

CHAPTER 12. MISCELLANEOUS

Sections:

- 12.010 Correction of Violations; Collection of Costs; Notice; Legal and Injunctive Relief.
- 12.020 Liability of Defects.
- 12.030 Emergency Action.
- 12.040 Repealed.

12.010 Correction of Violations; Collection of Costs; Notice; Legal and Injunctive Relief.

(A) When a defect or hazardous condition in the district's sanitary sewer system results from a violation of this code, any other applicable law, or any rule, regulation or order, issued or promulgated pursuant thereto, the district may require that the person responsible for said defect or hazardous condition correct it at his sole expense.

(B) If said person does not correct the defect or hazardous condition within ten (10) days after written notice to do so, the district shall have the right to correct the defect. The requirement of said written notice is not applicable to instances where the district manager determines that the public health and safety requires immediate correction by the district of a defect or hazardous condition.

(C) The cost of any correction made by the district pursuant to this section may be added to the sewer service charge of the person owning the land upon which the violation occurred and may be collected in the same manner as are other sewer service charges.

(D) In order to collect the costs of correction by the district as a sewer service charge, the district shall give written notice to said property-owner which sets forth the following:

(1) The charges to be imposed as well as the basis thereof.

(2) A description of the premises subject to said charges, which description may be by reference to a plat or diagram on file in the office of the secretary of the district, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the Santa Clara County Office of the Assessor.

(3) If the charges are not remitted to the district in full within forty (40) days of the date of the notice, they may be collected in the same manner as are other sewer service rates pursuant to Section 10.160.

(4) Said method of collection is in addition to any other method prescribed by law including an action at law brought in the name of the district in any court of competent jurisdiction.

(5) The district may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of the code or any other applicable law.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 76, September 9, 1981; Amended by Ord. 149, April 10, 2019)

12.020 Liability for Defects. When a person performs work under this code, the district is not liable for loss or damage resulting from a defect or failure in the performance of the work, and the person performing this work shall hold the district free and harmless from all liability which results directly or indirectly from the work.

(Adopted by Ord. 46, July 23, 1975)

12.030 Emergency Action. This code is not intended to prevent a person from protecting property and public health in the event of disaster or danger. However, a person who performs work, subject to this code, in this event, shall report it to the district and obtain proper inspection and clearance at the earliest opportunity.

(Adopted by Ord. 46, July 23, 1975)

12.040 Repealed by Ord. 60, July 27, 1977