CITY OF LAKEPORT, CALIFORNIA
COMMUNITY DEVELOPMENT/UTILITIES DEPARTMENT
POLICY

Subject:	Policy Number:	Page Number:
	U-3	Page 1 of 5
SEWER LATERAL CERTIFICATION PROGRAM	Date Adopted: 9/22/2008	Date Revised: 1/20/2010

BACKGROUND:

City Ordinance No. 872 (the "Ordinance") established minimum standards for private sewer lateral repair and replacement. The goal is to update the City's sanitary sewer system, thereby mitigating issues of inflow and infiltration.

This policy is written to accomplish the following:

1. Establish roles and responsibilities for the administration of the Sewer Lateral Certification Program ("Program"), and

2. Provide guidelines for the effective administration of the Program for the cleaning, inspection, testing, and certification of private sewer laterals.

POLICY:

1. The Compliance Officer is responsible for administering the Program for privately owned portions of sewer laterals.

2. Private sewer laterals shall be subject to inspection, cleaning, testing, and repairs (as necessary) whenever any of the following occurs:

    a. A permit is issued by the Building Division for work of improvement, remodeling, or repair upon the property served by the lateral when the cumulative value of said work within a five (5) year period exceeds $45,000 (as adjusted for inflation by the City). Certain repair and improvement values may be exempted pursuant to Lakeport Municipal Code, Chapter 12, Section 12.04.040(D).
    b. A change in the use of the property or occupancy classification of the structure.
    c. Any other "property events," as stipulated in Sec 5.6.F.1. of Ordinance No. 872 (2008).

3. The addition, rehabilitation, or replacement of a grease trap or grease interceptor by any User shall make it necessary for that User to inspect, test, clean (if needed), and certify their private sewer lateral(s) as a condition of the building permit issued for that work. The Compliance Officer may waive this requirement with reasonable justification.

4. The Compliance Officer may require the cleaning, inspection, and testing of any private sewer lateral if such action is deemed by that individual to be for the protection of the public health, safety, or welfare.

5. Private sewer laterals that are found to be in need of repair or replacement by the Compliance Officer must be corrected within 60 days of notice. Extension up to 180 days may be granted by the Compliance Officer, pursuant to California Building Code.

6. The Compliance Officer may grant an exemption to the testing and inspection provisions of the Ordinance, pursuant to section 5.6.F.5.

7. Residential private sewer laterals that fail inspection and testing must be repaired or replaced by the User within 180 days of notice or sooner, if ordered by the Compliance Officer. Nonresidential private sewer laterals (i.e. commercial, industrial, etc.) must be repaired or replaced within sixty (60) days of notice or sooner, if determined necessary by the Compliance Officer.

8. The Compliance Officer shall not commission inspection and/or testing on a private sewer lateral without receipt of the $50.00 inspection and testing fee by the User. Inspections and tests performed as a result of "property events" not discussed hereinabove are exempt from the fee.

9. Any User may request of the Department that their private sewer lateral be inspected and tested by the City. Such inspections will be coordinated by

the Compliance Officer and completed within thirty (30) days from receipt of the $50.00 inspection and testing fee.

PROCEDURE:

1. In addition to any other required fees, a Sewer Lateral Testing Permit fee of $50.00 will be collected from applicants submitting a building permit application at the time of permit issuance.

2. The permit fee shall also be collected at the time an application is received for a new connection to the sewer system or to recognize a change in the use of a property.

3. Upon receipt of a building permit application, for which lateral inspection is required, the Compliance Officer shall be notified by Department staff. The Compliance Officer shall commission an inspection of the associated private sewer lateral(s) or grant an exemption.

4. Pursuant to City Ordinance No. 872, Section 5.6.F.4, private sewer laterals that pass inspection and testing shall be certified for ten (10) years or twenty-five (25) years by the Compliance Officer. The Compliance Officer shall execute a Sewer Lateral Certificate of Compliance to the User and file a copy with the Community Development/Utilities Director, Building

Department having jurisdiction, and recorded with the Lake County Recorder.

5. The Compliance Officer shall confirm the passage of a sewer lateral test to the City Building Official and/or Planning Services Manager and shall notify the property owner. Change of use applications may be approved, thereafter.

6. The Compliance Officer shall retain a copy of the completed Inspection and Testing Report Form, attached hereto as Attachment A.

Mark Brannigan

Mark Brannigan
Community Development/Utilities Director

Date 3.15.2010

City of Lakeport Municipal Sewer District

LATERAL INSPECTION AND TESTING REPORT FORM

PROPERTY INFORMATION			
Address:			
Property use:	Residential	Commercial	Industrial
Owner name:			
Mailing address:			
Street	City	State/Zip	
Phone:			

INSPECTION AND TESTING DETAIL
Inspection date:
Structural Diagram:

Property Address: _____

Inspection type:
Testing details:
Comments:
Test results: Pass Fail Inconclusive

Review

Inspected and tested by: _____

Name (printed): _____

Date: _____

Compliance Reviewed: _____ Date: _____

CITY OF LAKEPORT, CALIFORNIA
COMMUNITY DEVELOPMENT/UTILITIES DEPARTMENT
POLICY

Subject:	Policy Number: U-4	Page Number: Page 1 of 7
FOG PROGRAM: VARIANCES	Date Adopted: 9/22/2008	Date Revised:

BACKGROUND:

City Ordinance, No. 872 ("Ordinance"), Section 9.2, requires all food service establishments ("FSEs") within the City of Lakeport Municipal Sewer District to take measures to prevent the discharge of materials that can inhibit the function of, or cause damage to, the sanitary sewer system. Such measures include the installation and maintenance of a grease interceptor to prevent the discharge of fats, oil and grease into the sanitary sewer system. However, FSE owners or authorized representatives ("Users") may submit a Variance for Cause request to the Department if they feel their situation warrants exception to Section 9.2 of the Ordinance.

This policy is written to accomplish the following:

1. Establish guidelines for the review and judgment of a Variance for Cause to vary from the requirements of Section 9.2 of the Ordinance, otherwise known as the City's FOG Program, and

2. Establish guidelines for the review and judgment of a Variance for Cause request for grease interceptor installation, and

3. Establish procedures which the Department and the public should follow when requesting a variance.

POLICY:

1. The Community Development/Utilities Director ("Director"), or his designee, shall make judgment on any Variance Study, resulting from a Variance for Cause request by an entity subject to City Ordinance No. 872.

2. The Compliance Officer may approve or deny a Variance for Cause request at his discretion.

3. The Compliance Officer or his designee shall be available by appointment to speak with any User, whose facility is subject to the Ordinance, about issues related to the Ordinance.

4. From date of approval of a Variance for Cause request, and receipt of the $500.00 Variance Study fee, the Department shall make every reasonable effort to complete a Variance Study and make a judgment on the necessity or feasibility of complying with any part of Section 9.2 of the Ordinance within ninety (90) days.

5. A Variance Study may be terminated at any time if it is determined that continuation of the Study adversely affects the sanitary sewer collection system or treatment works (Ord. No. 872, Section 9.6.A, paragraph 2).

6. Per District Resolution No. 2316 (2008), the $500.00 Variance Study fee is non-refundable.

7. Unless sufficient evidence can be found that the provisions of Section 9.2 of the Ordinance create an unreasonable hardship, the Compliance Officer may deny a Variance for Cause request at his discretion.

8. The Compliance Officer is responsible to commission and complete variance studies.

9. The Compliance Officer may approve any variance at his discretion based on the results of the Variance Study.

10. Users requesting a variance must submit a Variance for Cause Request Form within six (6) months of receipt of notice to install a grease interceptor. If a variance is not granted by the Director or his designee, the FSE shall have six (6) months from the date of the variance denial notice to comply with the Ordinance, Section 9.2.

11. Users may petition the Director, or his designee, to reconsider a decision by the Compliance Officer to deny a variance, if submitted in writing within thirty (30) days of the notice of variance denial.

12. The Director, or his designee, may deny a petition to reconsider a variance decision by not acting on the petition (Ordinance No. 872, Section D., paragraph 4).

13. Granted variances are effective in perpetuity from the date granted by the Director or his designee.

14. Any granted variance may be revoked by the CLMSD Director at the recommendation of the Compliance Officer, based on one or more of the criteria detailed in the Ordinance, Section 9.6.C.

PROCEDURE:

1. Variance for Cause requests must be submitted to the Department in writing using the Variance for Cause Request Form, attached hereto as Attachment A. The form shall be made available at the front desk of the Community Development Department

2. Upon receipt of a Variance for Cause Request Form by the Department, it shall be date-stamped immediately, entered into the appropriate tracking software application, and submitted to the Compliance Officer for review. The Compliance Officer, or designee, shall have thirty (30) days from receipt of the Form to approve or deny the request.

3. Following approval or denial of a Variance for Cause request, the requesting party shall be notified of the decision in writing by the Compliance Officer.

If the request is approved, a Consent to a Variance Study Form, attached hereto as Attachment B, will be included with the notice. It must be signed and returned to the Department by the User with the $500.00 Variance Study fee before the Study is commissioned. If the request is denied, an explanation must be included in the notice.

4. Per District Resolution No. 2316 (2008), a fee of $500.00 must be collected from the User before a Variance Study is commissioned.

5. Upon receipt by the Department of a Consent to a Variance Study Form, and the $500.00 Variance Study fee, it shall be date-stamped immediately and submitted to the Compliance Officer for review. The Compliance Officer shall commission the study, assign it a study number, and is responsible for its completion.

6. A Variance Study shall consist of the completion of a Variance Study Report Form, attached hereto as Attachment C. The Report requires comments from the Compliance Officer, City Building Inspector, and a County Health Inspector or representative from the Lake County Environmental Health Department. Additional comments may be required at the discretion of the Compliance Officer. Unless justified, a granted variance will require the approval of the Compliance Officer, City Building Inspector, and County Environmental Health official.

7. In the event that the Compliance Officer, Building Inspector, or County Environmental Health official is unable to complete their component of a

Variance Study, the Director may waive that component or assign it to another reviewer for comment.

8. The Compliance Officer shall be responsible for conducting Variance Studies and passing judgment no later than sixty (60) days after the Department receives the Consent to a Variance Study Form and $500.00 Variance Study Fee.

9. Variance Studies submitted to the Director, or his designee, for review may include a staff report detailing the background and condition of the case in question.

10. The Compliance Officer, or his designee, shall make judgment on a Variance for Cause request no later than thirty (30) days from receipt of a fully completed Variance Study.

11. A notice shall be sent to the User from the Compliance Officer indicating the decision whether to grant or deny a variance, the results of the variance study, and the reasons why a variance was granted or denied.

12. If denied a variance, a User may petition the Director, or his designee, to reconsider the variance decision. A "Petition for Reconsideration of Determination or Enforcement Action" form, attached hereto as Attachment D, must be submitted to the Department within thirty (30) days of the notice of variance denial. The Form should be date-stamped immediately, entered into the appropriate tracking software application, and submitted to the Director for review.

Mark Brannigan

Mark Brannigan
Community Development/Utilities Director

Date 9.24.08

Attachment A

City of Lakeport Municipal Sewer District

VARIANCE FOR CAUSE REQUEST FORM

PLEASE COMPLETE CONTACT AND FACILITY INFORMATION IN ITS ENTIRETY. INCOMPLETE OR INACCURATE INFORMATION MAY RESULT IN DENIAL OF VARIANCE REQUEST

Contact Information

Name: _____ Phone: _____
Street: _____ Mobile Phone: _____
City: _____ Fax Number: _____
State: _____ E-mail _____
Zip:

Facility Information

Name of Restaurant/Food Service Establishment: _____
Address: _____ Owner: _____
Manager: _____
Property Owner (if different from Facility Owner)
Phone: _____
Fax: _____

Justification for Variance Request: (Please include any supporting documentation and information)

Facility Name: _____

FOR DEPARTMENT USE ONLY

Received By:

DATE STAMP

Consent to Variance Study Form Received: □ Yes □ No

$500.00 Variance Study Fee Received: □ Yes □ No

DEPARTMENT APPROVAL

Approved ☐

Disapproved ☐

Signature _____

Date: Title:

Reason for decision:

Attachment B

City of Lakeport Municipal Sewer District

CONSENT TO A VARIANCE STUDY

PLEASE COMPLETE AND SIGN THIS FORM. RETURN THE FORM AND SUBMIT THE $500.00 VARIANCE STUDY FEE TO THE COMMUNITY DEVELOPMENT DEPARTMENT, CITY HALL, 225 PARK STREET, LAKEPORT.

Name of Facility: _____

Facility Address: _____

Mailing Address: _____

Owner Name:	_____	Manager Name:	_____
Phone:	_____	Phone:	_____
Mobile Phone:	_____	Mobile Phone:	_____
E-mail:	_____	E-mail:	_____
Best time to call:	_____	Best time to call:	_____

I hereby consent to a Variance Study by the City of Lakeport Municipal Sewer District and agree to allow a duly authorized representative from the City of Lakeport and/or the County of Lake to enter my facility at any time, given one hour notice, to inspect my facility and any and all equipment related to the preparation, handling, and disposal of food, drink, and other food products. Additionally, I fully understand that this Variance Study can be cancelled at any time by the District and that the Variance Study fee of $500.00 is non-refundable.

Signed by: _____
Owner or Authorized Representative

Name (printed): _____

Date: _____

FOR DEPARTMENT USE ONLY	
Date Received:	DATE STAMP
Received By:	PRINT NAME
Variance Request Granted?	□ Yes □ No
Variance Study Fee Received?	□ Yes □ No Receipt No.:

City of Lakeport Municipal Sewer District

VARIANCE STUDY REPORT FORM

FACILITY INFORMATION				
Name of facility:				
Address:				
Owner name:				
Mailing address:				
Street	City	State/Zip		
Phone:				
Manager name:				
Facility phone:				
Commission date:	Study number:			
Expected completion date:				
Type of food served:	Fast food	Coffee	Bakery	Other
Hours of operation:				
Number of seats:				
Estimated number of meals served weekly:				
Number of sinks/drains:				
Variance justification:				

Study Number: _____

COMPLIANCE	
Reviewed by:	
1. Does the User's justification for a variance support the claim of unreasonable hardship?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
2. Are there any physical characteristics of the facility that make compliance with the Ordinance infeasible?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
3. Does the facility have a history of sewer back-ups requiring City attention?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
4. Is there any evidence that the facility discharges fats, oils, and/grease into the sanitary sewer system?	☐ Yes ☐ No ☐ Indeterminate
5. Is there any evidence of grease buildup in the facility's sewer lateral?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
6. Does the area surrounding the facility have a history of sewer back-ups or overflows?	☐ Yes ☐ No ☐ Indeterminate
Comment:	

7. Is the type of food served at the facility prepared using oil, butter, or other fatty substances?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
8. Is the type of food served inherently fatty, oily, or greasy?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
Compliance additional comments:	
Recommendation: Approve ☐ Disapprove ☐ Defer ☐	
Signature of reviewer: Date:	

BUILDING	
Reviewed by:	
9. Does the User's justification for a variance suggest or identify building or structural issues that would support the granting of a variance?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
10. If applicable to Building, is the User's justification for a variance reasonable?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
11. If reasonable, does the User's justification for a variance warrant consideration?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
12. Does the facility have a physical limitation which makes compliance with the Ordinance infeasible?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
13. Are there any structural issues with the facility that makes compliance with the Ordinance infeasible or impractical?	☐ Yes ☐ No ☐ Indeterminate

Comment:

BUILDING (cont.)

Additional Comments

Recommendation: Approve ☐ Disapprove ☐ Defer ☐

Signature of reviewer: Date:

ENVIRONMENTAL HEALTH	
Reviewed by:	
14. Does the facility have a history of health violations or other infractions, which would suggest the need for stringent oversight?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
15. Has the facility ever been ordered closed or put on notice for a health violation by Environmental Health?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
16. Is the facility current on all permits and licenses required by Environmental Health?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
17. Is the facility currently under investigation by Environmental Health for any reason?	☐ Yes ☐ No ☐ Indeterminate
Comment:	
18. Does Environmental Health have any objections or concerns to granting a variance for the facility to be exempt from measures to reduce the discharge of fats, oils, and grease into the sanitary sewer system?	☐ Yes ☐ No ☐ Indeterminate

Comment:

Environmental Health (cont.)

Additional Comments:

Recommendation: Approve ☐ Disapprove ☐ Defer ☐

Signature of reviewer: Date:

OTHER (PLEASE SPECIFY):			
Reviewed by:			
Comments:			
Recommendation:	Approve ☐	Disapprove ☐	Defer ☐
Signature of reviewer:		Date:	

DIRECTOR REVIEW		
Reviewed by:		
Date received:		
Comments:		
Decision:	Approve ☐	Disapprove ☐ Defer ☐
Director signature:		Date:

Attachment D

City of Lakeport Municipal Sewer District

PETITION FOR RECONSIDERATION OF DETERMINATION OR ENFORCEMENT ACTION

PLEASE COMPLETE CONTACT AND FACILITY INFORMATION IN THEIR ENTIRETY. IF YOU DO NOT RECEIVE A RESPONSE TO THIS PETITION WITHIN 15 DAYS, PLEASE CONSIDER THE PETITION DENIED.

Contact Information

Name: _____ Phone: _____
Street: _____ Mobile Phone: _____
City: _____ Fax Number: _____
State: _____
Zip:

Facility/Property Information

Name of Restaurant/Food Service Establishment: _____
Address: _____ Owner: _____
Manager: _____

Phone: _____
Fax: _____

Variance Study Information

Study Number:

Justification for Reconsideration:

Facility Name: _____

FOR DEPARTMENT USE ONLY

Received By:

Date Received:

DATE STAMP

DEPARTMENT APPROVAL

Approved ☐

Denied ☐

Signature _____

Date: Title:

Reason for approval/denial:

CITY OF LAKEPORT, CALIFORNIA
COMMUNITY DEVELOPMENT/UTILITIES DEPARTMENT
POLICY

Subject: **BACKFLOW PREVENTION**	Policy Number: U-5	Page Number: Page 1 of 6
	Date Adopted: 11-04-2008	Date Revised:

BACKGROUND:

City of Lakeport ordinance number 705(90), section 13.08.040, B., 5, in accordance with state regulatory agencies, requires that backflow prevention devices within City limits be tested annually.

This policy is written to ensure staff and property owner compliance with state agencies and the City ordinance.

POLICY:

Backflow prevention devices shall be tested annually by testers certified by the American Water Works Association (AWWA) and authorized by the City of Lakeport and reports of such tests shall be filed with the Utilities Department of the City.

Staff shall maintain a copy of each authorized testers' current certification as issued by the American Water Works Association (AWWA). Testers must file test report forms provided to them by the City (Attachment A). Testers may not submit their own form versions.

Property owners who fail to provide the City of annual test results conducted by a certified tester within 30-days of notification to do so by the City are in violation of City ordinance and subject to specified penalties which include discontinuance of water service and fines.

Annual test result records must be maintained in the Backflow files for state regulator inspections.

PROCEDURE:

Written annual notice (Attachment B) shall be sent to property owners with backflow devices by September 1st of each year with a list of approved testers. In the event a property owner wishes to utilize a tester not provided on the approved list, the tester must contact the City for authorization and provide the City with their current AWWA certification.

Property owners have 30-days to provide the City with test results. In the event a passing test result is not received by the City within 30-days, staff shall mail a second notice with 15-days to provide the City with test results. In the event a passing test result is not received within 15-days, staff shall mail a final notice with 10-days to comply. If test results are not received by the City following the final notice (Attachment C), staff will order a door-hanger for the resident address warning of water discontinuance.

Copies of all written notifications shall be maintained in the Backflow files and accessible for state regulator inspections.

The Utilities Director is authorized to discontinue water service to property owners in violation of the ordinance.

Exemptions; removal from the backflow prevention program; or an extension of time may be granted to property owners due to unusual circumstances at the discretion of the Utilities Director and/or Utilities Superintendent. Exemptions or removal from the program must be documented and maintained in the Backflow files and remain accessible for state regulator inspections.

Mark Brannigan
Community Development/Utilities Director

Date 11/4/08

CITY OF LAKEPORT

BACKFLOW PREVENTION DEVICE ANNUAL TEST & MAINTENANCE REPORT

Return To: City of Lakeport
Cross Connection Control Division/Utilities Dept.
225 Park Street
Lakeport, CA 95453
(707) 263-5615, ext. 25

Return By: _____

Owner: _____

Address: _____

Type of Device _____ Water Meter # _____

Manufacturer _____ Service Address _____

Model Number _____ _____

Serial Number _____ Location of Device _____

Size _____ _____

	Reduced Pressure Devices			Pressure Vacuum Breaker	
	DOUBLE CHECK DEVICES				
	1st Check	2nd Check	Relief Valve	Air Inlet	Check Valve
Initial Test	DC-Closed Tight ☐ RP - _____ psid Leaked ☐	Closed Tight ☐ Leaked ☐	Opened at _____ psid	Opened at _____ psid Did Not Open ☐	Closed Tight ☐ Leaked ☐
Repairs and Materials Used					
Test After Repair	DC-Closed Tight ☐ RP- _____ psid	Closed Tight ☐	Opened at _____ psid	Opened at _____ psid	Closed Tight ☐

Did this device pass the Initial Test: yes ☐ no ☐ **Final Test: yes ☐ no ☐**

Comments: _____

_____

_____

THE ABOVE REPORT IS CERTIFIED TO BE TRUE.

Date _____ Signature _____

Testing Firm _____

Certified Tester Number AWWA _____ City _____

Original - City of Lakeport *Yellow Copy - Customer* *Pink Copy - Tester*

City Hall
225 Park Street
Lakeport, CA 95453
(707) 263-5615

September 1, _____

«First_1» «Last_2»
«MAIL»
«CITY», «ST» «ZIP»

RE: Testing of Backflow Prevention Device located at:
«ADDRESS», Lakeport, CA, number:

Dear Property Owner/Resident:

The backflow prevention device at the above referenced location with serial number: **«SERIAL»** is due for its periodic test as required under City of Lakeport ORDINANCE NO. 705(90). Section 13.08.040, B., 5. of that Ordinance required that backflow prevention devices be tested annually by testers **certified by the City of Lakeport** and that reports of such tests be filed with the City.

Attached is the authorized list of testers that are currently certified with the City to test backflow prevention devices. Test report forms are provided to the testers by the City. If you wish to utilize any other provider, they **must be approved by the City in advance.**

Ordinance No. 705 further provides that ***"Failure to provide the City with annual test results conducted by a certified tester within 30-days of notification to do so by the City"*** is a violation of the Ordinance subject to specified penalties which include discontinuance of service and fines.

All test results must be received by the City no later than **October 1, _____.**

In order to obtain satisfactory test results, service or replacement of the device may be required. Testing and maintenance are the owner's responsibility.

If you have any questions, please feel free to call Renée Perez at 263-5615, ext. 25.

Sincerely,

MATTHEW JOHNSON
Utilities Superintendent

MJ/rp

3rd and FINAL NOTICE

October 20, _____

«First_1» «Last_2»
«MAIL»
«CITY», «ST» «ZIP»

RE: Testing of Backflow Prevention Device located at:
«ADDRESS», Lakeport, CA, number: «SERIAL»

Dear Property Owner/Resident:

This is the ***final notice*** reminding you that the backflow prevention device at the above referenced location is **past-due** for its periodic test as required under City of Lakeport ORDINANCE NO. 705(90).

The City of Lakeport is requiring that your backflow prevention device be tested by a certified tester no later than October 30, _____. If we have not received a test report on your backflow prevention device by **October 31, _____, *WATER SERVICE WILL BE DISCONTINUED ON November 3, _____.*** Any normal fees for reconnection of the water service and a test on your backflow prevention device will be required before your water will be turned back on.

Section 13.02.040, B.,5. of Ordinance No. 705(90) requires that backflow prevention devices be tested annually by certified testers and that reports of such tests be filed with the City. The test report forms are provided to the testers by the City.

In order to obtain satisfactory test results, service or replacement of the device may be required. Testing and maintenance are the owner's responsibility.

If you have any questions or need to make arrangements regarding the testing of your device, please feel free to call Renée Perez at 263-5615, ext. 25. **The water service on the above listed property will be discontinued without further notification to you if a report is not filed with the City by the date stated above.**

Sincerely,

Matthew Johnson
Utilities Superintendent

CITY OF LAKEPORT, CALIFORNIA
COMMUNITY DEVELOPMENT/UTILITIES DEPARTMENT
POLICY

Subject:	Policy Number: U-6	Page Number: Page 1 of 5
SEWER USAGE: NOTICES, PENALTIES, FINES AND FEES	Date Adopted: 3/15/2010	Date Revised:

BACKGROUND:

On March 4, 2008, the City adopted Ordinance No. 872 (the "Ordinance") establishing new sewer usage regulations. Included in the Ordinance were enforcement mechanisms, such as penalties and fines, which could be levied against Users of the sanitary sewer who do not comply with its provisions.

The policy is written to accomplish the following:

1. Establish guidelines and procedures for the imposition of notices, fines, penalties, and all other enforcement actions exercised by the Department in relation to the Ordinance, and

2. Assign roles and responsibilities for the enforcement of the Ordinance, and

3. Maintain consistent best management practices for the enforcement of the Ordinance, and

4. Provide written policies and procedures for staff to reference when enforcement action is subject to contention from any User.

POLICY:

1. All penalties, fines, and fees imposed on any User are due and payable upon receipt of written notice by the City. Such amounts will be delinquent thirty (30) days after the date of the notice (Ordinance No. 872, Section 8.4).

2. Fines related to the City's FOG Program shall be in accordance with City Resolution No. 2315 (2008), attached hereto as Attachment A.

3. The Compliance Officer shall be responsible for the imposition of notices, penalties, fines, and fees in accordance with the Ordinance.

4. In response to identified violations of the Ordinance by any User, the enforcement mechanisms available to the Compliance Officer shall be applied normally in the following order:

    i. Informal administrative action (including Notices of Violation and Warning Notices).
    ii. Administrative orders, compliance schedules, and other reports.
    iii. Imposition of fines and fees for noncompliance with the Ordinance.
    iv. Imposition of penalties for noncompliance with administrative orders.

v. Assessment of charges for obstruction or damage to City facilities or operations.

vi. Suspension or termination of services.

vii. Civil action.

viii. Criminal action.

5. The Compliance Officer may apply the enforcement mechanisms available in the Ordinance in any order, as circumstance warrants.

6. The Department will charge any User for the cost of repair of City facilities that are damaged as a result of a User's noncompliance with the Ordinance.

7. Any User may petition the Compliance Officer to reconsider any enforcement action detailed herein or in the Ordinance.

8. The Compliance Officer shall reconsider an enforcement action only once per instance of non-compliance per property. A User shall not be permitted to appeal, or file a petition for reconsideration of, every enforcement action levied against them for each instance of non-compliance in an attempt to delay or diminish the City's ability to enforce the Ordinance.

PROCEDURE:

1. Within seven (7) days of identifying a violation of the Ordinance, the Compliance Officer shall issue a Warning Notice to the User, instructing them of their responsibility to correct the issue(s) causing the violation.

2. If curative action has not been taken by the User, or if the Compliance Officer has not received notice from the User of their intention to address the violation within thirty (30) days of receipt of the Warning Notice, the Compliance Officer shall issue a Notice of Violation ("NOV") to the User.

3. If the User has not taken curative action within thirty (30) days of receipt of an NOV, the Compliance Officer shall issue an Administrative Order to the User, which shall contain a compliance schedule for curative action and any other requirements deemed appropriate by the Compliance Officer.

4. If the User has not completed curative action (as outlined in the compliance schedule of the NOV) within the time period described therein, the Compliance Officer shall assess fees, fines, and penalties, pursuant to Section 6.4.A of the Ordinance. Such assessment will include a written notice stating the nature of the enforcement action being taken.

5. Any fees, fines, or penalties that remain outstanding after ninety (90) days will be cause for the suspension or termination of services, at the discretion of the Compliance Officer.

6. If the User is unresponsive to the aforementioned enforcement action, the Compliance Officer shall recommend to the City Attorney that civil and/or criminal action be taken.

7. In the event that a User petitions the Compliance Officer for reconsideration of a decision or enforcement action, the User must submit such a request to the Compliance Officer in writing, using the "Petition for Reconsideration of Determination or Enforcement Action" form, attached hereto as Attachment B, within fifteen (15) days of notice of said decision or enforcement action. The Compliance Officer shall review the petition and render a decision within fifteen (15) days of its receipt. The User may appeal the Compliance Officer's decision to the District Board of Directors within ten (10) days of subsequent notification, if the User has followed the appeal protocols outlined herein.

8. The Department Secretary shall agendize properly filed appeal requests to the Board of Directors within forty-five (45) days of the date the request was filed. The Board will have fifteen (15) days from the date of the subsequent hearing to render a decision.

Mark Brannigan
Community Development/Utilities Director

Date 3.15.2010

ATTACHMENT A

RESOLUTION NO. 2315 (2008)

RESOLUTION OF THE BOARD OF THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT ESTABLISHING FINES FOR VIOLATION OF THE FATS, OILS, AND GREASE PROGRAM

WHEREAS, pursuant to CLMSD Sewer Use and Pretreatment Ordinance Section 9.5 fines for violation of the Fats, Oils, and Grease Program must be adopted by the CLMSD Board by resolution; and

WHEREAS, the following requested fines will recover the costs for the services provided to administer the Program as well as provide a deterrent for future offense.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the City of Lakeport Municipal Sewer District does determine and order that the following fines be adopted for violations of the Fats, Oils and Grease Program:

1. Minor Violation	1st Offense:	
	Failure to submit records:	$ 50
	Inspection hindrance (equipment related)	$ 50
	Failure to maintain on site records	$ 50
	Failure to pump Grease & submit records	$ 150
	2nd Offense:	
	Failure to submit records:	$ 100
	Inspection hindrance (equipment related)	$ 100
	Failure to maintain on site records	$ 100
	Failure to pump Grease & submit records	$ 300
	3rd Offense:	
	Failure to submit records:	$ 150
	Inspection hindrance (equipment related)	$ 150
	Failure to maintain on site records	$ 150
	Failure to pump Grease & submit records	450
	4th Offense & Up:	
	Failure to submit records:	$ 300
	Inspection hindrance (equipment related)	$ 300
	Failure to maintain on site records	$ 300
	Failure to pump Grease & submit records	$ 1,000
2. Intermediate Violation	Failure to maintain necessary equipment (T's, grease trap not watertight, baffles, etc.)	
	1st Offense	$ 150
	2nd Offense	$ 300
	3rd Offense	$ 500
	4th Offense & Up	$ 1,000

ATTACHMENT A

3. Major Violation	Source of sewer blockage (minimum)	$ 500
	Source of sewer blockage (maximum)	$25,000
	Source of sanitary sewer overflow (minimum)	$ 1,000
	Source of sanitary sewer overflow (maximum)	$ 25,000
	Falsification of maintenance records	$ 1,000

DULY AND REGULARLY ADOPTED this 5th day of February, 2008, by the following vote:

AYES: Council Members Parmentier, Rumfelt, Irwin, and Bertsch, and Mayor Bruns
NOES: None
ABSTAINING: None
ABSENT: None

WILLIS H. BRUNS, Mayor

ATTEST:

JANEL M. CHAPMAN, City Clerk

APPROVED AS TO FORM:

STEVEN J. BROOKES, City Attorney

Attachment B

City of Lakeport Municipal Sewer District

PETITION FOR RECONSIDERATION OF DETERMINATION OR ENFORCEMENT ACTION

PLEASE COMPLETE CONTACT AND PROPERTY INFORMATION IN THEIR ENTIRETY. IF YOU DO NOT RECEIVE A RESPONSE TO THIS PETITION WITHIN 15 DAYS, PLEASE CONSIDER THE PETITION DENIED.

Contact Information

Name: _____ Phone: _____
Street: _____ Mobile Phone: _____
City: _____ Fax Number: _____
State: _____
Zip:

Facility/Property Information

Residential	Commercial
Address: _____	Name of Restaurant/Food Service Establishment:
Owner 1: _____	Address: _____
Owner 2:	Owner: _____
	Manager:

Enforcement Information (to be completed by Department staff)

Case Number:

Variance Study Number:

Incident Description:

Enforcement Action Taken:

Property Address: _____

Justification for Reconsideration:

Property Address: _____

FOR DEPARTMENT USE ONLY

Received By:

DEPARTMENT APPROVAL

Approved ☐

Modified ☐ **(see directive below, if box is checked)**

Denied ☐

Date Signature Title

Comments/Directive: