

ORDINANCE NO. 5

REDWAY COMMUNITY SERVICES DISTRICT SEWER

AN ORDINANCE ESTABLISHING RATES AND THE USE OF PUBLIC WASTE COLLECTION AND TREATMENT FACILITIES

Be it ordained by the Redway Community Services District,
Humboldt County, California, as follows:

ARTICLE 1 - GENERAL PROVISIONS

Sec. 1.1 - Purpose. The purpose of this ordinance is to provide for maximum possible beneficial public use of the District's facilities through adequate regulation of sewer construction, sewer use, and industrial wastewater discharges, and to provide procedures for complying with requirements placed upon the District by other regulatory agencies.

Sec. 1.2 - Scope. This ordinance shall be interpreted in accordance with the definitions set forth herein. The provisions of this ordinance will apply to the direct or indirect discharge of all liquid carried wastes to facilities of the District. This ordinance provides for the regulation of sewer construction in areas within the District, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of Permits for Industrial Wastewater Discharge and other miscellaneous permits and the establishment of penalties for violation of this ordinance.

Sec. 1.3 - Short Title. This ordinance shall be known as the "REDWAY COMMUNITY SERVICES DISTRICT SANITARY CODE".

Sec. 1.4 - Violation. Following the effective date of this ordinance, it shall be unlawful for any person whose building is required to be connected to a public sewer under Sec. 5.4 to use any other means of sewage disposal.

Sec. 1.5 - Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to the property or person, may make written application to the Board, stating the special circumstances, citing the provisions complained of, and requesting suspension or modification of this provision as applied to the premises. If such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises to be effective as of the date of the application and continuing during the period of the special circumstances.

Sec 1.6. - Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances or any part thereof.

Sec 1.7. - Permits and Fees. No public sewer, side lateral, or other sewage facility shall be installed, altered, or repaired within the District until a permit for the work has been obtained from the District and all Fees paid in accordance with the requirements of this ordinance.

Sec. 1.8 - Access and Authorities of Inspectors. The officers, inspectors, managers, and duly authorized employees of the District shall be permitted to enter in and upon any and all buildings, industrial facilities, and properties for the purpose of inspection, re-inspection, observation, measurement, sampling, testing, or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulation of the District.

Sec. 1.9 - Separability. If any section, subsection, sentence, clause, or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 1.10 - Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

ARTICLE 2 – DEFINITIONS

For the purpose of this ordinance, the terms used herein are defined as follows:

Sec. 2.1 - Board shall mean the Redway Community Services District Board of Directors.

Sec. 2.2 - Cost shall be the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

Sec. 2.3 - County shall mean the County of Humboldt, California.

Sec. 2.4 - District shall mean the Redway Community Services District, Humboldt County, California.

Sec. 2.5 - Plant Operator shall mean the personnel appointed by the Board to administer and enforce the rules and regulations of the District and perform the maintenance required consistent with state and federal requirements.

Sec. 2.6 - District Engineer shall mean the Engineer employed and acting for the Board of Directors and shall be a Registered Civil Engineer.

Sec. 2.7 - User shall mean any individual human being, or other legal entity that is recognized by law as an entity with rights and duties.

Sec. 2.8 - Permit shall mean any written authorization required pursuant to this or any other regulation of the District for the installation of any sewage works.

Sec. 2.9 - Building shall mean any structure inhabited or used by human beings.

Sec. 2.10 - Applicant shall mean the person making application for a permit for a sewer installation and shall be the owner of the premises to be served by the sewer for which a permit is required, or authorized agent.

Sec. 2.11 - Contractor shall mean an individual, legal entity, or association duly licensed by the State of California to perform the work.

Sec. 2.12 - Single Family Unit – shall mean and refer to the place of residence for a single-family.

Sec. 2.13 - Multiple Dwelling shall mean a building for residential purposes for separate occupancy of more than one person or families, including but not limited to the following: hotels, motels, mobile home parks, recreational vehicle parks, apartment houses, duplex, rooming houses, boarding houses, and dormitories.

Sec. 2.14 - Street shall mean any public highway, road, street, avenue or alleyway.

Sec. 2.15 - Sewage shall mean refuse liquids or waste matter carried off by sewers.

Sec. 2.16 - Sewer shall mean a pipe or conduit for carrying sewage.

Sec. 2.17 - Public Sewer shall mean a sewer lying within a street or easement that is controlled by or under the jurisdiction of the District.

Sec. 2.18 - Combined Sewer shall mean a sewer receiving surface runoff.

Sec. 2.19 - Sanitary Sewer shall mean a sewer that carries sewage.

Sec. 2.20 - Storm Sewer or Storm Drain shall mean a conduit that carries storm and surface or ground waters and drainage.

Sec. 2.21 – Sewer Main shall mean a public sewer designed to accommodate more than one lateral sewer.

Sec. 2.22 – Sewer Lateral shall mean the portion of a sewer lying within a public street or right-of-way connecting a building sewer to the main sewer.

Sec. 2.23 – Side Lateral shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line.

Sec. 2.24 - Outside Sewer shall mean a sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of the District.

Sec. 2.25 - Sewage Treatment Plant shall mean structures used for treating sewage.

Sec. 2.26 - Use/Unit Equivalency Use/Unit Equivalency rates are based upon the nature of business as it relates to the capacity of the wastewater collection and treatment system, per the appropriate government code, as well as the number of staff/occupancy and the number of additional sinks, toilets and tubs/showers. Residential use/unit equivalency rates are based on a single-family residence. Each residence, whether separate or connected to another residence will be considered a unit for billing purposes.

Sec. 2.27 - Additional Definitions For the purposes of this ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the “Uniform Plumbing Code” adopted by the International Association of Plumbing and Mechanical Officials.

ARTICLE 3 - LATERAL SEWERS AND CONNECTIONS

Sec. 3.1 - Permit Required. In accordance with this ordinance, no person shall connect with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

Sec. 3.2 - Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the District and in accordance with standard District specifications.

Sec. 3.3 - Separate Sewers. Each property must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement that serves said property. However two or more buildings located on property belonging to the same owner may be served with the same side lateral. When the property is subdivided a separate lateral will be required for each.

Sec. 3.4 - Existing Laterals All modifications of connections to existing laterals require inspection by the District before backfill of trench.

Sec. 3.5 - Clean Outs. The District will provide a clean out as close to the property line as possible. An additional clean out will be required for each 100 feet of side lateral pipe and

installed by the customer..

Sec. 3.6 - Private Lift Station If sewage from the property cannot flow by gravity into the public sewer a lift station will be required. All private lift stations located within the District shall have a high-level alarm, and a check valve located after the mechanical pump. A qualified agent of the District shall inspect the private lift station prior to start up. The property owner is responsible for installation of the entire lift system, including connection to the District sewer network. Under conditions where property is subsequently sub-divided and sewage is produced other than that served by the original lift system, appropriate District permits and connection fees are required. In addition, the owner of each such property shall install a separate sewer connecting the system to the District's collection system.

Sec. 3.7 - Connection to Public Sewer. The Operations Manager or Field Staff shall inspect the connection to the sewer lateral prior to backfilling. Any damage to the sewer lateral shall be repaired and the cost billed to the applicant.

Sec. 3.8 - Maintenance of Side Lateral. The owner of the property served shall maintain the side lateral. Removal of obstructions or repairs to pipe work will be at the owner's expense.

Sec. 3.9 - Testing. All side laterals shall be tested for leaks prior to being placed in service.

Sec. 3.10 - Changes in Use of Premises. If an existing property is subdivided or rezoned to commercial use the District requires notification of such change.

ARTICLE 4 - PUBLIC SEWER CONSTRUCTION

Sec. 4.1 - Application Required. An application to connect a building to a public sewer, when the property upon which such building is situated does not abut a public sewer, shall pay all fees and connection charges and shall furnish bonds as required by this section.

Sec. 4.2 - Fees. A fee, in the amount deemed necessary by the District to pay all engineering inspection and other costs required to insure compliance with the terms of the permit and with the rules, regulations and ordinances of the District shall be paid to the District prior to the time the permit is issued, for reviewing plans and specifications, issuing a permit and inspecting the installation of public sewer extension, lateral and all appurtenances. If the fee fixed by the District is in excess of the actual cost to the District, any surplus over the cost shall be refunded to the person obtaining the permit. If the fee fixed by the District is less than the actual cost to the District, the person obtaining the permit shall be liable for the excess cost to the District. Prior to the issuance of a permit, the applicant shall furnish a performance bond or cash in the amount of the total estimated cost. The cash deposit or bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

Sec. 4.3 - Reimbursement Agreements. The Board of Directors may, as provided by State law, enter into an agreement to reimburse a sub divider, school district, or other person for a portion of the cost of extending community sewers. Such agreements shall be in effect for a maximum period of five (5) years after the date of such agreements.

Sec. 4.4 - Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three (3) complete sets of plans, profiles, and specifications complying with all applicable ordinances, rules and regulations of the District. The plans, profiles and specifications shall be prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the District's engineer and/or Operations Manager who shall within sixty (60) days approve them or require them to be modified.

Sec. 4.5 - Subdivisions. The requirements of Section 4.1 to 4.4 of this ordinance shall be fully complied with before the Board approves final subdivision map. The final subdivision map shall provide for the dedication for public use of streets and easements in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and the appropriate steps to enforce the provisions of the bond furnished by the sub divider.

Sec. 4.6 - Easement or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of twenty (20) feet sufficient by law to allow the laying and maintenance of such extension or connection.

Sec. 4.7 - Persons Authorized to Perform Work. Only properly licensed contractors and District personnel shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to lateral sewers installed concurrently with public sewer construction.

Sec. 4.8 - Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all state, county or city laws, ordinances, rules and regulations pertaining to cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof. The contractor shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District. The district may permit modifications or may require higher standards where unusual conditions are encountered.

Sec. 4.9 - Completion of Sewer Required. Before acceptance of any sewer line by the district and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be completed in full compliance with all requirements to the satisfaction of the District Engineer and/or Operations Manager.

Sec. 4.10 - Grade Stakes. A Registered Civil Engineer or Licensed Land Surveyor shall set grade and line stakes prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grade to sewer invert.

Sec. 4.11 - Protection of Excavation. The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. Applicant shall likewise protect the public in the use of the sidewalks against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and any other person or entity having jurisdiction.

ARTICLE 5 - USE OF PUBLIC SEWERS

Sec. 5.1 - Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.

Sec. 5.2 - Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any portable toilet facility, septic tank, cesspool, seepage pit, or other facility intended or used for the disposal of sewage.

Sec. 5.3 - Occupancy Prohibited. No building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District.

Sec. 5.4 - Sewer Required. The owner of any building situated within the District and abutting on any street in which there is now located, or may in the future be located, a public sewer of the District, is hereby required, at the owner's expense, to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance. The connection must be completed 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.

Sec. 5.5 - Abandonment of Sewage Disposal Systems. Where a sewage disposal system is abandoned, for the purpose of connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

Sec. 5.6 - Rainwater or Uncontaminated Water Prohibited. No person or entity shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage,

subsurface drainage, yard drainage water from yard fountains, ponds or lawn sprays, cooling water, or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to facilities owned by the District.

Sec. 5.7 - Interceptors Required. Grease, oil, and sand interceptors shall be provided when in the opinion of the District or local agencies they are necessary for the proper handling of liquid wastes containing grease or other harmful ingredients in amounts to create a public nuisance. Local agencies and the District shall approve the type and capacity of all interceptors. Interceptors shall be so located as to be readily and easily accessible for cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Sec. 5.8 - Preliminary Treatment of Wastes. Preliminary treatment and an industrial discharge permit are required prior to the admission into the public sewers of any waters or wastes having:

- (a) five day biochemical oxygen demand greater than 250 milligrams per liter, or
- (b) more than 250 milligrams per liter of suspended solids, or
- (c) an average daily flow greater than two percent of the average daily flow of the District.

Plans, specifications, and any other pertinent information relating to the preliminary treatment facilities shall be submitted for approval to the District Engineer or Operations Manager.

Sec. 5.9 - Maintenance of Pretreated Facilities. Where required by the District, preliminary treatment facilities for any waters or wastes shall be maintained in satisfactory and effective operation by the owner at his expense and to the satisfaction of the District.

Sec. 5.10 - Control Manholes. When required by the District, the owner of any property served by a side lateral carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District Engineer, Operations Manager, or the Board of Directors. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 5.11 - Measurements and Tests. All measurements, tests, and analyses of the characteristics of water and wastes shall be in accordance with standard methods and shall be collected at the control manhole provided for in Section 5.10. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side lateral is connected.

Sec. 5.12 - Special Agreement. No statement contained in this article shall be construed as preventing any special agreement or arrangement between District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by District, state and federal requirements.

Sec. 5.13 - Swimming Pools. It shall be unlawful for any person to discharge the

contents of a swimming pool into a sanitary sewer.

ARTICLE 6 - INDUSTRIAL WASTEWATERS

Sec. 6.1 - Permit for Industrial Wastewater Discharge. No person shall discharge or cause to be discharged any industrial wastewaters directly or indirectly to sewerage facilities owned by the District without first obtaining a permit. The permit may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the District, relocation of point of discharge, prohibition of discharge of certain wastewaters components, restriction of discharge to certain hours of the day. Additional charges to defray increased costs of the District created by the wastewater discharge may be imposed. No permit is transferable without the prior written consent for the District. No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the permit

Sec. 6.2 - Procedure for Obtaining a Permit. Applicants for a Permit for Industrial Wastewater Discharge shall complete a District's application form available at the District office. The District may require additional information on the characteristics of the wastewater discharge beyond that required on the application form. Upon receipt of all required information, the application shall be processed and approved by the District Engineer or Operations Manager. Once approved the permit and all attachments will be forwarded to Board of Directors. The approved application form and all attachments shall constitute a valid Permit for Industrial Wastewater Discharge.

Sec. 6.3 - Change of Industrial Wastewater Permit Restrictions. The District may change the restrictions or conditions of a Permit for Industrial Wastewater Discharge. The District shall allow an industrial discharger a reasonable period of time to comply with any changes in the Industrial Wastewater Permit.

Sec. 6.4 - Suspension of Permit. The Operations Manager may suspend a Permit for Industrial Wastewater Discharge when such suspension is necessary in order to stop a discharge, which presents an imminent hazard to the public health, safety, or welfare to the local environment or to the District's sewage system. Any discharger notified of a suspension of his Industrial Wastewater Permit shall immediately cease and desist the discharge of all industrial wastewater to the sewage system. The Operations Manager shall reinstate the Industrial Wastewater Permit upon proof of satisfactory compliance with all discharge requirements of the District. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Operations Manager shall take steps as are reasonably necessary to ensure compliance

Sec. 6.5 - Revocation of Permit. The District may revoke a Permit for Industrial Wastewater Discharge upon a finding that the discharger has violated any provision of this Ordinance. Any discharger whose Industrial Wastewater Permit has been revoked shall immediately stop the discharge of any liquid carried wastes covered by the Permit to any public sewer. The Field Staff may disconnect or permanently block from such public sewer the industrial sewer connection of any discharger whose permit has been revoked if such action is necessary to ensure compliance with the order of revocation.

Sec. 6.6 - Availability of District's Facilities. If sewerage capacity is not available, the District may require the industrial wastewater discharger to restrict the discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where industrial wastewater of their proposed quantity and quality can be received by available sewerage facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of industrial wastewater is unacceptable in the available treatment facility.

Sec. 6.7 - Damage Caused by Prohibited Wastewater Discharge. Any industrial wastewater discharger who discharges or causes the discharge of prohibited wastewaters which cause damage to District facilities, detrimental effects on treatment processes or any other damages resulting in costs to the District shall be liable for all damages occasioned thereby.

ARTICLE 7 - PERMITS

Sec. 7.1 - Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any side lateral without contacting the District and obtaining all necessary permits.

Sec. 7.2 - Application for Permit. A property owner or his/her authorized agent may make an application for sewer service. (See attached application form).

Sec. 7.3 - Compliance with Permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from District or authorized representatives.

Sec. 7.4 - Agreement. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms, and requirements of this and other ordinances, rules and regulations of the District. Such agreement shall be binding upon the applicant. The agreement may be altered by the District upon the written request for the alteration from the applicant.

Sec. 7.5 - Special Connection Charges. In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when in the opinion of the Board the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein.

Sec. 7.6 - All Costs Paid by Owner. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued, including the inspection shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 7.7 - Liability. The District and its officers, agents and employees shall not be answerable for any liability, injury, death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall hold the District and its officers, agents, and employees harmless from any liability imposed by law upon the District or its officers, agents, or employees, including all costs, expenses, fees, and interest incurred in defending it or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure, which may develop therein.

Sec. 7.8 - Time Limit on Permits. If work under a permit is not commenced within ninety (90) days from the date of issuance, or if after partial completion, the work is discontinued for a period of six (6) months, the permit thereupon becomes void and no further work shall be done until a new permit has been secured. A new fee to cover additional costs to the District shall be paid upon the issuance of said new permit.

Sec. 7.9 - Notification. It shall be the duty of the person doing the work authorized by permit to notify the office of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays, and holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification. Inspection shall be completed during normal business hours.

Sec. 7.10 - Final Inspections. The Operations Manager or an inspector acting for the District to ensure compliance with all requirements of the District shall inspect all sewer construction work. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected, and approved by the District. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the District shall issue a certificate of satisfactory completion.

ARTICLE 8 - WASTEWATER CHARGES AND FEES

Sec. 8.1 - Schedule of Charges and Fees. A schedule of charges and fees shall be adopted by the District, which will enable it to comply with the revenue requirements of the State Clean Water Grant Program. Charges and fees shall be determined in a manner consistent with regulations of the Grant Program.

Sec. 8.2 - Classification of Users. All users shall be classified according to the principal activity conducted on the user's premises, or by appropriate non-industrial classifications as determined by the District. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of user charges and fees which will ensure an equitable recovery of the District's cost.

Sec. 8.3 - Types of Charges and Fees. The charges for each wastewater element shall be established by the District and set forth in the District's schedule of charges and fees, which

may include, but not be limited to:

1. User classification charges
2. Fees for monitoring
3. Fees for permit applications
4. Appeal fees
5. Fees based on wastewater constituents and characteristics
6. Use/Unit Equivalency; Unit equivalency for commercial units is based on expected flow generated by normal types of sources, restrooms with sinks and typical hours of operation.

Sec. 8.4 - Determination of User Charges and Fees. When user classification charges are established, they shall be computed in accordance with “Revenue Program Guidelines for Wastewater Agencies”, published by the California State Water Resources Control Board, September 1974. The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of that user which may include, but not be limited to BOD, COD, SS, oil and grease, chlorine demand and volume.

Sec. 8.5 - Fees - Lateral Services Connection Charges. In addition to any other charges established by the ordinances, rules and regulations of the District, a connection charge shall be collected prior to connection to the sanitary sewer system as follows:

A. Four (4) inch lateral sewer, the amount of:

1. Non-existing lateral: A Construction deposit of at current rate for material and labor costs and inspection fee at rates in effect at the time of construction, plus
2. Residential unit will be charged at current rate to be deposited in the wastewater general fund
3. Residential multi-unit will be charged at current rate per unit to be deposited in the wastewater general fund
4. Commercial unit will be charged at current rate to be deposited into the wastewater general fund
5. Commercial multi-unit will be charged at current rate, plus at current rate per unit, to be deposited into the wastewater general fund

B. Six (6) inch lateral sewer, the amount of:

1. Non-existing lateral: A construction deposit of at current rate for materials and labor
2. Residential multi-unit will be charged at current rate per unit to be deposited in the wastewater general fund
3. Commercial unit will be charged at current rate to be deposited in the wastewater general fund
4. Commercial multi-unit will be charged at current rate, plus at current rate per unit to be deposited in the wastewater general fund

C. The District does not accept laterals larger than six (6) inch to the sanitary sewer system.

Sec. 8.6 - Pretreatment Charges and Fees. The District may adopt by resolution reasonable charges and fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Fees for enforcement, which shall include all charges for labor, materials, testing, equipment and an administrative fee.

Sec. 8.7 - Monthly Charges. Monthly fees for sewer service are hereby established as follows: Sewer and SEF System Expansion Fund for Expansion and Capital Improvements fees per month per use/unit equivalency.

A. Residential

- 1. One unit residential dwelling, at the current rate plus at the current rate for system expansion fund.
- 2. Multi-unit residential dwelling, at the current rate per unit, plus at the current rate for system expansion fund per equivalent single-family unit. Any multiple unit dwelling exceeding 2 units will be billed to the property owner or property management at the appropriate rates.

B. Commercial A: Retail Storefront

- 1. Minimum monthly charge, at the current rate plus at the current rate system expansion fund per unit-Any complex exceeding 2 units will be billed to the property owner or property management at the appropriate unit equivalency rate.

C. Commercial B: Light Industrial: Any complex exceeding 2 units will be billed to the property owner or property management at the appropriate unit equivalency rate.

- 1. Minimum monthly charge, at the current rate plus at the current rate system expansion fund per unit
- 2. Additional charges of at the current rate per 100 cubic feet of water used

D. Commercial "C": Large Commercial: Any complex exceeding 2 units will be billed to the property owner or property management at the appropriate unit equivalency rate.

- 1. Minimum monthly charge, at the current rate plus at the current rate system expansion fund per unit

2. Additional charges of at the current rate per 100 cubic feet of water used

Sec. 8.8 - Abandonment Charge. Any person who desires to disconnect a building from the District's sewer system to abandon service to a property shall pay to the District an abandonment charge. The abandonment charge shall consist of:

- A. All costs incurred by the District in disconnecting the system at the property line and plugging and sealing the line, including the cost of surveying, if any.
- B. The sum of at current rate to recover the District's costs in extending the original line to the property.

Sec. 8.9 - Payment of Bills. Bills for sewer service shall be rendered at the end of each billing period and may be combined with water bills. Bills shall be payable on presentation. If not paid within 10 days of due date on bill, a late charge shall be applied for those users who have sewer only. Residential Unit: at current rate Commercial Unit: at current rate

Sec. 8.10 - Rates and fees and penalties (exclusive of those imposed by government code) are set by Resolution of the District Board of Directors. Following annual evaluation any adjustment of rates and fees shall be accomplished by resolution by the District's Board of Directors; as required to be fiscally responsible to the requirements of the community and in compliance with state and local regulations. The current rates and fees will be set by the most recent Board Resolution of record.

ARTICLE 9- PENALTIES

Sec. 9.1 - Administrative Complaint. Notwithstanding any other provision in the Ordinance, the District may issue an administrative complaint to any user who violates any requirement of this ordinance. The administrative complaint shall allege the act or failure to act that constitutes the violation of this ordinance, the provisions of the law that authorizes civil liability to be imposed, and the proposed civil penalty.

Sec. 9.2 - Hearings. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the discharge requirements, and shall inform the person served that a hearing shall be conducted within sixty (60) days after the person has been served. The hearing shall be before a hearing officer designated by the Board. The person who has been issued an administrative complaint may waive the right to a hearing, in which case no hearing shall be conducted. A person dissatisfied with the decision of the hearing officer may appeal to the Board within thirty (30) days of notice of the hearing officer's decision.

Sec. 9.3 - Violation of Reporting or Discharge Requirements. If after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the hearing officer of District may assess a civil penalty and costs incurred for the appeal against

that person. In determining the amount of the civil penalty, the hearing officer of District shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the length of time over which the violation occurred and corrective action, if any, attempted or taken by the discharger.

Sec. 9.4 - Civil Penalties. Civil penalties may be imposed in accordance with Government Code Section 54740.5 as follows:

- A. In an amount, which shall not exceed *at current rate* for each day for failing or refusing to furnish technical or monitoring reports.
- B. In an amount, which shall not exceed *at current rate* for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- C. In an amount, which shall not exceed *at current rate* per violation for each day a discharger is in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
- D. In an amount, which does not exceed *at current rate* per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
- E. The amount of any civil penalty imposed under this Section, which has remained delinquent for a period of sixty (60) days, shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force or effect until recorded the County Recorder and when recorded, shall have the force and effect and priority of a judgment lien and continued for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Section 683.110-683-220, inclusive, or the Code of Civil Procedure.

ARTICLE 10- ENFORCEMENT

Sec. 10.1 - Violation. Any person found to be violating any provision of this or any other ordinance, rule, or regulation of the District shall be served written notice by an authorized representative of the District. Notice shall state the nature of the violation and provide a reasonable time limit for satisfactory correction. Said time limit shall be not less than two or more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the District of any defect arising in any sewer or any violation of this ordinance, the person or persons having charge of said work should immediately correct the same. In the event of an emergency notification time period may be waived.

Sec. 10.2 - Public Nuisance. It is hereby declared that whenever any area in the District is provided with a sewage system, the further maintenance or use of other means of sewage disposal is a public nuisance.

Sec. 10.3 - Disconnection. As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection, an estimated cost of disconnection from and reconnection to the system shall be made. Such user shall deposit the cost, as estimated, of disconnection and reconnection before being reconnected to the system. The District shall refund any part of the deposit remaining after reconnecting to the system.

Sec. 10.4 - Public Nuisance, Abatement. During the period of such disconnection, human habitation of the premises shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for human occupancy of said premises during the disconnection. In such event and as a condition of reconnection, violator shall pay to the District reasonable attorney's fee and cost of suit arising in said action.

Sec. 10.5 - Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

Sec. 10.6 - Liability for Violation. Any persons violating any of the provisions of the ordinances, rules and regulations of the District shall become liable to the District for any expense, loss, or damage to the District by reason of such violation.

Sec. 10.7 - Injunctive Relief Penalties. Whenever a user has violated a pretreatment standard or continues to violate the provisions of this ordinance, wastewater discharge permits or order issued hereunder, or any other pretreatment requirement, the District may petition the court for an injunction. Such user may be liable to the District for a maximum civil penalty of *at current rate* per violation, per day, for reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

Sec. 10.8 - Civil Liability. Any person who violates any requirements adopted or ordered by the District pursuant to paragraphs (1) or (2) of subdivision (a) of Government Code Section 54739 may be liable to the District in a sum not to exceed *at current rate* a day for each violation.

Sec. 10.9 - Criminal Prosecution.

A. Any user who willfully or negligently violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than *at current rate* per violation per day or imprisonment for not more than six (6) months or both.

- A. Any user who willfully or negligently introduces any substance into the collection or treatment facilities, which causes personal injury or property damage, upon conviction, shall be guilty of and subject to civil and criminal penalties. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State Law.
- B. Any user who knowingly makes false statements, representations, or certification in any application, record, report, plan or other documentation filed or required to be maintained pursuant to the ordinance wastewater discharge permit or order, or who falsifies, or tampers with, shall be subject to civil penalties.

Sec. 10.10 - Remedies Exclusive. The District reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violation will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any user when the circumstances warrant.

Sec. 10.11 - Performance Bonds. The District may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the District, of a sum determined by the District to be necessary to achieve consistent compliance.

Sec. 10.12 - Water Supply Severance. Whenever a user has violated or continues to violate the provisions of this ordinance, orders or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

Sec. 10.13 - Public Nuisances. Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the District's designee.

ARTICLE 11 – TIME OF TAKING EFFECT

Sec. 11.1 – This Ordinance shall take effect *immediately* from date of passage, and prior Ordinances are hereby repealed or revised.