

1- Report

CITY OF SAN ANSELMO

Ordinance No. 652

AN ORDINANCE AMENDING SAN ANSELMO MUNICIPAL
CODE SECTIONS 5-4.201 THROUGH 5-4.214 REGULATING
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

The City Council of the City of San Anselmo does ordain:

Sections 5-4.201 through 5-4.214 of the San Anselmo Municipal Code are repealed.

Article 2, Chapter 4 of Title 5 of the San Anselmo Municipal Code is amended to read:

Article 2. Individual Sewage Disposal Systems.

- Section 5-4.201. Purpose
5-4.202. Applicability.
5-4.203. Definitions.
5-4.204. Prohibited Acts.
5-4.205. Connection to Public Sewer System
and Alternatives.
5-4.206. Regulations.
5-4.207. Application and Fee
5-4.208. City Health Officer Review
5-4.209. Certificate of Inspection.
5-4.210. Biennial Inspection and Renewal
5-4.211. Recordation and Transfer of Certificate.
5-4.212. Defective Systems.
5-4.213. Enforcement.
5-4.214. Appeal
5-4.215. Violations.

Section 5-4.201. Purpose. The provisions of this Chapter are intended to insure that the disposal of sewage shall be accomplished in a safe and sanitary manner in order to protect the public health, safety and welfare to the greatest extent possible.

Section 5-4.202. Applicability. This Chapter is applicable to all individual sewage disposal systems proposed to be constructed after the effective date of this ordinance. Any sewage disposal system for which a permit was previously issued pursuant to the provisions of Article 2, Chapter 4 of Title 5 is not subject to the provisions of this chapter.

Section 5-4.203. Definitions. CITY HEALTH OFFICER. The term "City Health Officer" as used in Article 2, Chapter 4 of Title 5 of this Code means the Marin County Health Officer or his authorized representatives. INDIVIDUAL SEWAGE DISPOSAL SYSTEM. The term "individual sewage disposal system" means and includes any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat or dispose of sewage which is discharged anywhere other than into a public sewer system.

PERSON. The term "person" shall include any person, firm, association, corporation, or any members, agents or employees of the foregoing.

PUBLIC SEWER SYSTEM. The term "public sewer system" means any publicly owned and maintained system of sewage conveyance, piping, or any part thereof, that transports sewage away from the properties of origin to publicly owned and operated sewage treatment and disposal facilities.

SEWAGE. The term "sewage" means any and all wastes, substance, liquid or solid, which contain or may be contaminated by human excreta, excrement, offal or feculant matter or matters, or substances of any kind or nature that may be injurious or dangerous to health either directly or indirectly.

Section 5-4.204. Prohibited Acts. It shall be unlawful for any person to do any of the following without first obtaining approval from the city health officer in accordance with the provisions of this chapter and the regulations issued hereunder:

(a) Construct, alter, repair or replace an individual sewage disposal system or a component element thereof, which system is subject to the provisions of this chapter.

(b) Construct, rebuild, use, occupy or maintain any residence, place of business or other structure where persons reside, congregate or are employed, which is not provided with a means of disposal of sewage by connection to a public sewer system or which is "not" provided with a sewage disposal system for which a prior permit was issued under Article 2, Chapter 4 of Title 5.

Section 5-4.205. Connection to Public Sewer System and Alternatives. Sewage disposal shall be by means of a connection to a public sewer system if the nearest sewer is within 400 lineal feet of the parcel in which the structure generating the sewage is to be constructed. This requirement may be waived by the city health officer if he finds connection to a public sewer is legally or physically impossible. If the city health officer determines that connection to a public sewer is unfeasible, an application may be filed for a permit for an alternative method of sewage disposal, utilizing an individual sewage disposal system.

Section 5-4.206. Regulations. The city health officer is authorized to issue regulations, providing guidelines and criteria to carry out the purposes of this chapter. Such regulations shall be approved by the City Council prior to their effectiveness. The city health officer is authorized to waive any particular requirement imposed by such regulations if he determines that the general purposes of this chapter will be achieved by such waiver.

Section 5-4.207. Application and Fee. All applications for individual sewage disposal systems shall be submitted in writing to the city health officer on a form supplied by said officer. The application shall be accompanied by a fee of \$20 to assist in covering the costs of initial design review and field inspection. Applications shall contain all appropriate information regarding the site and the proposed system.

Section 5-4.208. City Health Officer Review. If, after investigation, the city health officer determines that the construction of the proposed facility is in accordance with the terms of this chapter and any regulations issued pursuant thereto, and will not be injurious to the public health and welfare, he shall approve or conditionally approve the application for an individual sewage disposal system. Such approval may be made subject to such conditions as the said officer deems necessary to insure compliance with this chapter, and any regulations issued pursuant thereto. Any such approval shall become null and void under the following circumstances:

A. The work authorized has not been commenced within one year after approval, unless an extension of an additional one year has been granted by the city health officer.

B. Construction of the approved system is commenced but subsequently abandoned for a continuous period of 90 days.

C. Construction of the approved system is not proceeding in accordance with the terms of approval.

Section 5-4.209. Certificate of Inspection. If the individual sewage disposal system is completed in accordance with the terms of the city health officer's approval, a certificate of inspection shall be issued by the city health officer which certificate shall be effective for a period of 2 years. The city health officer may revoke any certificate issued hereunder if he determines that the individual sewage disposal system does not comply with the provisions of this chapter, the regulations issued hereunder, or the conditions of the certificate.

Section 5-4.210. Biennial Inspection and Renewal. Every individual disposal system construction pursuant to this chapter shall be subject to a biennial inspection to assure their continued proper functioning and for the purpose of renewing the certificate of inspection. The city health officer shall renew a certificate of inspection for a 2-year period when the following conditions have been met:

A. A report of inspection of the individual disposal system by an authorized inspector indicates that the system is operating in a satisfactory manner.

B. Proof of a septic tank pumping by a licensed septic tank pumper is submitted, when such pumping is required by the report of the inspector.

C. Proof of repairs or alterations to an individual sewage disposal system is submitted, when such repairs have been required by the report of the inspector.

D. A deposit of the \$20 renewal fee is made with the city health officer.

Section 5-4.211. Recordation and Transfer of Certificate. The certificate of inspection shall be recorded by the city health officer with the County Recorder, identifying the property by assessor's parcel

numbers. The certificate of inspection is transferable to a subsequent grantee or transferee of the property, effective for the balance of the two (2) year period.

Section 5-4.212. Defective Systems. Following the biennial inspection covered above, if an individual sewage disposal system is found to be defective, the prior certificate of inspection may be extended for a period not to exceed 6 months beyond its normal expiration date, provided that corrective measures as recommended by the inspector are being undertaken.

Section 5-4.213. Enforcement. It shall be the duty of the city health officer or his duly authorized representative to enforce the provisions of this chapter and the regulations issued thereunder. He may enter any premises at any reasonable hour, with the owner's consent, to inspect the individual sewage disposal system to determine if it is functioning satisfactorily. Should for any reason the owner's consent not be obtained the city health officer shall first obtain an inspection warrant pursuant to applicable law.

Section 5-4.214. Appeals. If an applicant or holder of a certificate of inspection is dissatisfied with any action or determination of the city health officer pursuant to this chapter, he shall have the right to appeal to the City Council, in writing, within ten days after notification of the action of the city health officer. Upon receipt of said appeal, the City Council shall set a hearing within fifteen days. The appellant shall be given notice thereof at the address shown on the application by registered or certified mail. At the conclusion of the hearing, the City Council shall render a decision which shall be final.

Section 5-4.215. Violations. Violations of this Chapter shall be punished as provided for in Title 1 of the San Anselmo Municipal Code.

SECTION II. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that any one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION III. Effective Date. This ordinance shall be and is hereby declared to be in full force and effect as of thirty days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Councilmen voting for and against the same in the Reporter, a newspaper of general circulation, published in the County of Marin.

Dated: August 28, _____, 1973.


LEWIS W. STEWART, Mayor

ATTEST:

Helen Ragan

Helen Ragan
City Clerk

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo City Council held on August 14, 1973, and was thereafter at a regular meeting of the City Council held on August 28, 1973, duly passed and adopted by the following vote:

AYES: Councilmen Capurro, Blinder, Perry, Stewart

NOES: Councilmen None

ABSENT: Councilmen Anderson, Anderson

Helen Ragan

Helen Ragan
City Clerk