

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING LIMITED ACCESS TO PRIVATE PROPERTIES DESTROYED IN THE TUBBS FIRE TO ABATE OPEN SEWER LATERALS CONSISTENT WITH CITY CODE SECTION 15-06.140

WHEREAS, on October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to City Code section 2-24.050 of the City of Santa Rosa; and

WHEREAS, on October 13, 2017, the City Council duly passed Resolution No. RES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services. The Proclamation shall remain in effect until the Council determines that the emergency conditions have been abated; and

WHEREAS, on October 9, 2017, Governor Brown issued a proclamation of a state of emergency for several counties in California, including Sonoma County, due to the Tubbs and Atlas Fires and on October 10, 2017, President Trump declared a major disaster exists in the state of California beginning on October 8, 2017 and mobilized federal aid; and

WHEREAS, approximately 3000 residential units and numerous commercial buildings have been damaged or destroyed by the fire, causing sewer service laterals on users' property to break, leak or become obstructed; and

WHEREAS, the "user," as defined in City Code section 15-04.030, of the sewer service laterals, cleanouts, backwater valves and backflow overflow devices shall be responsible for maintaining a clear, unobstructed sewer service lateral, free of all breaks, leaks and obstructions from, upon, within, and under the user's premises and to the City sewer pursuant to City Code section 15-04.035(B)(2) of the City of Santa Rosa; and

WHEREAS, the introduction or the causing of the introduction of "unpolluted wastewater including but not limited to storm water, surface water, ground water, roof runoff, subsurface drainage, pool water, spa water, pond water, condensation, deionized water, non-contact cooling water or other" specified pollutants, substances or wastewater into the Public Owned Treatment Works (POTW) is prohibited pursuant to City Code section 15-08.070(B), generally, and City Code section 15-08.070(B)(18), specifically, of the City of Santa Rosa; and

WHEREAS, open sewer service laterals, if left unaddressed, are likely to cause impacts to the City's POTW, including but not limited to inflow and infiltration of ash, debris and toxics to the POTW resulting in clogs in the system that could cause overflows and other malfunctions of the regional waste water collection system and the Laguna Treatment Plant; and

WHEREAS, pursuant to City Code section 15-06.140 of the City of Santa Rosa,

City may, after notice and an opportunity to be heard, immediately suspend a user's prohibited discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment; and

WHEREAS, the imminent winter wet season will continue to exacerbate and compound the adverse effects of the public nuisance; and

WHEREAS, it is imminently necessary to use extraordinary measures to protect the public health and welfare in the City of Santa Rosa.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby finds that there is an imminent threat to the City's Public Owned Treatment Works that threatens to interfere with the operation of the POTW and which presents, or may present, an endangerment to the environment, warranting prompt action by the Department of Water; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the Director of Water (formerly known as Utilities), his staff and his delegates, following notice and an opportunity to be heard consistent with Section 15-06.140, limited access to enter upon damaged or destroyed properties within the City located in the Tubbs fire area in order to evaluate and determine whether it is necessary, and where determined it is necessary, to immediately suspend the user's discharge into the City's Public Owned Treatment Works by the temporary plugging of the sewer lateral, by use of a Cherne End of Pipe "Original Gripper" plug or similar device, to prevent discharge to the Public Owned Treatment Works. To the extent feasible, as determined in the sole discretion of the Director of Water or his designee, the temporary plugging shall be undertaken in a manner that minimizes further disturbance of the property or further damage to the sewer lateral.

IN COUNCIL DULY PASSED this ____ day of _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney