

**ORDINANCE NO. 2009-262**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF CALABASAS AMENDING SECTION  
15.04.610 OF THE CALABASAS MUNICIPAL CODE  
REGARDING ONSITE WASTEWATER  
TREATMENT SYSTEMS**

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CALABASAS  
DOES ORDAIN AS FOLLOWS:**

**SECTION 1      CODE AMENDMENT.**

Section 15.04.610 of Title 15 of the City of Calabasas Municipal Code is hereby further amended by adding an introduction to Appendix K to read as follows:

**Introduction**

A primary function of an onsite wastewater treatment system (“OWTS” or “Treatment System”) is to reduce or eliminate the pathogenic organisms that are found in wastewater. Defective and/or substandard treatment systems that fail to adequately treat wastewater can contaminate groundwater, affect water quality, and create significant health hazards for the public and environment. Inappropriately designed or inadequately maintained onsite wastewater treatment systems have been proven to be the third most common source of groundwater contamination in the nation.

Appendix K and amendments thereto (hereafter collectively “Appendix K”) are intended to address these growing and proven environmental issues by ensuring that existing onsite wastewater treatment systems are properly operated and maintained and new Treatment Systems are properly constructed or installed and thereafter properly operated and maintained. Appendix K and the amendments thereto are designed to meet these objectives and ensure that all new and existing OWTS in the City of Calabasas are environmentally safe and free of health hazards.

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Appendix K and amendments thereto (hereafter collectively “Appendix K”) are intended to address these growing and proven environmental issues by ensuring that existing onsite wastewater treatment systems are properly operated and maintained and new Treatment Systems are properly constructed or installed and thereafter properly operated and maintained. Appendix K and the amendments thereto are designed to meet these objectives and ensure that all new and existing OWTS in the City of Calabasas are environmentally safe and free of health hazards.

## **SECTION 2      CODE AMENDMENT.**

Section 15.04.610 is hereby further amended to add an index of original Appendix K provisions as contained in the 2007 California Plumbing Code (“CPC”) and amendments thereto as shown in the Calabasas Municipal Code (“CMC”) as amended by this ordinance as follows:

### **Index**

#### **Sections:**

<b>K1 (A)(1)</b>	<b>Definitions</b>	<b>New Amendment</b>	<b>See CMC</b>
<b>K1 (A)(2)</b>	<b>Permitting Provisions</b>	<b>New Amendment</b>	<b>See CMC</b>
<b>K1 (A)(3)</b>	<b>Use or Modification of an Existing System</b>	<b>New Amendment</b>	<b>See CMC</b>
<b>K1 (A)(4)</b>	<b>Repair of a Failing System</b>	<b>New Amendment</b>	<b>See CMC</b>
<b>K2</b>	<b>Capacity of Septic Tanks</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K3</b>	<b>Area of Disposal Fields and Seepage Pits</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K4</b>	<b>Percolation Test</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K5</b>	<b>Septic Tank Construction</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K6</b>	<b>Disposal Fields</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K7</b>	<b>Seepage Pits</b>	<b>No Amendment</b>	
<b>K8</b>	<b>Cesspools (Deleted)</b>	<b>No Amendments</b>	<b>See CPC</b>
<b>K9</b>	<b>Commercial or Industrial Special Liquid Waste Disposal</b>	<b>No Amendments</b>	<b>See CPC</b>
<b>K10</b>	<b>Inspection and Testing</b>	<b>No Amendments</b>	<b>See CPC</b>
<b>K11</b>	<b>Abandoned Sewers and Sewage Disposal Facilities</b>	<b>No Amendments</b>	<b>See CPC</b>
<b>K12</b>	<b>Drawings and Specifications</b>	<b>No Amendment</b>	<b>See CPC</b>
<b>K13</b>	<b>Onsite Wastewater Treatment System Operating Permits</b>	<b>New Amendment</b>	<b>See CMC</b>
<b>K14</b>	<b>Reserved</b>	<b>Future Use</b>	
<b>K15</b>	<b>Reserved</b>	<b>Future Use</b>	
<b>K16</b>	<b>Unlawful Systems</b>	<b>New Amendment</b>	<b>See CMC</b>

Index Notes: “New Amendments” denote new and future sections to Appendix K pursuant to Ordinance No. 2009-262.

“No Amendments denote Appendix K and any local amendments that were made before Ordinance No. 2009-262, as codified in the Calabasas Municipal Code and therefore means that no amendments are effected by Ordinance NO. 2009-262.

### **SECTION 3. CODE AMENDMENT.**

Section 15.04.610 of Title 15 of the Calabasas Municipal Code is hereby further amended by adding Section K1 (A)(1) to Appendix K to read as follows:

#### **K1 (A)(1) Definitions**

The words and terms in Appendix K and the amendments thereto shall have the meanings hereafter stated. These shall supersede and control over any conflicting provision in the 2007 California Plumbing Code and its appendices, or in any other portion of the Calabasas Municipal Code. If regulations or standards exist in state or federal law that are more restrictive than those in Appendix K, those shall control.

**Administrative Authority** means the city building official and/or his duly authorized representative(s).

**Alternative Onsite Wastewater Treatment System or AOWTS** means an OWTS designed to provide enhanced wastewater treatment that meets or exceeds secondary treatment.

**Basin Plan:** Means the same as “water quality control plan” as defined in Division 7 (commencing with Section 13000) of the Water Code. The basin plan is adopted by the Los Angeles Regional Water Quality Control Board, approved by the SWRCB and the Office of Administrative Law, and identify surface water and groundwater bodies within the Region’s boundaries and establish its beneficial uses and water quality objectives. Copies are available from the Los Angeles Regional Water Quality Control Boards.

**Bedroom:** A term often utilized for the load capacity calculation of an OWTS. A bedroom means a room or space of sufficient size that has been or may be regularly used for sleeping purposes. For existing legal nonconforming dwellings with benefit of building permits and inspection approvals, rooms or spaces that have clearly established uses due to the lawful installation of permanent cooking facilities, plumbing fixtures or other appliances, or rooms or spaces that are not of sufficient size to constitute a bedroom are not “bedrooms” as that term is used in this Appendix K.

**Biochemical Oxygen Demand (BOD):** An indirect measure of the concentration of biologically degradable material existing in organic wastes. It usually reflects the amount of oxygen consumed in 5 days by biological processes breaking down organic waste.

**Building Renovations:** Actions to any residential or nonresidential structure including, but not limited to, alterations, additions, construction, enlargements, expansions, improvements, relocations, repairs, rehabilitation or remodel work, that result, or may result, in an increase in the volume of sewage or wastewater into an Existing OWTS over the level present before those renovations are made.

**Certified Report:** A test report by an approved OWTS Inspector of an Existing or New OWTS certifying that an inspection and test thereof pursuant to Appendix K was done in the required and proper manner and that certifying the information and findings in the report to be accurate and truthful. A Certified Report shall also contain all recommended Major Repairs. The required elements of a Certified Report shall be established by the Administrative Authority.

**Cesspool:** An excavation in the ground receiving wastewater, designed to retain organic matter and solids, while allowing the liquids to seep into the soil. Cesspools differ from seepage pits because cesspool systems do not have septic tanks.

**Clay:** A soil particle; the term also refers to a type of soil texture. As a soil particle, clay consists of individual rock or mineral particles in soils having diameters  $<0.002$  mm in diameter. As a soil texture, clay is a soil material comprised as 40 percent or more clay particles and not more than 45 percent sand and not more than 40 percent silt particles.

**Contaminants of Concern:** Substances of any kind and in any form that have been identified by federal and/or state laws and regulations as posing an actual or potential hazard, detriment or threat to public health, safety or welfare, or to the environment, if present in water or able to infiltrate surface or subsurface water bodies or resources.

**Development:** Any grading or construction on unimproved land, or any new construction or alteration or repair of an existing structure. Development also includes Building Renovations and changes or intensification in the use or uses of land.

**Dispersal System:** A leachfield, seepage pit, subsurface drip system, evapotranspiration and adsorption bed, evapotranspiration and absorption bed, adsorption trench, or other types of systems for final wastewater treatment and subsurface discharge.

**Dosing Tank:** A watertight receptacle located between an OWTS treatment unit (i.e., septic tank or supplemental treatment unit) and a dispersal area equipped with an automatic siphon device or pump designed to discharge wastewater intermittently in the distribution lines in amounts proportioned to the capacity of such lines and to provide adequate rest periods between such discharges.

**Effluent:** Initially treated sewage from a septic tank and discharged from an OWTS, or any portion thereof.

**Evapotranspiration and Infiltration (ETI) bed:** A subsurface dispersal bed in which soil capillarity and root uptake help to disperse the effluent from a septic tank or supplemental treatment system through surface evaporation, soil absorption and plant transpiration.

**Evapotranspiration and Adsorption bed:** A subsurface dispersal system that relies on soil capillarity and root uptake to disperse the effluent from a septic tank or supplemental treatment system through surface evaporation, soil adsorption, and plant transpiration.

**Existing OWTS:** A private sewage disposal or treatment system on private real property that was installed before the effective date of Ordinance No. 2009-262. Any system that is thereafter installed, whether in whole or part, is referred to by this Appendix as a New OWTS.

**Failing or Failed System:** Any temporary or permanent defect or malfunction, regardless of cause, in an Existing or New OWTS, including, but not limited to, those that result from a complete or partial impairment or inoperability, or improper function, of any component or design feature of an OWTS. A private sewage disposal or treatment system can reflect a partial, moderate or complete failure.

**Fines:** Soil particles with a diameter less than 0.05 millimeters. Fines consist of silt-or clay-sized particles.

**Groundwater recharge areas:** Areas where water infiltrates into the earth and either increases the total amount of water stored underground or replenishes the groundwater supply depleted through pumping or natural discharge.

**Guidelines or OWTS Inspection Guidelines** means the guidelines specified in Section K13 (E)(1).

**Hazardous Material:** An agent, item or substance (biological, chemical, physical) that has been identified by federal and/or state laws and regulations as having the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors. The term "hazardous material" includes Contaminants of Concern.

**Illicit Discharge:** The subsurface or surface release for any reason or cause of sewage, wastewater, effluent or any other material or substance from an existing or new OWTS that would not occur if the OWTS were in good condition and all of its components were working properly. The manner in which an illicit discharge can occur includes, but is not limited to, dumping, leaking, overflowing, pumping or spilling.

**Leachfield:** One or a group of chambers or trenches designed to disperse effluent from a septic tank or supplemental treatment system.

**Legal Non-Conforming OWTS:** An Existing OWTS installed in accordance with an approved design and location pursuant to a plumbing permit that was issued under then applicable law and which received an inspection approval from the public agency issuing the permit.

**Load or Loading:** The actual discharge or volume level of sewage or wastewater that flows from plumbing fixtures into an Existing or new OWTS. An "Approved Load" pertains to the discharge or volume level of sewage or wastewater that an Existing or New OWTS was designed or intended to accommodate when a plumbing permit was issued for that OWTS and an inspection approval from an issuing public agency was given.

**Major Repair or Repairs:** Any action or actions that involve the alteration, correction, cure, prevention, repair, rehabilitation, resolution, restoration or revival of a Failing or Failed System (of any degree). In the absence of, or in conjunction with, a Failed or Failing System, a Major Repair further includes all actions to fully resolve all causes of an Illicit Discharge and to prevent its recurrence. These actions also include, but are not limited to, replacement or substitution of one or more components of an Existing or New OWTS, or the introduction or use of devices or technologies in connection with existing components of an OWTS, or the demolition of a structure, or portion thereof, or grading or excavation work to establish necessary or improved access to, or improved functionality of, an OWTS. In the absence of a Failed or Failing System or an Illicit Discharge, actions limited to periodic pumping or servicing of an OWTS (as these terms are commonly used by California licensed plumbing contractors and other licensed or certified professionals) do not constitute a Major Repair.

**Minor Repair:** Clearing of building drain piping with a hand or electronically driven flexible auger, refitting into place inlet or outlet tees, installing access risers or other minor alterations to an OWTS approved by the Administrative Authority.

**Monitoring Program:** The program required by section K(1) (A)(4) (c) below.

**OWTS:** Means, regardless of the date of its installation, a private onsite wastewater disposal or treatment system, and each of its components, as defined under California law and regulations, and future amendments thereto, whether or not a particular OWTS complies with such laws and regulations.

**OWTS Plumbing Permit:** A written authorization issued by the Administrative Authority that must be obtained before: (i) starting a Major Repair; (ii) demolishing or removing all or a portion of a Failed or Failing System; (iii) starting Building Renovations; (iv) constructing or installing a new OWTS; or (v) performing other actions that require such a permit under Appendix K.

**OWTS Operating Permit:** A written authorization issued by the Administrative Authority to reflect that owners of an Existing or New OWTS have complied with the regulations of Section K13 of Appendix K.

**OWTS Inspector:** Persons having the qualifications stated in Section K13 (F)(1) of Appendix K and certified by the Administrative Authority to inspect and test an OWTS.

**OWTS Owner or Owner:** Means and includes every person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any private real property in the City on which an Existing or New OWTS is present, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County Assessor's Office. Owners also include persons with powers of attorney, executors of estates, trustees, or who are court-appointed administrators, conservators, guardians or receivers of persons or property served by an OWTS.

**Percolation Test:** A method of testing water absorption of the soil. The test is conducted with clean water and test results can be used to establish whether or not the soil is suitable for a dispersal system, as well as in the design and location of such a system.

**Permeability:** The capacity of soil, sediment, or porous rock to transmit water; the property of soil or rock that allows passage of water through it.

**Pollutant:** Any substance that alters water quality of the waters of the State to a degree that may potentially affect the beneficial uses of water, as listed in a basin plan.

**Pretreatment:** The conversion and/or reduction of certain water pollutants in wastewater by any technology or combination of technologies that precedes discharge to a subsurface wastewater infiltration system or other final treatment unit or process before final dissemination into the receiving environment.

**Responsible Person:** has the meaning stated in section 1.17.020 of this code.

**Rock:** Any naturally formed aggregate of one or more minerals (e.g., granite, shale, marble); or a body of undifferentiated mineral matter (e.g., obsidian), or of solid organic matter (e.g. coal) that is greater than 0.08 inches (2mm) in size.

**Sand:** A soil particle; this term also refers to a type of soil texture. As a soil particle, sand consists of individual rock or mineral particles in soils having diameters ranging from 0.05 to 2.0 millimeters in diameter. As a soil texture, sand is soil that is comprised of 85 percent or more sand particles, with the percentage of silt plus 1.5 times the percentage of clay particles comprising less than 15 percent.

**Secondary Treatment** means the processing of sewage effluent by means of a treatment device which renders a sewage effluent of 30 mg/L biochemical oxygen demand or less, 30 mg/L total suspended solids or less, and 15 mg/L oil and grease or less.

**Seepage Pit:** A drilled or dug excavation, three to six feet in diameter, either lined or gravel filled, that receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

**Septic Constraint Areas:** Those areas with noted high groundwater conditions, poor soil conditions for septic systems or noted septic tank system problems, and lands identified as primary groundwater recharge areas.

**Septic Tank:** A watertight (except as to designed inflow and outflow points), covered receptacle designed for primary treatment of wastewater and constructed to:

- Receive wastewater discharged from a building;
- Separate settleable and floating solids from the liquid;
- Digest organic matter by anaerobic bacterial action;
- Store digested solids; and
- Clarify wastewater for further treatment before final subsurface discharge.

**Setback:** A minimum horizontal distance maintained between and an OWTS and a potential point of impact or other physical point of reference.

**Sewage:** Means and includes any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta, offal or any feculent matter. The term “wastewater” is synonymous with “sewage.”

**Silt:** A soil particle; this term also refers to a type of soil texture. As a soil particle, silt consists of individual rock or mineral particles in soils having diameters ranging from between 0.05 and 0.002 mm in diameter. As a soil texture, silt is soil that is comprised as approximately 80 percent or more silt particles and not more than 12 percent clay particles.

**Site:** The location of a proposed OWTS and, as deemed appropriate by the Administrative Authority, a reserve dispersal area capable of disposing 200% of the design flow from all sources an OWTS it is intended to serve.

**Site Evaluation:** An assessment of the characteristics of a site sufficient to determine its suitability for an OWTS. The regulations pertaining to this evaluation are set forth in Section K1 (A)(2) (2) – (5) of this Appendix K.

**Site Evaluation Plan:** A plan, in a form acceptable to the Administrative Authority, for the design and construction or rehabilitation of an OWTS in compliance with this code and other applicable law.

**Site Evaluation Report:** A report, in a form acceptable to the Administrative Authority, reporting the results of a Site Evaluation.

**Soil:** The naturally occurring body of porous mineral and organic materials on the land surface. It is composed of unconsolidated materials above bedrock; sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the U.S. Department of Agriculture's Soil Classification Chart.

**Soil Texture:** The soil class that describes the relative amount of sand, clay, silt and combinations thereof as defined by the classes of the soil textural triangle developed by the U.S. Department of Agriculture's and expressed in its Soil Classification Chart.

**Supplemental Treatment Systems:** Pretreatment devices added to an OWTS or to a component of an OWTS other than a septic tank or dosing tank, to achieve higher levels of wastewater treatment relative to a conventional septic tank in order to address septic constraint areas. These systems treat the wastewater before it is discharged to a dispersal system.

**Surface Water:** All waters whose surface is naturally exposed to the atmosphere, such as rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, and all springs, wells, or other collectors directly influenced by surface water.

#### **SECTION 4 CODE AMENDMENT**

Section 15.04.610 of Title 15 of the Calabasas Municipal Code is hereby further amended by adding Section K1 (A)(2) to Appendix K to read as follows:

##### **K1 (A)(2) Permitting Provisions.**

- (1) The regulations in this section are intended to supplement Appendix Chapter 1 of the 2007 California Plumbing Code as adopted by the City. If a conflict exists between this section and that Appendix Chapter 1, the more restrictive regulation shall apply.

The permitting provisions for a new OWTS are as follows:

A complete application must be submitted to Administrative Authority and an OWTS Plumbing Permit must be obtained before: (i) starting a Major Repair; or (ii) demolishing or removing all or a portion of a Failed or Failing System; or (iii) starting Building Renovations; (iv) constructing or installing a new OWTS; or (v) performing other actions that require this permit under Appendix K. An OWTS Plumbing Permit shall also be obtained before the repair or installation of any mechanical or electrical device added or connected to any OWTS, with the exception of the installation of septic tank risers.

No person shall allow, cause or maintain any condition or activity that results in flow to an OWTS in excess of the Approved Load for any reason without first obtaining an OWTS Plumbing Permit and an OWTS Operating Permit.”

No building permit shall be issued for Building Renovations unless an OWTS Plumbing Permit issues concurrently.

Permit applications will be made on forms provided by the Administrative Authority and shall be completed in full, signed by the owner or the owner’s legally authorized representative and accompanied by all required reports, submittals and fees.

A permit shall be issued only to a licensed contractor as delineated in K1(A)(2)(6) below or to an OWTS Owner. When a permit is issued to an OWTS Owner, all work that the permit authorizes shall nevertheless be performed by or under the supervision of a licensed contractor as delineated in K1(A)(2)(6) below.

(2) Site Evaluation: Pre-Permit Requirements for a New OWTS.

Owners shall cause a Site Evaluation to be conducted and submit to the Administrative Authority a complete site evaluation plan and Site Evaluation Report on forms approved by the Administrative Authority for that purpose and obtain written approval of that plan and report prior to: (i) submitting an application and related materials for an OWTS Plumbing Permit; or (ii) installing or allowing the installation of a new OWTS.

(a) Site evaluations shall be conducted and Site Evaluation Plans and Reports shall be prepared by one of the following California professionals:

(1) Registered Civil Engineer

(2) Certified Professional Soil Scientist

(3) Certified Engineering Geologist or Registered Geologist

(b) Submittals of Site Evaluation Plans and Reports shall be accompanied by a fee as established by city council resolution.

(c) Inspections by the Administrative Authority of a site and adjoining areas may be requested in connection with review of a Site Evaluation Plan and Report. An owner’s failure to consent to any inspection request or to provide complete access to the areas to be

inspected shall be cause to deny approval of a Site Plan Evaluation Plan and/or Report.

(d) Site Evaluation Plans and Reports shall not be reviewed unless deemed complete by the Administrative Authority, accompanied by the required fee, and prepared by the required professional.

(e) An approved Site Evaluation Plan and Report may be transferred with title to a Site provided that: (i) amendments to Appendix K and to pertinent provisions of this code have not taken effect that change the regulations pertaining to Site Evaluation, Site Evaluation Plans and Site Evaluation Reports or the requirements for a new OWTS after the approval of the Site Evaluation Plan and Report and before the transfer of title; and (ii) conditions and uses of the subject property as described in the Site Evaluation Report have not changed.

(f) If new amendments to Appendix K and to pertinent provisions of this code take effect after a Site Evaluation Plan and Report is approved and before an OWTS Plumbing Permit is, or will be, issued, the Administrative Authority may require a change the requirements for a New OWTS, as well as a revised Site Evaluation Report or additional submittals and fees.

(3) Site Evaluation Report: Required Information

A Site Evaluation Report shall be accompanied by a Site Evaluation Plan, drawn to scale, including:

(a) Assessor's parcel number and map.

(b) Property lines.

(c) Parcel size: The map must include dimensions of parcel and any easements on the parcel.

(d) Topography: Topographic map of the parcel at an appropriate engineering scale to portray the property and relevant portions of adjacent property and their respective boundaries at two foot max contour intervals.

(e) All existing and proposed structures, walls and fences on the parcel.

(f) A description of all components of the proposed new OWTS and their locations on the parcel.

- (g) Soil Evaluation: A site specific soil investigation and report of the subject property with specific attention to the proposed or existing disposal area and its suitability for proper septic effluent disposal. Soil Evaluation shall include a physical investigation of the disposal area to a sufficient depth to determine the character of the soil profile and its percolation characteristics, historic and actual groundwater levels, and characterization of other geologic features within or around the disposal area which could affect, or be affected by, the operation of the OWTS.
  - (h) Water sources and surface water courses or drainage ways.
  - (i) Utilities, including water mains, gas lines and power lines.
  - (j) Encumbrances including easements, roads and rock outcrops.
  - (k) The location of each Oak Tree.
  - (l) Any other information that the Building Official deems necessary to implement Appendix K.
- (4) Upon receipt of a completed Site Evaluation Plan and Report and the required fee, the Administrative Authority shall approve the Site Evaluation Report unless either of the following determinations are made:
- (a) The proposed new OWTS would not comply with Appendix K and title 17 of this code.
  - (b) The report contains inaccurate information, or an omission of information that is material for compliance with Appendix K and title 17 of this code.

(5) Approved Site Evaluation Plan and Report: Additional Required Information

Upon receiving approval of a Site Evaluation Plan and Report, an owner shall submit the development plans and specifications required for a new OWTS. These shall be prepared by a professional as delineated in Section K1 (A)(2)(2)(a) above. In addition to the information required for a complete Site Evaluation Plan and Report, the development plans and specifications shall also include:

(a) Proposed locations of all new buildings, roads, driveways and other forms of Development. "Development" is defined in Section K1 (A)(1) above.

(b) Proposed easements.

(c) Exact location of proposed septic tank, distribution box or drop boxes and all other components.

(d) Exact location of absorption field area and replacement area, drawn to scale. Each lot must have sufficient usable area available to accommodate an initial OWTS and replacement OWTS with twice the capacity of the initial OWTS.

(e) Proposed elevations of the building sewer, the location of the building drain cleanouts, the inlet and outlet of the septic tank, distribution boxes or drop boxes, number and length of the dispersal systems and specifications for the installation of any other OWTS components.

(f) Required setbacks must be identified on the site development plan.

(g) Design and location specifications, as well as maintenance requirements for any Alternative Onsite Wastewater Treatment System.

(h) Any other information that the Administrative Authority deems necessary in order to properly implement Appendix K.

(6) An OWTS Plumbing Permit for a new OWTS shall only be issued to a professional specified in section K1 (A)(2) (2) (a) above or to a California-licensed contractor with a Class A, C-42 or C-36 license

(7) An OWTS Plumbing Permit for the installation of a new OWTS shall be effective for one year from issuance unless a determination has been previously made that a Failing or Failed System exists, or that an Illicit Discharge has occurred, or that a Major Repair is needed for any reason. In such instances the Administrative Authority may set a shorter expiration date for the permit. An OWTS Plumbing Permit is not transferable to any subsequent owner of the subject real property. It is unlawful for an Owner or Responsible Person to allow or undertake actions that are regulated by Appendix K with an expired OWTS Plumbing Permit. The Administrative Authority may suspend or revoke an OWTS Plumbing Permit upon determining that work not authorized by the permit is occurring. The Administrative Authority may impose written conditions to an OWTS Plumbing Permit in order to protect public health, safety and welfare.

An Owner shall complete all requirements for and obtain an OWTS Operating Permit within 30 calendar days of the Administrative Authority's issuance of a final inspection approval of work pursuant to an OWTS Plumbing Permit. Regulations of OWTS Operating Permits are stated in Section K13 below.

- (8) The Administrative Authority may renew an OWTS Plumbing Permit once for the original permittee if a permit extension request on a City form is filed before the original permit expiration date. The Administrative Authority may impose written conditions on such a renewal to protect public health, safety and welfare.

An on-site waste water treatment system that has been determined to be failing is subject to the provisions of section (K 1) (A) (4).

## **SECTION 5 CODE AMENDMENT**

Section 15.04.610 of Title 15 of the Calabasas Municipal Code is hereby further amended by adding Section K1 (A)(3) to Appendix K to read as follows:

### **K1 (A) (3) Continued Use and/or Modifications of an Existing or New OWTS**

(a) The regulations in this section are intended to supplement Appendix Chapter 1 of the 2007 California Plumbing Code as adopted by the City. If a conflict between the provisions of this section and that Appendix Chapter exists, the more restrictive regulation shall apply.

(b) The provisions for the continued use and/or modifications to an Existing or New OWTS are as follows:

(1) Every Existing or New OWTS shall be maintained in a safe and sanitary condition and in good working order at all times.

(2) No person shall alter, expand or modify an Existing or New OWTS or maintain an alteration, expansion or modification to an Existing or New OWTS without first obtaining an OWTS Plumbing Permit. Further, no person shall allow, cause or maintain any other condition or activity that results in an increase in the Approved Load of an Existing or New OWTS for any reason without first obtaining an OWTS Plumbing Permit and an OWTS Operating Permit. "Load" is defined above "in Section K1(A)(1).]

(3) A complete application must first be submitted to the Administrative Authority and an OWTS Plumbing Permit must be obtained before any person starts a Major Repair to an Existing or New OWTS. An OWTS Plumbing Permit shall also first be obtained for the repair or installation of any mechanical or electrical

device connected to any Existing or New OWST, with the exception of the installation of septic tank risers.

(4) Permit applications will be made on forms provided by the Administrative Authority and will be accepted only when complete, signed by the owner or the owner's legally authorized representative and accompanied by all required reports, submittals and fees.

(5) A permit shall be issued only to a licensed contractor as delineated in K1(A)(2)(6) above or to an Owner. When a permit is issued to an Owner, all work that the permit authorizes shall be performed by a licensed contractor as delineated in K1(A)(2)(6) above unless the Administrative Authority determines that the Owner has the experience and skill necessary to perform the work consistently with all applicable law and with the public health, safety and welfare.

(6) The Administrative Authority may, if cause exists to conclude that an Illicit Discharge has occurred or may occur, or that a Failing or Failed System is or may be present, require an Owner to: (i) have an Existing or New OWTS inspected and tested in an approved manner by an OWTS Inspector whether or not an OWTS Operating Permit was previously issued; and (ii) file a Certified Report with the Administrative Authority by a stated date. The Administrative Authority shall consider the existence and degree of possible hazards to public health, safety or welfare in setting that deadline. If a Certified Report confirms the presence of a Failed or Failing System, or the need for a Major Repair, an Owner shall comply with the regulations in Appendix K and obtain an OWTS Plumbing Permit and obtain and implement an OWTS Operation Permit consistently with section K13 below.

(7) A building permit for Building Renovations will not be issued until an Owner demonstrates in the manner required by Appendix K that he or she will not increase the Approved Load of an Existing or New OWTS. Alternatively, an owner shall comply with the regulations in Appendix K for an OWTS Plumbing Permit concurrently with the issuance of a building permit for Building Renovations.

(8) An OWTS Plumbing Permit for an alteration, expansion or modification to an Existing OWTS shall be governed by Section K1 A (2) (7) above except that a permit shall remain effective for six months rather than a year.

(9) A septic tank, dispersal system or component of an Existing OWTS that is determined to not be Legal Non-Conforming may be granted that status by the Administrative Authority in writing pursuant to an OWTS Plumbing Permit if the Owner provides a Certified Report and other information and records to support the Administrative Authority's determinations that:

(a) The septic tank, dispersal system or other component of an Existing OWTS conforms to the plumbing code in effect at the time of its installation.

(b) The OWTS is in good working order and conforms to all of the criteria stated in Section K13 (E) below. As used herein, "good working order" includes the absence of conditions indicating an Illicit Discharge or a Failing or Failed System.

In order to assist in determining whether or not Legal Non-Conforming status should be granted to an Existing OWTS, the Administrative Authority may also require the Owner to comply with all or some of the regulations in Section K1 (A)(2) (1) through (8) above.

(10) Operation of a septic tank, dispersal system or component of an Existing OWTS that the Administrative Authority determines not to be Legal Non-Conforming after written notice of that determination is a violation of this code.

## **SECTION 6 CODE AMENDMENT**

Section 15.04.610 of Title 15 of the Calabasas Municipal Code is hereby further amended by adding Section K1 (A)(4) to Appendix K to read as follows:

### **K1 (A) (4) Repair of a Failing or Failed System.**

(a) This section is intended to supplement Appendix Chapter 1 of the 2007 California Plumbing Code as adopted by the City. If a conflict between this section and that Appendix chapter exists, the more restrictive regulation shall apply

(b) Owners of a Failing or Failed System (shall comply with sections K1(A)(3) [Continued Use and/or Modifications of An Existing or New OWTS] and K13 [OWTS Operating Permit].

(c) If cause exists to conclude that a Failing or Failed System is or may be present, the Administrative Authority may require an Owner, at that owner's sole expense, to undertake, adhere to and maintain a monitoring program in effect until authorized in writing to terminate it. The obligations imposed by this paragraph may be among the conditions of an OWTS Plumbing Permit. A monitoring plan may include, but not be limited to, the following actions:

(i) Pumping of an OWTS as often as the Administrative Authority deems necessary to prevent, or reduce the possibility of, an Illicit Discharge, as well as to allow persons to continue to safely occupy a structure. The provider of this service shall be an OWTS Inspector, or other qualified person as determined and approved by the Administrative Authority.

(ii) Submittal of pumping records to the City as often as the Administrative Authority deems necessary to verify that the objectives of pumping are being achieved. These records shall contain sufficient information to

enable the Administrative Authority to make the necessary determinations concerning those objectives.

(iii) Site inspections by an OWTS inspector, the scope and frequency of which shall be determined by the Administrative Authority, along with the submittal frequency of a Certified Report or reports to the City with sufficient detail to enable the Administrative Authority to make the necessary determinations concerning the preservation of public health, safety and welfare during the period of the monitoring program.

(d) The installation of an AOWTS, whether established or not included in Appendix K, may be proposed to correct a Failing or Failed System. Owners proposing to install an AOWTS shall comply with Section K1 (A)(2) through (8) above. Compliance with a Monitoring Program as discussed above shall continue until an installed AOWTS has received a final inspection approval under an OWTS Plumbing Permit from the City, unless, the Building Official determines in writing that the Program can be terminated at an earlier time without jeopardizing public health, safety and welfare.

#### **SECTION 7. CODE AMENDMENT.**

Section 15.04.610 of Title 15 of the Calabasas Municipal Code is hereby amended by adding Section K13 to Appendix K to read as follows:

#### **K13 Onsite Wastewater Treatment System Operating Permits.**

This section is intended to supplement Appendix Chapter 1 of the 2007 California Plumbing Code as adopted by the City. If a conflict between this section and that Appendix chapter exists, the more restrictive regulation shall apply.

(A) **Purpose.** The purpose of this Section K13 is to protect public health, safety and welfare, including the environment and water quality, by establishing requirements for the operation and maintenance of every OWTS in the city.

#### **(B) OWTS Operating Permit Requirement.**

- (1) All Owners of real property in the City served by an OWTS shall be responsible for all of the following:
  - (a) Obtaining all inspections and permits required by this section;
  - (b) Ensuring the continued maintenance and proper functioning of the OWTS at all times; and,

- (c) Making any necessary repairs, modifications or upgrades to the OWTS to prevent an Illicit Discharge or the development of a Failing of Failed System. All of the foregoing responsibilities shall be performed in accordance with the requirements of this section. The issuance of an OWTS Operating Permit does not excuse Owners or Responsible Persons from their obligations under Appendix K or relieve them from liability for their failure to fulfill those obligations.
- (2) Any applicant for a permit under Title 15 and 17 of this Code for development that includes the construction of a new OWTS on real property not currently served by an OWTS shall apply for and obtain an operating permit for the OWTS. A certificate of occupancy for a development shall not be issued until an operating permit is issued under this section.
  - (3) All Owners of real property served by an existing OWTS shall be required to apply for and obtain an OWTS Operating Permit upon the earliest of the following:
    - (a) Within two (2) years of the effective date of this section.
    - (b) In conjunction with the obligation to apply for an OWTS Plumbing Permit as required by any regulation in Appendix K. An application for an OWTS Operating Permit shall be concurrent with any application permit or approval required by Titles 15 and 17 of this code and, if no such permit is required, then prior to undertaking any Major Repair or other action that requires an OWTS Plumbing Permit, or thereafter as required in writing by the Administrative Authority.
    - (c) Prior to completing a voluntary conveyance (including but not limited to, assignment, gift, sale, or transfer) of a legal interest in or title to real property served by an OWTS, unless the grantors, sellers, transferors, donors or assignors (collectively the "Grantors") first comply with the regulations in Section (G) below. Excluded from such conveyances are:
      - (i) involuntary transfers (*e.g.*, foreclosure proceedings or actions, as well as transfers to an heir on an Owner's death); (ii) creation of an equitable interest in the real property to secure a loan against it; and, (iii) a "change in ownership" that is described in Section 62 of the California Revenue and Taxation Code, and any future amendments thereto. "Completion of a voluntary conveyance" may be evidenced, without limitation, by the execution of any deed

or instrument, or its recordation with the Los Angeles County Recorder's Office.

- (4) All purchasers, transferees, assignees, donees and other persons who become an Owner of real property (collectively the "Grantees") for which a valid OWTS Operating Permit is in effect, shall tender a completed "Notice of Change in Ownership Re: OWTS Operating Permit" on a City approved form to the Administrative Authority within thirty (30) calendar days of the voluntary conveyance. The Grantors of the subject property shall inform the Grantees in writing of this obligation before the voluntary conveyance. Failure of Grantors to give notice of this obligation shall not excuse Grantees' obligation to timely file this form.
- (5) For purposes of this Section, an OWTS Operating Permit for property included in a common interest development shall be issued in the name of a homeowners' association or any other entity representing all the owners of property in the common interest development or, if no such association or entity exists, then an OWTS Operating Permit shall issue in the name of all owners of property in the common interest development unless the OWTS serves a single residential or commercial unit in that development and is entirely located within land held separately by the owner of that single unit, in which case the permit shall issue in the name of the owner of that unit.
- (6) Any person who becomes an OWTS Owner by reason of a judicial or non-judicial foreclosure action or proceeding, shall complete either of the following actions within thirty (30) days of obtaining title to a property served by an OWTS:
  - (a) Complete all requirements for and obtain an OWTS Operating Permit if one is not in effect for the property on the date the Owner took title to the property. It shall be unlawful and a violation of Appendix K for such an Owner to complete a voluntary conveyance of the subject property before obtaining this permit unless he or she first complies with Section (G) below.
  - (b) Tender a completed "Notice of Change in Ownership Re: OWTS Operating Permit" on a City approved form to the Administrative Authority if OWTS Operating Permit is in effect on the date the Owner took title to the property.

### **(C) Validity and Renewal of OWTS Operating Permits.**

- (1) An OWTS Operating Permit shall be valid for five (5) years absent a determination by the Administrative Authority that an Illicit Discharge has

occurred, or that Failing or Failed System does or may exist, or that a Major Repair is, or may be, required. In such instances, the OWTS Permit shall be null and void without further action or notice on the date the Administrative Authority made its determination. The Administrative Authority is authorized to condition an OWTS Operating Permit as necessary to protect public health, safety and welfare, including setting a shorter permit period.

- (2) The regulations in Subsection (1) above shall apply to AOWTS Operating Permits.
- (3) An Owner shall renew an OWTS Operating Permit by tendering a completed City application form to the Administrative at least forty-five (45) days before its expiration date. If an OWTS Operating Permit becomes null and void pursuant to Subsection (1) above, the Owner shall complete all requirements for and obtain a new OWTS Operating Permit in a period established by the Administrative, who shall consider the obligations of as Owner or other Responsible Persons to address an Illicit Discharge or a Failing or Failed System as required by Appendix K, as well as the public health, safety and welfare.

#### **(D) Fees**

Fees for applications for an inspection of an OWTS, issuance of an operating permit, issuance of a certificate of inspection, preparation of a compliance agreement, a Notice of Change in Ownership Re: OWTS Operating Permit, an application for certification as an OWTS inspector or an application for renewal of such certification shall be established from time to time by resolution of the city council.

#### **(E) OWTS Inspection and Operating Permit Criteria.**

- (1) The Administrative Authority shall not issue an operating permit until the OWTS has been inspected by an OWTS Inspector and found to be operating in compliance with the OWTS inspection guidelines and with any applicable conditions previously established or imposed for the OWTS. When such an inspection cannot be accomplished due to unique conditions, alternate inspection methods may be proposed to the Administrative Authority and subject to its prior written approval. Any alternate method of inspection request shall be submitted in writing, with the appropriate alternate methods and materials request form completed and the required fee paid. All alternate method of inspection requests shall be prepared by a professional identified in Section K13 (F)(1)(a) above.

- (2) The results of any inspection required by this section shall be contained and submitted as a Certified Report to the Administrative Authority by the OWTS Inspector on a form or with elements required by the Administrative Authority for that purpose. Certified Reports are subject to written approval of the Administrative Authority.
- (3) The Administrative Authority shall establish and approve OWTS Inspection guidelines and any amendments thereto. Such Guidelines shall be consistent with this section and serve its objective to require the periodic inspection and ongoing maintenance of OWTS and AWOTS systems to ensure that they function as designed and consistently with water quality and other environmental regulations and do not constitute a nuisance. Such Guidelines shall have the force of law when notice of those Guidelines is given in the manner required for ordinances of the City Council.
- (4)
  - (i) The design of a new Onsite Wastewater Treatment Systems is dictated by the size of the structure it is to serve. Te required design capacity is usually related to the number of bedrooms in a residence and is further quantified in gallons per day (gpd). The sizing of the disposal area, usually a leach field or seepage pit, is related to the design capacity requirements and the infiltration permeability of the soil surrounding the disposal area.
  - (ii) When required, an investigation of the adequacy of an OWTS includes an examination of system capacity. This examination is referred to as a hydraulic loading test and characterizes the ability of the system to dispose of effluent. This test may be performed under an artificial environment by simultaneous activation of all plumbing fixtures in the residence, or by the use of a 3/4" garden hose turned on fully. The disposal area is examined while the system is under hydraulic load, and the current percolation rate is verified.
  - (iii) For installation of a new OWTS or for planned Major Repairs to a Failing or Failed System, or for an OWTS Inspection and the issuance of an OWTS Operating Permit, the hydraulic load calculation shall be based upon this section unless an alternate means of inspection is proposed and approved under paragraph (1) of this section (E).
- (5) When a Certified Report reveals that repairs to an OWTS that do not constitute Major Repairs are necessary, with the written approval of the Administrative Authority, a conditional pass inspection may be documented by an OWTS Inspector and re-inspected by the Administrative Authority. An OWTS Operating Permit may be issued upon approval of are-inspection.

- (6) An Owner or other Responsible Person, as well as an OWTS Inspector who knowingly prepares, offers, or submits an inaccurate, incomplete, false or altered Certified Report to the City, or to a prospective grantee, is guilty of a misdemeanor punishable as provided in chapter 1.16 of this code.

**(F) Approval of OWTS Inspectors.**

- (1) The Administrative Authority may certify as an OWTS Inspector any person who:
  - (a) Is a person specified in Section K1 (A2) (6); and
  - (b) Has attended OWTS inspection training as required by the Administrative Authority; and
  - (c) Has passed an examination recognized by the Administrative.
- (2) Any OWTS Inspector examination to be recognized by the Administrative Authority shall establish the fitness of an applicant to assess the condition and function of any onsite wastewater treatment systems and to determine whether maintenance, repair, or replacement of system components is necessary to bring the system into compliance with the Guidelines.
- (3) OWTS Inspectors shall maintain certification in accordance with the requirements of this section and any other requirements established by the Administrative Authority to accomplish the goals of this section. Certification must be renewed every two (2) years.
- (4) The Administrative Authority shall maintain a current list of all certified OWTS Inspectors. The list shall be available for inspection by any person upon request.
- (5) The Administrative Authority may revoke or suspend the certification of an OWTS Inspector. Grounds for revocation and/or suspension include, but not limited to:
  - (a) Falsification or fraudulent alteration of a Certified Report;
  - (b) Material misrepresentation in connection with a Certified Report;
  - (c) Failure to timely provide the Building Official with a copy of any Certified Report performed for the purpose of compliance with this section;
  - (d) Failure to comply with Section K-13 (F) (1) above; or

- (e) Failure to secure recertification as mandated by Section K-13 (F) (3): or
  - (f) In the reasonable judgment of the Administrative Authority for other cause renders the inspector unfit to protect the public interest in professional and objective inspections of OWTS in the City.
- (6) An OWTS Inspector may appeal a decision of the Administrative Authority to revoke or suspend his or her certification by a written request, accompanied by the required appeal fee, to the Administrative Authority for a hearing within ten (10) days from the date the notice of revocation or suspension was mailed. If a timely request for an administrative hearing is received, the city manager shall conduct a hearing on the notice. Written notice of the date, time and location of the hearing shall be provided to the appellant at least (5) days before the hearing date. The appellant may present oral and written evidence at the hearing which the city manager shall consider in making his or her decision whether or not revocation or suspension of the OWTS Inspector certification is consistent with the evidence and the standards of this paragraph K13 (F). The city manager shall issue a written decision within ten (10) days of the close of the hearing which shall be final as to the City and subject thereafter to judicial review pursuant to California Code of Civil Procedure 1094.5.

**(G) Transfer of Obligations to Comply with Appendix K.**

The Administrative Authority may excuse a grantor in writing from the obligation to obtain an OWTS Operating Permit prior to a voluntary conveyance provided the grantor first complies with all of the following:

- (1) The OWTS was inspected and tested in a manner satisfactory to the Administrative Authority no more than thirty (30) days prior to the voluntary conveyance.
- (2) A Certified Report of the foregoing inspection and test results, as well as other required information including, but not limited to, disclosures of the actual or possible existence of a Failing or Failed System, or actual or possible need for Major Repairs, has been approved by the Administrative Authority prior to the voluntary conveyance.
- (3) The grantees' execution of an Appendix K Compliance Agreement on terms satisfactory to the Administrative authority at least at least thirty (30) calendar days prior to completion of the voluntary conveyance. This agreement shall include, but not be limited to, provisions that set forth a timeline that is

satisfactory to the Building Official for the procurement of all permits and any Major Repairs indicated by the Certified Report or required by Appendix K, as well as the Grantees' acceptance of any orders and conditions that the Building Official may impose to protect public health, safety and welfare. This document shall also include an acknowledgement that Grantees are not relying on the Administrative Authority's approval of the Certified Report. A performance bond or security may be required to assure the Administrative Authority that grantee's obligations under the Compliance Agreement will be faithfully and timely performed. A grantee shall further agree to the recordation of an instrument on a City approved form with the Los Angeles Recorder's office that provides the public and interested persons with constructive notice of the Grantee's obligations under the agreement. The document shall also provide for the recordation of an appropriate notice when the City has determined that Grantors have satisfied these obligations.

(5) The Grantors' and Grantees' execution of indemnifications, waivers and releases in favor of the Administrative Authority are provided in a form acceptable to the City Attorney.

(6) Any other documents the Administrative Authority deems necessary to ensure compliance with Appendix K.

#### **(H) Revocation of Operating Permit.**

The Administrative Authority may revoke or suspend an operating permit if a Responsible Person is found to be in violation of any condition(s) of the permit or of any applicable requirements of this code, any Los Angeles Regional Water Quality Control Board standard, or other Federal, State, County or other law or statute.

### **SECTION 8            CODE AMENDMENT**

**Section 15.04.610** of Title 15 of the Calabasas Municipal Code is hereby amended by adding Section K 16 to Appendix K to read as follows:

#### **K 16 Unlawful Systems**

This section is intended to supplement Appendix Chapter 1 of the 2007 California Plumbing Code as adopted by the City. If a conflict between this section and that Appendix chapter exists, the more restrictive regulation shall apply.

(A) As used in this section, "Unlawful System" includes any OWTS, or portion thereof, that is altered, installed, operated, maintained, repaired, or replaced in violation of Appendix K. Unlawful Systems constitute a public nuisance and may

be abated pursuant to chapter 8.20 of this code or in any other manner authorized by law.

- (1) Unlawful Systems include any Failed or Failing System or Illicit Discharge from discharge points including, but is not limited to, building drainage piping, septic tank compartments and the interior components therein, such as baffles and or tees; distribution piping from a septic tank to a drop box or leachfield or seepage pit; or a leach field or seepage pit or other type of dispersal system overflow.
- (2) Unlawful Systems include any OWTS whether or not in good repair that serves Building Renovations performed without first obtaining all permits and approvals as required by Appendix K.
- (3) Unlawful Systems include maintaining an OWTS or portions thereof in a structurally defective condition or otherwise contrary to Sections K1 (A)(2) through (A)(4) or K13, or any of the other provisions of this code, or any other applicable law.
- (4) Unlawful Systems include any OWTS in connection with which an Owner or other Responsible Person engaged in an act prohibited by Appendix K, as well as any inaction relating to any obligation or requirements that Appendix K imposes on them.
- (5) Unlawful Systems include any OWTS from which sewage or effluent empties, flows, seeps or drains into any stream, spring, or other waters within the city;
- (6) Unlawful Systems include any OWTS which Exposes rodents, insects or humans to any sewage or effluent.
- (7) Unlawful Systems include any OWTS into which any person has discharged, or allowed or caused the discharge Contaminants of Concern or Hazardous Material, or which contains Contaminants of Concern or Hazardous Material.
- (8) Unlawful Systems include any OWTS maintained in any instance contrary to any correction notice or notice of violation issued by any local, state or federal agency, or contrary to any applicable law.

#### **(B) Correction of Unlawful Systems – Procedures.**

- (1) **Responsibility for Repair.** Every Owner and Responsible Party with respect to an Unlawful System shall bring that Unlawful System into

compliance with the regulations in Appendix K, other provisions of this code, as well as with any other applicable law.

- (2) **Manner of Repair Regardless** of whether an Owner holds an OWTS Plumbing Permit, all Major Repairs and other work upon an OWTS shall, be performed by a person specified in section K1 (A2) (6) above.
- (3) **Notice of Violation.** If the Administrative Authority determines that an Unlawful System exists, or that an OWTS is otherwise in violation of Appendix K or other applicable law, a written Notice of Violation may be sent by first class mail to the Owner at the address shown on an application for an OWTS Plumbing Permit or an OWTS Operating Permit, or as reflected in the other records in the Administrative Authority's possession, if any. The Notice of Violation shall describe the violation, the corrective and other compliance actions or measures required, their commencement and completion dates, and whether or not a previously issued OWTS Operating permit is null and void pursuant to Section K 13(C)(1). Any omission from such a Notice shall not excuse Owners and other Responsible Persons from maintaining an OWTS in compliance with the regulations in Appendix K and other applicable law at all times. Appendix K may be enforced, in the discretion of the City Prosecutor or City Attorney, as a misdemeanor or infraction pursuant to chapter 1.16 or pursuant to an administrative citation under 1.17 of this code or in any other administrative or judicial proceeding authorized by law.

**(C) Notice of Violation correction time periods.**

Time periods prescribed in the Notice of Violation to complete repairs of an OWTS shall be established by the Administrative Authority so as to protect the public health, safety and general welfare and may, without limitation, be based on conditions of failure as follows:

- (1) Unlawful Systems demonstrating surfacing Illicit Discharge are an immediate threat to public health, safety and welfare. Such systems shall be required to comply with a Monitoring Program as described in Section K1(A)(4) above. If an Owner refuses to accept and/or to follow a monitoring program, or if an Illicit Discharge nevertheless recurs, the Administrative Authority is authorized to issue an Order to Vacate requiring all persons to vacate a structure or structures in order to prevent the continued generation of sewage that could result in an Illicit Discharge. It is unlawful for any person to enter, occupy, re-enter, re-occupy or use a structure that is the subject to an Order to Vacate except as authorized in writing by the Administrative Authority. The Administrative Authority may conditions such an authorization violation of such a condition is unlawful. An Order to Vacate shall not be rescinded

unless the Building Official first determines in writing that the immediate threat to public health, safety and welfare has been abated in accordance with the regulations in Appendix K and other applicable law. .

- (2) An Unlawful System not demonstrating an immediate threat to public health, safety and welfare, as determined by the Administrative Authority in writing, shall be brought into full compliance with Appendix K and other applicable law within thirty days unless the Administrative Authority grants a written extension upon determining that the Owner has made substantial progress in completing this project during the initial compliance period and there is no apparent detriment or hazard to public health, safety and welfare in granting the extension. Notwithstanding an initial determination that an immediate threat or hazard does not exist in connection with an Unlawful System, the Administrative Authority may, upon receiving additional or new information that supports a contrary conclusion, set a shorter compliance completion deadline (regardless of any extension), and (i) require an Owner to adopt and adhere to a monitoring program as discussed above; and/or, (ii) issue an Order to Vacate. The Administrative Authority is also authorized to issue any other orders and take any other actions that are necessary to protect public health, safety and welfare, including the environment and water bodies.

**(D) Penalty**

- (1) All Owners and Responsible Persons who maintain an Unlawful System or who, by action or inaction, fail to comply with any regulation or obligation in Appendix K, as well as any condition or order of the Administrative Authority issued or imposed pursuant to Appendix K, are guilty of a misdemeanor punishable under chapter 1.16 or 1.17 of this code.
- (2) Upon a determination by the Administrative Authority that an OWTS is Failing or a Failed System, or an Unlawful System, , an Owner shall, if a public sewer is available to service the subject property, obtain a OWTS Plumbing Permit to remove the Existing OWTS and connect the subject property to the public sewer system as required by article III of chapter 15.04 of this code. The Administrative Authority shall establish a deadline for the Owner to obtain an OWTS Plumbing Permit, to commence work, and to complete work. The determination shall be stated in a Notice of Obligation to Connect to Public Sewer System, which may be sent by first class mail to the Owner at the address shown in Los Angeles County Assessor's records. Owners and other Responsible Persons who fail to comply with that notice are in violation of this code. The Administrative Authority shall determine that a public sewer system is available to serve

the subject property based on Section 713 of the California Plumbing Code "Sewers required" and title 17 of this code.

- (3) If the Building Official determines that a public sewer system is not available to serve the subject property, the Owner may install a New OWTS to replace a Failing or Failed System, or to replace an Unlawful System. That system shall comply with provisions of Appendix K, title 17 of this code, and all other applicable law at the time of the proposed installation. The Administrative Authority shall establish a deadline for the Owner to obtain an OWTS Plumbing Permit, as well to start and complete work. These determinations shall be stated in a Notice of Authorization to Install a New OWTS, which may be sent by first class mail to the Owner at the address shown in Los Angeles County Assessor's records. Owners and other Responsible Persons who fail to comply with requirements and the deadlines in that notice are in violation of this Code.

**SECTION 9.** Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and to that end the provisions hereof are severable.

**SECTION 10.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**SECTION 11.** This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines §§ 15301 (existing facilities), 15302 (repair or replacement), 15303 (new construction or conversion of small structures), 15305 (minor alterations in land use limitations), 15307 (actions by regulatory agencies for the protection of natural resources), 15308 (actions by regulatory agencies for the protection of the environment), 15309 (inspections).

**SECTION 12.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

**SECTION 13.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
JONATHON WOLFSON, Mayor

ATTEST:

\_\_\_\_\_  
ROBIN PARKER, Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL G. COLANTUONO,  
City Attorney