

WASTE WATER ORDINANCE NO. 6

REDWAY COMMUNITY SERVICES DISTRICT

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

APPROVED by RCSD Board
01/17/2024

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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 District Wastewater Infrastructure. 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.

The District Standard Specifications and Standard Details are hereby made a part of this Ordinance including other standards and codes referenced herein and referenced in the Standard Specification and Details. The Standard Specifications and Details are "Dynamic" documents and shall be revised periodically to reflect changing regulations, design and construction methods, materials and test/inspection procedures. Revisions to the Standard Specifications and Details will not require this Ordinance to be modified.

Sec. 1.3 Short Title.

This ordinance shall be known as the "REDWAY COMMUNITY SERVICES DISTRICT Wastewater Ordinance No. 6.0

Sec. 1.4 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. 1.5 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

Sec. 2.1 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. 2.2 Board.

Shall mean the Redway Community Services District Board of Directors.

Sec. 2.3 Building.

Shall mean any structure inhabited or used by human beings.

Sec. 2.4 Cesspool

Shall mean an underground pit into which raw sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed, excluding residential holding tanks installed and operated under County Health Officer Permit.

Sec. 2.5 Cost.

Shall be the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

Sec. 2.6 Community Sewer

Shall mean a sewer owned or operated by the District, or a sewer owned or operated by another person or entity that is tributary to and discharges into an interceptor, or a treatment or disposal facility owned or operated by the District.

Sec. 2.7 Contamination

Shall mean impairment of the quality of the waters of the State by waste to a degree that creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Sec. 2.8 Contractor.

Shall mean an individual, legal entity, or association duly licensed by the State of California to perform the work as specified in its Contractor's License.

Sec. 2.9 County.

Shall mean the County of Humboldt, California.

Sec 2.10 Demand Flow

The quantity of wastewater volume discharge demand assured for purposes of this Ordinance, weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.

Sec. 2.11 Developer

Shall mean any person who enters into an agreement with the District for the construction of sewer facilities to be transferred to the District for the provision of sewer services to a project or parcel(s).

Sec. 2.12 District.

Shall mean the Redway Community Services District, Humboldt County, California, its directors, officers, staff or authorized representatives.

Sec. 2.13 District Engineer

The professional engineer employed or retained by the District, and shall be a Registered Civil Engineer.

Sec. 2.14 Dwelling Unit

Shall mean a suite of one or more rooms occupied or intended to be occupied by one or more persons or families doing its own cooking.

Sec. 2.15 Garbage

Shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage, and sale of meat and produce.

Sec. 2.16 General Manager

Shall mean the General Manager of the District or his or her designated representative.

Sec 2.17 Holding Tank Waste:

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease traps or grease interceptors, and vacuum pump tank trucks.

Sec 2.18 Industrial Wastes

Any or all solid or liquid waste substances not sewage, from any producing, manufacturing or processing operation of whatever nature.

Sec. 2.19 Mobile Home

Shall mean any vehicle, other than a motor vehicle, used as semi-permanent housing, designed for human habitation, for carrying persons and property on its own structure including a trailer coach, and for being drawn by a motor vehicle.

Sec. 2.20 Mobile Home Park

Shall mean a User which has a proper license and permit issued by Humboldt County to lease or

rent mobile homes, or parcels of land to be occupied by mobile homes, and which is defined in the Humboldt County Code. Any area or tract of land where one or more mobile home lots are rented or held out for rent, including a trailer park.

Sec. 2.21 Multiple Dwelling Unit

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. 2.22 Natural Outlet

Shall mean any naturally occurring outlet into a watercourse, river, stream, pond, lake or other body of surface or groundwater.

Sec. 2.23 Nuisance

Shall mean anything that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfort or enjoyment of life or property. A public nuisance is one that affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Sec. 2.24 Owner

Shall mean the legal Owner of property situated within the boundaries of the District as reflected in the official records of the County Recorder of Humboldt County.

Sec. 2.25 Participation Fee (also called a Connection Fee)

Shall mean a one-time charge paid when a new connection is made to the District Sewer System. The fee is based on the capital cost of capacity and represents a reimbursement to the District's ratepayers for providing available capacity to future users of the sewer system. By paying this fee new customers have participated equally with existing rate payers in sharing the capital cost of sewer system capacity.

Sec. 2.26 Permit

Shall mean any written authorization required pursuant to this or any other rule, regulation, or ordinance of District or County for the installation of any water or sewer system facilities , infrastructure or building.

Sec. 2.27 Person

Shall mean any individual, partnership, firm, association, corporation, society, or public agency (political subdivision) including the State of California and the United States of America.

Sec. 2.28 Planned Development

Shall mean a development such as neighborhood and district shopping centers, professional and administrative areas, multiple-housing developments including townhouse developments,

condominiums, single-family residential developments, commercial service centers and industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development, situate on an area one acre or more in extent, for which a Development Plan has been approved by appropriate County agency or agencies.

Sec. 2.29 Pollution

Shall mean an alteration of the quality of the waters of the State by waste to a degree that unreasonably affects such waters for beneficial use or facilities that serve such beneficial Users. Pollution may include contamination.

Sec. 2.30 Premises

Shall mean a parcel or parcels of real estate or portions thereof, including any improvements thereon, which is determined by the District to be a single User for purposes of receiving, using or paying for sewer service.

Sec. 2.31 Private Sewer

That portion of the sewer line extending from the public sanitary sewer to and onto private property and connecting directly to a building, structure, mobile home, camper or travel trailer.

Sec. 2.32 Properly Shredded Garbage

Shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any one dimension.

Sec. 2.33 Public Institutions, Buildings and Facilities

Shall mean users who are exempt from real property taxation, and for the purpose of this definition, are limited to public buildings, fairground complexes, public schools, fire stations, public restrooms, churches, and public-owned hospitals and long-term care facilities.

Sec. 2.34 Public Sanitary Sewer

Shall mean the sanitary sewerage system, treatment plant and appurtenances owned and maintained by the District.

Sec. 2.35 Sanitary Sewer

Shall mean a pipe conveyance that carries domestic sewage and industrial wastes.

Sec. 2.36 Public Sewer.

Shall mean a sanitary sewer lying within a street or easement that is controlled by or under the jurisdiction of the District.

Sec. 2.37 Combined Sewer.

Shall mean a sewer receiving storm and surface water runoff and drainage.

Sec. 2.38 Sanitary Sewer Main.

Shall mean a public sewer designed to accommodate more than one sewer lateral.

Sec. 2.39 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. 2.40 Side Lateral.

Shall mean that portion of any private sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line.

Sec. 2.41 Outside Sewer.

Shall mean a sanitary sewer beyond the jurisdictional boundaries of the District not subject to the control or jurisdiction of the District.

Sec. 2.42 Septic Tank

Shall mean a tank in which the settled sewage sludge is in immediate contact with the sewage flowing through the tank, while the organic solids decompose by anaerobic bacterial action.

Sec. 2.43 Sewage

Shall mean any and all liquid or solid waste substances associated with human habitation, or which contains or be contaminated with human or animal excrement, offal or feculent matter.

Sec. 2.44 Sewage Treatment Plant

Shall mean any arrangement of devices and structures used for treating sewage.

Sec 2.45 Sewage Works

Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sec. 2.46 Sewer Stub

Shall mean a point of connection into a public sewer created by the installation of an engineered part for connection purposes, approved by the District, installed in compliance with District standards, for the purpose of connecting or attaching a private sewer.

Sec. 2.47 "Shall" and "Will"

As used in this document shall mean a mandatory or obligatory act or requirement.

Sec. 2.48 Single Commercial Use

Shall mean a business occupying one or more buildings, structures, or mobile homes operated to offer a separate service, commodity or product.

Sec. 2.49 Single Family Dwelling

Shall mean any unit designed to house human beings which shall consist of one or more rooms and having one or more plumbing fixtures and used or capable of occupancy by a single person

or any number of persons living together as a single family.

Sec. 2.50 Single Family Equivalent

Shall mean the capacity required to meet the estimated potential demand of the typical residential User expressed in terms of the volume of wastewater discharged, usually average daily flow in gallons per day.

Sec. 2.51 Storm Drain

Shall mean a conduit, which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

Sec. 2.52 Suspended Solids

Shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Sec. 2.53 Tenant

Shall mean any User who does not have legal title to the premises occupied, that is, renter, lessee, agent, concessionaire, etc. and occupies the premises with the permission of the property owner.

Sec. 2.54 Unpolluted Water

Shall mean water containing no constituents that would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface water or indirectly to ground water.

Sec. 2.55 User

Shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

Sec. 2.56 Use/Unit Equivalency.

Shall mean Use/Unit Equivalency rates which are assigned to a User based upon the nature of a business as it relates to the capacity of the wastewater collection and treatment system to collect and treat a User's wastewater discharge, 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 separate unit for billing purposes.

Sec. 2.57 Waste

Shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation.

Sec. 2.58 Wastewater

Shall mean waste and water, whether treated or untreated, discharged into or permitted to

enter a community sewer.

Sec. 2.59 Wastewater Constituents and Characteristics

Shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Sec. 2.60 Watercourse

Shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

Sec. 2.61 Waters of the State

Shall mean any water, surface or underground, including saline waters within the boundaries of the State.

2.62 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 REQUIRED USE OF PUBLIC SEWERS

Sec. 3.1 Required Connection to Public Sewer

From and after the effective date of this Ordinance except as hereinafter provided, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or other facility intended or used for the disposal of sewage, at such time as the premises on which such privy, septic tank, cesspool or other facility are situated is capable of being connected to the public sewer.

Sec. 3.2 Owner's Expense and Connection Timetable

Subject to the provisions of Section 3.1, the Owner of all housing, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the District, and abutting on any street, alley or right-of-way in which there is now located, or when in the future there is located therein a public, gravity-flow sewer, is hereby required at his expense to install suitable toilet facilities and to connect such facilities directly with the public sewer in accordance with the provisions of this Ordinance provided there is a gravity flow from said premises to the sewer; provided, however, that all such Owners shall be connected with the District public sewer within six months after the completion of the public sewer adjacent to the premises.

ARTICLE 4 REGULATIONS ON DISCHARGE

Sec.4.1 General Provisions

No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District sewer system any toxic or other wastes if in the opinion of the General Manager such wastes may have an adverse or harmful effect on service maintenance

personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger the public, the environment, or create a public nuisance.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the public sewage works.

Sec. 4.2 Prohibitions on Discharges

No person shall discharge to a community sewer or District treatment facilities, wastes that cause, threaten to cause, or are capable of causing either alone or by interaction with other substances conditions at or near the District's treatment works that violate any statute or any rule, regulation, or Ordinance of any public agency of county, State or Federal regulatory body, including, but not limited by:

A. Fire or Explosion

Wastes that create a fire or explosion hazard in the treatment works, such as any flammable or explosive substances, including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Corrosive Structural Damage

Wastes that will cause corrosive structural damage to treatment works.

C. Flow Obstruction or Interference Substances

Solid or viscous wastes in amounts that cause obstruction of flow in sewers or injury of the system or damage to the wastewater collection, treatment or disposal facilities, or which cause other interference with proper operation or treatment works, such as, but not limited to any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or manure.

D. Treatment Inhibition or Disruption

Any waste, including oxygen demanding pollutants such as Biochemical Oxygen Demand (BOD) substances or other unusual suspended solids, released in such volume or strength as to cause inhibition or disruption in the treatment works, and subsequent treatment process upset and loss of treatment efficiency. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, including any waste that negatively impact the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process.

E. Harmful or Destructive Temperature

Heat in amounts that inhibit or disrupt biological activity in the treatment works, or that raise influent temperatures above 40 degrees C (104 degrees F).

F. Fat, Oil or Grease Causing Interference or Pass-through

No petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

G. Toxic or Poisonous Substances

Pollutants that result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create any hazard in the receiving waters of the sewage treatment plant.

H. Substances Causing Public Nuisance or Air Pollution

Any noxious or malodorous gas or substance capable of creating a public nuisance or preventing the effective maintenance and operation of the sewer system through having a strong, unpleasant odor, as well as any substance causing air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances.

I. Disruptive Discoloration

Discoloration or any other condition in the quality of the District's treatment works effluent in such a manner that achieving water quality requirements established by law cannot be met.

J. Quantities or Flow Rate Overloads

Quantities or rates of flow that overload the District's collection or treatment facilities or cause excessive District collection or treatment costs, or which use a disproportionate share of the District facilities.

K. Trucked or Hauled Pollutants

Any trucked or hauled pollutants, except as specified and permitted within this Ordinance, and discharged only at specifically pre-designated points by the Manager.

L. Life or Safety Threatening Substances

Any substances that are a danger to life or safety of personnel.

Sec. 4.3 Prohibition on Land Disposal of Wastes

It shall be unlawful for any person to place, deposit or permit to be deposited in any manner, except as authorized by District, upon public or private property within the District, any human or animal excrement, garbage, or other objectionable waste.

A. Unlawful Discharge of Polluted Waters

It shall be unlawful to discharge to any natural outlet within the District, any sewage, industrial wastes, or other polluted waters or materials with a detrimental environmental impact or a nuisance in the waters of the State or a condition

unacceptable to any public agency having regulatory jurisdiction over the District.

Sec. 4.4 Prohibition on Storm Drainage and Ground Water Sanitary Sewer Discharge Limitations

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, garbage, or polluted industrial wastes to any sanitary sewer.

A. Individual Connections

Storm water, ground water, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the District. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a community sewer, the User shall pay the applicable service connection fees and user charges and fees and meet such other conditions as required by the District.

Sec. 4.5 Prohibition on Unpolluted Water

Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers will not be discharged through direct or indirect connection to a community sewer unless the District issues a permit. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a community sewer, the User shall pay the applicable service connection fees and user charges and fees and meet such other conditions as required by the District.

Sec. 4.6 Limitation on the Use of Garbage Grinders

Waste from garbage grinders shall not be discharged into a community sewer except:

A. Food Consumed on Premises

Waste generated in preparation of food normally consumed on the premises; or

B. Use of Garbage Grinder by Permit

Where the User has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the waste constituents and characteristics.

C. Permitted Use of Garbage Grinders

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

Sec. 4.7 Holding Tank Waste

A User proposing to discharge holding tank waste into a community sewer must secure a permit. Unless allowed by the District under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics of the discharge. If a permit is granted for discharge of such waste into a community sewer, the User shall pay the applicable service connection fees and user charges and fees and shall meet such other conditions as required by the District.

A. Unacceptable Septage

No septage from residential or campground septic tanks is accepted for treatment. RV waste and portable toilet waste containing formaldehyde will not be accepted.

B. RV and Portable Toilet Waste

The District will maintain facilities at its wastewater treatment plant for proper disposal of RV and portable toilet waste.

Sec 4.8 Limitations on Point of Discharge

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless allowed by the District under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the User shall pay the applicable service connection fees and user charges and fees and shall meet such other conditions as required by the District.

Sec. 4.9 Limitations on Other Wastewater Elements and Properties

No person shall discharge into a sewer wastewater containing in excess of, or with characteristics exceeding:

A. Chemical Elements and Compounds

0.1 mg/L arsenic	1.0 mg/L Benzene, Toluene, Ethyl benzene, Xylene (BTEX)
0.2 mg/L cadmium	10.0 mg/L Total Petroleum Hydrocarbons (THP)
2.0 mg/L copper	300 mg/L of grease, oil or fat of animal or vegetable origin
1.0 mg/L cyanide	100 mg/L of grease, oil or fat of mineral or petroleum origin
1.0 mg/L lead	0.03 mg/L total identifiable chlorinated hydrocarbons
0.01 mg/L mercury	1.0 mg/L phenolic compounds
1.0 mg/L nickel	
0.2 mg/L silver	
0.5 mg/L total chromium	
3.0 mg/L zinc	

B. Chemical and Physical Characteristics

Having a temperature higher than 65 degrees C (150 degrees F).

Having a pH lower than 5.5 or higher than 9.0.

Sec. 4.10 Requirements for Interceptors

When in the opinion of the District, grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, the same shall be installed and maintained at Owner's expense. Grease, oil and sand interceptors are required for garages, service stations and any building that prepares food or could be used to prepare food in the future. These interceptors shall not be required for family dwelling units or structures.

A. Interceptor Requirements

All interceptors shall be of a type and capacity approved by the District. Interceptors shall conform to the requirements of the District Specifications and be manufactured by a company regularly engaged in manufacturing such devices for the particular intended use.

1) Interceptor Cover

The cover for grease interceptors shall be designed for the loads imposed on the structure as required by the District Engineer. The cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only.

Buildings remodeled for use requiring interceptors shall be subject to these regulations.

B. Owner/Occupant Maintained

Interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be emptied or discharged into any drainage piping or public or private sewer. Interceptors shall be maintained by the Owner or occupant of the premises, at his expense, and shall be in continuously efficient operation at all times.

C. Interceptor Installation

Each interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Proper location of the grease interceptor shall meet the Plumbing Code and the approval of the District Engineer.

Each business establishment for which a grease interceptor is required shall have an interceptor, which shall serve only that business establishment.

Interceptors shall be installed in such a manner as to prevent drainage from outside the intended area of use.

D. Limits on Interceptor Use

Waste discharge from fixtures and equipment in establishments required to have an interceptor which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste line through the interceptor if approved by the District Engineer. Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

E. Interceptor Inspection

If, upon inspection by the District, a grease interceptor is found to be absent or ineffective as solely determined by the District Engineer, the Owner/User shall be required to make immediate repairs or corrections within thirty (30) days after receiving written notification of deficiency from the District. If the grease interceptor requires pumping and servicing, as determined by the inspector, the Owner/User shall be required to have the interceptor pumped by a licensed hauler within ten (10) days after receiving notification by the inspector. Failure to make such repairs or corrections shall result in disconnection from the public sewer.

F. Interceptor Records

The Owner/User may be required to keep records of grease interceptor device cleaning, maintenance, and grease removal and report on such maintenance to the District in the format and at the frequency required by the District Engineer. The District Engineer may require the Owner/User to provide results of periodic measurements of its discharge, which is to include chemical analysis of oil and grease content.

G. Interceptor Abandonment

Abandoned grease interceptors shall be emptied and filled as required for abandoned septic tanks in Section 1119 of the Uniform Plumbing Code.

Sec. 4.11 Backflow Devices

The District requires that a backflow prevention device be installed, operated, maintained and replaced at the sole expense of the User where wastewater from the community sewer may back up into the User's building sewer. Such backflow prevention device shall be installed on the property of the User and become part of the User's building sewer. Protection of property from damage caused by wastewater backup from the community sewer is the sole responsibility of the User. Failure of the District to notify the User of any known or unknown hazards that may result from the User's connection to the community sewer and/or failure of the District to require the installation of such backflow prevention device shall not relieve the User of this sole responsibility. The District shall not be responsible for nor shall it compensate for damages resulting from any such backup of wastewater.

Sec. 4.12 Access

District personnel shall have a right of access to any premises, the sewage discharge from which

reaches the District's sewer system, to determine whether there is compliance or non-compliance with this Ordinance. District personnel shall further have a right of access to go upon any premises on which a sewer line is located that is serving more than one parcel or building for the purpose of inspection of the sewer line and to shut off, terminate, repair or reconnect sewer service, or for any other purpose related to the operation of the sewer system including the inspections relating to grease interceptors.

Sec. 4.13 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. 4.14 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.4.15 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. 4.16 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 4.15.. 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. 4.17 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. 4.18 Swimming Pools.

It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer.

Sec. 4.19 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. 4.20 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. 4.21 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. 4.22 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. 4.23 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. 4.24 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. 4.25 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 5 PRIVATE SEWERS TO EXISTING SERVICE STUBS, CLASSIFICATION OF USERS, CONNECTION FEES AND OTHER CHARGES

A. CONNECTION OF PRIVATE SEWERS TO PUBLIC SEWER

Sec. 5.1 Required Permit

No person shall uncover, make any connection with, opening into, use, alter, or disturb any public sewer or appurtenance thereof without having obtained a written Permit from the District and payment to the District of all applicable fees and connection charges.

Sec. 5.2 Application for Permit.

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

Sec. 5.3 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. 5.4 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 and mutual agreement thereto.

Sec. 5.5 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. 5.6 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. 5.7 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. 5.8 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. 5.9 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.

Sec. 5.10 Design and Construction Requirements.

Design and construction of public sanitary sewers and private lateral sewers shall be in accordance with the requirements of the District and in accordance with standard District specifications, which shall be approved in writing by the District Engineer prior to construction.

Sec. 5.11 Permit Time Limit

All sewer connection permits issued shall be null and void six months after the issuance thereof, unless a building permit is issued by the Humboldt County Building Department within that time. All sewer connection permits shall be null and void one year after the issuance of a Humboldt County Building Permit unless a building foundation, on the lot for which the permit was issued, has been completed and inspected by the Humboldt County Building Department within that time. The applicant has the burden of proving that a valid Humboldt County Building Department Building Permit has been issued, or, as the case may be, that a building foundation has been completed and has been inspected by the Humboldt County Building Department. The sewer connection fees payable per Section hereof for a sewer connection permit which subsequently expires by virtue of this paragraph shall not be refundable.

Sec. 5.12 Board Authority to Refuse Service

The District's Board of Directors has the discretion to refuse to allow sewer service to any development with multiple connections when in its opinion such a use would place an undue burden on the then remaining sewer collection capacity or sewage treatment capacity of the District.

Sec. 5.13 Location of Sewer Mains and Extensions

All sewer mains and lateral extensions shall be in public streets, alleys, or dedicated rights-of-way.

Sec. 5.14 Connection at Owner's Expense

All costs and expense incident to the installation and connection of the private sewer shall be borne by the Owner. The Owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of a private sewer.

Sec. 5.15 Separate and Independent Private Sewer Connections

A separate and independent private sewer shall be provided for each house, habitable structure, mobile home, and single commercial use connecting with the public sanitary sewer. Habitable space is defined as having living, kitchen and bathroom facilities which meet Code requirements for habitation. A detached garage or building with only a utility sink and/or bathroom is not considered habitable.

"Single commercial use" as used herein shall mean a business occupying one or more buildings, structures, or mobile homes operated to offer a separate service, commodity or product. No sewer customer using sewer service supplied by the District shall supply any other such sewer service, or allow any other person the use of such sewer service from the sewer customer's sewer connection, or permit a further connection to be made to the sewer customer's connection on his or any other premises.

B. Private Sewer Connection Variance

The District Board of Directors, subject to the following conditions, may grant a variance to the above requirement:

1) Commercial Use

A variance may only be granted for non-residential (commercial) business park connections.

2) Engineered Private Sewer

The applicant shall have submitted to the District construction plans and such specifications and other details, as required, describing fully the proposed private sewer system. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California. Said plans shall be reviewed and approved in writing by the District's Engineer.

3) Connection Capacity

The District Engineer shall have determined that the existing or proposed sewer stub connection or sewer interceptor is adequate for the intended and engineered flows of the proposed connection.

4) Aggregate Connection Fees

The District Engineer shall have determined the impact of multiple, aggregate connections and shall determine appropriate connection fees, as set forth in Section Sewer Connection Fees hereof, including a determination as to the number of applicable basic connection fees that are payable, if more than one is warranted. Said fee determination shall be based upon the aggregate use and wastewater discharge of each and all buildings.

Sec. 5.16 Supervision of Connections

All sewer service connections to the public sanitary sewer shall be made under the supervision of the General Manager of the District, or his authorized representative.

Sec. 5.17 Applicable Standards

Private sewers shall comply with the latest District Standard Specifications, Standard Details, latest edition of the Uniform Plumbing Code and other regulatory agency requirements.

Sec. 5.18 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. 5.19 Existing Laterals.

All modifications of connections to existing laterals require inspection by the District before backfill of trench.

Sec. 5.20 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. 5.21 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. 5.22 Responsibility for Lateral or Service Line

The Property Owner shall be responsible for maintenance and repair of the sewer lateral from the building to its interconnection with the District's main. If the Property Owner installs a sewer cleanout at the property line adjacent to a public right-of-way, and the cleanout is accessible to the District's satisfaction, the District will maintain the portion of the lateral in the public right-of-way. The District may, as its sole discretion, install a cleanout at the customer's property line if the customer locates and exposes the private lateral. For all new construction, the customer shall install a cleanout at the property line. In no case will the District maintain sewer laterals on private property unless the District specifically agrees under special circumstances, such as where the lateral serves more than one parcel, and where an easement is granted to and accepted by the District.

Sec. 5.23 Testing.

All side laterals shall be tested for leaks by District personnel prior to backfilling and being placed in service.

Sec. 5.24 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 and must be inspected annually. Design of such systems shall be performed by a registered Civil Engineer and approved by the District's Engineer prior to issuance of the permit. 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 private sewer connecting the system to the District's sewer collection system.

Sec. 5.25 Changes in Use of Premises.

If an existing property is subdivided or re-zoned to commercial use the District requires notification of such change, at such time as the rezoning is effective.

Sec. 5.26 Excavations and Trench Work

All excavations required for the installation of a private sewer shall be open trench work unless otherwise approved by the District. No backfill shall be placed until the work has been inspected. Excavation on public rights of way shall be done only after permission has been received from the authority having jurisdiction thereof. Any installation not approved by the District shall be redone or replaced at the expense of the person making the connection.

Sec. 5.27 Advance Notice and Costs for Inspections

The applicant for the connection permit shall notify the District when the private sewer is ready for inspection and connection to the public sewer. A 24-hour advance notice is required prior to any inspections. Additional inspection fees per Exhibit A, SEWER RATES, may be charged if the work is not ready for inspection or requires additional inspections due to non-compliance with District Standard Specifications and Details.

Sec. 5.28 Plot Plan Required

At the time a sewer connection permit is applied for, the applicant shall also submit a copy of the plot plan required by the Humboldt County Building Department. The sewer connection permit shall not be deemed approved until the District Engineer has determined that the plot plan correctly depicts the location of the District's underground facilities and connections thereto.

Sec. 5.29 Sewer Connection Relocation Terms

Each sewer connection replacement requires as Application to the District for a relocation Permit. In the event a sewer connection service is relocated there shall be no new sewer connection fee payable upon reconnection. However, the cost of said relocation shall be at the sole cost and expense of the Owner of the premises and further, said relocation shall be subject to District inspection, inspection fees, approval of a revised plot plan, and subject to all applicable terms, conditions and standards for obtaining a sewer connection Permit as required by this Ordinance.

Sec. 5.30 Improvements Agreements

In the event an Owner wishes to connect multiple parcels of property constituting a separate development project to the Public Sanitary Sewer, the District shall negotiate and execute an Improvement Agreement between the District and Owner making application for and obtaining a permit to connect to the District's sewer system pursuant to the terms of this Ordinance and the needs and best interests of the District as determined and approved by the Board of Directors. Said agreement shall provide for all permitted sewer improvements without limiting the use of said agreement to provide for the use of other District utility services such as water supply.

B. CLASSIFICATION OF USERS

Sec. 5.31 Classification of Users

The District hereby establishes the User classifications attached hereto as Exhibit B, USER CLASSIFICATIONS, to which each User shall be assigned, according to the principal activity conducted on the User's premises and the typical quantities of wastewater volume discharge demand, constituents and characteristics. The purpose of such classification is to facilitate the regulation of wastewater discharges, provide an effective means of source control and to provide a basis for the fixing and levying of charges and fees for services on an equitable basis to all Users. All classifications not specifically listed in Exhibit B will be determined by the District Engineer from the most similar classification listed or from usage records of a similar establishment.

Sec. 5.32 Determination of Wastewater Discharge Demand, Constituents and Characteristics by User Classification

A. Normal Determination

The District hereby determines the quantities of wastewater volume discharge demand, constituents and characteristics for each User classification based upon an estimate for the typical User within each classification shown in Exhibit B. The estimate is determined by the District to be reasonable and is based upon such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other factors relating to an equitable determination within and between User classifications. For the purpose of setting charges and for the determination of quantities of wastewater volume discharge demand, constituents and characteristics may be expressed in "demand flow" weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.

B. Uniformity of Determination

The demand flow is measured in single family residential equivalents for each User within a User classification and is assumed for purposes of this Ordinance to be uniform. Flow monitoring devices such as sewage or water meters are not a feasible, practical or acceptable means of determining demand flow for individual Users.

C. CONNECTION FEES AND OTHER FEES AND CHARGES

Sec. 5.33 Establishment and Purposes of Monthly Service and Connection Charges and Fees

The District hereby establishes the schedule of charges and fees attached hereto as Exhibit A, SEWER RATES to pay for the cost of sewer service provided by the District, to insure an equitable recovery of the District's cost of providing such services, and to provide capital reserve funds to provide for replacement and expansion of the sewer facilities, as needed. The monthly sewer service "usage" charges are described in Article 7 hereof. Error! Reference source not found. are levied to recover the actual costs of operating and maintaining the various elements of the District sewage collection, treatment and disposal systems. The connection fees are to provide funds for replacement and expansion of capital improvements

necessary to provide and maintain service to all customers within the District's sewer service areas, and for special reimbursement or other purposes, as more particularly indicated in the exhibits attached hereto.

Monthly service charges , connection fees, and other fees and charges described herein are determined by the following principles:

- User must purchase the amount of the capacity of the system used.
- User must pay his/her share of all costs of operating and maintaining the system.
- The system must be upgraded and replaced from time to time such that, in effect, the capacity will exist in perpetuity for the User.
- Because the system is benefiting the public, it must be expanded and maintained to provide safe and dependable wastewater management.
- The system must remain in compliance with existing and future state and federal regulations.

Sec. 5.34 Connection Permit and Fees Required

No connection shall be made of any kind to the public sanitary sewer or to a private sewer without first obtaining a Connection Permit from the District and paying the application, inspection and connection fees specified below. Permits cannot be issued or connection charges determined until the use of the premises being connected is determined. Connections to vacant lots not undergoing improvement per a valid and current building permit are not allowed. Upon the determination, after the issuance of a Connection Permit and payment of connection charges, that the usage of the connection has changed prior to issuance of a valid occupancy notice or permit by the county department responsible for issuing building permits and occupancy approvals, the Property Owner shall file for a new or amended permit and pay any additional connection fees and other charges required due to the change in use of the property. No refund of prior charges are allowed unless and only in the amount approved by the Board of Directors. Any Owner or occupier of property shall make no enlargement, addition or change in any use for which a Connection Permit has been issued without advising the District in writing of the specific changes in the use of the property, securing a new connection permit, and payment of any additional connection fee required to be paid.

A. Sewer Connection Application Fee

The Sewer Connection Application fee for all sewer connection permits shall be as specified in Exhibit A.

B. Sewer Connection Inspection Fee

The inspection fee for all Sewer Connection Permits shall be as specified in Exhibit A.

Depending on project scope, most connection projects require only one inspection; projects requiring additional inspections will be charged for the additional inspections. A deposit may be required and all required fees and deposits shall be paid prior to District's review of construction plans.

C. Sewer Connection Fees

Sewer Connection fees shall be calculated based on the equivalent use or impact upon the sewer system of a single-family residence. Said equivalent use shall be established by discharge demand factors specified within Exhibit B, USER CLASSIFICATIONS, and their use as specified below.

1) Basic Sewer Connection Fee

The connection fee for all sewer connections within the District shall be as specified in Exhibit A.

2) Factored Sewer Connection Surcharge

Sewer connections for User classifications other than single-family residences and all sewage effluent uses other than the equivalent of one unit of single-family residence shall be charged a surcharge by multiplying the Basic Sewer Connection fee by the appropriate discharge demand factor or factor formula for the type of use listed in Exhibit B, USER CLASSIFICATIONS. Discharge demand factors for classifications not listed in Exhibit B shall be determined by the General Manager or District Engineer based on equivalent property uses and applied as above.

Sec. 5.35 Other Charges and Fees

The District may at any time establish a schedule of charges and fees to pay for the costs of other services provided, to insure an equitable recovery of the District's cost of providing sewer service, including but not limited to:

A. Administrative Charges: Application Filing and Process Fees

The cost of administration or other related or required costs to process permit applications. Application fees shall be paid at the time of application and shall be used to cover District staff time involving assistance to the applicant regarding District procedures, scheduling, public hearings, and accounting. Administrative fees, if required, shall be paid prior to commencement of construction. These fees, computed at an hourly rate, are set forth in Exhibit A.

B. Inspection Charges

Inspection charges shall be for the District's time expended on the construction site inspections are charged at the hourly rate specified in Exhibit A.

C. Engineering Labor Charges

Engineering labor charges shall be for engineering labor expended on CEQA review, construction plan and easement reviews, and project management at the hourly rate specified in Exhibit A. District Engineer expense deposits will be paid prior to commencement of construction and credited to the actual charges incurred by District staff for inspections, camera-testing, pressure-testing, vacuum-testing, disinfection,

etc. In the event that actual costs exceed the deposit, charges will be billed monthly to the Owner during the construction of the facilities. The District will refund any funds collected but not used upon acceptance of the newly constructed facilities.

D. Standby Assessments

Assessments on unimproved land to pay the cost of maintaining capacity in a readiness-to-serve status for the benefit of such unimproved parcels of land, or in the case of disconnection or prolonged non-occupancy.

E. Monitoring Service Charges

Monitoring Service Charges are levied on a User to recover the costs incurred by the District in monitoring wastewater volume, discharge demand, and constituents or characteristics when necessary to determine the appropriate user classification for a User, or to otherwise enforce the terms and conditions of this Ordinance. Such charges will be levied at the hourly rate specified in Exhibit A.

F. Appeal Fees

Appeal Fees are levied on a User appealing a determination of District staff pursuant to this Ordinance to the District Board of Directors, to recover the costs incurred by the District of administration, engineering, legal or other related costs to process such appeals. The fees are established as an hourly rate as specified in Exhibit A.

ARTICLE 6 SEWER MAIN EXTENSIONS INCLUDING NEW SEWER SERVICE STUBS

Sec. 6.1 Sewer Main Extension Rules and Guidelines

The following rules apply to sewer extensions, including the installation of sewer service stubs when Property Owners desire or are required to connect to the District's sewer system. Said rules are to assure that all sewer improvements will be done in a good workmanlike manner and in accordance with the laws in effect within the District at the time the work is done.

A. Sewer Main Extension Requirement

Upon receipt of any application for sewer service, the District shall determine whether, in its judgment, a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this Article, whenever in the judgment of the District, such main extension is necessary in such application or request.

B. Written Application

Any Property Owner desiring or required to connect to the District's sewer system where no sewer stub exists or is adequate for the intended connection purpose, including but not limited to a sewer system within a tract of land which is planned to be, or has been subdivided, or is planned to be split or has been split by parcel map, shall make written application therefore to the District. In addition, any Owner of one or more lots

desiring regular sewer service to serve such property where, in the opinion of the General Manager, one or more sewer main extensions are required, shall also make written application therefore to the District. Said application shall contain the legal description of the property to be served and tract number thereof, and any additional information that may be required by the District and must be accompanied by a plot plan prepared by a registered civil engineer showing the location of the proposed connection(s) along with payment of a sewer extension application fee as specified in Exhibit A, SEWER RATES

C. Investigation of Proposed Extension

Upon receipt and review of the application and required fee payments, the General Manager, or his designee, shall make an investigation of the proposed extension and determine the amount of the security deposit required for the project.

D. Fee Deposits.

Fees, in the amount deemed necessary by the District to pay all plan review, engineering, inspection and other administrative costs as detailed in Article 5 Sections 5.25-5.27 hereof, or otherwise required to insure compliance with the terms of the Construction Permit and this Ordinance shall be deposited with the District prior to the time the Permit is issued. The Owner shall maintain separate deposits with the District to cover engineering and administrative and inspection costs which will be deducted by the District from the appropriate deposit periodically (usually monthly) as such costs are incurred by the District. The Owner shall maintain a positive balance in each deposit fund established by the District throughout the duration of the project. If the amount on deposit with the District at the completion of the project is in excess of the actual costs incurred by the District, any surplus in excess of such incurred costs shall be refunded to Owner. If the deposit established by the District is less than incurred costs of the District, Owner shall pay such balance to District or a Notice of Completion for the project will not be issued by the District

E. Board of Directors' Ruling

The Board shall thereupon consider such application; report and security deposit recommendation, and after such consideration, reject, amend or approve the application and security deposit amount and form of deposit. After Board approval and prior to any sewer extension field work involving the District's collection system or earth-breaking encroachments upon District easements, property or right-of-ways Property Owner shall execute or cause to be executed an AGREEMENT BETWEEN DEVELOPER AND REDWAY COMMUNITY SERVICES DISTRICT PROVIDING FOR THE INSTALLATION OF WATER or SEWER IMPROVEMENTS ("Standard District Agreement") incorporating the requirements as set forth within this Ordinance as well as any and all other terms and conditions as the District and or the District's General Manager or Engineer shall require. The Board of Directors may delegate this ruling process to the General Manager as long as the Owner does not seek a variance to the Standard District Agreement.

F. Extensions are District Property

All extensions thus provided for in accordance with these regulations shall be and remain the property of the District.

G. Sewer Main Extension Design Approval

All main extensions shall be subject to design approval by the General Manager, or his designee, prior to the commencement of any sewer extension construction. Approval shall only be given after all application requirements and required design changes and amendments have been met, required Humboldt County permits have been obtained, and all required deposits have been received by the District.

H. Reimbursement Agreement

If the Owner is extending the sewer line past vacant property that may be developed in the future or past property with a failing septic system, the Owner may enter into a Reimbursement Agreement, Exhibit F, FACILITIES REIMBURSEMENT AGREEMENT, with the District. In such case, the District shall collect connection fees from property owners who agree to connect to the newly constructed main in the future and agree to refund pro-rata shares of sewer installation expenses incurred by the Owner as such future connection fees are collected by the District, pursuant to the terms and conditions set forth in the Reimbursement Agreement.

Sec. 6.2 Extension by Property Owner

Security for and all engineering and construction costs of the extension shall be the sole responsibility of the Property Owner. The Property Owner shall make the required application, and if the plan is acceptable to the General Manager, the Property Owner shall enter into the Standard District Agreement with the District.

Sec. 6.3 Consideration by District to Fund

Should the District determine that any part of the cost of the main extension is required to meet compelling or existing commitments by the District; the Board of Directors may authorize payment of an appropriate portion of the cost of such main extension. The determination of the Board of Directors, as to any portion of such cost to be paid by the District, shall be conclusive. Any amount owed to any Property Owner agreed to between the District and any Property Owner as part of a written reimbursement agreement directly linked to the sewer main extension, if and when the Board of Directors approves such agreement, shall be reduced in direct portion by the amount of District funds provided for the purpose of funding the sewer main extension. Said reduced amount shall then be owed to the District as reimbursement for the District's investment in the sewer main extension.

Sec. 6.4 Construction Costs Security

Security in the form of an Irrevocable Letter of Credit, Performance Bond or a Cash Deposit with the District, in a form suitable to the District, shall be provided for the total estimated cost of construction of the sewer main extension and appurtenances, using prevailing wage rates, the purpose of which is to guarantee faithful performance by the Owner and its Contractor of all

District Ordinances and its obligations under the Standard District Agreement. It is the responsibility of the Owner to secure its obligation to pay any and all contractors, sub-contractors, suppliers, persons renting equipment or furnishing labor or materials to Owner for the approved and required sewer extension improvements. Construction cost estimates shall be reviewed and approved by the District prior to obtaining the required security.

If a Performance Bond is offered by the applicant as security for the payment of all construction costs associated with the sewer extension project, prior to the issuance of a permit, the applicant shall furnish a Performance Bond in the amount of the total estimated cost of the project. Any performance bond provided to the District must be for the full estimated cost of the project, issued by a surety qualified to do surety business in the State of California, and accompanied by a Certificate of Fact issued by either the County Clerk of Humboldt County or the California Department of Insurance attesting to the fact that the surety is qualified to do surety business in California. The cash deposit or Performance Bond shall guarantee full performance of the terms and conditions of the Permit and the Standard District Agreement by the Owner, and the full and complete construction of the project in accordance with the approved Plans and Specifications.

Sec. 6.5 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 Engineer who shall within sixty (60) days approve them or require them to be modified.

Sec. 6.6 Environmental Impact Report Charge

Unless the County or another agency has done all such environmental processing, the District may determine that an environmental impact study or report is required for proposed sewer extension facilities necessary to serve Owner's land. The Owner shall be responsible for the costs of preparing such a study and/or report, including associated costs incurred by the District for overhead, preparation, and hearings.

Sec. 6.7 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. 6.8 Persons Authorized to Perform Work.

Only properly licensed contractors and District personnel shall be authorized to perform the work of public sanitary 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. 6.9 Compliance with Local Regulations.

Any person constructing a sanitary 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. 6.10 Completion of Sanitary 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. 6.11 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. 6.12 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.

Sec. 6.13 Required Maintenance/Warranty Bond

After the project is completed, but prior to District acceptance, the Owner shall furnish to the District the final actual cost of constructing the project and a maintenance (repair or warranty surety) bond (in a form acceptable to the District) in the amount of 25% of the actual cost of completion which guarantees the Owner's obligation to provide the warranty and maintenance and repair obligations set forth herein and in the Standard District Agreement. This bond shall remain in effect for one year after final acceptance by the Board of Directors.

A. First Year Warranty Responsibility

For a period of one (1) year from the date of acceptance of the sewer extension project by the District, the Owner shall warrant to repair all defects, leaks or failure occurring in the facilities, which are, as determined by the District, due to negligence in the manufacture and/or installation of the facilities, exclusive of negligence by the District or its agents, acts of a third party or acts of God. Failure by the Owner to pay for any of the repairs described

above after being billed by the District, will be submitted to the maintenance bond surety for payment. Any failure by the maintenance bond surety to pay the amounts claimed by the District will result in a lien being placed against the property of Owner by the District.

B. Optional Surety Instruments

The District may require and accept a certificate of deposit, irrevocable letter of credit, surety bond or other suitable instrument in lieu of a maintenance bond meeting the District's requirement for financial responsibility for warranty work by the Owner.

Sec. 6.14 Settlement of Deposit Account Balances

After receipt of the maintenance bond and signed completion of all required final inspections, and after deducting any outstanding expenses, the District shall settle all reimbursable deposit accounts within thirty (30) days after completion. Any amounts owed by Property Owner to the District after settlement shall be paid in full prior to District issuing a Notice of Completion. If such amounts are not paid by Owner, the District shall not issue a Notice of Completion of the project, will not accept the improvements into its wastewater system, and will not connect the newly constructed improvements to the District's wastewater system.

Sec. 6.15 Insurance Requirements

Prior to the commencement of any work pursuant to the Standard District Agreement, Owner or his agent (Contractor) shall furnish to the District satisfactory evidence of an insurance policy written upon a form and by a company which meets with the approval of the District insuring Owner, Contractor and District, its officers, agents and employees, as an additional insured against loss or liability which may arise during the work, or which may result from any of the work herein required to be done, including all costs of defending any claim arising as a result thereof. The Owner shall provide to the District all certificates of insurance indicating the deductible or self-retention amounts and the expiration date of all policies, including but not limited to workers' compensation, comprehensive general and property liability, and comprehensive automobile liability, and shall provide renewal certificates within ten business days of any such renewals.

A. Submittal of Insurance Certificates

The required insurance certificates shall be delivered to the District prior to commencement of construction, and prior to the District approval of the plans and specifications. All insurance policies shall name the District, its officers, agents, and employees as an additional named insured, and shall be primary and underlying to the District's insurance and shall not be excess or contributing with any District insurance. Certificates of insurance shall be delivered to the District verifying such required coverage and shall include a statement that ninety (90) days written notice shall be given by the carrier to the District prior to any material change, reduction in coverage or cancellation of, in said insurance policy.

Sec. 6.16 Standards for Design and Specification

Design and construction shall be as required by this Ordinance, District Standard Specifications and Details, and as may be required by statutes and ordinances of governing bodies other than the District. The most stringent requirements shall take precedence. Features not covered by any of

the above ordinances, specifications, details or statutes shall be established by a California Registered Civil Engineer (R.C.E.) and be submitted to the District for review and approval.

Sec. 6.17 As-Built Drawings and Proof of Service Certification

Upon completion and final inspection by the District, Owner shall submit a complete set of as-built drawings of the constructed facilities acceptable to the District. After all conditions for acceptance of the facilities have been met, the District will issue written certification of proof of service to the County Building Department.

Sec. 6.18 New Sewer Service Connection Stubs

Service connection stubs shall be required as specified by the District's Engineer for sewer extensions adjacent to non-sewered lots whereby the sewer extension is designated as the sewer collection conduit or system to be used for said lots.

Sec. 6.19 Sewer Stub Connection Guidelines

Service connections to existing sewer stubs will be installed in accordance with applicable provisions of Article 5, PRIVATE SEWERS TO EXISTING SERVICE STUBS, and shall be subject to all Ordinance requirements for sewer service connections as defined herein.

Sec. 6.20 Subdivisions.

All of the requirements of this Article 6 of this ordinance shall be fully complied with before the Board approves any 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 subdivider.

ARTICLE 7 SERVICE CHARGES

Sec. 7.1 Levied and Assessed Monthly Sewer Service Charges

In order to provide funds for the reasonable cost of providing the residents of the District with a public sanitary sewer, there are hereby levied and assessed upon all premises having or required to have a sewer connection, or discharging sewage into or through the public sanitary sewer, monthly sewer service charges. The purposes of such charges are to fund District costs for providing the services and facilities for the treatment and disposal of sewage, and the availability of same, to such premises, by the public sanitary sewer. Such charges described herein are payable in the respective amounts as are set forth in Exhibit A hereto, which amounts may be changed from time to time by action of the Board of Directors of the District to amend Exhibit A by resolution without amending this Ordinance.

A. Monthly Minimum Charge

All connected Users of the District's sewer system shall be billed a Monthly Minimum

Charge as set forth in Exhibit A, SEWER RATES. The Monthly Minimum Charge provides revenue for the payment of the fixed annual costs of operation and maintenance of the sewer system.

B. Monthly Volume Usage Charge – Residential Users

All connected residential Users of the District's sewer system shall be billed a Monthly Volume Usage Charge as set forth in Exhibit A, SEWER RATES, for each gallon of water supplied per month from District or private source metered (or estimated) water. The Monthly Volume Usage Charge provides revenue for the payment of the variable costs of operation and maintenance of the sewer system.

C. Monthly Volume Usage Charge – Non-Residential Users

All connected non-residential Users of the District's sewer system shall be billed a Monthly Volume Usage Charge as set forth in Exhibit A, SEWER RATES, for each gallon of water supplied per month from District or private source metered (or estimated) water.

D. System Enhancement Charge

All connected Users of the District's sewer system shall be billed a Monthly System Enhancement charge as set forth in Exhibit A SEWER RATES. The Monthly System Enhancement Fee is deposited into the System Enhancement Fund (SEF) for payment of all capital costs necessary to design, plan and construct sewer system improvements in the future to increase capacity and enhance system operation and reliability.

E. Special Usage Surcharges

For any premises generating sewage of over 1500 gallons per day in quantity, or generating sewage with a B.O.D. of over 200 milligrams per liter, the District shall set a special sewer usage surcharge billed as line item set forth in Exhibit A, SEWER RATES, that is in addition to all other monthly charges required within this Section 7.1 to reflect the additional cost of collection and treating such sewage. Any person who objects to any such special usage surcharge, or the amount thereof, may present evidence, measurements, and tests to the District, at his or her expense, with a written application to cancel or decrease any such special usage surcharge. The decision of the Board of Directors of the District on any such application shall be final.

F. Delivered Sewage Waste

For sewage waste that is delivered to the District for treatment:

1) Recreational Vehicle Charge

Recreational Vehicle holding tank waste dumped by the User shall be charged as set forth in Exhibit A, SEWER RATES, per load.

2) Portable Toilets

Portable toilet waste rules and charges:

a) Acceptable Loads

The minimum acceptable load is 250 gallons and the maximum acceptable load is 4,000 gallons. Users shall report the actual amount in gallons discharged into the District's collection system through District approved dump stations using log sheets provided by the District at the dump station immediately upon completion of the discharge.

b) Business Hours

Dumping before 8:00 A.M. or after 3:30 P.M., Monday through Friday (unless by prior agreement from District General Manager) shall result in suspension of use of District facilities.

c) Portable Toilet Charge

Portable toilet waste dumped by the User shall be charged as set forth in Exhibit A, SEWER RATES, per gallon.

G. Reclaimed Wastewater – Will Call Station Charge

The cost for reclaimed wastewater obtained at the treatment plant shall be as set forth in Exhibit A, SEWER RATES, per 100 gallons.

H. Standby Charges

For Users who own vacant land whose service has yet to be connected, or for Users whose sewer service has been disconnected, a standby charge as set forth in Exhibit A, SEWER RATES, may be levied by the District. This charge shall apply only to those premises on which a service stub has been installed. In the event a service stub has been installed, the standby charge shall apply regardless of whether or not the property has been developed. A sewer service shall be deemed to be disconnected for purposes of this subparagraph whenever the water has been turned off by the District and the premises has been unoccupied for thirty (30) continuous days. Standby charges are discontinued when the water is turned on or the premises are occupied, whichever occurs first.

I. Monthly Volume Charge for Users with Other Than District Supplied Water Service

Some residential and commercial Property Owners may have water supplied from other than District sources, such as individual domestic water wells. In these cases, the District shall install and maintain a water meter, at District expense, between the water source and the point of use that would normally feed to the District sewer system, such as a dwelling. The Property Owner shall give District personnel free access to the meter for maintenance and periodic reading. Thereafter, the Property Owner shall be charged either the residential or commercial Monthly Volume Charge using water meter readings, as is appropriate for the category of user.

ARTICLE 8 BILLING

Sec 8.1 Billing Period.

The regular billing period will be monthly.

Sec 8.2 Opening and Closing Bills

Opening and closing bills for less than the normal billing period shall be prorated as to quantity used.

Sec 8.3 Sewer Charges.

Any residential multiple unit dwelling exceeding 2 units will be billed to the owner or property management at the appropriate unit equivalency rate. Sewer charges are due and payable at the office of the District on the date of mailing the bill to the property owner or his agent as designated in the application, and are considered delinquent 15 days after issued. Service may be discontinued without further notice if payment is not made by the delinquent date.

Sec 8.4 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 and if not paid within 10 days of date on bill shall bear a late charge.

Sec 8.5 Billing of Separate Connections.

Separate bills will be rendered for each sewer connection..

Sec 8.6 Customer's Guarantee.

The sewer charge begins when a service connection is installed. The property owner must sign the customer service agreement form prior to being connected. In such agreement Owner guarantees payment of future sewer bills for service provided, and agrees to comply with all of the provisions of this Ordinance..

a. Renters are required to place a deposit of at the current rate specified in Appendix A Current Rates and Charges in order to establish a tenant account, refundable after 2 years of good payment history.

b. Owner may waive deposit for renter, and will be responsible for all sewer charges. Account must be current before tenant's account can be established.

c. Failure to receive a bill does not relieve Owner of liability. Any amount due shall be deemed a debt to the District and any person, firm, or corporation failing, neglecting, or refusing to pay said indebtedness shall be liable for payment in any legal proceeding brought in the name of the District in any court of competent jurisdiction for the all such delinquent amounts. In addition, such debt is subject to the collection procedures consisting of a lien on the property of the customer or owner and collection of the delinquent amounts on the property tax rolls as specified in Section 10.2 of this ordinance.

ARTICLE 9 DISCONTINUANCE OF SERVICE

Sec 9.1 Discontinuance of Service for Delinquent Bills.

Service may be discontinued for nonpayment of bills as soon as they become delinquent as specified herein. Monthly bills are generated on the same business day of each month. Current charges are due and payable upon receipt of the invoice and are considered delinquent if not received by 5:00 p.m. the first 1st of the following month. If the due date falls on a weekend or holiday, payment must be received by 5:00 p.m. the next regular business day. If payment is not received by that date, a Second Notice will be issued and penalties shall be applied to the account.

The Second Notice payment must be received within fifteen (15) days after the date of mailing of the Second Notice to the customer or owner. If full payment is not received within 15 days of the day of mailing, a Disconnect Notice will be issued.

Payment of the Disconnect Notice must be received within seven (7) days after the date of mailing. If payment is not received by the end of business hours on the due date, service shall be scheduled for disconnection within 48 hours. However, services will not be discontinued on a Friday, weekend, holiday or day preceding a holiday.

The failure of the District to send, or any person to receive such notice shall not affect the District's power to discontinue services pursuant to this Ordinance. Reconnection will be made by District only upon complete payment of all delinquent service charges and penalties, interest, reimbursement to District of its actual costs of disconnecting and reconnecting District's sewer system to the premises, payment of all applicable disconnection and reconnection fees specified in this Ordinance, and, in the event reconnection is requested, payment of a security deposit in an amount equal to the sewer service charges averaged over the preceding 6 months times the number of months the sewer service has been shut off. In addition, a customer's sewer service may be discontinued if sewer service provided at a previous location is not paid for within the time for payment of bills provided herein. If the customer receives sewer service at more than one location, and the bill for sewer service at any one location becomes delinquent, service at all locations may be disconnected.

SECTION 9.2. Unsafe Apparatus

Sewer Service may be refused or discontinued on any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

SECTION 9.3 Fraud or Abuse.

Sewer Service may be discontinued or removed, including the removal of unapproved connections or unauthorized facilities, and penalties imposed, if necessary, to protect the District against fraud or abuse.

A. Fraud or abuse is the act of any person to commit, authorize, solicit, aid, abet or attempt any of the following acts:

1. Divert or cause to be diverted water service by any means.
2. Make or cause to be made any connection or reconnection to the District's water or sewer systems without the authorization or consent of the District. As used in this section "water system" means all property owned by the District for the transmission, collection, storage or treatment of water; and "sewer system" means all property owned by the District for the transmission, collection, storage or treatment of wastewater.
3. Tampering with or otherwise interfere with any water meter or other water flow measurement device so as to prevent the accurate measurement of water use.
4. Use or receive the benefit of water from the District with knowledge or reason to believe that the use or receipt of such water is unauthorized by the District.
5. Tampering with any property owned or used by the District to provide water or sewer service.
6. Providing water through a service connection to another premises or parcel of property that does not have its own service connection, or for which an application for service connection has not been filed with the District.

B. A violation exists if, on premises owned or controlled by the Owner or any person using or receiving the direct benefit of the water service, there is either of the following:

1. Any instrument, apparatus or device designed to be used to obtain water or sewer service without paying the full lawful charge therefor.
2. Any meter that is altered, tampered with or bypassed so as to cause no measurement or inaccurate measurement of water service.
3. Any person who is determined by District staff to have committed fraud or abuse as defined herein shall be billed by the District for the damage to the property owned or used by the District to provide service, the actual cost to remove and reinstall facilities, for loss of water, plus a penalty of the current rate specified in Appendix A Current Rates and Charges per infraction. A separate infraction will be found for each day such fraud or abuse is determined by District to have continued.

C. Upon approval by the Board of Directors, the District may bring a civil action pursuant to Section 1882.1 of the California Civil Code to recover up to three times the actual damages suffered by the District, plus its costs of suit and reasonable attorneys' fees, for each violation of the provisions of this section.

D. The remedies set forth in this section shall be in addition to all other remedies, civil and criminal, available to the District for violation of the provisions of this section or for any ordinance, resolution, rule or regulation of the District, or any provision of Federal, State or local law.

SECTION 9.4 Non-Compliance With Regulations.

Service may be discontinued for non-compliance with this or any other District ordinance or

regulation relating to sewer service. The Owner will be notified of the District's intention to discontinue service for noncompliance, with an explanation of the violation or infraction committed. There will be a reasonable opportunity given to comply before actions to discontinue sewer service will be taken by the District. However, no such notice to afford an opportunity to comply need be given to an Owner in those instances in which the noncompliance may cause conditions dangerous or detrimental to public health, safety and welfare, or are in violation of state law. These violations include, but are not limited to, trespass, assault, water theft, cross connection deficiencies, and water or sewer system or facility damage.

SECTION 9.5 Use of Water Without Application.

Sewer Service may be discontinued in all cases in which a person is determined by District to have used water from the District's water system without having made Application to the District therefore, or without having a separate service connection installed by District to provide water to that person's premises, or without having paid all applicable connection charges and service and meter installation charges for water or sewer service.

SECTION 9.6 Upon Vacating Premises.

Owners desiring to discontinue sewer service should so notify the district two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for continuing sewer service charges whether or not any water is used.

SECTION 9.7 Abandonment Charge.

Any person who desires to abandon sewer services to a building from the District's sewer system or to abandon service to a property, shall pay to the District an Abandonment Charge. The Abandonment Charge shall consist of the following:

- 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, and;
- b. The sum of money in the amount reflected in Exhibit A hereto as the Abandonment Charge to enable the District to recover its overhead and administrative costs incurred in disconnecting the system.
- c. Item (b) of the Abandonment Charge shall not apply to any person who desires to disconnect a building from the District's Water or Sewer system but who intends to keep other buildings on the property connected to the system or to disconnect from one building while connecting to another on the same property.

ARTICLE 10 Enforcement of Payment

Sec. 10.1 Collection of Delinquent Account; Penalties and Interest

If an account has not been paid in full when due, such account shall be considered delinquent and a penalty assessed in the amount of 10% of the amount due. Thereafter a Second Notice will be issued and penalties shall be applied to the account in the amount of 1.5% per month of the total delinquent balance plus the basic 10% penalty for each month beyond the date of the

Second Notice that the account remains delinquent. All delinquent amounts and penalties shall continue to bear interest at the rate of 1.5% per month until paid.

Sec. 10.2 Collection by Recordation of Lien Against Property

The Board of Directors may recover any sewer service charges, penalties and interest which are delinquent for a period of 30 days by recording in the office of the County Recorder of Humboldt County a Notice of Lien for unpaid delinquent charges, penalties, interest, lien administration charges and applicable Recorder's fees. Said Notice of Lien shall declare the amount of the delinquent charges, penalties, interest and related charges due, and the name and last the address of the person liable for such delinquent charges, penalties and interest. Pursuant to Government Code section 61115 (c) from the time of recordation of such Notice of Lien, the amount of such delinquent sewer service charges, penalties, interest, lien administration charges and applicable Recorder's fees shall constitute a lien against the lot or parcel of land against which the charge is imposed and all other property within Humboldt County owned by the property owner of the parcel upon which the sewer service charges are delinquent. The District will record a Notice of Release or Discharge of Lien upon the payment by the property owner of all delinquent charges, penalties, interest, lien administration charges and applicable Recorder's fees within 30 days of receipt of payment for all such amounts due.

Sec. 10.3 Collection by Further Legal Action

The Board is further authorized to institute and prosecute in the name of the District appropriate legal action for the collection of delinquent sewer service charges, penalties, interest, lien administration charges and Recorder's fees against the property owner of the parcel upon which the sewer service charges were levied. By application for and receipt of sewer services, all property owners/customers agree to be responsible for reimbursement to the District of all attorneys' fees and other legal costs incurred by the District in collecting any delinquent sewer service charges, penalties, interest and related costs from the property owner/customer through such legal action. In the event the District recovers a court judgment ordering the property owner/customer to pay all delinquent service charges, penalties, interest, and related costs, together with attorney's fees and legal costs, and the property owner/customer fails to pay such judgment, the District will amend its Notice of Lien recorded pursuant to Section 10.2 of this Ordinance to include the amount of attorney's fees and legal costs ordered by the court to be reimbursed by the property owner/customer to the District.

Sec. 10.4 Discontinuation of Service.

Sewer service may be disconnected for nonpayment of sewer service bills in the time and manner specified in Article 9 of this Ordinance.

Sec. 10.5 Collection of Delinquent Charges on Tax Roll.

For any sewer charges which have been delinquent for sixty (60) days, the District shall provide that any delinquent charges, penalties and interest may be collected on the property tax roll in the same manner as property taxes. On or about June 1st of each year, the General Manager shall prepare and file a written report with the District Board of Directors that describes each such parcel of real property and the amount of delinquent charges, penalties and interest for each such parcel for the year pursuant to Government Code Section 61115(b). The General Manager shall give notice of the filing of the report and of the time and place for a public

hearing before the Board of Directors by publishing a notice of hearing pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the property owner of each such parcel. At the public hearing, the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing the Board of Directors may adopt or revise the delinquent charges, penalties and interest, and determine to collect such delinquent charges, penalties and interest upon the County Property Tax Roll for each such parcel of property for the ensuing fiscal year. The Board of Director shall make its determination on each such parcel by resolution and its determination shall be final.

On or before August 10 of each year following such determination by resolution of the Board, the General Manager shall thereafter file with the County Auditor a copy of the report filed with the Board of Directors and the resolution adopted by the Board at such public hearing, and request that the delinquent charges, penalties and interest be added to and collected with property tax on each such parcel of property described in the written report and resolution at the same time and in the same manner as property taxes are collected by the County Auditor. Government Code section 61115(b) directs the County auditor to place such delinquent charges, penalties and interest on the tax bills for each affected parcel of real property listed in the District report and resolution and collect the charges and penalties in the same manner as property taxes for the fiscal year in which such District report and resolution are filed with the County Auditor.

Sec. 10.6 Alternative Method of Collection.

If the bill is not paid when due, sewer service may be discontinued pursuant to Section 9 of this Ordinance. In addition, the rates for sewer service may be collected on the same bill with the rates for water and other services provided by the District. Failure to timely pay applicable rates for sewer service provided by the District to the Customer may also result in the discontinuance of any and all services such as water services provided by the District pursuant to the provisions of Government Code section 61115(a)(3).

Sec. 10.7 Remedies are Cumulative

Each and all of the remedies for the collection and enforcement of delinquent sewer service rates, penalties, interest and related charges listed in this Section 10 are cumulative and the District may pursue any or all of such remedies alternatively or consecutively as authorized by Government Code section 61115 (e).

Article 11 Enforcement of Ordinance Provisions

Sec. 11.1 Penalty for Violations of Ordinance.

Any violation of this Ordinance shall be a misdemeanor and shall be punishable by imprisonment in the County Jail for a period not to exceed 6 months, or by fine, not exceeding \$1000, or by both. Every day of violation of this Ordinance continues shall constitute a separate offense. The attorney of the District, upon order of the District's Board of Directors, shall request the District Attorney of Humboldt County to file an action in the Superior Court to confirm that the provisions of this Ordinance have been violated, to find that a misdemeanor

has occurred, and to impose such penalties, fines, and reimbursement to the District of its attorney's fees and legal costs as provided by law and the provisions of this Ordinance. Any property owner/customer found to be violating any provision of this or any other ordinance, rule, or regulation of the District, shall be served by the District with written notice stating the nature of the violation and, if applicable, providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 11.2 Discontinuation of Service for Violation

As a means of enforcement of the provisions of this ordinance, or any other rule or regulation of the District, the District shall have the right to assess all such penalties as may be permitted by law and/or discontinue sewer service or any other utility services provided by the District to the property owner/customer as detailed in Sections 9 and 10 of this Ordinance. However, no such notice to afford an opportunity to comply need to be given to a property owner/customer in those instances in which the noncompliance may cause conditions dangerous or detrimental to public health, safety and welfare, or are in violation of state law. These violations include, but are not limited to, trespass, assault, water theft, cross connections and water or sewer system facility damage.

Sewer service and any other discontinued utility services shall not be supplied to such property owner/customer until he or she shall have complied with the ordinance provision, rule, regulation, rate or charge order which has been violated to the satisfaction of the District. Reconnection shall be made only upon prior payment of charges, penalties and interest due, plus the disconnection and/or reconnection fee as detailed in this Ordinance and possible payment of a security deposit in the discretion of the District.

Sec 11.3 Relief on Application

When any property owner/customer is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises due to special circumstances, such property owner/customer may make written application to the General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of such provisions as applied to the premises of such property owner/customer. If such application is approved by the General Manager, the General Manager will recommend to the Board that it act by resolution to suspend or modify the ordinance 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 cited. If an Owner's application for relief is denied by the General Manager, such denial shall be in writing and delivered to the Owner. The Owner shall have ten days from the date of such written denial to file a written appeal with the Board of Directors with arguments as to why specified provisions of this Ordinance should not be applied to the Owner's property. The Board of Directors will schedule a regular or special meeting at its earliest convenience to consider such an appeal. The Board of Directors will render its decision within ten days after completion of any such appeal hearing and advise the Owner in writing of its decision. The decision of the Board of Directors on any such appeal shall be final.

Sec11.4 Relief on Own Motion

The Board of Directors may, on its own motion, find that, by reason of special circumstances, any provision of this 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.

Sec11.5 Board Rulings Final

All rulings of the Board of Directors on relief or from or suspension of provisions of this ordinance with respect to a particular ordinance provision shall be final and not subject to appeal.

Sec 11.6 Falsifying of Information.

Any person who knowingly makes any false statement or representation to District personnel, or submits a false record, report, plan or other document with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, is guilty of a violation of this Ordinance and subject to the enforcement penalties provided in sections 10 and 11 hereof including misdemeanor criminal proceedings, disconnection of water and other utility services, payment of all applicable District fees and charges, and reimbursement of all attorney's fees and legal costs incurred by the District arising out of such conduct.

Sec 11.7 Costs and Attorney's Fees.

Defendant shall pay court costs and attorney's fees incurred by the District in enforcing this ordinance and seeking collection of delinquent accounts in any judgment rendered in favor of the District and so consents to such an award of costs and attorney's fees by the filing of an Application for Sewer Connection.

ARTICLE 12 - TIME OF TAKING EFFECT

Sec 12.1 – Effective Date of Ordinance

This Ordinance shall take effect thirty days after its adoption by the Board of Directors, provided that a summary of this ordinance as adopted is published in a newspaper of general circulation throughout the District and the full text of the ordinance as adopted is posted at the District offices within fifteen days after the adoption of this amendment by the Board of Directors.

A summary of this Ordinance was published in the **HUMBOLDT INDEPENDENT**, a newspaper of local circulation, on **December 5th, and 12th 2023**. The ordinance was then presented for second reading and final adoption at the regular meeting of the Board of Directors of the Redway Community Services District on **December 20th, 2023**. At said meeting Director **Griffith** moved the adoption of said Ordinance, which motion was seconded by Director **Sutton** and upon roll call was carried by the following vote:

AYES: (3)
Linda Sutton
Michael McKaskle
Dian Griffith

NOES: (0)

ABSENT: (2)
Marie Etherton
Arthur McClure

ABSTAIN: (0)

Signature lines for Board President

CERTIFICATION

I, Nancy D. Jurrens, duly appointed and Secretary to the Board of the Redway Community
Services District, do hereby certify that the above is a true and correct copy of a
Ordinance passed and approved by the Board of Directors of the Redway Community
Governing Body Public Entity
Services District on the 20th day of December, 2023.

December 21, 2023
Date

Nancy Jurrens, Secretary to the Board