

ORDINANCE NO. 03-05

AN ORDINANCE OF THE CITY OF FERNDALE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, REPEALING ORDINANCES 38, 172, 179, 184, 189, 245, 258, 283, 310, and 93-01.

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

- §1.01 This ordinance shall be known and cited as the “Sewer Ordinance”.
- §1.02 Purpose: This ordinance is intended to provide rules and regulations for the use and construction of sanitary sewer facilities installed, altered or repaired within the city. This ordinance shall not apply retroactively and, in the event of an alteration or repair made, shall apply only to the new materials and methods used.
- §1.03 Scope: The following rules and regulations regarding sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the City are hereby adopted. All future sewer construction shall be performed as required in this ordinance.
- §1.04 The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.
- §1.05 Upon the effective date of this Ordinance, Ordinances 438, 172, 179, 184, 189, 245, 258, 283, 310 and 93-01 are hereby repealed.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01 Government Code 38900 et seq, and Health and Safety Code 5471 et seq, give the city legislative body authority to construct, establish, and maintain drains and sewers and to set fees, tolls, rates, rentals or other charges including water, sewer standby or immediate availability charges, for services and facilities furnished by it, either within or without its territorial limits, in connection with its water, sanitation, storm drainage, or sewerage system.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Violation.

3.01.1 Violation of this ordinance shall be declared a public nuisance, using those abatement procedures as listed in Ferndale's "Nuisance Ordinance."

a. Summary Abatement (immediate or emergency need)

b. Administrative Abatement (non-emergency need)

3.01.2 Any person found to be violating any provision of this or any other ordinance, rule or regulation of the City shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction.

3.01.3 Written notice shall be presented no less than two or more than seven working days. The offender shall, within the period of time stated in this notice, permanently cease all violations.

3.01.4 All persons shall be held strictly responsible for any and all acts of agents or employees under the provisions of this or any other ordinance, rule or regulation of the City.

3.01.5 Violations

a. Violation of discharge or contamination must cease immediately upon notification.

b. Construction and easement violations must be corrected in a timely manner or within stated deadlines.

§3.02 Public Nuisance. It is hereby declared that whenever any area in the City is provided with a sewage system, the further maintenance or use of cesspools or other local means of sewage disposal may be declared a public nuisance.

§3.03 Disconnection.

3.03.1 As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the City, the City shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the City.

3.03.2 Upon disconnection, the City Engineer shall estimate the cost of disconnection from and reconnection to the system. The user shall

- deposit the estimated cost of disconnection and reconnection before being reconnected.
- 3.03.3 The City shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.
- 3.03.4 During any period of disconnection, habitation of the premises is prohibited.
- §3.04 **Liability for Violation.** Any person violating any of the provisions of the ordinances, rules or regulations of the City shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.
- §3.05 **Cost Recovery.** All recovery costs incurred by the City shall be sought as restitution to the City and its citizens for enforcement and correction in the interest of public health and safety. Cost recovery to the City is not intended to be a fine or punishment. Cost recovery shall be accomplished as provided in Ferndale's "Nuisance Ordinance."
- §3.06 **Protection from Damage.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, system, or equipment which is a part of the City sewage works.
- §3.07 **Powers and Authorities of Inspectors.** The officers, inspectors, managers and any duly authorized employees of the City shall be permitted to enter any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the City.

ARTICLE 4: DEFINITIONS

- §4.01 **Definitions.** Whenever words or phrases used in this ordinance are not defined in the code of this state, such definitions are incorporated in this section and shall be deemed to apply to such words and phrases used in this ordinance. For the purpose of this ordinance, additional terms shall have the meaning indicated in Chapter 1 of that certain plumbing code entitled "Western Plumbing Official's Uniform Plumbing Code," adopted by the City of Ferndale.
- 4.01.1 **Applicant:** the owner of the premises or his agent making application for a permit for a sewer installation on his own property.
- 4.01.2 **Building:** any structure inhabited or used by human beings.
- 4.01.3 **Building Sewer:** that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.
- 4.01.4 **City:** the City of Ferndale and its officials.
- 4.01.5 **City Engineer:** the Engineer appointed by and acting for the City Council or City Manager and shall be a Registered Civil Engineer.

- 4.01.6 City Inspector: the inspector acting for and appointed by the City Council or City Manager, or the City Manager himself or herself.
- 4.01.7 City Manager: the person or persons appointed by the Council to administer and enforce the rules and regulations of the City.
- 4.01.8 Contractor: an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.
- 4.01.9 Council: the City Council of the City of Ferndale.
- 4.01.10 County: the County of Humboldt, State of California.
- 4.01.11 Garbage: solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- 4.01.12 Multiple Dwelling: a building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families, including but not limited to the following: hotels, motels, auto courts, trailer courts, apartment houses, duplexes, rooming houses, boarding houses and dormitories.
- 4.01.13 Permit: any written authorization required pursuant to this or any other regulation of the City for the installation of any sewage works.
- 4.01.14 Person: any human being, individual, firm, company, partnership, association and private or public and municipal corporations, the United States of America, the State of California, districts and all political subdivisions, and governmental agencies.
- 4.01.15 Sewage: a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.
- 4.01.16 Sewage Treatment Plant: any arrangement of devices and structures used for treating sewage.
- 4.01.17 Sewage Works: all facilities for collecting, pumping, treating and disposing of sewage.
- 4.01.18 Sewer: a pipe or conduit for carrying sewage.
- a. Building Sewer: that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.
 - b. Combined Sewer: a sewer receiving both surface runoff and sewage.
 - c. Lateral Sewer: the portion of a sewer lying within a public street connecting a building sewer to the main sewer.
 - d. Main Sewer: a public sewer designed to accommodate more than one lateral sewer.
 - e. Outside Sewer: a sanitary sewer beyond the limits of the City not subject to the control or jurisdiction of the City.
 - f. Public Sewer: a sewer lying within a street and which is controlled by or under the jurisdiction of the City.
 - g. Sanitary Sewer: a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

- h. Storm Sewer: a sewer which carries storm and surface or ground waters and drainage but excludes sewage and polluted industrial wastes.
 - i. Side Sewer: the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.
- 4.01.19 Single Family Unit: defined to mean and refer to the place of a residence for a single family.
- 4.01.20 Storm Drain: see Storm Sewer.
- 4.01.21 Street: any public highway, road, street, avenue, alley, way, public place, public easement or right of way.

ARTICLE 5: GENERAL PROVISIONS

- §5.01 City Inspector: The City Council or City Manager shall employ a fit and qualified person or persons to perform the duties of inspecting installations, connections, maintenance and use of all side sewers, public sewers and facilities in the City, to be known as the City Inspector with full authorization to enforce this Ordinance.
- §5.02 Permits and Fees: No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the City until a permit for the work has been obtained from the City and all fees paid in accordance with the requirements of this ordinance.
- §5.03 Violation Unlawful: Following the effective date of this ordinance it shall be unlawful for any person whose building is required to be connected to a public sewer to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner provided.
- §5.04 Relief on Application.
- 5.04.1 When any person by reason of special circumstances is of the opinion that any provision of this ordinance is unjust or inequitable as applied to their premises, they may make written application to the City Council stating the special circumstances and requesting suspension or modification of the offending provision.
 - 5.04.2 The City Council may, by resolution, suspend or modify the offensive provision to be effective as of the date of the application and continuing during the period of the special circumstances.
- §5.05 Relief on Own Motion: The City Council may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified. Details of the specific circumstances must be fully stated in the motion.

ARTICLE 6: PUBLIC SEWERS

§6.01 Requirements.

- 6.01.1 Disposal of Wastes: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- 6.01.2 Treatment of Wastes Required: It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance and County, State and Federal law.
- 6.01.3 Unlawful Disposal: Except as provided in this ordinance, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.
- 6.01.4 Occupancy Prohibited: No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all inspections, rules and regulations of this Ordinance.
- 6.01.5 Sewer Required: Owners of buildings abutting on a street where there is now or may be a public City sewer, are required, at their expense, to connect the building to the public sewer in accordance with this ordinance, within ninety (90) days after date of official notice, provided that the public sewer is within one hundred (100) feet of the nearest point of the building.
- 6.01.6 Drainage into Sanitary Sewers Prohibited: No leaders from roofs and no surface drains for rainwater shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method.
- 6.01.7 Types of Waste Prohibited: Except as provided here, no person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:
- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 - b. Any water or waste which may contain more than 100 milligrams per liter of fat, oil or grease.
 - i. *(This section added by Ord. 07-03 on 8/13/07)*
Businesses must have a sample point approved by the City downstream of the grease trap and prior to entering the collection system.
 - ii. One preliminary sample will be collected by the City from this point and taken to a lab approved by the City.

- iii. Businesses that have samples return with results in compliance with the ordinance will be required to have a sample taken every two years.
 - iv. Businesses that have samples return with results above the allowed limit will be responsible for costs incurred to make any changes necessary to be in compliance and take subsequent samples every 6 months until they are in compliance and then every 2 years thereafter.
 - v. The City will absorb 50% of the cost of the preliminary test. All tests subsequent to the preliminary test will be at the business's expense. *(End of section added by ordinance 07-03, August 13, 2007)*
 - c. Any gasoline, benzine, naptha, fuel oil or other flammable or explosive liquid, solid or gas.
 - d. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
 - e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 - f. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - g. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant.
 - h. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle these materials at the sewage treatment plant.
 - i. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - j. Any septic tank sludge.
- 6.01.8 Interceptors.
- a. Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the City Engineer and

- shall be so located as to be readily and easily accessible for cleaning and inspection.
- b. Maintenance of Interceptors. All grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 6.01.9 Preliminary Treatment of Wastes.
- a. The admission into the public sewers of any waters or wastes having the following shall be subject to the review and approval of the City Engineer:
- i. A 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter or
 - ii. Containing more than 350 milligrams per liter of suspended solids or
 - iii. Containing any quantity of substance having the characteristics described in Section 601.8 or
 - iv. Having an average daily flow greater than two percent of the average daily flow of the City.
- b. Where necessary, in the opinion of the City Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
- i. Reduce the Biochemical Oxygen Demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter or
 - ii. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 601.7 or
 - iii. Control the quantities and rates of discharge of such waters or wastes.
- c. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer and no construction of the facility shall begin until approvals are obtained in writing.
- d. Maintenance of Pretreatment Facilities. Pre-treatment systems shall be maintained continuously in satisfactory and effective operation by the owner at his expense and to the satisfaction of the City Engineer.
- 6.01.10 Control Manholes. When required by the City Engineer, the owner of any property served by the side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safely accessible at all times.
- 6.01.11 Measurements and Tests. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in

Sections 601.7 and 601.9 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 601.10, or upon suitable samples taken from control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

- 6.01.12 Special Agreements. No statement contained in this Article shall be construed as preventing any special agreements or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment by the industrial concern and subject to such terms and conditions as might be required by the City to compensate for the costs of handling treatment and disposal.
- 6.01.13 Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer.

ARTICLE 7: BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS.

§7.01 Requirements.

- 7.01.1 Permit Required.
- a. In accordance with this ordinance, 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.
 - b. Design and Construction shall be in accordance with the requirements of the City and in accordance with standard City specifications.
- 7.01.2 Separate Sewers.
- a. No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer.
 - b. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists on the street upon which the property abuts or in an easement which will serve said property.
 - c. 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 two smaller legal-sized lots.
- 7.01.3 Old Sewer Connection: Old Building Sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Inspector, to meet all requirements of the City.

- 7.01.4 Cleanouts: Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.
- 7.01.5 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 Engineer, and discharged to the public sewer at the expense of the owner.
- 7.01.6 Connection to Public Sewer: The connection of the building sewer into the lateral sewer shall be made in strict accordance with standard City specifications and at the applicant's expense. The connection to the lateral sewer shall be made in the presence of the City Inspector and under his supervision and direction. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Inspector.
- 7.01.7 Maintenance: Maintenance of Building Sewers shall be the responsibility of the owner of the property served.
- 7.01.8 Testing: All building sewers and lateral sewers shall be tested in strict accordance with standard City specifications.

§7.02 Excessive Infiltration.

- 7.02.1 Testing. (See Sewer Testing Procedures)
- a. As part of any Capital Improvement Program to repair and rehabilitate portions of the main sewer, testing and inspection of building sewers, lateral sewers and connections served by the main sewer being repaired or rehabilitated shall be conducted under the direction of the City Inspector.
 - b. Testing and inspection of the building sewer, lateral sewer and connections shall be conducted using one or more of the following methods:
 - i. Visual inspection
 - ii. TV inspection
 - iii. Smoke testing
 - iv. Flow monitoring
 - v. Air pressure testing
 - vi. Exfiltration testing
 - vii. Or similar inspection or testing methods as approved by the City Engineer.
- 7.02.2 Responsibility for Repair/Replacement of Building Sewers, Lateral Sewers and Connections.
- a. It shall be the responsibility of the property owner to repair and/or replace any building sewer which has been found through testing and/or inspection to exhibit conditions which would permit infiltration to enter the sewer system at a greater rate than the allowance under City standard specifications.

- b. It shall be the responsibility of the City to repair and/or replace any and all lateral sewers and connections found to contribute to infiltration at a rate greater than allowed under City standard specifications on City property.
- 7.02.3 Notification to Property Owner.
- a. A permit shall be obtained from the City and work initiated to repair and/or replace any building sewer found to be a source for infiltration pursuant to this ordinance within thirty (30) days of the receipt of a Notice to Repair Building Sewer issued by the City.
 - b. Such notice shall be mailed by certified US Mail to the property owner as appearing on the latest available property ownership listing from the County Assessor's Office.
 - c. Work to repair and/or replace the building sewer shall be completed within ninety (90) days of the receipt of the Notice to Repair Building Sewer, unless a written extension is granted by the City Inspector.
- 7.02.4 Inspection and Retesting of Building Sewers.
- a. Upon completion of the repair and/or replacement of the building sewer, a re-inspection and testing of the sewer lateral shall be conducted by the City Inspector.
 - b. The building sewer shall be tested in accordance with the City standard specifications.
 - c. Upon approval, a Certificate of Satisfactory Completion shall be mailed to the property owner by the City.
- 7.02.5 Failure to Repair/Replace Constitutes a Violation – Remedies.
- a. The failure to repair and/or replace a building sewer subject to correction under Section 7.02.2 within the time period given in the Notice to Repair Building Sewer shall be deemed a violation of City ordinance and is subject to the enforcement provisions as set forth in Article 3, sections 3.01 through 3.07, inclusive, of this ordinance.
 - b. In addition to the remedies set forth above, the City Council may direct the Director of Public Works to make the required repair and/or replacement of a building sewer for which the property owner has declined or otherwise failed to correct within the period specified in this ordinance, and to have the cost of said corrective work placed as a lien against the subject property on the property tax roll.

ARTICLE 8: LATERAL TESTING UPON SALE

§8.01 Transfer of Property and Testing. *(This section changed by Ordinance 08-01 adopted 3/10/08)*

- 8.01.1 Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.
- a. 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.
- 8.01.2 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 requirements prior to transfer of property connected to the city sewer system.
- 8.01.3 Exceptions: This section shall not apply to:
- a. Condominium or cooperative apartment buildings;
- b. 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 (3) years.
- c. To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three (3) years.
- i. 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 §8.03.

(End section changed by Ordinance 08-01 adopted 3/10/08)

§8.02 Sewer Lateral Testing.

- 8.02.1 The property owner or his/her appointed contractor shall obtain a plumbing permit for sewer lateral testing prior to commencing with the testing procedure.
- 8.02.2 Testing methods and procedures shall conform to standard testing specifications (Sewer Testing Procedures) adopted by the city, copies of which are on file in the City Clerk's office.
- 8.02.3 All conditions and access shall be made ready prior to scheduling an inspection. If an inspection is scheduled and cannot be performed because of inadequate condition or access to the sewer lateral, the city may recover costs.

§8.03 Failure of Test.

- 8.03.1 Should the lateral fail the test, the lateral shall be either repaired or replaced and retested.
- 8.03.2 A plumbing permit will be required in order to perform the necessary repairs or replacement.
- 8.03.3 This process shall continue until the lateral passes the required test.

§8.04 Lateral Certification. Once the lateral has successfully passed the testing procedure, the City Inspector witnessing the test will sign the permit inspection card as approved.

ARTICLE 9: PUBLIC SEWER CONSTRUCTION

§9.01 Requirements.

- 9.01.1 Permit Required. In accordance with this ordinance, 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 connections charges and furnishing bonds as required. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the City.
- 9.01.2 Plans, Profiles and Specifications required.
 - a. The application for a permit for public sewer construction shall be accompanied by three (3) 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.
 - b. The application, together with the plans, profiles and specifications shall be examined by the City Engineer who shall within twenty (20) days approve them as filed or require them to be modified as he deems necessary for proper installation.
 - c. After examination by the City Engineer, the application, plans, profiles and specifications shall be submitted to the City Council at its next regular meeting for its consideration. When the City Council is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City Council. The permit shall prescribe such terms and conditions as the City Council finds necessary in the public interest.
- 9.01.3 Subdivisions.

- a. The requirements of §8.01 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the City Council.
 - b. 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.
 - c. 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 subdivider.
- 9.01.4 Easements or Rights of Way.
- a. 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 Council a proper easement or grant of right of way having a minimum width of ten (10) feet sufficient in law to allow the laying and maintenance of such extension or connection.
- 9.01.5 Persons Authorized to Perform Work.
- a. Only properly licensed contractors and City personnel shall be authorized to perform the work of public sewer construction within the district. All terms and conditions of the permit issued by the City to the applicant shall be binding on the Contractor.
- 9.01.6 Compliance with Local Regulations.
- a. 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 of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the City.
- 9.01.7 Design and Construction Standards.
- a. Minimum standards for the design and construction of sewers within the District shall be in accordance with the Standard Specifications heretofore or hereafter adopted by the City, copies of which are on file in the City Clerk's office.
 - b. The City Engineer, with the consent of the City Council, may permit modifications or may require higher standards where unusual conditions are encountered.
 - c. Three (3) complete sets of "as-built" drawings showing the actual location of all mains, structures, Y's and laterals shall be filed with the City before final acceptance of the work.
- 9.01.8 Completion of Sewer Required.
- a. Before 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 in full compliance with all

requirements of the Standard Specifications and to the satisfaction of the City Engineer.

ARTICLE 10: PERMITS AND FEES

§10.01 Requirements.

10.01.1 Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the City.

10.01.2 Application for Permit.

- a. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the City for that purpose. He shall give a description of the character of the work, the location, ownership, occupancy and use of the premises. The City Engineer may require plans, specifications, drawings and such other information as he may deem necessary.
- b. If the City Engineer determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules, regulations of the City, he shall issue the permit applied for upon receiving the required fees as fixed by the City.

10.01.3 Agreement.

- a. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the City, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the City, if any.
- b. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.

§10.02 Fees and Charges.

10.02.1 Connection Fees. In addition to any other charges established by the ordinances, rules and regulations of the City, there shall be collected, prior to connection to the sanitary sewerage system of the City, a special connection charge as follows:

- a. Existing Facilities Connection Charge: A charge computed on a basis of a percentage, as set by the Sewer Fee Ordinance, of the estimated cost of construction of any main public sewer necessary to provide service to any parcel, unit or lot, or part of the property to be served, lying within the present boundaries of

the City. Said charge shall be deemed to be said property's share of the cost of the existing sewer facilities of the City to be used by said property and toward the cost of which said property has made no payment.

- b. **Special Connection Charge:** For any parcel, unit or lot, or part of said property which abuts on or can be directly served by any existing sewer main or sanitary sewer facilities of the City constructed pursuant to special agreement, wherein the City has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said main or facilities, special connection charges in addition to any other charges established by the City, which must be paid prior to the issuance of a permit for sewer connection, are hereby established as follows:
 - i. Where private facilities consist of collection mains together with trunk mains and/or any other sanitary sewerage facility, an additional special connection charge shall be collected in a sum to be computed by the City Engineer as the property's share of the cost of the sewer mains and other sanitary sewer facilities of the City, constructed pursuant to special agreement, to be used by the property.
 - ii. These additional costs shall be equivalent to the prorated share of the cost of the installation made pursuant to the special agreement.
- c. **Lateral Service Connection Charges:** In addition to any other charges established by the ordinances, rules and regulations of the City, there shall be collected, prior to connection to the sanitary sewerage system of the City, a charge, as set by the Sewer Fee Ordinance.
- d. **Special Connection Charges:** In addition to any other charges established herein, the City may establish special connection charges for any sewer connection when, in the opinion of the City Council the circumstances of such connection necessitates the establishment of unusual conditions or necessitates the payment of charges over and above those established to recover additional cost to the City.
- e. **Sewer Permit and Inspection Charges:** Permit and inspection charges are established by the Sewer Fee Ordinance:
 - i. Single Family Residence
 - ii. Trailer Courts and Multiple Dwellings
 - iii. Commercial, Industrial, Church, School, Public and Other Users. If property is to be developed for commercial and industrial uses, the City Engineer may require a special analysis of the effect of the installation on the sewage effluent, at the applicant's expense.

- iv. Public Sewer Construction Permit
 - v. Alteration of Existing Sewer Installation.
- 10.02.2 Bond – Public Sewer Construction. Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the City a faithful performance bond or cash in the amount of the total estimated cost of the work; said bond to be secured by a surety or sureties satisfactory to the City. This cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of the acceptance of the work.
- 10.02.3 All Work to be Inspected. All sewer construction work shall be inspected by an Inspector acting for the City to insure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City’s public sewer until the work covered by the permit has been completed, inspected and approved by the City Inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the Inspector shall issue a certificate of satisfactory completion.
- 10.02.4 Notification. It shall be the duty of the person doing the work authorized by permit to notify the City Inspector that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours, Saturdays, Sundays and Holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the City before giving the above notification.
- 10.02.5 Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.
- 10.02.6 Outside Sewers.
- a. Permission shall not be granted to connect any lot or parcel of land outside the City unless a permit is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used and the manner of connecting, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the City for the privilege of using such sewer.
 - b. Subject to Council approval. The granting of such permission for an outside sewer shall require City Council approval.

- c. Special Outside Agreements. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the City.
 - d. Street Excavation Permit. A separate permit must be secured from the County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street outside the City for the purpose of installing sewers or making sewer connections.
- 10.02.7 Liability. The City and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the work performed in compliance with this Ordinance, or any failure which may result.
- 10.02.8 Time Limit on Permits. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one (1) year, the permit shall become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

ARTICLE 11: SEWER SERVICE CHARGE

- §11.01 Monthly Rates. The monthly service sewer charge shall be fixed by the Sewer Fee Ordinance of the City Council at such sum as it may determine necessary to maintain the system.
- §11.02 Separate Fund. The City shall maintain a separate sewer fund. No portion of the sewer fund shall be used by the City except to reimburse the City for direct sewer-related costs.

ARTICLE 12: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 13: EFFECTIVE DATE:

This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 14: POSTING REQUIREMENT:

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 15: ENACTING DATE AND SIGNATURES:

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on March 4, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Frances Scalvini, City Clerk

Elizabeth Anderson, Mayor

First Reading: December 4, 2003

Second Reading: January 6, 2004

Third Reading: February 5, 2004

Fourth Reading: March 4, 2004

Amended by Ordinance 07-03 8/13/07

Amended by Ordinance 08-01 3/10/08