

## ORDINANCE NO. 1436

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE SECTION 7422 PERTAINING TO SEWER REQUIREMENTS

#### TITLE VII—PUBLIC WORKS CHAPTER 2—SEWER

The City Council of the City of Arcata does ordain as follows:

Section 1: Title VII—Public Works, Chapter 2—Sewer, Section 7422 of the Arcata Municipal Code is hereby amended as shown in ~~strike through~~ and underscore:

#### SEC. 7422. **Sewer required.**

The owner of any building situated within the City of Arcata and abutting on any street in which there is now located or may in the future be located a public sewer of the City, is hereby required at his expense to connect said building directly ~~with to the proper~~ public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer. The following exception shall apply:

1. Existing Systems - Owners of buildings that utilize operable on-site sewage disposal systems on or before January 1, 2014, may continue to utilize said systems until such time as either of the following occurs: a) imminent failure of the existing operable on-site sewage disposal system, as determined by Humboldt County's Environmental Health Department or the City's Public Works Director; or b) the potential through expansion or any new construction on the property to exceed the existing system's capacity, as based on criteria established by the Public Works Director.

The provisions of this section shall not apply to any parcel located in the Forest Hillside or Agricultural Exclusive zones, or to any parcel in any zone provided said parcel exceeds 2 1/2 acres in size.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Section 4: Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 5:** This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: January 15, 2014

**ATTEST:**

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/s/ Randal J. Mendosa  
City Clerk, City of Arcata

**APPROVED:**

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/s/ Mark E. Wheetley  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1436, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 15<sup>th</sup> day of January, 2014, by the following vote:

**AYES: WHEETLEY, ORNELAS, STILLMAN, WINKLER**

**NOES: NONE**

**ABSENT: BRINTON**

**ABSTENTIONS: NONE**

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/s/ Randal J. Mendosa  
City Clerk, City of Arcata