

**LOS ALAMOS COMMUNITY SERVICES DISTRICT
SECOND AMENDED AND RESTATED
SEWER SERVICE CODE**

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**LOS ALAMOS COMMUNITY SERVICES DISTRICT SECOND
AMENDED AND RESTATED SEWER SERVICE CODE**

ARTICLE 1. GENERAL PROVISIONS

1.01 Rules and Regulations.

The following rates, fees and charges and 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 in this Ordinance.

1.02 Purpose.

This Ordinance is intended to provide rates, fees and charges, and rules and regulations for the use and construction 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.

1.03 Short Title.

This Ordinance shall be known as the SECOND AMENDED AND RESTATED SEWER SERVICE CODE OF LOS ALAMOS COMMUNITY SERVICE DISTRICT and is adopted pursuant to the provisions of the Community Services District Law Title 6, Division 3 (commencing at Section 61000) of the Government Code.

1.04 Violation Unlawful.

Following the effective date of this Code, except as otherwise provided herein, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in the District except by connection to the District public sewer in the manner provided in this Code.

1.05 District Inspector.

The Board of the District may employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all sewer laterals, public sewers, private sewers and facilities in connection therewith in said District, to be known as the District inspector and who shall serve during the pleasure of the Board.

1.06 Outside Sewers.

Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District unless a permit is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all codes, ordinances, rules and regulations in regard to the manner in which such sewer shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the District for the privilege of using such sewer. The granting of such permission for an outside sewer in any event shall be optional with the Board. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District.

1.07 Additional Requirements.

The Board may make requirements and conditions in addition to those contained in this Ordinance for any application, permit, connection, main extension or other work or action by the District necessary or convenient for orderly and economical operation of the District.

1.08 Words and Phrases.

For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number and all words in the masculine gender shall include the feminine.

ARTICLE 2. DEFINITIONS

2.01 Additional Definitions.

For the purpose of this Code, additional terms shall have the meaning indicated in Chapter I of the latest edition of the code, entitled "Uniform Plumbing Code" in existence at the time the permit is issued and copies of which are on file in the office of the District.

2.02 Applicant.

Applicant shall mean the person making application for a permit or agreement for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

2.03 Board.

Board shall mean the Board of Directors of Los Alamos Community Services District.

2.04 Bond.

Bond shall mean and include a cash deposit or an unconditional and irrevocable letter of credit in a form and from a banking institution acceptable to the District.

2.05 Building.

Building shall mean any structure having a roof supported by columns or walls intended or used for the shelter, housing or enclosure of any person, animal, chattel or property of any kind for which sanitary facilities are needed. It includes any structure used for human habitation or a place of business, recreation or other similar purposes.

2.06 Contractor.

Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

2.07 County.

County shall mean the County of Santa Barbara, California.

2.08 Customer.

Customer means the owner of the Premises being served.

2.09 District.

District shall mean LOS ALAMOS COMMUNITY SERVICES DISTRICT.

2.10 District Engineer.

District Engineer shall mean the engineer appointed by and acting for the Board and shall be a registered civil engineer.

2.11 District Inspector.

District Inspector shall mean the inspector acting for and appointed by the Board.

2.12 Equivalent Residential Unit.

Equivalent Residential Unit shall mean a factor derived from historical average daily sewer usage of a detached single family house.

2.13 Garbage.

Garbage shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

2.14 Lift Station.

Lift Station shall mean a structure that contains pumps and appurtenant piping, valves and other mechanical and electrical equipment for pumping wastewater.

2.15 Living Unit.

Living Unit means a residential unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, including a mobile home, trailer, or motor home occupied three months or more in 12 calendar months. The following residential establishments shall be deemed to have the following number of living units:

(a) Single family residential house, mobile home or trailer designed for occupancy by one family only, which is not occupied by more than one family: one living unit. If occupied by more than one family the unit will be counted as the number of units equal to the number of families.

(b) Duplex, triplex, apartment house, rooming house, or other multiple dwelling unit designed for occupancy for living purposes by more than one family, which is divided into separate housekeeping units, each of which is designed for occupancy by one family, and not occupied by more than one family: Each housekeeping unit shall be deemed to be a separate living unit unless occupied by more than one family, then the unit will be counted as the number of units equal to the number of families.

(c) Hotel, mobile home park, motel and similar transient living facilities, divided into separate living units, with or without housekeeping facilities: Each room or suite of rooms which is designed to be occupied for living purposes by persons living separately from others, shall be deemed to be a separate living unit.

2.16 Main Sewer.

Main Sewer shall mean a public sewer designed to accommodate one or more than one sewer lateral.

2.17 Manager.

Manager shall mean the District's General Manager or other person or persons appointed by the Board to administer and enforce the rules and regulations of the District.

2.18 Monthly Minimum Charge.

Monthly Minimum Charge shall mean a fixed charge for each premises served regardless of the amount of water used.

2.19 Multiple Dwelling.

Multiple Dwelling shall mean a building used for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or family, including, but not limited to the following: hotels, motels, auto courts, trailer courts, apartment houses, duplexes, rooming houses, boarding houses and dormitories.

2.20 Outside Sewer.

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

2.21 Owner.

Owner means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian, attorney-in-fact or trustee of the owner.

2.22 Permit.

Permit shall mean any written authorization required pursuant to this or any other regulation of the District for sewer service or for the installation of any sewer facilities, and shall include a written agreement.

2.23 Person.

Person shall mean (i) any human being, individual, firm, company, partnership, and private or public association, and (ii) municipal corporations, the United States of America, the State of California, districts, all political subdivisions and governmental agencies.

2.24 Premises.

Premises shall mean any parcel of real estate or portion thereof including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using and paying for service.

2.25 Private Sewage Disposal System.

Private Sewage Disposal System shall mean an independent sewage disposal system, including but not limited to septic systems, which is not connected with a public sewer and which accommodates one or more buildings or industries.

2.26 Public Sewer.

Public Sewer shall mean a sewer lying within a street, as described herein, and which is controlled by or under the jurisdiction of the District.

2.27 Sanitary Sewer.

Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

2.28 Sewage.

Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

2.29 Sewage Works.

Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

2.30 Sewer.

Sewer shall mean a pipe or conduit for carrying sewage.

2.31 Sewer Lateral.

Sewer lateral shall mean the portion of a sewer beginning at the foundation wall of any building and terminating at the main sewer.

2.32 Single Family Unit.

Single Family Unit shall mean a unit for single family residential use consisting of separate living quarters and having separate kitchen facilities and or toilet facilities for one (1) or more persons, and situated in a duplex, apartment, (including community apartments), multiple dwelling, auto court, mobile home park, trailer court, court, motel, hotel, townhouse, condominium or any other residential building.

2.33 Street.

Street shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

2.34 Subdivision.

Subdivision is defined as in Section 66424 of the Government Code.

2.35 Townhouse.

Townhouse shall mean a single family residential unit, other than a house, consisting of two (2) or more stories and containing two (2) or more bathrooms.

ARTICLE 3. USE OF PUBLIC SEWERS REQUIRED

3.01 Disposal of Wastes.

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

3.02 Treatment of Wastes Required.

It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Code.

3.03 Unlawful Disposal.

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

3.04 Occupancy Prohibited.

No building, industrial facility or other structure within this District shall be occupied until the owner of the premises has complied with all the rules and regulations of the District.

3.05 Sewer Required.

The owner of any existing building inhabited or used by human beings and in which any sewage is produced which is located within the District and abutting on any street in which there is a public sewer of the District, is hereby required at the owner's expense to connect the building to the public sewer. The owner of any new and proposed buildings in which any sewage is to be produced will be required to connect to and, where necessary, extend the public sewer to comply with this Code.

ARTICLE 4. PRIVATE SEWAGE DISPOSAL

4.01 Sewer Not Available.

Where a public sewer is not reasonably available, as determined by the Board, in its sole discretion, and under the provisions of Section 17.03, the building may be connected to a private sewage disposal system, complying with the provisions of this Code and all other applicable legal and regulatory requirements.

4.02 Sewage Permit Required.

Before commencement of construction of a private disposal system, the owner shall first obtain relief pursuant to Section 17.03 "Relief Application", and a permit from the District. This permit, if granted, shall be in writing and signed by the Manager before receiving approval from the Health Department of the County.

4.03 Inspection Required.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County and the District. The County shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County

and the District when the work is ready for final inspection, and before any underground portions are covered.

4.04 Design Requirements.

The type, capacities, locations and layout of a private sewage disposal system shall comply with all applicable requirements of the State of California, the County and the District. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or watercourse.

4.05 Abandonment of Facilities.

At such time as a public sewer becomes reasonably available to a property served by an authorized private sewage disposal system, as determined by the Board in its sole discretion, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, emptied and filled with suitable material as determined by the County, all at the owner's expense.

4.06 Maintenance by Owner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

4.07 Additional Requirements.

No statement contained in this Article shall be construed to interfere with any additional requirement that may be imposed by any law, ordinance, rule or regulation, condition imposed on the permit by the District or by the County.

ARTICLE 5. APPLICATION FOR SERVICE - EXISTING CONNECTION

5.01 Application for Sewer Service.

In cases where property ownership has changed or where prior service has been disconnected, application for sewer service through an existing sewer lateral shall be made on a District-provided form by the owner of the premises requesting service. No application will be accepted from a tenant of any premises requesting service.

5.02 Obligation of Applicant.

Upon filing such application with the District office, the customer signifies agreement to comply with all ordinances and regulations relating to the District's sewer service and make payment in a timely manner for all service received.

5.03 Payment for Previous Service.

An application will not be honored unless payment in full has been made for all service previously rendered to the applicant by the District.

5.04 Tenant Billing.

An owner of premises requesting service may request that the District bill the tenant of such premises, as set forth in Section 14.09.

**ARTICLE 6. APPLICATION FOR NEW OR ENLARGED SERVICE
- NO MAIN EXTENSION**

6.01 Application for Sewer Service.

An application for a permit for new or enlarged sewer service shall be required where no main line extension is required and where (i) service is being provided for the first time, or (ii) the existing sewer lateral is too small to serve the proposed new improvements or uses. The application shall be made on a District-provided form by the owner of the premises requesting service. The application shall include construction drawings showing the design and location of the proposed facilities, and a description of proposed uses. No application will be accepted from a tenant of any premises requesting service.

6.02 Obligation of Applicant.

The applicant will be subject to all of the requirements of Articles 5, 9 and, 10, as applicable, as well as the requirements of this Article 6.

6.03 Installation of Sewer Laterals.

Unless otherwise determined by the District, all sewer laterals intended to serve the premises, and all facilities appurtenant thereto including but not limited to lift stations, backflow devices, manholes and cleanouts, shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service. Sewer lateral installation will be made only to property abutting to the District's sewer mains constructed in public streets, alleys or easements.

6.04 Application Processing.

Upon receipt of the application, the District will determine whether the application is complete and will notify the applicant of any deficiencies. District staff will also review the construction drawings and the description of proposed uses and will notify the applicant of any necessary changes and additional requirements. If requested by the applicant, District staff will issue a service availability letter setting forth the District's conditions, additional requirements, fees and charges.

Prior to commencing construction, the applicant shall submit any required encroachment permits from the County road department.

6.05 Connection Fees.

Prior to commencing construction, the applicant shall pay the applicable Connection Fees in accordance with Appendix A. If requested by the applicant, the District will issue a can and will serve letter providing assurance that the District can serve the designated connections. The Board may postpone the date for payment of the Connection Fees until prior to issuance of building permits if, prior to issuing the can and will serve letter, the applicant provides, in the full amount of the fees, (i) a surety bond in a form and with a corporate surety acceptable to the District; or (ii) an irrevocable, unconditional letter of credit in a form and from a banking institution acceptable to the District.

6.06 Completion of Project.

On completion of the project, the District will perform a final inspection and the applicant shall correct any deficiencies identified. The applicant shall also pay all applicable charges, including Connection Fees, Administrative and Personnel Fees and Inspection Fees, which have not been

previously paid in accordance with Appendix A. The applicant shall then provide to the District two copies of as-built drawings of the completed sewer facilities.

6.07 Tenant Billing.

An owner of premises requesting service may request that the District bill the tenant of such premises, as set forth in Section 14.09.

ARTICLE 7. APPLICATION FOR MAIN EXTENSION

7.01 General.

Unless otherwise determined by the District, all main sewer extensions, including those intended to serve a new subdivision, and all facilities appurtenant thereto including but not limited to lift stations, backflow devices, manholes and cleanouts, shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service.

7.02 Application for Main Extension.

The rules set forth in this Article 7 are established for constructing main sewer extensions. All such extensions shall also be subject to the requirements of Articles 9 and 10 below relating to public sewer connections and construction. If the proposed project involves a new subdivision, the applicant shall also comply with the requirements of Article 8, below.

(a) Application Requirements.

Any owner of one or more lots or parcels desiring the extension of one or more sewer mains to serve such property shall make a written application therefor to the District for a permit on a form supplied by the District. The application shall include (i) three (3) copies of construction drawings prepared by a registered civil engineer, as more particularly provided in Section 10.02, (ii) a detailed written description of proposed uses, (iii) an initial deposit to cover the District's estimated costs for plan checking, legal, engineering, inspection, administration and overhead to process the application, and (iv) any additional information which may be required by the District.

(b) Application Processing.

Upon receipt of the application, the District will determine whether the application is complete and will notify the applicant of any deficiencies. District staff will also issue a service availability letter, if requested by the applicant, setting forth the District's conditions, additional requirements, fees and charges.

District staff and the District Engineer will review construction drawings and the description of proposed uses and will notify the applicant of any necessary changes and additional requirements. When construction drawings are ready for signature by the District Engineer, the applicant shall submit original mylar drawings for signature, together with a duplicate set of the mylar sepias for the District's records.

The District Engineer will prepare an estimate for all work, to be used for setting the applicable bond amounts for the project. The applicant shall submit environmental documents approved by the County. Environmental review by the District requires an additional deposit.

(c) Main Line Extension Agreement.

The applicant will be required to sign a main line extension agreement prepared by District legal counsel, which shall then be submitted to the Board for approval. The main line extension agreement shall comply with all District ordinances, rules, regulations, resolutions, policies, procedures, administrative provisions, standards and specifications, and all Federal, State, County and other agency ordinances, rules and regulations affecting in any manner the construction of the sewer facilities. Prior to commencing construction, the applicant shall submit certificates of insurance, bonds (or letters of credit or cash deposits in lieu of such bonds) and a copy of any required encroachment permits from the County road department.

(d) Connection Fees.

Prior to commencing construction, the applicant shall pay the applicable Connection Fees in accordance with Appendix A. If requested by the applicant, the District will issue a can and will serve letter providing assurance that the District can serve the designated connections. The Board may postpone the date for payment of the Connection Fees until prior to issuance of building permits if, prior to issuing the can and will serve letter, the applicant provides, in the full amount of the fees, (i) a cash deposit, (ii) a surety bond in a form and with a corporate surety acceptable to the District; or (iii) an irrevocable, unconditional letter of credit in a form and from a banking institution acceptable to the District.

The District may require that the time for payment of fees and charges required to be paid under this section be postponed where, in the judgment of the Board, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate charges. In the event said exception is made by the Board, the charges which have been deferred shall be paid prior to the issuance of the individual sewer lateral connection permit at the rate in existence at the time of issuance of said individual connection permit.

(e) Completion of Project.

On completion of project, the District will perform a final inspection and the applicant shall correct any deficiencies identified. The applicant shall also pay all applicable charges, including Connection Fees, Administrative and Personnel Fees and Inspection Fees, which have not been previously paid in accordance with Appendix A. The applicant then provides two copies and an electronic version of as-built drawings to the District and records a notice of completion. 60 days after recording, the District may require evidence of clear title. The applicant shall then convey the facilities and easements to the District by a written instrument in a form approved by the District. After obtaining a conformity report from the County pursuant to Government Code §65402, the District may, in its discretion, accept the conveyance of facilities and easements and record such conveyance. Following such acceptance, the facilities shall be owned by the District and the District shall be responsible for the future maintenance, repair and replace thereof.

7.03 Reimbursement Agreement.

If, in the judgment of the District, the construction of sewer main facilities will benefit and be available to serve properties other than the property of the developer that constructs the extension, the District may, in its discretion, enter into a reimbursement agreement with the developer to provide reimbursement for a portion of the cost of constructing the extension. The reimbursement agreement shall be in a form prescribed by the District and shall provide that, if additional properties connect to the extension during the term of the agreement, the District will collect an additional fee from such properties at the time of connection and pay the fee to the developer.

ARTICLE 8. APPLICATION FOR SUBDIVISION SEWER SYSTEM

8.01 General.

Unless otherwise determined by the District, all main sewer extensions intended to serve a new subdivision and all facilities appurtenant thereto, including but not limited to lift stations, backflow devices, manholes and cleanouts, shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service.

8.02 Application for Main Extension.

The rules set forth in this Article 8 are established for constructing subdivision sewer collection systems. All such systems shall also be subject to the requirements of Article 7 relating to main extensions, and the requirements of Articles 9 and 10 relating to public sewer connections and construction.

8.03 Application Requirements and Processing.

In addition to the application requirements set forth in Article 7, when applying for a permit to allow the construction of a subdivision sewer collection system, the applicant shall submit three (3) copies of the tentative map for the subdivision. District staff and the District Engineer will review the map and will notify the applicant of any necessary changes and additional requirements. When such changes have been made and additional requirements have been satisfied, the District staff approves the map and will, if requested by the applicant, issue a service availability letter setting forth the District's conditions, additional requirements, fees and charges.

ARTICLE 9. CONSTRUCTION OF CONNECTIONS

9.01 Permit Required.

No person shall construct a sewer lateral or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required herein.

9.02 Design and Construction Requirements.

Design and construction of sewer laterals shall be in accordance with the requirements of Article 10, as applicable. All work must be done by properly licensed contractors or District personnel.

9.03 Sewer Laterals Through Easements Prohibited.

Sewer laterals shall not be installed in private easements over adjacent parcels. All connections of a premises to a sewer main shall be made directly through the lot or parcel where the premises is located to the sewer main in a public street.

9.04 Separate Sewers.

No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same sewer lateral. Every building or industrial facility must be separately connected to a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on premises belonging to the same owner may be served with the same sewer lateral during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said premises the portion not directly connected to such public sewer shall be

separately connected with a public sewer, at the owner's expense, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

9.05 Existing Sewer Laterals.

Existing sewer laterals may be used in connection with new buildings only when they are found, upon examination and test by the District inspector, at the owner's expense, to meet all requirements of the District.

9.06 Cleanouts.

Cleanouts in sewer laterals shall be provided in accordance with the rules, regulations and ordinances of the District and the County. All cleanouts shall be maintained watertight.

9.07 Sewer Too Low.

In all buildings in which any sewer lateral is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer lateral shall be lifted by artificial means, approved by the Manager and discharged to the public sewer at the expense of the owner. All such connections shall be equipped with suitable backflow devices, which shall be installed and maintained at the owner's expense.

9.08 Check Valves.

The Manager may require that an approved check valve be installed on any sewer lateral connected to the District system. Such an approved check valve is required and shall be installed on any sewer lateral connected to the District system where the floor elevation of the building is lower than the top of the next upstream manhole. Any check valve shall be installed and located in accordance with requirements and standards of the District and the County, in such a manner as to be accessible for inspection and repair at all times and, unless continuously exposed by suspension inside the building, shall be enclosed in a water tight masonry pit fitted with a removable cover.

9.09 Connection to Public Sewer.

The connection of the sewer lateral to the public sewer shall be at the applicant's expense and shall be made in strict accordance with the requirements of Article 10, as applicable. The connection to the public sewer shall be made in the presence of the District inspector and under his supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District inspector.

9.10 Liability.

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

9.11 Ownership and Maintenance of Sewer Lateral.

Sewer laterals shall be owned and maintained by the owner of the property served thereby.

9.12 Testing.

All sewer laterals shall be tested in strict accordance with standard District specifications.

ARTICLE 10. PUBLIC SEWER CONSTRUCTION

10.01 Permit Required.

No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds or other financial assurances as required herein. The provision of this Article requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

10.02 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 codes, ordinances, rules, and regulations of District, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The size, type and quality of materials shown in the plans, profiles and specifications shall be in accordance with the District's standard specifications in effect at the time of the application. The application, together with the plans, profiles and specifications shall be examined by the District Engineer who shall approve them as filed or require them to be modified as he deems necessary for proper installation.

10.03 Easements.

If the work is part of a new subdivision, the final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. Where sewer facilities are not constructed within a new subdivision, appropriate easements or rights-of-way shall be conveyed to the District by deed at no cost to the District.

10.04 All Work to be Inspected.

All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. 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 inspector. Records of such inspections will be maintained at the District's office.

10.05 Notification.

It shall be the duty of the person doing the work authorized by permit to notify the District in writing that said work is ready for inspection. Notification shall be given not less than forty-eight (48) 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 notification.

10.06 Unsatisfactory Work.

When any work is determined by the District inspector to be unsatisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the

sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

10.07 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 by the District shall be borne by the owner, including but not limited to, all costs and expenses incurred by the District, such as the cost of investigation, inspection, legal, accounting, and consulting engineer's services.

10.08 Street Excavation Permit.

A separate permit must be secured from the County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

10.09 Liability.

The District and its officers, agents and employees shall not be answerable for any liability for injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant. To the greatest extent permitted by law, the applicant shall be answerable for, and shall indemnify, defend and hold harmless the District and its officers, agents and employees from any liability imposed by law upon the District or its officers, agents or employees, including, but not limited to, all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

10.10 Time Limit on Permits.

Unless otherwise provided in the permit, if work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion the work is discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new administrative and personnel fee shall be paid upon the issuance of a new permit.

10.11 Construction Requirements.

Sewer connections and construction activities shall comply with all District ordinances, rules, regulations, resolutions, policies, procedures, administrative provisions, standards and specifications, and all Federal, State, County and other agency ordinances, rules and regulations affecting in any manner the construction of the sewer facilities, including but not limited to compliance with the California Environment Quality Act. All excavations for sewer installations shall be adequately guarded with barricades, road plates and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District. All excavations including shoring and trench protection shall be performed in accordance with State and local regulations.

10.12 Bond for Public Sewer Construction.

Prior to the issuance of a permit for public sewer construction the applicant shall furnish to the District a faithful performance bond in the amount of the total estimated cost of the work, to be secured by a surety or sureties satisfactory to the District. This faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of

faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

10.13 Work not Completed.

If the work of constructing public sewers is not completed within the time limit allowed in the permit or agreement, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the developer or subdivider.

10.14 Persons Authorized to Perform Work.

Only properly licensed contractors shall be authorized to perform the work of sewer construction within the District. All terms and conditions of the permit or agreement issued by the District to the applicant shall be binding on the contractor.

10.15 Compliance with Local Regulations.

Any person constructing a sewer within a street shall comply with all State, County and District laws, ordinances, rules and regulations, including but not limited to those pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the agency having jurisdiction.

10.16 Design and Construction Standards.

Minimum standards for the design and construction of sewers within the District shall be in accordance with the standard district specifications heretofore or hereafter adopted by District, copies of which are on file in the District office. The District Engineer, with the consent of the Board, may permit modifications or may require different standards where unusual conditions are encountered.

10.17 As-Built Drawings.

Two (2) complete sets and an electronic version (preferably AutoCAD) of "as-built" drawings showing the actual location of all mains, structures, wyes and laterals shall be filed with the District before final acceptance of the work.

10.18 Completion of Sewer Required.

Before any 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 complete in full compliance with all requirements of the standard District specifications and to the satisfaction of the District.

10.19 Further Requirements.

In granting an application for sewer construction work, the Board may make whatever further requirements appear to be necessary or convenient for the operation of the District.

ARTICLE 11. USE OF PUBLIC SEWERS

11.01 Drainage into Sanitary Sewers Prohibited.

No leaders or downspouts from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

11.02 Types of Wastes Prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees F.
- B. Any water or waste which may contain more than 100 milligrams per liter of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not 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 one-half inch in any dimension.
- E. Any seeds, pulp, skins, stems and other grape or wine byproducts, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a pH lower than 5.0 or higher than 8.4 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the District's sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the District's sewage treatment plant.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Any septic tank sludge.

11.03 Interceptors Required.

Grease, oil, and sand interceptors shall be provided when in the opinion of the Manager they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used solely for residential purposes. All interceptors shall be of a type and capacity approved by the Manager, and shall be so located as to be readily and easily accessible for cleaning and inspection.

11.04 Maintenance of Interceptors.

All grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

11.05 Preliminary Treatment of Wastes.

The admission into the public sewers of any waters or wastes having:

- A. a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or
- B. containing more than 350 milligrams per liter of suspended solids, or
- C. containing any quantity of substance having the characteristics described in Section 11.02, or

D. having an average daily flow greater than two percent (2%) of the average daily sewage flow of the District

shall be subject to the review and approval of the Manager. Where necessary in the opinion of the Manager, the customer shall provide, at the customer's expense, such preliminary treatment as may be necessary to:

- (1) reduce the Biochemical Oxygen Demand to 300 milligrams per liter and the suspended solids to 3.50 milligrams per liter, or
- (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 11.02, or
- (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and no construction of such facilities shall be commenced until said approvals are obtained in writing.

11.06 Maintenance of Pretreatment Facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the customer at his expense and to the satisfaction of District.

11.07 Manholes.

When required by the Manager, the owner of any property served by a sewer lateral carrying industrial wastes shall install a suitable manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly by District staff and safely located, and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

11.08 Measurements and Tests.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 11.02 and Section 11.05 shall be determined in accordance with standard methods and shall be determined at the manhole provided for in Section 11.07, or upon suitable samples taken at said manhole. In the event that no special manhole is available, the manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the sewer lateral is connected.

11.09 Special Agreements.

No statement contained in this Article shall be construed as preventing any agreement or arrangement between the District and any commercial or industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by District.

11.10 Swimming Pools.

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

11.11 Connection of Water Softening Equipment.

Pursuant to Health & Safety Code Section, 116785, a residential water softening or conditioning appliance may be installed on property served by the District's sewer system only if either of the following apply:

(a) The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where the appliance is used; OR

(b) The regeneration of the appliance discharges to the District's sewer system and all of the following conditions are satisfied:

(1) The appliance activates regeneration by demand control.

(2) An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 3,350 grains of hardness removed per pound of salt used in regeneration. An appliance installed on or after January 1, 2002, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 4,000 grains of hardness removed per pound of salt used in regeneration.

(3) The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless the devices are already in place or are prohibited by local and state plumbing and building standards or unless the devices will adversely restrict the normal operation of the fixtures:

(A) Faucet flow restrictors.

(B) Shower head restrictors.

(C) Toilet reservoir dams.

(D) A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks that serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed

prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

(c) Undefined terms in this Section 11.11 shall have the meanings set forth in Health & Safety Code Section 116780.

ARTICLE 12. PERMITS

12.01 Application for Permit.

Any person legally entitled to apply for and receive a permit shall make such application on an application form provided by the District.

12.02 Permit Required.

(1) No public sewer, sewer lateral or other sewerage facility shall be installed, altered or repaired within the District, and

(2) No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances, perform any work on any sewer lateral, and

(3) No person shall make alterations to any plumbing system, or the use thereof, which will cause a demand on the District's sanitary sewerage facilities in excess of that for which a permit was previously issued

until a permit for the work has been obtained from the District and all fees paid in accordance with the requirements of this Code.

12.03 Compliance with Permit.

After 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 the District, the Manager or other authorized representatives.

12.04 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 and with the plans and specifications he has filed with his 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 applicant and may be altered only by the District upon the written request for the alteration from the applicant.

ARTICLE 13. FEES AND CHARGES

13.01 Monthly Services Charges.

Monthly sewer service charges are set forth in Appendix B hereto and will be established, changed or modified from time to time by Ordinance by the Board.

13.02 Sewer Connection Fees.

A. Basic Connection Fee.

A person desiring connection to the sanitary sewer system of the District shall pay to the District, prior to issuance of a permit, or at such other time as required in this code, a Connection Fee determined in accordance with the schedule in Appendix A.

B. Additional Connection Fees.

(1) Connection to Facilities Subject to Reimbursement.

For any parcel, unit, lot or portion thereof, which abuts on, or can be directly served by, any sanitary sewerage facilities of the District constructed pursuant to special agreement entered into pursuant to Section 7.03 above, wherein the District has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said sanitary sewerage facilities, or the District has made an advance towards such costs on behalf of such parcels or property, an additional Connection Fee must be paid prior to the issuance of a permit for a sewer lateral connection for such parcel, unit, lot, or portion thereof or at such other time as required in this Code. The fee shall be collected in a sum to be computed by the Manager as said property's share of the cost of the sanitary sewerage facilities of the District constructed pursuant to special agreement.

(2) Connection Fee Recalculation.

(a) In cases where the hydraulic flow and/or the Strength Factor, as defined below, of the wastewater discharged from a connection vary materially from the hydraulic flow and/or Strength Factor of the wastewater typically discharged by the District's other customers with meters of the same size, the District may recalculate the sewer connection fee for the connection to ensure that the customer pays its proportionate share of the cost of capacity in the District's sewer facilities. The recalculated sewer connection fee shall be determined by multiplying (i) the number of equivalent residential units ("ERUs"), as defined below, represented by the connection, by (ii) the sewer connection fee applicable to meters of 3/4" or less, as set forth in Appendix A.

(b) "ERU" shall mean the equivalent capacity entitlement of a single family residence within the District, assuming an average hydraulic flow rate of 180 gallons per day and an average Strength Factor of 1.0.

(c) "Strength Factor" shall mean the strength of wastewater, based on its biochemical oxygen demand, suspended solids, and any special characteristics which may require additional or special treatment, in comparison to the assumed Strength Factor of 1.0 for the wastewater from a typical single family residence within the District. For example, wastewater with a strength which is twice that of a typical single family residence would have a Strength Factor of 2.0.

(d) The ERUs for a connection shall be determined by dividing the average daily hydraulic flow of wastewater from the connection by the District's standard assumed flow rate of 180 gallons per day for a single family residence, and then multiplying the quotient so obtained by the Strength Factor calculated for the connection.

(e) In determining the hydraulic flow and the Strength Factor of wastewater from a connection, the District may use domestic water meter data, flow metering, sampling, square footage, occupancy, comparisons with similar uses and/or such other methods as the District shall deem appropriate. In order to assist the District in making such a determination, the owner(s) and occupant(s) of the premises shall furnish such information as may be reasonably requested by the District. The District shall be allowed access to the premises to verify the information furnished to it and to otherwise conduct inspections and perform sampling. In the event such information is not furnished and/or such access is not provided as required above, the District may recalculate the sewer connection fees based on such information as the District finds reasonably available.

C. Alteration of Use.

The fees and charges herein established are applicable to the use proposed to be made of the building and the anticipated demand on the District sanitary sewerage facilities at the time the permit is issued. In the event of an alteration of the building or the demand on the District's sewerage facilities additional to that from which the connection charge was originally established, additional fees shall be paid to the District for the alteration or added demand. The additional fee shall be based upon the schedule of charges in effect at the time the permit for such alteration or addition is issued, less a credit (not to exceed the amount of the additional charge) for any fees previously paid.

13.03 Administration and Personnel Fee and Inspection Charges.

In addition to any other fees and charges established herein, a sewer administration charge shall be charged and collected prior to the issuance of a permit or in the case of a subdivision, prior to issuing a "can and will serve" letter as follows:

A. Initial Sewer Installation.

For each new service connection an Administrative and Personnel Fee will be charged to compensate the District for its expense in processing the permit in the amount shown in Appendix A. In addition, an Inspection Fee will be charged in the amount shown in Appendix A. Cost includes, but is not limited to, the cost of labor, material, transportation, supervision, engineering, legal service and all other necessary overhead expenses.

B. Alteration of Existing Sewer Installation.

For issuing a permit and inspecting any addition to, alteration or extension of an existing sewer lateral connection and installation, an administrative and personnel fee in the amount of the cost to the District to inspect the work, with a minimum charge in the amount shown in Appendix A. Cost means the same as in A. above.

13.04 Charges and Rates Do Not Exceed Costs.

The Board finds and determines that the charges, rates, and fees set forth in this Ordinance do not exceed the estimated reasonable cost of providing the service for which the charges, rates, and fees are charged.

ARTICLE 14. BILLING AND COLLECTING

14.01 Billing.

The regular billing period will be for each calendar month, or bi-monthly, as determined by the Board of Directors.

14.02 Collection with Water Charges.

Monthly sewer charges will be billed and collected with water charges for the District.

14.03 Opening and Closing Bills.

Opening and closing bills for less than the normal billing period shall be charged on a prorated basis. The effective date of an initial billing shall be the date of physical connection to the sanitary sewer system.

14.04 Billing Time.

Bills for sewer service shall be rendered at and payable at the same time as the District water service bills.

14.05 Late fee.

If any charge is not paid by the last day of the month of mailing, a late payment fee in the amount shown in Appendix A shall be added and become due. Interest at the maximum rate allowed by law shall accrue on all fees and charges not paid when due.

14.06 Collection by Suit.

As an alternative to any of the other procedures herein provided, the District may bring an action against the owner of the premises which received service for the collection of the amount of the delinquent rate and all penalties and costs of collection, including a reasonable attorney's fee.

14.07 Billing and Collecting on Tax Roll.

The District may provide for the collection of all charges upon the tax roll on which District taxes are collected and in the manner provided by law.

14.08 Charges a Lien.

Notwithstanding any other provision of this Code, charges shall constitute a lien against the lot or parcel of land against which they were imposed if the charges remain delinquent for a period of sixty (60) days. When recorded with the County Recorder, such lien shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording, unless sooner released or otherwise discharged. Notice of any lien shall be included on each bill to a delinquent property owner.

14.09 Tenant Billing.

Application to have sewer service charges billed to the tenant of premises requesting service shall be made on a District-provided form by the owner of such premises. Such form shall set forth that billing of a tenant is for the convenience of the owner and does not limit the responsibility of the owner to pay all charges and assure that the services are used in accordance with District rules and regulations.

14.10 Use of Credit Cards, Debit Cards, and Electronic Funds Transfers.

The District will accept credit cards, debit cards, or electronic funds transfers to pay for services rendered by the District and to pay any fee or charge due to the District.

A. Fees Payable by Customers.

Customers shall pay to the District a fee for the use of a credit or debit card or electronic funds transfer in an amount equal to the costs incurred by the District in providing for payment by credit or debit card or electronic funds transfer.

B. Dishonored Payments.

If a credit or debit card draft is not paid following due presentment to the card issuer or draft purchaser or is charged back to the District for any reason, any record of payment made by the District honoring the credit or debit card shall be void. If an electronic funds transfer request is not completed with a transfer of the funds to the District or is charged back to the District for any reason, any record of payment made by the District shall be void. In such cases (i) any receipt issued in acknowledgment of payment shall be void, and (ii) the obligation of the cardholder or accountholder shall continue as an outstanding obligation as if no payment had been attempted.

C. Returned Payment Charge.

If a credit or debit card draft, electronic funds transfer, or other payment offered in payment is charged back to the District or is returned without payment for any reason, the District shall impose a fee equal to Thirty-Five Dollars (\$35.00) for the charge back or return, to cover the District's processing and collection costs. Said charge may be added to, and become part of, any underlying obligation, other

than an obligation that constitutes a lien on real property, and a different method of payment for said payment and future payments by such customer may be prescribed by the District.

ARTICLE 15. DELINQUENT CHARGES COLLECTED ON TAX ROLL

15.01 Alternative Procedure.

Pursuant to Section 61621.2 of the Government Code, the Board of Directors may elect to have delinquent sewer charges, whether initially collected separately or together with other utility charges, remaining delinquent on the first day of each fiscal year, collected on the tax roll in the same manner, by the same persons, and at the same time as, and together with and not separately from, its general taxes.

15.02 Annual Report.

The District Secretary is hereby directed to annually prepare, before July 25, a written report containing a description of each and every parcel of real property receiving the sewer services hereinabove mentioned in this Code, and the amount of the sewer service charge, for each such parcel for the immediately concluded fiscal year, remaining delinquent on July 1, computed in conformity with the charges prescribed by the provisions of this Ordinance. Providing and excepting, however, that the sewer service charges for any and all governmental or public premises or for any premises which are not subject to taxation on the tax roll shall not be included in said report, but shall be collected in accordance with other provisions of this Code. The parcels of real property included in said report may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code of the State of California and on file in the office of the County Assessor of Santa Barbara County, California, or by reference to plats or maps, on file in the office of the District. The Secretary will file the report with the County Auditor by August 10.

ARTICLE 16. ENFORCEMENT PROVISIONS

16.01 Disconnection.

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District or the user or subdivision water system from the water mains of the District. Upon disconnection from the sewer system, the Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection from and reconnection to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. Procedures and charges for disconnection from and reconnection to the water system will be those set out in the Water Services Code of this District.

16.02 Public Nuisance, Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District may 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.

16.03 Means of Enforcement Only.

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

16.04 Violation.

Any person found to be violating any provision of this or any other code, ordinance, rule or regulation of the District, except Section 16.07 of these Enforcement Provisions, shall be served by the 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 (2) nor more than seven (7) 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 code, ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any sewer or of any violation of the District codes, the person or persons having charge of said work shall immediately correct the same. This section does not apply to late payment of rates, fees or charges.

16.05 Public Nuisance.

Continued habitation of any building or continued operation of an industrial facility in violation of the provisions of this or any other code, 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.

16.06 Liability for Violation.

Any person violating any of the provisions of the codes, 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.

16.07 Protection From Damage.

No unauthorized 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 sewage works or other facilities. Any person violating this provision shall be subject to the penalties provided by law.

16.08 Powers and Authorities of Inspectors.

The officers, inspectors, managers and any duly authorized employees of the District shall carry evidence establishing their 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 codes, ordinances, rules and regulations of the District.

16.09 Violation a Misdemeanor.

It shall be a misdemeanor for any person to use the sewer system contrary to or in violation of any restriction or prohibition contained in this Ordinance and, upon conviction, such person shall be punished by being imprisoned in the County Jail for not more than thirty (30) days or by fine of not more than three hundred dollars (\$300) or by both such fine and imprisonment, for each violation and for each day of a continuing violation.

ARTICLE 17. APPEALS AND EXCEPTIONS

17.01 Appeals.

Any person may appeal any decision or application of the provisions of this Ordinance by District staff to the Board of Directors by filing a written appeal with District, and the Board of Directors shall consider the appeal at a regular or special meeting within thirty (30) days from the date the appeal is filed. The District shall give the appellant written notice of the meeting at which the appeal will be considered at least five (5) days prior to said meeting. The District may fix fees for filing appeals in an amount deemed from time to time sufficient to cover District costs for appeals. (See Appendix A)

17.02 Action by Board.

At said meeting the Board of Directors may, in its discretion, affirm, reverse or modify the staff decision and make any adjustments and impose any conditions it deems just and proper, if it finds and determines that (1) the staff decision was in error, or (2) the restrictions of this ordinance would cause an undue hardship or emergency condition, or (3) that due to peculiar facts and circumstances, none of the provisions of this Ordinance are applicable to the situation under consideration, or (4) that the applicant is entitled to substantially similar treatment as set forth in some provision of this Ordinance authorizing sewer service facilities, and it finds that the granting of the appeal will not significantly adversely affect the sewer system or service to existing sewer customers.

17.03 Relief Application.

When any person by reason of special circumstances is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension, relief from or modification of that provision as applied to his premises. If such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

17.04 Relief on Own Motion.

The Board may, on its own motion, find that, by reason of special circumstances, any provision of this regulation and Code should be suspended or modified as applied to a particular premise and may, by Resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

ARTICLE 18. SUSPENSION OF CONFLICTING REGULATIONS

18.01 Conflicting Provisions.

This Ordinance prevails to the extent that the terms and provisions of this Ordinance are inconsistent, or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules and regulations. The terms of this Ordinance shall prevail and inconsistent and conflicting provisions of prior ordinances, resolutions and rules and regulations shall be suspended during the effective period of this Ordinance.

ARTICLE 19. EFFECTIVE DATE

19.01 Date of Adoption.

The provisions, rates, and charges fixed and regulated by this Ordinance shall be in effect from and after the date of adoption except for those items specifically listed below, and shall be and continue in force until changed by Ordinance of the District, and nothing in this Ordinance shall be considered or construed as a contract on the part of said District to furnish its services for any definite period. Nothing herein contained shall be deemed to prevent or bar said District from recovering from any customer the amount of indebtedness due the District from said customer prior to the effective date of this Ordinance at the rates then applicable.

ARTICLE 20. SEVERABILITY

20.01 Unconstitutional Provisions.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sentences, sections, subsections, or clauses or phrase be declared unconstitutional.

ARTICLE 21. EXEMPTION FROM CEQA

21.01 Charges Exempt.

The establishment of charges by this Ordinance are exempt from California Environmental Quality Guidelines (CEQA) and local guidelines. Section 21080 of the Public Resources Code (a part of CEQA) provides that CEQA shall not apply to the establishment of a charge by a public agency which the public agency finds is for the purpose of (1) meeting operating expenses, including employees wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs or requirements; or (4) obtaining funds for capital projects necessary to maintain service within existing service areas. The new charges created by this Ordinance fall in these categories.

APPENDIX A

(Updated November 1, 2021)

SEWER CONNECTION FEES AND OTHER FEES AND CHARGES

1.	Connection Fee, per Service Connection:	
	Meter Class	Sewer Connection Fee
	3/4" or less	\$9,485
	1"	\$15,808
	1-1/2"	\$31,617
	2"	\$50,586
	3"	\$110,658
	4"	\$199,184
	6"	\$411,014
	Accessory Dwelling Units with Water Meter of 3/4" or less:	Sewer Connection Fee
	1,000 to 1,200 square feet	\$9,485
	600 to 999 square feet	\$7,112
	Under 600 square feet	\$4,744
<p>The sewer connection fees set forth above shall be adjusted effective as of the first day of November of each year by an amount equal to the percentage change in the Engineering News Record Construction Cost Index 20-Cities Average published for the immediately preceding August as compared to such index for August of the previous year. The sewer connection fees set forth above for accessory dwelling units shall apply only to accessory dwelling units as described in Government Code Section 65852.2(f)(2)(B).</p>		
2.	Installation charge (lateral connection, meter box, piping and labor):	Cost + 10%
3.	Administrative and Personnel Fee (per connection):	\$125
4.	Inspection Fee:	Staff hourly rate x 1.5
5.	Meter Setting Fee	
	(a) Meters up to one inch (1"): (b) Meters larger than one inch (1"): The water meter setting fee only includes connecting the meter to an existing lateral from the main in an existing meter box with a lid. Meter box, piping and connections will be charged at cost as set forth in 2., above.	Meter cost plus \$35.00 Meter cost plus \$60.00
6.	Meter Testing Charge	
	(a) Meters up to one inch (1"): (b) Meters larger than one inch (1"): 	\$50.00 plus testing cost \$75.00 plus testing cost

7.	<p>Estimated Cost Deposits. The District may require deposits based on its estimates of actual cost or may calculate deposits according to the following schedule:</p> <p>(a) Main Extension Application (no subdivision):</p> <p>(b) Subdivision Water System Application (with main extension):</p> <p>(c) Subdivision Water System Application (w/out main extension):</p>	<p>\$2,500</p> <p>\$2,500 plus \$25 per lot</p> <p>\$2,000 plus \$25 per lot</p>
8.	<p>Temporary Service Connection Charge</p> <p>(a) Fire hydrant construction meter</p> <p>(i) Installation and removal charges:</p> <p>(ii) Monthly rental charges:</p> <p>(iii) Security deposit (per meter):</p> <p>(b) Other temporary connection:</p>	<p>\$35.00 each</p> <p>\$75.00/month; prorated for partial month w/ \$25 minimum</p> <p>\$700.00</p> <p>Cost + 10%</p>
9.	<p>Disconnection and Reconnection Charge</p> <p>(a) During regular hours:</p> <p>(b) Other than regular hours:</p>	<p>\$35.00</p> <p>\$100.00</p>
10.	Insufficient Funds Check Charge:	\$35.00*
11.	Late Payment Charge:	10%, with \$15.00 minimum*
12.	Appeal Fee for Review by Board of Staff Decision:	\$100
13.	Water Meter Removal Charge:	\$35.00
14.	Residential Cash Guarantee Deposit:	Twice the estimated monthly billing*
15.	Non-Residential/Other Cash Guarantee Deposit:	Twice the estimated monthly billing*
16.	Water Cross-Connection Inspection Fee:	\$3.28 per month per cross connection
17.	Additional services provided at customer request	Hourly staff labor rate x 1.5
18.	Posting Notice that Service will be Disconnected	\$35.00
19.	Posting Notice that Service has been Disconnected	\$35.00

*Charged only once for water and sewer combined.

APPENDIX B
(Revised August 1, 2016)

Monthly Fixed Sewer Service Charges

Customer Class	August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
Single Family	\$58.76	\$61.70	\$64.79	\$68.03	\$70.08
Multi-Family	\$51.37	\$53.94	\$56.64	\$59.48	\$61.27
Non-Residential	\$36.58	\$38.41	\$40.34	\$42.36	\$43.64
One Dwelling Unit Equivalent	\$58.76	\$61.70	\$64.79	\$68.03	\$70.08

Monthly Variable Sewer Service Charges
(Charges apply to each hundred cubic feet of water used)

Customer Class	August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
Non-Residential	\$2.89	\$3.04	\$3.20	\$3.36	\$3.47