

# **Attachment No. 26**

District Code



**EAST PALO ALTO SANITARY DISTRICT**

**DISTRICT CODE**

**EAST PALO ALTO SANITARY DISTRICT  
SANITARY CODE  
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## ARTICLE I

### Definitions

**Section 101.** District shall mean the East Palo Alto Sanitary District, San Mateo County, California, and where the context requires, the portion of the City of East Palo Alto of East Menlo Park and the portion of the unincorporated area of the County over which the District exercises jurisdiction.

**Section 102.** County shall mean the County of San Mateo, California.

**Section 103.** Board shall mean the Sanitary Board of the District.

**Section 104.** General Manager shall mean the person or persons appointed by the Board to administer and enforce the rules and regulations of the District and those designated to act on behalf of the General Manager.

**Section 105.** District Engineer shall mean the Engineer appointed by and acting for the Board who shall be a Registered Civil Engineer.

**Section 106.** Reserved.

**Section 107.** Persons shall mean any human being, firm, company, partnership, association, private or public corporation, the United State of America, the State of California, and all political subdivisions and governmental agencies thereof.

**Section 108.** Permit shall mean any written authorization required pursuant to this or any other regulation of District for the installation of any wastewater facility.

**Section 109.** Building shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

**Section 110.** Applicant shall mean the person making application for a permit for a sewer or plumbing installation and shall be the owner of the premises to be served by the sewer for which a permit is requested or the owner's authorized agent.

**Section 111.** Contractor shall mean a person duly licensed by the State of California to perform the type of work to be done under the permit.

**Section 112.** Unit or Dwelling Unit. (a) A unit or dwelling unit for single family residential use is defined as separate living quarters having separate kitchen facilities or toilet facilities for one (1) or more persons, and being a single family dwelling, or quarters situated in a duplex, apartment, including community apartments, multiple dwelling, auto court, mobile home park, trailer court, court, motel, hotel, town house, condominium or any other residential building.

(b) A unit or dwelling unit for multiple residential uses which have separate living quarters not having separate kitchen facilities or toilet facilities, including boarding houses, rest homes, dormitories, and similar types of residential occupancy, shall be computed on the basis of one dwelling unit for each three and one-half (3-1/2) persons or fraction thereof capable of being accommodated therein.

(c) A unit for commercial or industrial uses is defined as each individual occupancy.

**Section 113.** Street shall mean any public highway, road, street, avenue, alley, way, cowl, lane, easement or right of way.

**Section 114.** Domestic Wastewater or Sewage shall mean liquids or water carrying human waste, laundry water or kitchen waste or any combination thereof from residential, business or institutional buildings.

**Section 115.** Industrial Wastewater or Sewage shall mean liquids or water carrying waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process, and shall include laundry water from commercial establishments.

**Section 117.** Public Sewer Main shall mean a wastewater pipeline lying within a street that accommodates more than one lateral sewer and which is controlled by or under the jurisdiction of the District.

**Section 119.** Lateral Sewer shall mean the portion of a wastewater pipeline lying within a public street connecting a building sewer to the public sewer main. -

**Section 120.** Building Sewer shall mean that portion of any wastewater pipeline beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line and connects to the lateral sewer.

**Section 122.** Storm Water shall mean rain water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters.

**Section 123.** Wastewater Facilities shall mean all facilities for collecting, pumping, treating and disposing of wastewater or sewage, also referred to as sewage works.

**Section 124.** Wastewater Treatment Plant or Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating domestic or industrial wastewater.

**Section 125. Standard Specifications.**

**Section 126. Additional Definitions** For the purpose of this Ordinance, additional terms shall have the meaning indicated in the latest edition of the following treatises, whichever is most appropriate in the specific context:

(a) "**Uniform Plumbing Code**," adopted by the International Association of Plumbing and Mechanical Officials, as may have been amended and adopted by the jurisdiction in which the property lies.

(b) "**Standard Methods for the Examination of Water and Wastewater**," published by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

(c) Reference to waste constituents and characteristics shall have the meaning ascribed thereto in the aforesaid "**Standard Methods for the Examination of Water and Wastewater**," and measurements thereof shall be as set forth in said publication, or established by Federal or State regulatory agencies.

**ARTICLE II**

**General Provisions**

**Section 201. Rules and Regulations** The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all

work in respect thereto shall be performed as herein required and not otherwise.

**Section 202. Purpose** This Ordinance is intended to provide rules and regulations for the construction and use of sanitary sewer facilities hereafter installed, altered or repaired within the District. This Ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

**Section 201. Short Title** This Ordinance shall be known as the **SANITARY CODE OF THE EAST PALO ALTO SANITARY DISTRICT.**

**Section 204. Violation Unlawful** It shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of sewage disposal from any building in the District except by connection to a public sewer main in the manner provided in this Ordinance. No person shall introduce or allow to be introduced into a public sewer main any storm water or other substance that elsewhere in this Ordinance or by law is so prohibited. No person shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater or take any other action which will interfere with the operation or performance of the public sewer mains.

**Section 205. Relief on Application** When any owner by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his or her premises, the owner may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to such premises.

If such application be approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective for such period as the Board may specify but not longer than the period of the special circumstances.

### **Special Circumstances**

**Section 206. Relief on Own Motion** The Board 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 order such suspension or modification for such premises for such period as the Board may specify but no longer than the period of such special circumstances.

**Section 207. Shall and May** When used in this Ordinance, "shall" is mandatory and "may" is permissive.

## ARTICLE III

### District Organization

**Section 301. Governing Statute** The District exists under authority of the Sanitary District Act of 1923 set forth as Part 1 (commencing with Section 6400) of Division 6 of the Health and Safety Code.

**Section 302. Board** The District is governed by a board composed of five members whose qualifications, election or appointment, term and compensation shall be as set forth in the Sanitary District Act of 1923.

**Section 303. Appointed Positions** The following positions have been established and are to be filled by appointment by the Board. Appointees shall hold office at the pleasure of the Board and shall receive compensation for their services in accordance with the schedule approved by the Board.

(a) District Counsel Whose duties shall be as prescribed by the Board and this ordinance.

(b) General Manager Whose duties shall be as prescribed by the Board and by this ordinance. Said duties shall include, without being limited to, the supervision of all administrative matters relative to operation, maintenance and repairs of the sewerage works of District. The General Manager shall furnish at District's expense a surety bond in the amount of \$100,000.00.

(c) District Engineer Whose duties shall be as prescribed by the Board and by this ordinance. Said duties shall include, without being limited to, the preparation of all plans specifications for District projects, and the checking of all plans and specifications prepared by an Installer's engineer registered in accordance with the laws of the State of California.

(d) Purchasing Officer Whose duties shall be as prescribed by the Board and this ordinance.

(e) Industrial Waste Inspector Whose duties shall be as prescribed by the Board and this ordinance.

**Section 304. Meetings** of the Board shall comply with the provisions of the Ralph M. Brown Act set forth in Sections 54950 and following of the Government Code and in addition shall comply with the following provisions:

(a) Regular Meetings The regular meetings of the Board shall be held on



the fourth Thursday of each calendar month at the hour of 7:00 o'clock P.M.. In the event that any day fixed for a regular meeting of the Board shall fall on a holiday, then the meeting appointed for such day shall be held on the next business day which may not be a holiday, at the same hour specified for the meeting to be held.

(b) Special Meetings Special meeting of the Board shall be held upon call of the President of the Board, or by three (3) members thereof, by delivering personally or by mail, written notice to each member, and to each local newspaper of general circulation, radio or television station requesting the same in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary of the Board a written waiver of notice. Such waiver may be given by electronic means. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

(c) Adjournment: The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the Secretary of the District may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in subsection (b) hereof for special meetings, unless such notice is waived as provide for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(d) Meeting Place All meetings of the Board shall be held at the East Palo Alto Sanitary District Office, 901 Weeks Street, East Palo Alto, California, 94303, in the District, unless the Board shall adjourn to or fix another place of meeting in a notice to be given thereof, or unless prevented by flood, fire or other disaster.

(e) Mailed Notice of Meetings Mailed notice of every regular meeting and of any special meeting which is called at least one week prior to the date

set for the meeting shall be given as required by Section 54954.1 of the Government Code, provided that the class of persons entitled to request such notice shall include both property owners and residents of the District and provided further that the mailing of a copy to the agenda shall constitute the giving of mailed notice of the meeting.

(f) Procedural Rules

(1) Public Meetings: All legislative sessions of the Board, whether regular or special, shall be open to the public. A member of the public shall not be required, as a condition to attendance at a meeting of the Board, to register his or her name or other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

(2) Quorum: A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Method of Action: The Board shall act only by Ordinance, Resolution or Motion, which, to become effective, shall be adopted by at least a majority of the members who are present in any public meeting attended by a quorum.

(4) Recording Vote: Except where action shall be taken by unanimous vote of all members present and voting, the Ayes and Noes shall be taken on all actions had.

(5) Contracts: All contracts on behalf of the District shall be signed by the President and countersigned by the Secretary after having been authorized to do so by the action of the Board.

(6) Robert's Rules: Meetings shall be conducted in conformity with Robert's Rules of Order.

**Section 305. Mailing Address** The official mailing address of the District is 901 Weeks Street, East Palo Alto, California 94303, in said District.

**Section 306. Claims** All claims for money or damages against the District are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

**Section 307. Purchasing of Supplies and Equipment** The District shall adopt policies and procedures for the purchase of supplies and equipment in accordance with the requirements of Article 7, of Chapter 5, of Part 1, of Division 2, of Title 5 of the Government Code, and all such purchases shall be made in

accordance therewith. Said policies and procedures shall be in writing available for inspection and copying by the public.

As an alternative to acting pursuant to such policies and procedures, the District may request the State Department of General Services to make purchases of materials, equipment or supplies on its behalf in accordance with Section 14814 of the Government Code.

## ARTICLE IV

### Connections to Public Sewer Main

**Section 401. Permit Required** No person shall connect a lateral sewer to any public sewer main without first obtaining a written permit from the District and paying all fees and connection charges as required in this ordinance.

**Section 402. Lateral Sewers** Each separate building shall be connected to the public sewer main with a separate lateral sewer, which lateral sewer shall be owned by the property owner except that one or more buildings located on property owned by the same person may be served by the same lateral sewer if the General Manager determines that it is unlikely that the ownership of said property can or will be divided in the future. However, if for any reason, the ownership of said property is subsequently divided, each building under separate ownership shall be provided with a lateral sewer, and it shall be unlawful for any owner thereof to continue to use or maintain such common lateral sewer. All lateral sewers shall meet the Standard Specifications of the District and shall be maintained water tight.

Notwithstanding the provisions hereof, single family residential units with common walls, condominium, stock cooperative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may upon issuance of a permit authorizing such common use by the General Manager, be permitted to maintain a common lateral sewer(s).

**Section 403. Cleanouts** All lateral sewers shall be provided, owned and maintained by the owner with a cleanout raised to grade at the point where the building sewer joins the lateral sewer. All property line cleanouts shall meet the Standard Specifications of the District and shall be maintained water tight.

**Section 404. Plumbing Too Low** In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from said fixtures to the public sewer mains, the sewage from said fixtures shall be lifted by artificial means and discharged to the public sewer main at the owner's expense.

**Section 405 Maintenance of Building and Lateral Sewers** The owner of the property served by any building or lateral sewer shall, at his or her sole cost, maintain the building and lateral sewers. If the District assists the owner in clearing a stoppage in the building or lateral sewer which is caused by anyone other than the District, the property owner shall reimburse the District for expenses incurred in clearing the stoppage.

Where a lateral sewer provides service to more than one unit or dwelling unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the lateral sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

**Section 406. Backflow Protective Device** Buildings in which the elevation of the lowest floor is less than 12 inches above the rim elevation of the nearest upstream manhole or rodhole in the reach of a public sewer main into which a lateral sewer connects shall be protected from backflow of sewage by installing a backflow protective device of a type and in the manner prescribed by the District any such backflow protective device shall be installed by the applicant for sewer service, shall be located on the building sewer between the building and the property line, and shall be owned and maintained by the property owner. The backflow protective device, if below grade, shall be enclosed in a box with removable cover and shall be readily accessible for inspection and maintenance. The installation and maintenance of any such backflow protective device shall be the sole obligation of the permittee or the permittee's successor in interest. The District shall be under no obligation to ascertain that the backflow protective device continues in operation condition.

**Section 407. Trucked or Hauled Waste (Exceptional Waste Discharge Permit)** The discharge of trucked or hauled wastes into the sewer system and public sewers tributary thereto must meet all pre-treatment conditions to discharge and will be permitted only with the written approval (license) of the General Manager.

## ARTICLE V

### General Regulations for Construction of Public Sewer Mains

**Section 501. Persons Authorized to Perform Work** Only licensed contractors shall be authorized to perform the work of public sewer main construction within the District and each contractor must register with the General Manager prior to commencing any such work. Registration shall be granted only upon compliance with Section 502.

**Section 502. Insurance** Each contractor shall obtain and furnish to the District proof of insurance coverage as follows:

(a) **Worker's Compensation** The contractor shall take out and maintain during the life of the contract Worker's Compensation Insurance for all persons employed directly or through subcontractors in carrying out the work.

(b) **General Liability** The contractor shall take out and maintain public liability insurance in the amounts which may be established by the Board or as set forth in the District Standard Specifications. Such insurance is to be maintained in effect for a minimum of one (1) year after the acceptance of the work.

Such insurance shall cover the contractor, any subcontractor and anyone directly or indirectly employed by either of them. The policy shall be endorsed to name the District, its officers, agents and employees and to such other local agencies as the General Manager may designate as additional insureds. The certificate of insurance and endorsement shall be filed with the General Manager and shall be subject to the General Manager's approval.

**Section 503 Improvement Security** Prior to issuance of a permit for public sewer main construction, the applicant shall furnish to the District a faithful performance bond, cash, or other improvement security acceptable to the Board, in the amount of the total estimated cost of the work as determined by the General Manager. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the permit and, unless more stringent requirements are otherwise specified by the Board, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the Board. The applicant shall also furnish to the District a labor and material bond, or other security acceptable to the Board, in the amount of the total estimated cost of the work.

**Section 504 Inspections** No public sewer main or lateral sewer construction work shall be conducted within the District without the presence of the District Engineer or his or her representative, unless permission has been granted to proceed in the absence of the District Engineer.

No construction shall be covered until it has been inspected and approved by the District Engineer. After approval, the contractor shall backfill any trench without delay and restore the surface to its original condition. Construction that has been covered without approval of the District shall, at the District's request, be uncovered for inspection. In all cases where inspection is required, the contractor shall give at least two (2) working days advance notice to the District Engineer stating the time when work will start.

**Section 505 Responsibility for Defects** All persons performing work under the jurisdiction of the District shall be responsible for any and all acts of agents, subcontractors, and employees in connection with the work. Any such person, upon being notified in writing by the General Manager of any defects arising from construction or of any violation of the provisions of this Code including the Standard Specifications, shall take immediate steps to correct such defect of violation.

**Section 506 Unsatisfactory Work** In the event any construction when inspected by the District, is found to be unsatisfactory, the contractor shall make necessary repairs to place the construction in acceptable condition.

**Section 507 Liability** The District, its officers, agents and employees shall not be liable for personal injury or loss of life or damage to any property consequent to the performance of any of the herein described work by any such contractor or installer. The contractor or installer shall undertake in writing to hold the District, its officers, agents and employees free and harmless from any such liability imposed by law upon the District, its officers, agents and employees, including all costs, expense, fees and interest incurred in legal defense of any action to enforce such liability or in the enforcement of this provision. The contractor or installer shall be solely liable for any defects in the performance of the work, or any failure which may develop therein.

**Section 508 Standard Specifications** Sewers within the District shall be constructed in accordance with the Standard Specifications heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings in the number required by the General Manager and showing the actual location of all mains, structures, Y's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

**Section 509 Master Plan** the District has adopted a Master Plan for its trunk sewer system within the District, which is on file in the office of the General Manager. Said Master Plan is hereby referred to and made a part of this Code by reference.

**Section 510 Compliance With Regulations** Any person constructing a public sewer main within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District. Any person requesting a permit shall also comply with all applicable guidelines, including the Local Guidelines of District, adopted pursuant to the California Environmental Quality Act, and shall make all deposits required and pay all fees which may be established by the District to process applications to comply with said act.





## ARTICLE VI

### Construction of Public Sewer Mains by Others

**Section 601 Permit Required** No person shall construct a public sewer for connection to the District sewer system without first obtaining a written permit for the District conditioned upon compliance with all requirements of the District.

**Section 602 Application for Permit** The application for a construction permit shall be in the form prescribed by the District and shall be accompanied by plans and specifications as required for proper construction of the Project.

**Section 603 Processing Procedure** Upon receipt of an application, the General Manager will review all data supplied and within thirty (30) days advise the applicant of any corrections or modifications to the plans and specifications required and any additional information or material required and any additional information or material required for processing of the application.

When all submittals are complete, the application will be processed and the permit prepared for execution by the applicant and the District. The applicant shall execute and file the permit with the District within sixty (60) days after notification of approval by the District.

Plans and permits for public sewer main construction are approved by the Sanitary Board. Plans and permits for individual lateral sewer construction may be approved by the General Manager.

**Section 604 Plans, Profiles And Specifications** Plans profiles and specifications for public sewer main construction shall be prepared by a civil engineer licensed in the State of California. Plans for individual lateral sewer construction may be prepared by the applicant.

**Section 605 Payment of Fees** An application to construct sewers shall be accompanied by a preliminary deposit for processing the application. Upon completion of processing the application, the District will notify applicant of all fees and deposits due and the applicant shall pay all fees and deposits prior to issuance of the permit.

The District shall have the right to charge, and the applicant shall pay, the necessary administrative, legal and engineering costs incurred by the District for work performed in connection with any public sewer main construction.

**Section 606 Contract for Construction** The applicant shall call for bids and let his, her or its own contracts, but the applicant shall not commence any construction until after the permit has been issued by the District.

**Section 607 Permit** Each applicant shall, prior to construction, execute a permit covering, but not limited to, the following:

(a) Construction of sewers in accordance with approved Plans, Profiles and Specifications.

(b) Obtaining of necessary rights-of-way and easements, and granting same to District.

(c) Payment for all costs involved due to said construction.

(d) Transfer of title to all sewers and appurtenances to District.

(e) Indemnification of the District in accordance with Section 507.

503. (f) Furnishing of required improvement security in accordance with Section

(g) Payment of all fees, including a deposit for the plan checking and inspection charges.

(h) Such other matters as the District may require.

**Section 608 Time Limitation On Sewer Lateral Permits** In the event a lateral sewer for which a permit has been issued has not been constructed within six (6) months for an existing building or one (1) year for a new building (both from the date of issuance), the permit shall become void and the unexpended portion of the processing and inspection deposit shall be refunded. Any connection fees will be credited to the property and not refunded.

**Section 609 Time Limitation On Public Sewer Main Permits** In the event construction of a public sewer main has not been completed within one (1) year from the date of issuance of the permit, the applicant shall renew all expired improvement security and other required documents and keep them in effect until the project is completed and any maintenance period has expired.

## ARTICLE VII

### Use of Public Sewer Mains

**Section 701 Use of Sewer Mains** In addition to all of the provisions of this Ordinance and any other ordinance, rule or regulation of the District, the use of public sewer mains for the discharge of waters and wastes into the public sewer system of District, including domestic and industrial sewage, shall be subject to all of the provisions of Ordinance No. 14 of the Sewage and Industrial Wastes Into the Public Sewer System, Regulating the Use of Public Sewers, and Providing Penalties for the Violation of the Provisions Thereof adopted on November 15, 1979, as now or hereafter amended.

**Section 702 Sewer Service Rates and Charges** The rates and charges for use of the wastewater facilities of the District shall be those established by Ordinance of the District.

## ARTICLE VIII

### Permits and Fees

**Section 801 Permit Required** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer main or appurtenances, or perform any work on any lateral sewer without first obtaining a written permit from the District.

**Section 802 Application for Permit and Payment of Charges** Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager may require plans, specifications or drawings and such other information as the General Manager may deem necessary.

In the event the applicant is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

When the General Manager determines that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the District, the General Manager shall issue the permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed.

**Section 803 Compliance with Permit** After 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 approval from the General Manager.

**Section 804 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 ordinance and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the

written request for the alteration from the applicant.

### **Section 805 Fees and Connection Charges**

(a)Residential Charges Persons desiring connection to the sanitary sewer system of the District for residential use shall pay to the District, prior to issuance of a permit, a connection charge in an amount established by ordinance of the District.

(b)Commercial Industrial, Public and Other Users Persons desiring connection to the sanitary sewer system of the District for other than residential use shall pay to the District, prior to issuance of a permit, a connection charge as follows:

(1) For each connection which shall discharge wastewater or sewage of unusual strength, character or which shall exceed an estimated average daily flow of 15,000 gallons per day, as determined by the General Manager, the connection charge shall be determined by the District Board.

(2) In the event of any change of use for any connection to the sewer system which shall increase the volume of wastewater or sewage discharged, an additional connection charge shall be paid. The additional connection charge shall be the difference between the computed charges for the current use of the property and the computed charges for increased change of use of the property, based on the current District connection charge in effect at the time of the change in use.

### **Section 806 Fees - Permit and Inspection charges**

(a)Sewer Connection Permit Each applicant shall pay a fee in an amount established by ordinance of the District for issuance of a permit for each individual connection of a building sewer to the District sewer system, which fee shall include the inspection of the connection of the building sewer to the lateral sewer.

In addition, the applicant shall also pay to the District the amount of sewer service charges prorated for the balance of the fiscal year based on the current charges as established by the District Sewer Service Charge Ordinance. All connectors will be given a four (4) months credit for

construction time to be applied to the current or subsequent fiscal year's charges, or both, as may be appropriate.

Each applicant that does not have an existing lateral sewer shall pay an additional fee in an amount established by ordinance of the District for inspection of the lateral sewer construction. The applicant shall provide security per Section 503 in the amount set by the Board.

(b) Public Sewer Main Construction Application for a permit to construct public sewers shall be accompanied by a preliminary deposit in accordance with the schedule established by the Board. The balance of the fee for reviewing the plans and specifications, issuing a permit and inspecting the construction of public sewer mains and laterals (see section 605) shall be in accordance with the schedule approved by the Board.

**Section 807 Fees and Deposits - Environmental Quality Act** Where the District is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the California Environmental Quality Act, the person or persons beneficially interested shall deposit with the District the estimated cost of District preparation of materials, reports and the making of evaluations of the proposed project as estimated by the General Manager. Should the amount of deposit be inadequate to meet the District's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, District shall, prior to completion of the District's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with District. Should there be a surplus remaining in the deposit following completion of the District's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

**Section 808 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 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.

**Section 809 Time Limitation on Connection Permit** In the event connection to the sewer is not made within six (6) months for an existing building and one (1) year for new construction from the date the connection permit is issued, the permit shall be void and the total amount paid for the permit and any sewer service charges collected will be forfeited to the District, and a new permit will be required before connection is made.





## ARTICLE IX

### Enforcement

**Section 901 Violation** Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Section 901 hereof, shall be served by the General Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the General Manager of any defect arising in any sewer or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct the same.

**Section 902 Public Nuisance** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

**Section 903 Disconnection** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the General Manager, after giving the user notice and the opportunity to be heard, shall have the power to disconnect the user or subdivision sewer system from the public sewer mains of the District. Upon disconnection, the General Manager shall estimate the cost of disconnection from and reconnected to the system. The General Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

**Section 904 Public Nuisance~ Abatement** During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and costs of suit arising in said action.

**Section 905 Correction of Violations** Section 6523.3 of the Health and Safety

Code of the State of California provides that in order to enforce the provisions of any ordinance of the District, the District may correct any violation of an ordinance of the District. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of any ordinance of the District.

**Section 906 Means of Enforcement Only** The District hereby declares that the foregoing procedures are established as means of enforcement of the terms and conditions of its ordinances rules and regulations, and not as a penalty.

**Section 907 Misdemeanor** Section 6523 of the Health and Safety Code of the State of California provides that the violation of an ordinance, or regulation of a sanitary district by any person is a misdemeanor punishable by imprisonment in the county jail not to exceed 30 days, or by a fine not to exceed one thousand dollars (\$1,000), or both. Each and every connection or occupancy in violation of the ordinances and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

**Section 908 Civil Liability** Section 54740 of the Government Code of the State of California provides:

(a) Any person who intentionally or negligently violates any requirement adopted or ordered by the District pursuant to paragraph (a) or (b) of subdivision to exceed Six Thousand Dollars (\$6,000) for each day in which such violation occurs.

(b) The District may petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

**Section 909 Liability for Violation** My person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.



## ARTICLE X

### Miscellaneous Provisions

**Section 1001 Protection from Damage** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District wastewater facilities.

**Section 1002 Powers of District Representatives** Each officer, inspector, manager and any duly authorized employee of the District shall carry evidence establishing his or her position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

**Section 1003 Severability** 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 to be unconstitutional.

**Section 1004 Repeal of Inconsistent Ordinances** All ordinances and parts of ordinances are hereby repealed except Ordinance Nos. 6, 14, 21 and 22 which shall remain in effect.

**Section 1005 Environmental Assessment** The Board hereby finds that the enactment of this ordinance is not a "project" within the meaning of that term as found in the California Environmental Quality Act and the Districts Local Guidelines adopted pursuant thereto, and therefore no environmental assessment is necessary.

