

ORDINANCE OF THE BOARD OF DIRECTORS OF WEST COUNTY
WASTEWATER DISTRICT, COUNTY OF CONTRA COSTA, CALIFORNIA

ORDINANCE NO. 2-7-06

AN ORDINANCE AMENDING WEST COUNTY WASTEWATER DISTRICT ORDINANCE
NO. 6-15-04 AND EXTENDING UNTIL APRIL 1, 2006 THE DEADLINE FOR INSTALLING
OR CORRECTING BACKWATER OVERFLOW PREVENTION DEVICES PRIOR TO SALE
OR TRANSFER OF REAL PROPERTY

WHEREAS, effective June 15, 2004, the West County Wastewater District (WCWD) Board of Directors duly adopted its Ordinance No. 6-15-04, entitled "Ordinance Amending Ordinance No. 3-23-71 (As Amended) Adopting Uniform Plumbing Code and Administration Thereof, Prescribing Fees, Charges and Planning Requirements and Repealing Ordinances in Conflict Therewith (the "Ordinance"); and

WHEREAS the WCWD recently received a request from individuals involved in the sale of real estate within the WCWD's boundaries to postpone the effective date of the Ordinance insofar as it requires correction of backflow protection devices, also known as backwater overflow prevention devices, prior to the sale or transfer of real property in order to secure fair and proper implementation of the Ordinance; and

WHEREAS, the WCWD Board of Directors believes that it is in the best interests of the WCWD and its ratepayers to postpone the effective date of the Ordinance insofar as it requires correction of backflow protection devices, also known as backwater overflow prevention devices, prior to the sale or transfer of real property without postponing or affecting any other provision of the Ordinance.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the West County Wastewater District, Contra Costa County, California, does hereby ordain as follows:

Section 1. Postponement of Effective Date of Ordinance Section 1(d).

The effective date of Section 1(d) of the Ordinance shall be and hereby is postponed until April 1, 2006. The remainder of the Ordinance, which became effective June 15, 2004, shall remain in full force and effect and shall be unaffected by this amendment.

Section 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To that end, all provisions of this Ordinance are severable. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses, or phrases are held unconstitutional, invalid or unenforceable.

Section 3. Effective Date.

Pursuant to Health and Safety Code Sections 6490 and 6491.3, this Ordinance shall take effect upon expiration of the week of publication or posting.

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PASSED AND ADOPTED this 7th day of February 2006 by the following vote:

AYES:	Schmidt, Oliver, Granzella, Battaglia, Soltow
NOES:	None
ABSENT:	None
ABSTAIN:	None

/s/ Paul C. Soltow, Jr.
President of the Board of Directors
West County Wastewater District
Contra Costa County, California

ATTEST:

/s/ Leonard L. Battaglia
Secretary of the Board of Directors
West County Wastewater District
Contra Costa County, California