

CHAPTER 9. PERMITS AND REGISTRATION

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9.010 Permit Required.

(A) For the purpose of this Chapter 9, a “permit” is for the construction of improvements, modifications, or repairs to any new, existing, private, or public sewer, connecting to or disconnecting from the district’s sanitary sewer system.

(B) No person shall engage in any of the following activities within the district without first obtaining a permit or project clearance letter issued by the district manager:

(1) Construction or repair of any public sanitary sewer, including any private sanitary sewer intended to be dedicated to a public agency.

(2) Construction of any private sewer intended to be connected to the district's sanitary sewer system, including, but not limited to:

(a) Connections from any new or replacement structure.

(b) Connections from any existing structure intended to replace a septic system or other on-site disposal system.

(c) Connections intended to serve a new or existing commercial, industrial, or quasi-public structure, a single family dwelling, accessory dwelling unit, junior accessory dwelling unit, auxiliary structure, multiple dwelling unit, or mobile home.

(3) Disconnection of any sewer from the district's sanitary sewer system.

(4) Construction, installation, or repair of any plumbing system which is connected to a sanitary sewer.

(5) Replacement installation, or repair of any building sewer that is connected or will be connected to the lower sewer lateral or public sewer main.

(6) The change of use in any commercial, industrial, residential, or quasi-public structure which is connected to the district's sanitary sewer system as determined by the district manager.

(7) The subdivision or lot split of any parcel or parcels.

(8) The installation of a backflow protective device or a property line cleanout as determined to be required by the district manager per Chapter 6.060 (B) – Backflow Protective Device: Requirement and Chapter 6.100 (C) Building Sewer Maintenance – Obligations of a Property-Owner, respectively.

(9) Works within the district or public easement with district facilities on private property.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 17, Sept. 27, 1961; Amended by Ord. 24, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 60, July 27, 1977; Amended by Ord. 136, May 13, 2009; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.015 Repeal by Ord. 146, June 14, 2017.

9.020 Permit Application. The applicant for a permit shall submit:

- (A) A description of the work proposed;
- (B) The location of the work;
- (C) The date the work will begin;
- (D) The name of the contact person of the permitted work;
- (E) If applicable for commercial applicants, a current tenant roster including addresses, suite numbers, and respective square footages for each commercial tenant; and
- (F) If requested by the district, a set of construction plans stamped and signed by either a civil engineer, or land surveyor that is currently licensed with the State of California indicating the complete scope of work, to include all existing and proposed structures with the current and proposed elevations of the lowest finished floor with a plumbed fixture.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.030 Permit Form and Agreement. The district manager may prescribe the form of permit and require information in addition to that required by Section 9.020. The signature of the applicant on the permit application is an agreement to comply with the rules and regulations of the district. The permit applicant shall be deemed as a designee of the property-owner, with all associated fees and requirements being the ultimate responsibility of the property-owner.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.040 Inspection. The work done under each permit shall be inspected by the district. All work performed pursuant to a permit shall remain uncovered and visible until it has been inspected and finally approved by the district. Work that has been covered without approval, at the district's request, shall be uncovered for inspection and the property-owner shall bear all associated costs therefor. If the work does not meet the district's standards and requirements, the district may

order disconnection of the work from its sewer system or other corrective measures at the expense of the permittee.

The permittee shall advise the district that work is ready for inspection by giving two (2) working days' notice in advance of the day inspection is requested.

Cross-reference: See Section 10.010 for inspection fees.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 24, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 60, July 27, 1977; Amended by Ord. 134, October, 10, 2007; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.045 Permit Issuance. The district manager shall issue all permits under this chapter. However, the district manager shall not issue any permit which, in his opinion, will cause the district to exceed its ability to adequately treat the wastewater that would result from the issuance of such a permit. Any refusal to issue any permit under this chapter is subject to the appeals procedure provided for in Chapter 11 of the district's code.

(Adopted by Ord. 72, April 1, 1981; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.050 Effective Period of Permit. A permit is effective for a period of one (1) year from the date of issuance to completion of the permitted work. The district manager may, for good cause shown, extend any permit beyond the initial one (1) year period described above for no more than one additional year, provided that:

(A) The specific activities permitted by the extension are substantially the same as the activities permitted by the original permit;

(B) The applicant pays all applicable fees and charges existing as of the date that the extension is granted except that a credit shall be given for fees and charges paid under the original permit, to the extent they have not been previously expended by the district or any other government agency or they represent payment for work not yet done by the district or any other government agency in administering the permit process.

A permit is not transferable except those permits issued for a connection of a plumbing system to a building sewer.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 54, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.060 Contractor Registration. The contractor used for the construction or repair of any public sewer (including the lower sewer lateral), shall be properly licensed for the work by the State of California Contractor's State License Board and shall register with the district prior to being issued a permit for such work.

In order to become eligible for registration with the district, a contractor shall:

(A) File certificates evidencing maintenance of workers' compensation insurance, and public liability insurance in such amount as determined by the district manager.

(B) Certificates of endorsements naming the "West Valley Sanitation District, City of Campbell, Town of Los Gatos, City of Monte Sereno, City of Saratoga, and County of Santa Clara and their officers and employees" as additional insured under the contractor's insurance policies; and,

(C) A bond in such amount as determined by the district manager, in the form prescribed by the district, for the purpose of assuring compliance with the rules, regulations and specifications for the excavation within a public right-of-way and naming the West Valley Sanitation District, City of Campbell, Town of Los Gatos, City of Monte Sereno, City of Saratoga, and County of Santa Clara as obligees.

(D) Other documentation as may be required by the district manager.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 24, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 48, Dec. 11, 1975; Amended by Ord. 51, May 13, 1976; Amended by Ord. 60, July 27, 1977; Amended by Ord. 91, Jan. 8, 1986; Amended by Ord. 95, Dec. 10, 1986; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.070 District May Correct Defective Work. If a property-owner fails to correct defective work within ten (10) days after the district gives notice to do so, the district may proceed to correct the defective work, and the property-owner shall compensate the district for the cost thereof, including all direct labor, equipment, material, and overhead costs. If, in the opinion of the district manager, the defective work creates an emergency which should be corrected immediately, the district manager may order the property-owner to correct the defect within a specified period of time. If the property-owner fails to respond within the time specified, the district may proceed to correct the defective work and the property-owner shall compensate the district for the cost thereof, including all direct labor, equipment, material, and overhead costs.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.080 Repair Work. Any person damages any portion of a public sewer (including lower sewer laterals), and does not apply to the district for a permit to make the required repairs to the said sewers within ten (10) days after the district gives notice to do so, the district may proceed to make said repairs and the person damaging said sewers shall compensate the district for the cost thereof, including all direct labor, equipment, materials, and overhead costs. If in the opinion of the district manager, the damage to the said sewers creates an emergency which should be corrected immediately, the district manager may order said person to make the repair within a specified period of time. If ordered to make repairs, and said person fails to respond within the time specified, the district may proceed to make the repairs and said person shall compensate the district for the cost thereof, including all direct labor, equipment material, and overhead costs.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 60, July 27, 1977; Amended by Ord. 134, October 10, 2007; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.090 Suspension or Revocation of Permits. If the permit applicant holder fails or refuses to comply with any provision or condition of the permit, this code, the rules, regulations and orders of the district manager, or the rules and regulations of a municipal, county, state or federal agency, the district manager shall have the authority to suspend the permit by giving written notice of the suspension to the permit holder. The written notice shall state that the permit is suspended, the reasons for the suspension, and the effective date of suspension. The suspension continues until the permit holder removes the grounds for suspension, but in no event shall the suspension be in effect for longer than six (6) months from its effective date. All orders of suspension are subject to the appeals procedures provided for in Chapter 11 of the district's code.

If any of the grounds for a suspension continue during the period of the suspension, and, in the opinion of the district manager, are likely to continue past the termination date of the suspension; he may give written notice to the permit holder specifying the time and place of a hearing before the district board of directors to consider the revocation of the permit. Said notice shall be given at least ten days (10) prior to said hearing, served in the manner prescribed in Sections 11.020 thru 11.040 of the district's code and shall include the grounds for the proposed revocation.

Upon a finding that any of the grounds specified in the notice are true, the board of directors may revoke the permit.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 72, April 8, 1981; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

9.100 Liability. The district, its officers and employees shall not be liable for personal injury, loss of life, or damage to any property consequent to the performance of any work pursuant to a permit issued by the district. permit applicant shall indemnify the district, its officers and employees free and harmless from any such liability imposed by law upon the district, its officers and employees, including all costs, expenses, fees and interest incurred in legal defense of any action to enforce such liability, or the enforcement of this section. The permit applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)