

ORDINANCE NO. 1871-1005

ORDINANCE AMENDING SECTION 4.6 OF THE STEGE SANITARY DISTRICT
ORDINANCE CODE IN ORDER TO CLARIFY THE RIGHTS AND RESPONSIBILITIES OF
PROPERTY OWNERS WITH RESPECT TO THE TESTING, CLEANING, REPAIR,
MAINTENANCE, RENOVATION AND TIMELY REPLACEMENT OF EXISTING
PRIVATE SEWER LATERALS

The Board of Directors of Stege Sanitary District has determined as follows:

- A. The testing, repair, maintenance, renovation and timely replacement of private lateral sewers connected to District-owned main sewers protects the public health, safety and welfare; and
- B. Pursuant to the Stege Sanitary District Ordinance Code, the testing, repair, maintenance, renovation and timely replacement of such private lateral sewers is the responsibility if the owners of the house, building or property which such lateral sewers serve; and
- C. The District wishes to further clarify the rights and responsibilities of persons conveying and acquiring real property with respect to the testing, cleaning, repair, maintenance, renovation and timely replacement of laterals sewers within District boundaries.

IT IS ORDAINED by the Board of Directors of Stege Sanitary District as follows:

1. Section 4.6 of the Stege Sanitary District Ordinance Code is hereby amended as set forth below, with existing text shown in regular font, new text shown in underlined format and deleted text shown in strike through format:

4.6.2 Conditions Requiring Cleaning and Testing. All Laterals, including those serving residential, multiple residential and commercial properties, connected to a District Main Sewer shall be cleaned and tested, at the property owner's expense, when any of the following conditions occur or at the following times:

4.6.2.5 In a non-probate transaction, Prior to the close of escrow upon a sale or other transfer of the house, building or property ~~served~~ connected to the District's Wastewater System. A transfer of ownership between family members does not require testing, if there is no reassessment of property value by the County.

4.6.2.6 In a probate proceeding, within 180 days after the sale or conveyance of a house, building or property connected to the District's Wastewater System.

4.6.6 Repair or Replacement of Lateral upon Sale or Transfer of Property. The repairs or replacement of Laterals described in Section 4.6.4 that result from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow. For properties sold or transferred in a probate

proceeding, any repair or replacement of Laterals resulting from the required testing shall be completed within 180 days after the probate sale or transfer.

4.6.7 Hardship Deferrals for Lateral Repair or Replacement. In the event that the repair or replacement of a Sewer Lateral before the close of escrow in a non-probate sale, pursuant to Section 4.6.6 above, would result in undue hardship inconsistent with the purpose or intent of this chapter, a request for hardship status may be submitted to the District General Manager. The District General Manager shall make a hardship finding only if the requesting property owner presents facts that clearly demonstrate, in the District General Manager's sole determination, that the property owner's payment for and completion of a Sewer Lateral repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the property owner who is selling the property (or the property owner who is purchasing the property) shall have up to 180 days after the close of escrow to repair or replace the Sewer Lateral.

4.6.7.1 For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the Sewer Lateral impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Sewer Laterals extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the District General Manager.

4.6.7.2 Any property owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the property owner that the Sewer Lateral repair or replacement requirement is only deferred up to 180 days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

4.6.7.3 In the event of a failure to comply with the Sewer Lateral Ordinance within the allotted time, the District may bring an enforcement action and exercise any other remedy provided by the District Ordinance Code and applicable law against the property owner and any other responsible party.

2. Except as amended hereby, all other provisions of Section 4.6 of the Stege Sanitary District Ordinance Code shall remain unchanged and continue in full force and effect.
3. If any portion of this Ordinance is for any reason held invalid by a court of competent jurisdiction, the remainder of the 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 this end, provisions of this Ordinance are severable.
4. The Board of the Stege Sanitary District 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, subdivision, paragraph, sentence, clause, or phrases are held unconstitutional, invalid or unenforceable.

5. This Ordinance is effective upon the expiration of one week from the date of publication of a summary of the Ordinance, as prescribed by California Health and Safety Code Section 6490.

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STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Stege Sanitary District, at a regular meeting thereof, held on the 20th day of October 2005 by the following vote:

AYES:	BOARD MEMBERS:	James, Miller, O'Keefe, Merrill
NOES:	BOARD MEMBERS:	None
ABSENT:	BOARD MEMBERS:	Bruce
ABSTAIN:	BOARD MEMBERS:	None

Dwight Merrill, President
Stege Sanitary District
Contra Costa County, California

ATTEST:

DOUGLAS HUMPHREY, Secretary
Stege Sanitary District

"NOTICE OF AMENDING SECTION 4.6 OF THE STEGE SANITARY DISTRICT ORDINANCE CODE IN ORDER TO CLARIFY THE RIGHTS AND RESPONSIBILITIES OF PROPERTY OWNERS WITH RESPECT TO THE TESTING, CLEANING, REPAIR, MAINTENANCE, RENOVATION AND TIMELY REPLACEMENT OF EXISTING PRIVATE SEWER LATERALS SANITARY DISTRICT CODE OF ORDINANCES"

Notice is hereby given that on October 20, 2005, the Board of Directors of the Stege Sanitary District voted to adopt an ordinance amending Section 4.6 of the District's Code or Ordinances in order to clarify the rights and responsibilities of property owners with respect to the resting, cleaning, repair, maintenance, renovation and timely replacement of existing private sewer laterals. The ordinance will become effective upon the expiration of one week from the date of this publication. The vote was: AYES: James, Miller, O'Keefe, Merrill; NOES: None; ABSTAIN: None.