



Legislation Text

File #: 11-368, Version: 2

Ordinance No. 2011-012, an Ordinance Amending Title 3, Chapter 14, Article 6 of the San Leandro Municipal Code Relating to the Reimbursement of Costs to Reconnect Private Sewer Laterals to the City's Sewerage System

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE. On June 20, 2011, the City Council directed staff to prepare and implement policies and procedures to legally create a program that would reimburse rate payers to reconnect private sewer laterals in the particular situation where the City determines that it is necessary to relocate a City maintained sewer main. To that end, changes were required to the San Leandro Municipal Code.

SECTION 2. AMENDMENT OF CODE. Section 3-14-640 "Private Sewer Lateral and Sewer Overflows" of the San Leandro Municipal Code is hereby repealed and reenacted as follows:

"The operation, maintenance, and repair of private sewer laterals are the responsibility of the property owner or User. The reconnection of a property owner's or User's private sewer lateral to a relocated City Sanitary Sewer main upon a determination by the City Engineer that conditions related to particular sections of Sanitary Sewer or the Sewerage System require the necessary and appropriate reconnection shall be the responsibility of the City. In such instances, the City's responsibility shall be limited to reimbursing a property owner's or User's costs to reconnect from the Premises to the POTW.

Any person, firm or corporation responsible for a sewer overflow shall take immediate action to contain, control, and cease the unauthorized discharge and institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, with the cost borne by the discharger. When deemed necessary by the Manager, clean-up of the discharge may be initiated by the City or by an authorized individual or firm. All costs associated with such clean-up shall be borne by the owner, User or other person responsible for the sewer overflow."

SECTION 3. CONDITION. This amendment is not effective if a majority protest exists to the re-purposing of previously approved sewer and wastewater rates towards reimbursing property owners or Users the costs to reconnect private sewer laterals to the City's sewerage system.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or

more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. If the condition in Section 3 is not satisfied, this ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Prola on this 21st day of November, 2011, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Prola, Reed, Souza, Starosciak	(6)
NOES:	None	(0)
ABSENT:	Mayor Cassidy	(1)

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