

ORDINANCE NO. 811-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING SECTION 6-13.603(b) OF TITLE 6, CHAPTER 13 RELATED TO WHEN A SEWER LATERAL COMPLIANCE CERTIFICATE IS REQUIRED DURING CONSTRUCTION OR REMODELING

WHEREAS, Section 6-13.603(b) of Title 6, Chapter 13 of the Pacifica Municipal Code, contains an unintentional loophole which could allow individuals to avoid obtaining a sewer lateral compliance certificate in certain circumstances; and

WHEREAS, it is necessary to enact the amendments in order to remain in compliance with the Regional Water Quality Control Board Cease and Desist Order No. R2-2011-0031;

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amendments. Section 6-13.603(b) of Title 6, Chapter 13 of the Pacifica Municipal Code related to when a sewer lateral compliance certificate is required during construction or remodeling is hereby amended, as reflected in Exhibit A attached hereto and incorporated herein.

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under sections 15307 and 15308 of the CEQA Guidelines (actions to protect natural resources and the environment) and because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

The foregoing ordinance was introduced on November 28, 2016 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 12th day of December, 2016 by the following vote:

AYES: Keener, Nihart, Ervin, O'Neill, Digre
NOES: None
ABSTAIN: None
ABSENT: None



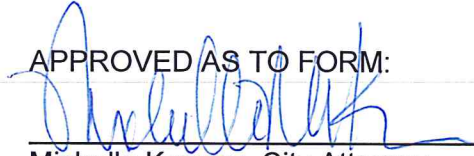
Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

Sec. 6-13.603. - When a compliance certificate is required.

(b) *Construction or remodeling.* Whenever a property owner applies for any permit or other approval needed for construction, remodeling, modification or alteration of any structure with a sewer lateral, the property owner shall obtain a compliance certificate pursuant to Section 6-13.604 prior to obtaining a final permit or approval from the permitting authority. This paragraph shall apply where the cost of the proposed work, in combination with the cost of any other construction, remodeling, modification, or alteration at the property within the previous twelve (12) months, is estimated to exceed Fifty Thousand and no/100 (\$50,000.00) Dollars.