

CITY OF YUBA CITY
STAFF REPORT

Date: December 16, 2008
To: Honorable Mayor & Members of the City Council
From: Department of Public Works
Presentation by: George L. Musallam, Public Works Director

Summary

Subject: Modification to Section 6-5.301(c) of the Yuba City Municipal Code regarding separate side sewer connections.

Recommendation: Introduce an ordinance amendment for Section 6-5.301(c) of the Yuba City Municipal Code, which will allow the Public Works Director to grant a waiver to certain sewer connection requirements subject to specific conditions, waiving the first reading.

Fiscal Impact: None

Background:

Section 6-5.301(c) of the Yuba City Municipal Code requires that no two adjacent buildings fronting the same street be allowed to use the same side sewer for connection to the public sewer system. An exception to this requirement is allowed for one or more buildings located on property belonging to the same owner. However, upon sale or subdivision of the property, the portion of the property not directly connected to public sewer is to be separately connected to the public sewer.

Analysis:

In certain situations where there is no public sewer in the right of way adjacent to the property, the requirement to immediately provide a separate connection to the public sewer may be excessive. The proposed ordinance amendment allows the Public Works Director to grant a waiver to this requirement provided the property owner develops a maintenance agreement for the side sewer and enters into a subdivision agreement stipulating the property owner agrees to connect to the public sewer at such time that it may exist in the right of way adjacent to the property. The proposed revisions to Section 6-5.301(c) are shown in underlined text in the attached ordinance amendment.

Fiscal Impact:

None.

Alternatives:

Do not adopt the ordinance amendment.

Recommendation:

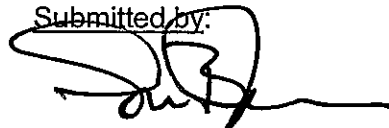
Introduce an ordinance amendment for Section 6-5.301(c) of the Yuba City Municipal Code, which will allow the Public Works Director to grant a waiver to certain sewer connection requirements subject to specific conditions, waiving the first reading.

Prepared by:



George Musallam
Public Works Director

Submitted by:




Steven R. Jepsen
City Manager

Reviewed by:

Department Head

Finance

Utilities



ORDINANCE NO. ____-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING SECTION 6-5.301(c) OF THE YUBA CITY MUNICIPAL CODE REGARDING
BUILDING SEWERS, LATERAL SEWERS, AND CONNECTIONS

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS
FOLLOWS:

1. Section 6-5.301(c) of the Yuba City Municipal Code entitled "Separate Sewers" is hereby amended to read as follows:

(c) Separate sewers. No two (2) adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility shall be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve such property. However, one (1) or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of such ownership. Upon the subsequent subdivision and sale of a portion of such lot, the portion not directly connected to such public sewer shall be separately connected to a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. Upon written request of the property owner, the Public Works Director may grant a waiver to the requirement to discontinue use of an existing side sewer upon subdivision and sale of property provided that the following conditions are met:

(1) At the time of subdivision and sale of the property, there exists no public sewer in the right-of-way adjacent to the property;

(2) The property owner shall develop an agreement providing for maintenance of the side sewer. The agreement shall contain a mechanism for financing the maintenance and repairs to the side sewer. The agreement shall be approved by the Public Works Director and recorded with the final map;

(3) The property owner and the City shall enter into a subdivision agreement stipulating that the property owner agrees to connect immediately to the public sewer when it exists in the public right-of-way adjacent to the property. All construction costs and City fees associated with the new connection shall be the responsibility of the property owner;

2. This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 16th day of December, 2008, and adopted at a regular meeting thereof held on the ___ day of _____, 200_.

AYES:
NOES:
ABSENT:

name, Mayor

ATTEST:

Terrel Locke, City Clerk

APPROVED AS TO FORM:

Timothy P. Hayes, Esq.
City Attorney