

PORT ORDINANCE NO. 4840
ORDINANCE AMENDING AND ADOPTING THE PRIVATE SEWER
LATERAL REGULATIONS AS CHAPTER 10.08 OF THE PORT OF
OAKLAND ADMINISTRATIVE CODE (POAC), AND FINDING
THAT THE PROPOSED ACTION IS EXEMPT UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated April 23, 2026, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby:

A. Approves, amends, and adopts the Private Sewer Lateral Regulations as Chapter 10.08 of the Port of Oakland Administrative Code ("POAC"), as reflected in **Attachment A**, and as further described in the Agenda Report.

B. Repeals all former Port ordinances and/or resolutions containing the Private Sewer Lateral Regulations, including, without limitation, Port Ordinance No. 4474.

C. Authorizes the Executive Director or her designee to take all actions necessary to implement this adoption into the POAC, provided

that such actions do not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, April 23, 2026. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres, Wong and President Cluver - 6. Noes: 0. Excused: Commissioner Muhammad - 1.

Daria Edgerly,

Secretary of the Board

Attachment A

Chapter 10.08 Private Sewer Lateral Regulations

Section 10.08.010 Purpose

The purpose of this Chapter is to:

A. Confirm the applicability and enforceability of the City PSL Ordinance, and the EBMUD Regional PSL Ordinance incorporated therein, within the Port Area and on Port-owned property within the City of Oakland as set forth in this Chapter; and

B. Establish a “Local Ordinance Requirement” as defined in the EBMUD Regional PSL Ordinance establishing that Port tenants shall be “property owners” for the purposes of complying with the City PSL Ordinance, and the EBMUD Regional PSL Ordinance incorporated therein, with certain exceptions as establish herein. The requirements of this ordinance are Local Ordinance Requirements within the meaning of the EBMUD Regional PSL Ordinance.

Section 10.08.020 Definitions

Unless otherwise noted herein, terms appearing with an initial letter capitalized, are defined terms. The definitions set forth in the City PSL Ordinance, and the EBMUD Regional PSL Ordinance incorporated therein, are incorporated herein by reference, as supplemented and modified by this Chapter. Unless the particular Provision or the context otherwise requires, the definitions and Provisions contained in this Section shall govern the construction, meaning, and application of words and terms used in this Chapter.

“City PSL Ordinance” means OMC Sections 13.08.590 through 13.08.620 of Chapter 13.08 (Building Sewers) of Title 13, as such chapter may be amended or superseded.

“EBMUD” means East Bay Municipal Utility District.

“EBMUD Regional PSL Ordinance” means the East Bay Municipal Utility District Regional Private Sewer Later Ordinance 359-13 (which deleted Title VIII and reenacted its modified provisions), amended by Ordinance Nos. 362-14 and 369-19, as it may be amended or superseded, which is incorporated into the City PSL Ordinance.

“Lease” means any lease, assignment agreement, license and concession agreement, temporary rental agreement, contract, or any other tenancy or occupancy agreement between the Port and a Person for real property located in the Port Area or on Port-owned property in the City of Oakland.

“Leasehold Property” means the property contained within the boundaries of any Lease, which may include more than one Assessor’s Parcel Number or less than a full Assessor’s Parcel Number.

“OMC” means the Oakland Municipal and Planning Codes of the City of Oakland, as such codes may be amended or superseded.

“Parcel” as used in the EBMUD Regional PSL Ordinance means, for purposes of implementing this Chapter, the Leasehold Property.

“Property Owner” shall include, in addition to the persons and entities included within the EBMUD Regional PSL Ordinance definition of “property owner,” any Person using or occupying any lands or other real property owned by the Port pursuant to any Lease. The Port is not a “Property Owner” for the purposes of the EBMUD Regional PSL Ordinance, the City PSL Ordinance, or this Chapter.

Section 10.08.030 Adoption of City PSL Ordinance

The City PSL Ordinance is adopted into this Chapter by reference and its provisions, including, without limitation, the EBMUD Regional PSL Ordinance, shall be enforceable within the Port Area, as modified by this Chapter.

Section 10.08.040 Amendments to the City PSL Ordinance in the Port Area

A. The first sentence of OMC Section 13.08.600 shall be amended to add the following text at the beginning of the sentence: “Unless otherwise excepted under Sections F and H below,”.

B. Subsection “E” of OMC Section 13.08.600 is amended to read as follows:

“Properties with Sanitary Sewers Totaling Greater than one thousand (1,000) Feet in Length. Within one (1) year of occurrence of any event specified in Subsection A, B or C of this section [OMC Section 13.08.600], Property Owners of real property or Leasehold Property that contains sanitary sewers totaling greater than one thousand (1,000) feet in length shall submit for EBMUD approval, a condition assessment plan with a schedule to perform testing to assess the condition of all of the sewer laterals on the property to determine compliance with the EBMUD Regional PSL Ordinance. Within six (6) years of triggering compliance requirements, such Property Owners shall complete all condition assessment testing and submit a corrective action work plan for EBMUD approval with a copy to the Port’s Director of Engineering.”

C. Subsection “H” (Port Exemption) is hereby added to OMC Section 13.08.600 to read as follows:

“(H) Port Exception:

1. A Property Owner may be excepted by written agreement between said Property Owner and the Port by which a party other than the Property Owner, expressly assumes the responsibility for compliance with the City PSL Ordinance, and the EBMUD Regional PSL Ordinance incorporated therein.”

Section 10.08.050 Obligations of Property Owners

A. Compliance Certificates

Property Owners shall be expressly required to obtain a Compliance Certificate from EBMUD as specified in the City PSL Ordinance, and the EBMUD Regional PSL Ordinance incorporated therein, as modified by this Chapter.

B. Other Obligations

Within the Port Area and on Port-owned property within the City of Oakland, Property Owners shall be responsible for: inspecting building sewers; obtaining all required permits; performing all necessary building sewer repair or replacement; scheduling inspections with EBMUD; passing a verification test witnessed by EBMUD; and obtaining and filing with the City a compliance certificate from EBMUD as set forth in the EBMUD Regional PSL Ordinance for the entire building sewer (upper building sewer lateral and lower building sewer lateral) when one or more of the triggering events in OMC Sections 13.08.600 A, B, or C occurs, except as modified by this Chapter for Leasehold Properties with sanitary sewers totaling greater than one thousand (1,000) feet in length.