receives all additional requested information. If the Director's designee does not decide the matter within the above-stated time period, the request for relief shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the person or entity requesting relief.

(b) Requests for Reconsideration.

(1) Within 30 days after the date of mailing of written notice of any District decision granting or denying relief under paragraph (a) of this Section, or within 30 days after the date the request for relief is deemed denied, any person or entity affected by the requirements, decision, action or determination that was the subject of the request for relief may submit to the Director a written request for reconsideration. The Director shall personally consider all requests for reconsideration. The request for reconsideration must set forth in detail the facts supporting the request.



(2) The Director may act on the request for reconsideration with or without a hearing in any manner the Director deems reasonable and shall thereafter issue a final written determination concerning the request for reconsideration. If the Director fails to act upon the request for reconsideration within fifteen (15) business days of receipt of the request for reconsideration, the request shall be deemed denied. The decision, action or determination shall remain in effect during the period of review by the Director.

(3) The Director's decision shall become final and binding at the time the Director acts on the request or fails to act within the time specified by this paragraph (b). If the Director acts on the request for reconsideration, notice of the Director's action will be mailed to the person or entity requesting reconsideration within five (5) business days of the action.

(4) Any person or entity affected by a decision, action or determination related to this Regional Ordinance who wishes to appeal or challenge the decision, action or determination must request reconsideration using the process specified in this paragraph (b). This requirement is jurisdictional. The failure to seek reconsideration shall be deemed a failure of the person or entity subject to the decision, action or determination to exhaust administrative remedies.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

SECTION 15

FEES AND REGULATIONS

(a) Fees. The District may establish fees in the Water and Wastewater System Schedule of Rates and Charges and Fees for administration of this Regional Ordinance and may modify those fees from time to time.

(b) Regulations. The Director may develop and maintain written regulations, procedures and guidance materials for administration of this Regional Ordinance and shall make them available on the District's website and upon request.

(Ord. No. 359-13, 7-23-2013)



SECTION 16

EMERGENCIES

During a State of Emergency, the Director may temporarily suspend any or all provisions of this Regional Ordinance until the next regular or special meeting of the District's Board of Directors. At the regular or special meeting a report shall be made and the Board may consider whether to authorize continued suspension of this Regional Ordinance for the full duration of the State of Emergency, or for any shorter time period the Board finds appropriate.

(Ord. No. 359-13, 7-23-2013)

SECTION 17

SEVERABILITY

If any provision of this Regional Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Regional Ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

(Ord. No. 359-13, 7-23-2013)

SECTION 18

EFFECTIVE DATE

This Regional Ordinance, as amended, shall become effective and in full force at 12:01 a.m. on the thirty-first day following its passage.

(Ord. No. 359-13, 7-23-2013; Ord. No. 362-14, 10-28-2014)

