

ORDINANCE No. 61

**ESTABLISHING PERMITTING REQUIREMENTS AND AUTHORIZING THE
ADOPTION OF CONSTRUCTION STANDARDS AND SPECIFICATIONS
REGARDING THE USE OF PUBLIC SEWERS WITHIN THE DISTRICT**

WESTBOROUGH WATER DISTRICT

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the Board of Directors of the Westborough Water District (“District”):

WHEREAS, the District is a County Water District organized pursuant to the County Water District Law (Water Code Section 30001 et seq.), which provides potable water and sewer service within its jurisdiction, which is located in the City of South San Francisco, California; and

WHEREAS, the District provides sanitary sewer service, by means of a collection system operated by the District and pursuant to a contract for the collection and disposal of wastewater with the North San Mateo County Sanitation District (NSMCSD), a subsidiary district of the City of Daly City; and

WHEREAS, it is the intent of the District to establish clear rules and regulations governing the use of public sewers within the District that are compatible with the requirements applied to other areas served by NSMCSD; and

WHEREAS, the District has the power to perform all acts necessary to carry out fully the provisions of the County Water District Law and may adopt ordinances relating to the provision of sanitation services and the regulation of those services; and

WHEREAS, the Board of Directors finds and determines that this Ordinance is generally consistent with the provisions of the 2010 California Plumbing Code, with the exception of certain exceptions as specifically noted; and

WHEREAS, the Board of Directors finds and determines that the more restrictive standards for sewer facilities provided for in this Ordinance, which vary from the terms of the 2010 California Plumbing Code are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Board of Directors finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et

seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the District's sewer system within the District. This Ordinance is essential to ensure a safe and reliable sewer system in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Westborough Water District as follows:

I. Title

This Ordinance shall be known as the Westborough Water District Sewer Ordinance.

II. Coordination with the Plumbing Code

The District, with regard to the matters contained herein, is legally empowered to adopt or enforce certain portions of the code of rules and regulations printed in one volume and published by the International Association of Plumbing and Mechanical Officials, under the title "California Plumbing Code, 2010 Edition," and the appendices printed therein, and all supplements subsequently issued thereto, hereinafter collectively called the "Plumbing Code," specifically those portions related to public sewer service.

III. Adoption of Code Provisions by Reference

Rather than adopt a separate set of ordinance provisions, the District has decided to adopt by reference the attached sections taken from the NSMCSD Code, except as specifically stated below and after deleting all references to NSMCSD adopting ordinances. The following provisions are hereby adopted by reference:

Chapter 1.04 "General Provisions" with the following exceptions:

A. The reference in the first sentence of subparagraph "A" of Section 1.04.010 is revised to refer to the "Westborough Water District."

B. The definitions in Section 1.04.020 are revised as follows:

9. "City" means the City of South San Francisco.

16. "District" means the Westborough Water District.

18. "District manager" means the General Manager of the Westborough Water District, or his/her designee.

Chapter 1.08 "Use of Public Sewers Required" with the following exceptions:

- A. The third sentence of subparagraph "C.1" of Section 1.08.060 is deleted. The reference in the fifth sentence to North San Mateo County Sanitation District is revised to "Westborough Water District."
- B. The first sentence of subparagraph "F" of Section 1.08.060 is amended to read as follows: "It is declared that it is the intent of the district that the program implemented in this section be a joint program in conjunction with the North San Mateo County Sanitation District."

Chapter 1.12 "Private Sewage Disposal"

Chapter 1.16 "Building Sewers, Lateral Sewers and Connections" with the following exception:

- A. The fourth sentence of Section 1.16.030, subparagraph A, is revised to delete the words "in accordance with Chapter 1.28 of this title."

Chapter 1.20 "Public Sewer Construction" with the following exception:

- A. The language of Section 1.20.020 is revised in its entirety to read as follows: "Minimum standards for the design and construction of sewers within the district shall be in accordance with district standard specifications as may be adopted by the board by resolution. The district shall maintain a copy of the standard specifications at the district office. The General Manager is authorized to permit modifications or to require higher standards where unusual conditions are encountered. The adopted standard specification shall supersede the types of materials permitted for drains under Table 7-1 of the 2010 California Plumbing Code, as referenced by Section 701.2."

Chapter 1.24 "Use of Public Sewers" with the following exceptions:

- A. The language of the last sentence of Section 1.24.010 is revised to refer to the "City of South San Francisco."
- B. The language of subparagraph 4 of Section 1.24.110 is revised in its entirety to read as follows: "The owner shall notify the District in advance of the discharging of the water so that the district inspector will be present during the operation."

Chapter 1.30 "Administrative Enforcement Procedures"

Chapter 1.32 "Permits and Fees" with the following exceptions:

A. The language of the first sentence of Section 1.32.060 is revised to read "The owner of lands within areas proposed to be annexed to the district shall first make preliminary application on forms provided by the District, along with the preliminary fee as fixed by the board by resolution."

B. The language of the first sentence of Section 1.32.080 is revised to read "Connection charges for single dwelling units, new single-family residence with second unit, conversion of single-family residence to one with secondary unit, for multiple dwellings, commercial, industrial, public and other uses and for changes in use of existing properties, or alterations in connections from existing properties, within our without the district, shall be paid to the district by the owner, or by any other person obligated to pay such charge, who desires the connection of any property to the sewerage works of the district or to make any changes in existing connections or uses thereto based on the fees as calculated pursuant to the District's adopted Rate and Fee Schedule."

C. The language of the last sentence of Section 1.32.080, subparagraph A is revised to read as follows "A fee, to be fixed by the board by resolution, shall be paid to the district for issuing a connection permit and inspecting each building sewer installation."

D. The language of Section 1.32.080, subparagraph B is revised to read as follows: "A fee, to be fixed by the board by resolution, shall be paid to the district for issuing a permit and inspecting any work adding to, altering, extending, or changing the use of an existing building sewer installation."

E. The language of Section 1.32.080, subparagraph D is revised to read as follows: "Failure to Obtain Permit. In the event any part of the side sewer is installed without issuance of a permit and the inspection of the sewer, the fee for the issuance of the permit and the inspection of the sewer shall be double the current rate, plus any additional fee as established by the board by resolution."

F. The language of the first sentence of Section 1.32.100 is revised to read "In addition to any other fees and charges established by the ordinances, resolutions, rules and regulations of the district, there shall be collected, when a multiple unit structure is converted through the condominium process, to single-family residential units, a fee as established by the board by resolution."

G. The language of the first sentence of Section 1.32.120 is revised to read "In addition to any and all other fees chargeable by the district, applicants and

holders of industrial wastewater discharge permits shall be subject to fees, to be fixed by the board by resolution."

Chapter 1.40 "Administration" with the following exceptions;

A. The language of Section 1.40.050 is revised to read "Pretreatment systems or devices may be required by the district manager.

Chapter 1.44 "Enforcement" with the following exception:

A. The first sentence of Section 1.44.060 is revised to read as follows: "Section 31142 of the Water Code of the State of California provides that a violation of an ordinance of a water district adopted pursuant to Section 31141 is a misdemeanor punishable by fine, imprisonment or both."

Chapter 1.48 "Miscellaneous Provisions."

IV. Severability

If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

V. Effective Date

This Ordinance shall become effective on March 16, 2013.

VI. Notice of Exemption

The General Manager hereby is authorized and directed to file a Notice of Exemption with the County Clerk to record the bases for which the actions taken by this Ordinance are exempt from the California Environmental Quality Act.

VII. Summary

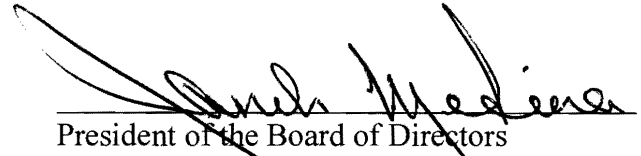
The District Secretary shall publish a summary of the contents of this Ordinance in a newspaper of general circulation within 15 days of adoption, indicating the names of the directors who voted for and against the ordinance.

Passed and adopted this 14th day of February, 2013, by the following vote of the Board:

AYES: Bautista, Chambers, Irwin, Lopez, Medina

NOES: None

ABSENT: None



President of the Board of Directors
Westborough Water District

ATTEST:



Secretary of the Board