

SANTA YNEZ COMMUNITY SERVICES DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: Richard Battles, Legal Counsel
DATE: July 21, 2021
SUBJECT: Unauthorized connection at 3463 Sagunto Street

Recommendation

Provide direction to staff regarding the unauthorized connection at 3463 Sagunto Street.

Policy Implications

The unauthorized connection violates numerous provisions of the District's Sewer Service Code, all of which prohibit any new connections to the District's public sewer system unless a connection permit has been obtained and all required fees have been paid. The manner in which the Board decides to address this issue may establish a precedent with respect to other violations in the future.

Fiscal Implications

The following fees are due to the District in connection with the unauthorized lateral:

- Capacity Fee: \$6,336.98
- Permit and Inspection Charge: \$115.00
- Plan Check Fee: \$375.00
- Annexation Fees: \$1,644.78
- Annexation Administrative Charge: \$350.00
- Sewer services charges: \$4279.44
 - 20/21 \$920.04 - \$76.67 per month
 - 19/20 \$886.80 - \$73.90 per month
 - 18/19 \$854.76 - \$71.23 per month
 - 17/18 \$823.80 - \$68.65 per month
 - 16/17 \$794.04 - \$66.17 per month

Alternatives

Alternatives available to the District for addressing the unauthorized connection include the following:

1. Plug the unauthorized lateral to prevent flow from entering the District's collection system, or disconnect the lateral from the District main line (Code Section 1201). The District could charge the property owner for the cost of plugging or disconnecting the lateral (Code Section 1306).

2. Impose a basic penalty of 10% for the nonpayment of charges and an additional penalty of up to 1½ % per month (Code Section 904).
3. Record a lien against the property in the amount of the fees due (Code Section 907). This would require notice and a public hearing.
4. Have the fees due collected on the County tax roll (Code Section 1101). This would require notice and a public hearing and would be unavailable as an option if the property owner protested.
5. File a lawsuit in Superior Court for the collection of the fees due, penalties, costs of collection, and reasonable attorneys' fees (Code Section 905).
6. Petition the Superior Court for the issuance of an injunction restraining the property owner from the continued violation of the District's ordinances (Code Section 1306).
7. Refer the matter to the District Attorney as a misdemeanor violation (Code Section 1203).
8. Take no action at this time and defer the payment of fees until the residence on the property is completed and applies to connect to the District's sewer system.

Discussion

On May 10, 2021, District staff learned that a toilet facility located on the property at 3463 Sagunto Street has been illegally connected by way of a private lateral to the District public sewer system. A single family residence is currently under construction on the subject property and staff was advised that the residence will be connected to the same private sewer lateral that serves the toilet facility. The connection of the toilet facility to the District's public sewer system violates numerous provisions of the District's Sewer Service Code, all of which prohibit any new connections unless a connection permit has been obtained and all required fees have been paid.

On May 26, 2021, District staff sent a letter to the property owner advising the owner that the connection in question violates District ordinances. The letter asks the owner to either disconnect the unauthorized lateral or submit an application for a connection permit and pay the applicable fees. Pursuant to the District's Sewer Service Code, the owner was given seven (7) business days to comply with the District's request. The owner has not disconnected the lateral, submitted an application for a connection permit, paid the applicable fees, or otherwise responded to the letter.

Prior to plugging or disconnecting the unauthorized lateral or taking other action, staff is bringing this matter to the Board for direction.

Attachments

- SYCSD Permit File Memorandum dated May 10, 2021
- Letter to property owner regarding illegal connection dated May 26, 2021

SYCSD PERMIT FILE MEMORANDUM

TO: 3463 Sagunto Street

FROM: Craig Kapner

DATE: 5/10/2021

RE: Manzana Street Sewer Connection

Staff used the pushcam and line locator to locate & mark the 4" sewer line in the cul-de-saq at Manzana Street that goes into the Burtness property.

Staff was able to locate the line through the cul-de-saq up to the Burtness property fence and locked gate.

Staff attempted to contact the property owners, but they did not answer the door at the main house located at 3410 Manzana Street.

Staff gained access to the property through an empty section of fence to the North of the property at 3463 Sagunto Street.

Staff met the Lead Electrician Jan of AWE Electrical. Jan said he does a lot of work for Peter Burtness and remembered digging and extending the sewer line from the corner of the property near the cul-de-saq to the North West corner of the property at 3463 Sagunto Street 4-5 years ago.

Staff asked Jan if the line was connected to the little trailer that was on the property several weeks ago. Jan said no, it was not and showed SYCSD staff a small outdoor bathroom/outhouse with a toilet in it. Jan informed staff that this bathroom was tied into the sewer for the workers to use while building the 3463 Sagunto property. Jan said the plan is to install a small wet well and pump station and run the discharge line up from 3463 Sagunto street property into the 4" line the outhouse is on, which empties into Manzana Street.

Msword:3463SaguntoStreet2

SANTA YNEZ COMMUNITY SERVICES DISTRICT

MAILING ADDRESS: P.O. BOX 667, SANTA YNEZ, CA 93460-0667 • (805) 688-3008

May 26, 2021

Via USPS Priority Mail

The Peter Burtness Separate Property Trust
c/o Christine Burtness
P.O. Box 359
Santa Ynez, CA 93460

RE: Illegal Sewer Connection at 3463 Sagunto Street (APN 143-330-031)

Dear Ms. Burtness:

The Santa Ynez Community Services District recently learned that a toilet facility located on the property owned by the Peter Burtness Separate Property Trust at 3463 Sagunto Street in the Town of Santa Ynez has been illegally connected to the District public sewer system. The District understands that a single-family residence is currently under construction on the subject property and that the residence will be connected to the same private sewer lateral that serves the toilet facility.

The connection of the toilet facility to the District public sewer system violates numerous provisions of the District's Sewer Service Code, all of which prohibit any new connections to the District's public sewer system unless a connection permit has been obtained and all required fees have been paid.

Section 1301 of the District's Sewer Service Code states that any person found to be violating any code, ordinance, rule or regulation of the District shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Please be advised that the violation in question must be corrected within seven (7) working days from the date of this letter either by (i) disconnecting the illegal connection to the District's sewer system, or (ii) complying with all District requirements applicable to the connection. Those requirements include the following:

- Submit an application for a connection permit, including plans, specification, drawings, descriptions, and other information relating to the recently constructed sewer facilities on the subject property, which must be in accordance with the Design and Construction Standards of the District. Please note that, under Section 810 of the District's Sewer Service Code, (a) all sewer construction work shall be inspected by the District to ensure compliance with all District requirements, and (b) no sewer shall be covered at any point until it has been inspected and passed for acceptance.

SANTA YNEZ COMMUNITY SERVICES DISTRICT

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- Payment of the following fees:
 - Capacity Fee: \$6,336.98
 - Permit and Inspection Charge: \$115.00
 - Plan Check Fee: \$375.00
 - Annexation Fees: \$1,644.78
 - Annexation Administrative Charge: \$350.00

In addition to the fees and charges set forth above, because the property is receiving sewer service from the District on an ongoing basis, the District will also bill the property owner for the applicable monthly sewer service charges, commencing as of the date of connection.

At such time as the new single-family residence on the property is connected to the District's public sewer system, the capacity fee for the toilet facility will be applied to the capacity fee payable for the single-family residence.

If within seven (7) working days from the date of this letter the property owner has not either disconnected the illegal connection or complied with all the requirements outlined above, the District will disconnect the illegal connection. The property owner will be required to pay all costs incurred by the District in undertaking the disconnection, as well as the cost of any future reconnection.

If you have any questions or if you would like to discuss this matter, please contact me.

Sincerely,



Jose Acosta
General Manager