

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 20, 2024

TO: Rio Dell City Council

FROM: Sunshine Kelly, Wastewater Superintendent

THROUGH: Kyle Knopp, City Manager

DATE: August 20, 2024

SUBJECT: Amendment of Chapter 13.10 Sewer Rates and Regulations, Section 13.10.170, Prerequisites to multiple service connections, Section 13.10.210, Sewer system required, Section 13.10.220, Building sewers, laterals and connections, 13.10.467, Transfer of Property and Testing.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1) Receive a brief staff presentation regarding the proposed sewer amendments; and
- 2) Hold second reading (by title only) and adopt Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220 and 13.10.467.
- 3) Open the public hearing, receive public input and deliberate; and
- 4) Adopt Ordinance No. 406-2024.

BACKGROUND AND DISCUSSION

The ordinance was presented to the City Council at the regular meeting of August 6, 2024 and is now before the City Council for its second reading and adoption.

It has been brought to the attention of the Wastewater Superintendent that with the adoption of Chapter 13.10 Sewer Rates and Regulations created by Freshwater environmental in 2013, Articles from the past Chapter were not included and as such the language of Chapter 10.13 is vague in its descriptions.

With current projects and those that may happen in the future, Staff is looking for clearer language in Chapter 13.10 for clarity in designating boundaries for present and future wastewater customers.

Staff ask that you approve the suggested amendments below to the regulations.

13.10.170 Prerequisites to multiple service connections.

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 17, 1987.]

Where there is a pre-existing unknown shared lateral that becomes known and two sewer services utilize the lateral, each of the property owners must establish their own lateral on their respective property parcels. The City shall establish a lower lateral to the sewer main once each property owner has indicated where their respective sewer lateral and lower cleanout will be installed.

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, [for a site that is greater than 300 feet from a public sewer](#), an on-site wastewater treatment (septic) system which meets the requirements of the County Health Department. With respect to the use of on-site wastewater treatment systems within the City of Rio Dell, the City of Rio Dell adopts the Humboldt County Code, its regulations and, when approved and implemented, its local agency management program for the siting, design, operation and maintenance of on-site wastewater treatment systems.

It shall be unlawful for any person to construct or maintain any on-site wastewater treatment system, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

- (1) Overflow any lands whatever;
- (2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell. With respect to existing on-site wastewater treatment

systems if it would be impossible to comply with all the requirements of the County Health Department, the County Health Officer may authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the County Health Department.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first obtaining a permit to do so from the County Health Department. [Ord. 351 § 1, 2016; Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 21, 1987.]

13.10.220 Building sewers, laterals and connections.

(1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

(4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.

(5) Cleanouts. Two Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. A cleanout and backflow device shall be required at or near the building structure, and a double sweep cleanout installed at or near the property line. All cleanouts shall be maintained watertight.

(6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.

(7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.

(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City

to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

(9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.

(10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub divider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 22, 1987.]

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall [have camera work done to inspect the sewer lateral for breaks and or tie-in's with neighboring laterals. Once camera work is complete and breaks are fixed and tie-in laterals are plugged/removed the lateral shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration. A backflow device will need to be installed up stream of the lower cleanout. A lower cleanout will need to be installed at the property line with sweep towards sewer main.](#)

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration [and backflow](#) requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

- (1) Condominium or cooperative apartment buildings;
- (2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;
- (3) To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 322 § 1, 2014; Ord. 286, 2012.]

Staff support the proposed amendments and recommends that the Council codify the changes. Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and Regulations", Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC) is included in Attachment 1.

Attachment 1: Ordinance No. 406-2024, amending Chapter 13.10, "Sewer Rates and Regulations, Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC)

ORDINANCE NO. 406-2024



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING CHAPTER 13.10, "SEWER RATES AND REGULATIONS", SECTION 13.10.170, SECTION 13.10.210, SECTION 13.10.220 AND SECTION 13.10.467 OF THE RIO DELL MUNICIPAL CODE (RDEMC)

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City's City Manager or authorized representative is tasked with enforcing and explaining the City's various sewer rates and regulations; and

WHEREAS one of the difficulties in enforcing the regulations regarding sewer regulations is the unclear language in Chapter 13.10; and

WHEREAS unclear language has caused issues, in that past lateral inspections performed by home owners, and realtors have not been clearly made aware of all the issues pertaining to the private lateral during an I&I inspection, due to other challenges such as no lower cleanout, lateral tie ins, shared lower laterals, and missing backflow devices.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Chapter 13.10.170 of the Rio Dell Municipal Code is hereby amended to read in as follows:

13.10.170 Prerequisites to multiple service connections.

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 17, 1987.]

Where there is a pre-existing unknown shared lateral that becomes known and two sewer services utilize the lateral, each of the property owners must establish their own

lateral on their respective property parcels. The City shall establish a lower lateral to the sewer main once each property owner has indicated where their respective sewer lateral and lower cleanout will be installed.

Section 2.

Chapter 13.10.210 of the Rio Dell Municipal Code is hereby amended to read in as follows:

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, [for a site that is greater than 300 feet from a public sewer](#), an on-site wastewater treatment (septic) system which meets the requirements of the County Health Department. With respect to the use of on-site wastewater treatment systems within the City of Rio Dell, the City of Rio Dell adopts the Humboldt County Code, its regulations and, when approved and implemented, its local agency management program for the siting, design, operation and maintenance of on-site wastewater treatment systems.

It shall be unlawful for any person to construct or maintain any on-site wastewater treatment system, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

(1) Overflow any lands whatever;

(2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell. With respect to existing on-site wastewater treatment systems if it would be impossible to comply with all the requirements of the County Health Department, the County Health Officer may authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the County Health Department.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first obtaining a permit to do so from the County Health Department. [Ord. 351 § 1, 2016; Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 21, 1987.]

Section 3.

Chapter 13.10.220 of the Rio Dell Municipal Code is hereby amended to read in as follows:

13.10.220 Building sewers, laterals and connections.

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(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

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(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

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construction sewers and appurtenances under contracts awarded and entered into by the City.

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(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

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drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

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Section 4.

Chapter 13.10.467 of the Rio Dell Municipal Code is hereby amended to read in as follows:

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall have camera work done to inspect the sewer lateral for breaks and or tie-in's with neighboring laterals. Once camera work is complete and breaks are fixed and tie-in laterals are plugged/removed the lateral shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration. A backflow device will need to be installed up stream of the lower cleanout. A lower cleanout will need to be installed at the property line with sweep towards sewer main.

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

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Exceptions: This section shall not apply to:

- (1) Condominium or cooperative apartment buildings;
- (2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;
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This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 322 § 1, 2014; Ord. 286, 2012.]

Staff support the proposed amendments and recommends that the Council codify the changes. Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and

Regulations", Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC) is included in Attachment 1.

Attachment 1: Ordinance No. 406-2024, amending Chapter 13.10, "Sewer Rates and Regulations, Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC)

Section 5. Severability

If any provision that these ordinances are invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 6. Limitation of Actions

Any action to challenge the validity or legality of any provisions of these ordinances on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 7. Effective Date

These ordinances become effective thirty (30) days after their approval and adoption

I HEREBY CERTIFY that the forgoing Ordinances were duly introduced at a regular meeting of the City Council of the City of Rio Dell on August 6th, 2024 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the August 20th 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 406-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on Aug.20th 2024.

Karen Dunham, City Clerk, City of Rio Dell