

SAN LEANDRO ADMINISTRATIVE CODE

TITLE 8 ENGINEERING AND TRANSPORTATION

Chapter 11 ~~Financing~~ Reimbursement of Sewer Lateral RecConnections to City Sewerage System

§8.11.100 GENERAL. San Leandro Municipal Code (SLMC) Section 3-14-640 provides that the operation, maintenance, and repair of private sewer laterals are the responsibility of the property owner or User, as that term is defined in SLMC Section 3-14-200(bm). City upgrades to its public sewerage collection, disposal, and treatment system (“sewerage system”) are ongoing. To that end, this Administrative Code provision defines a procedure for private sewer lateral reconnection whenever the City determines that a main line sewer must be abandoned and a new mainline sewer constructed in an alternate location. This Administrative Code Chapter describes the process by which the City may build, upon the cooperation of an affected property owner or User, a private sewer lateral from the sewerage system to the property line (“lower lateral”) and upon completion, transfer responsibility for the new lower lateral to the property owner. This Administrative Code Chapter also describes the process by which the City will ~~offer~~ reimburse property owners or Users ~~an optional completely voluntary private sewer line financing program to~~ for fund the costs of to reconnect ~~constructing~~ a new private sewer line (the “upper lateral”) from the Premises to the lower lateral. This Administrative Code provision does not alter a property owner’s or User’s legal obligations as provided in San Leandro Municipal Code Section 3-14-640.

§8.11.200 NOTICE OF ABANDONMENT. Whenever the City undertakes the abandonment of a section of the sewerage system, affected property owners and Users will be given the following notice:

- (a) That the section of the sewerage system in question will be abandoned not sooner than 365 days from the date of the notice;
- (b) The location of an existing alternate sewer main or work to be performed by the City to construct a new sewer main to serve the property;
- (c) The impacts to the User or property owner’s private sewer lateral currently connected to the section scheduled for abandonment;
- (d) What actions the property owner or User must take to connect to the sewerage system; and
- (e) ~~The optional and voluntary private sewer lateral financing program that the City will make available to all affected property owners pursuant to this Administrative Code. The process a User or property owner must follow to receive reimbursement of costs to reconnect the “upper lateral.”~~

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§8.11.300 LOWER SEWER LATERAL CONSTRUCTION RESPONSIBILITY TRANSFER. A property owner or User shall have 45 days from the date of the notice in §8.11.200 to:

- (a) Enter into an agreement with the City whereby the City and property owner or User agree to cooperate to locate the property's private sewer facilities; and upon identification of such facilities,
- (b) Enter into a written agreement with the City by which the property owner, upon completion of construction of the new lower lateral by the City, will assume responsibility for the operation, maintenance and repair of the lower lateral. Upon execution of the agreement, the City shall construct a new lower lateral from the sewerage system to the property line.

§8.11.350 LOWER SEWER LATERAL FAILURE TO COOPERATE. In the event that a property owner does not execute an agreement with the City pursuant to §8.11.300 within 45 days of the notice, City shall not construct a lower lateral to the property line. Failure to execute an agreement described in §8.11.300 shall be prima facie evidence that a property owner or User rejects the City's offer to construct the lower lateral ~~connection to the main sewerage line and to reimburse the User or property owner for any costs related to the construction of the~~ "upper lateral."

§8.11.400 UPPER LATERAL CONSTRUCTION. The property owner or User shall be responsible for the construction of the upper lateral as defined in §8.11.100. Property owner or User shall be responsible for obtaining and paying all permits and fees associated with constructing ~~all~~ private sewer facilities.

§8.11.450 PRIVATE SEWER LINE FINANCING REIMBURSEMENT PROGRAM. ~~City shall provide affected property owners an optional and voluntary financing program, by and through an agreement with the City, to fund the costs to construct a new upper lateral if one is required. Upon choosing to enter the financing program, a property owner or User shall enter into a payment plan for a defined number of years, subject to lien on the property upon default. Simple interest shall accrue annually on any balances. Property owners shall have 180 days from the date of the notice to enter into the private sewer line construction financing program. Failure to enter the program within 180 days of the notice shall be prima facie evidence that property owner or User rejects City's one time offer to enter into the voluntary financing program.~~

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45 days prior to performing any work on the upper lateral for which the property owner or User requests reimbursement, the property owner or User shall submit to the City a minimum of three (3) written proposals prepared by contractors licensed to perform such work. Within 45 days of receiving final building permit inspection approval, the User or property owner shall submit written receipts for the work performed and a copy of the final approved building permit.

If during the course of the work site conditions require additional work, the property owner or User will submit a request for additional authorization detailing the need for the additional work and a copy of the cost change proposal from the contractor. Approval of the additional work is at the sole discretion of the City, which shall not be unreasonably withheld.

The City will reimburse costs the User or property owner incurs up to the limit of the lowest submitted proposal, including building permit fees and any approved additional authorizations within 30 days of User or property owner submitting all required documentation.

§8.11.500 REFUSAL TO COOPERATE. In the event a property owner fails or refuses to connect to the alternate sewerage system, the City will provide additional written notice of the proposed abandonment 270 days and 365 days from the date of the initial notification. After the date of the final notice the City may proceed to take any and all actions to abandon the original sewer line. Property owner or User assumes the risks, and shall hold the City harmless from any damages or claims associated with its failure to connect private sewer facilities to the alternate sewerage system.

Legislative History:

Resolution No. 2010-156, 12/20/2010 [§§8.11.100-8.11.500]
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