

ORDINANCE NO. 25

ORDER NO. 93-31

SEWER USE ORDINANCE  
IRONHOUSE SANITARY DISTRICT

An Ordinance and Order establishing, prescribing and providing for the collection of the annual sewer service charge, and adopting uniform fees, rates and charges for connections to and for the Ironhouse Sanitary District (The "District").

The Board of Directors of the Ironhouse Sanitary District does ordain and order as follows:

**Section 1 - Repeal of Ordinances and Resolutions**

This Ordinance replaces all ordinances and resolutions of the Contra Costa Sanitation District No. 15, Oakley-Bethel Island Wastewater Management Authority, Oakley Sanitary District, and the Ironhouse Sanitary District in conflict or inconsistent with any provision of this Ordinance.

**Section 2 - Definitions**

2.1 Terms and Definitions. The following terms when used in this Ordinance shall have the following respective meanings:

(a) "Auditor" shall mean the person retained by the District to furnish audits.

(b) "Board" shall mean the Board of Directors of the District.

(c) "Boat Berth Space" shall mean an area which could be occupied by a boat along side or contained in a floating or fixed facility constructed for the purpose of securing and/or sheltering boats while on the water.

(d) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen required in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in milligrams per liter.

(e) "Commercial Owner" shall mean any owner who is not a residential owner or institutional owner.

(f) "Commercial Sewerage Service" shall mean the furnishing of sewerage to the premises of any commercial owner.

(g) "Connection Fee" means fees, tolls, rates, rentals or other charges necessary to provide for capital improvements to the system.

- (h) "District" shall mean Ironhouse Sanitary District.
- (i) "District Manager" shall mean the person appointed by the Board of Directors to perform the duties of District Manager.
- (j) "Domestic Sewage" shall mean the water-borne waste derived from the ordinary living processes, and such character as to permit satisfactory disposal without special treatment by the system.
- (k) "Domestic Sewerage Service" shall mean the furnishing of sewerage service to the premises of any owner from which domestic sewage originates.
- (l) "Engineer" shall mean the District Engineer, or any other person designated by the Board to perform the services or make the determinations permitted or required under this Ordinance to be made by the Engineer.
- (m) "Family" shall mean any one or more persons using a single family dwelling unit.
- (n) "Identifiable Commercial Activity" shall mean any activity proposed to be or presently being conducted on the premises of any commercial owner and which can be identified as separate and/or different from any other activity proposed to be or presently being conducted on the premises.
- (o) "Industrial Liquid Waste" shall mean any liquid waste requiring special treatment or processing, such as liquid waste from industrial manufacturing processes, trade or business as distinct from domestic sewage to which chemicals have been added or septic tank sludge.
- (p) "Inspection Fee" means fees, tolls, rates, rentals or other charges necessary to pay for the actual cost of inspection including any administration time.
- (q) "Institutional Owner" shall mean any owner, public or private, operating a public or nonprofit activity, such as school, church, hospital, lodge, club, fire department, library, or memorial building.
- (r) "Installer" shall mean a person, firm, corporation, or other legal entity or taxing agency, including the District, who installs or causes to be installed a public sewer which will connect to the District's sewerage service system.
- (s) "Intract Sewer" shall mean the sewer system within the limits of subdivisions, tracts or parcels.

(t) "Launching Facility" shall mean a launching ramp, hoist, or elevator capable of launching one boat at a time (i.e., a two lane ramp or a one lane ramp and a hoist operated by the same marina would equate to two launching facilities).

(u) "Levee" shall mean any embankment constructed along the waterways for flood control purposes.

(v) "Liveaboard Vessel" shall mean any boat or houseboat which was occupied 60 or more nights during the previous rate year. Any boat or houseboat containing a U.S. Coast Guard approved Type 1 or Type 2 sanitation device shall be exempt from the liveaboard fee, provided they are not also permanently connected to the Ironhouse District collection system.

(w) "Lodging Unit" shall mean any unit of one or more rooms having one or more plumbing fixtures suitable for lodging for one or more persons, both without kitchen or laundry facilities, in any rooming house, hotel, motel, or boatel.

(x) "Main Extension" or "Sewer Extension" shall mean the extension of any trunk sewer or main sewer, exclusive of side sewers and service connections.

(y) "Main Sewer" shall mean a public sewer which has been or is being constructed to accommodate more than one side sewer.

(z) "Marina" shall mean any commercial or publicly-owned enterprise constructed along the waterways having boat berthing and other facilities for the use of the general public.

(aa) "Mobile Home" shall mean motorized or non-motorized vehicle containing facilities for sleeping which may or may not contain plumbing facilities, and the dimensions are such that the product obtained by multiplying the length by the width shall be equal to or greater than 320 square feet.

(bb) "Mobile Home Space" shall mean an area with a facility for connecting to the sewer within a mobile home park or other premises, which could be occupied by a mobile home.

(cc) "Multiplier" shall mean the number of sewer units to multiply the fees or charges by.

(dd) "Multiple Dwelling Structure" shall mean any two or more single-family dwelling units in any single building or structure, or group of buildings or structures, including, but not limited to, any apartment house or apartment court.

(ee) "Multiple Lodging Structure" shall mean any two or more lodging units in any single building or structure, or group of

buildings or structures, including, but not limited to, and rooming house, hotel, motel or boatel.

(ff) "Occupant" shall mean any person actually occupying any premises, whether as owner or tenant or under contract or otherwise.

(gg) "Offtract sewer" shall mean sewer lines located outside of subdivision boundary.

(hh) "Owner" or "Owner of record" shall mean the person shown as the owner on the most current assessment roll of Contra Costa County, or the person owning a building located on land owned by another person.

(ii) "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration.

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

(kk) "Plant Capacity Fee" means fees, tolls, rates, rentals, or other charges for facilities furnished by the District in connection with its sanitary sewerage treatment facility.

(ll) "Premises" shall mean any lot, or any piece or parcel of land comprising one or more contiguous lots of record in one ownership, or any building or other structure, or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.

(mm) "Recreational Vehicle" shall mean a motorized or non-motorized vehicle containing facilities for sleeping which may or may not contain plumbing facilities. The length shall be less than 40 feet and the dimensions are such that the product obtained by multiplying the length by the width shall be less than 320 square feet.

(nn) "Recreational Vehicle Space" shall mean an area of sewered premises upon which an occupied recreational vehicle may be parked. The space may or may not have facilities for connecting to the sewer.

(oo) "Residential Owner" shall mean any owner who is not a commercial owner or institutional owner.

(pp) "Sanitary Disposal Station" shall mean any facility which receives, or is designed to receive, domestic sewage which has been stored prior to discharge to the facility.

(qq) "Sewage" shall mean domestic sewage or industrial liquid waste, or both.

(rr) "Sewerage Service" shall mean the services and facilities furnished or available to premises by the District's sewerage service system for the collection, treatment, and disposal of sewage.

(ss) "Sewerage Service System" shall mean the sewage collection and disposal system together with all extensions, additions, or improvements thereto at any time heretofore or hereafter made, including all truck and main sewers within or without the boundaries of the District and appurtenant to said sewage disposal system, and any pump stations, sewage treatment facilities, and appurtenances serving or used by the District hereinafter referred to as "System".

(tt) "Sewage Service Fee" means fees, tolls, or rates charged to current users for the cost of operating and maintaining the collection, treatment and disposal of sewage.

(uu) "Sewer Service Unit" hereinafter referred to as "unit", shall mean a measure service provided which is, in part, based upon the volume and strength of the sewage flow.

(vv) "Side Sewer" shall mean a privately owned and maintained sewer which connects the plumbing system of any house or other building to a main sewer, including any holding tanks, pumping units, and force systems. The side sewer begins at the point of connection to the main sewer (including that branch of wye by which connection is made, or saddle, or other means of connection) and for houses and other buildings terminates at the point of connection to the plumbing system two feet outside the foundation, and shall not be considered as part of the "sewerage service system" as defined above.

(ww) "Single-Family Dwelling Unit" hereinafter referred to as "unit", shall mean any dwelling of one or more rooms or each group of rooms in any single or multiple dwelling structure constituting a dwelling unit suitable for residential occupancy by any number of persons living together as a single family, said dwelling having one or more plumbing fixtures. Single-family dwelling unit shall include a mobile home or recreational vehicle installed in a permanent or semi-permanent manner.

(xx) "Standard Specifications" shall mean the Central Contra Costa Sanitary District Standard Specifications and Addenda, latest edition, and subsequent revisions and amendments, and are by this reference incorporated herein as though fully set forth.

(yy) "Street" shall mean any public highway, road, street, avenue, alley, way, in the District.

(zz) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water sewage, or other liquids, and which are removable by laboratory filtering.

(aaa) "Tax Collector" shall mean the County Tax Collector of Contra Costa County.

(bbb) "Treasurer" shall mean the Treasurer of Ironhouse Sanitary District.

(ccc) "Trunk Sewer" shall mean a public sewer which has been or is being constructed to accommodate more than one main sewer.

(ddd) "Trunkline Fee" means fees, tolls, rates, rentals or other charges necessary to finance the cost of acquiring and constructing trunkline sewerage facilities, appurtenances and administration as may be required to build sufficient capacity into the District's sanitary sewerage collection system to service the needs of its increasing population and commercial expansion including rebate to others for construction of excess capacity in trunklines.

**Section 3 - Establishment of Units** - Connection fees, plant capacity fee, trunkline fee and sewerage service fee shall be calculated by using the following applicable multiplier.

<u>Type of Service</u>	<u>Equivalent Service Unit</u>
<b>Residential</b>	
Single Family Dwelling Unit	1
Multiple Dwelling Unit	1 each unit
Multiple Lodging Unit	1 + 1/2 X No. of Rooms
Mobile Home Space	1 each space
Liveaboard Vessel (sewered or unsewered)	1 each vessel
<b>Commercial</b>	
Bar (each seat)	0.10 per seat
Laundromat (each machine)	0.35
Retail Store/Office Space (per 1,000 S.F.)	0.50
Repair Shop (per 1,000 S.F.)	0.25
Service Station (w/Public Restrooms)	0.40 per pump
Service Station (w/o Public Restrooms)	0.50
Barber Shop	1 + .50 X No. of chairs
Beauty Shop	1 + 1 X No. of chairs
Veterinary	3

**Commercial cont'd**

Dry Cleaners	1
Markets (per 1,000 S.F. retail area)	1
Medical - Dental (per doctor)	1

**Recreational Facilities**

Recreational Vehicle Space (sewered)	0.40 per space
Recreational Vehicle Space (unsewered)	0.07 per space
Boat Berth Space	0.04 per space
Camping, Picnic (each site)	0.07
Boat Launch Facility	2

**Restaurants**

Restaurant	.10 X No. of seats
Fast Food	4
On/Off Premises	4 + .10 X No. of seats

**Public Facilities**

Churches	1
Schools, primary	0.067 per student
Schools, secondary	0.10 per student

**Others** - The Engineer shall assign, based on flow, composition and/or strength, the unit multiplier for all services or categories of use not listed above.

**Section 4 - Establishment of Fees** - Fees charged by the District for services shall be as follows:

- 4.1 **Plan Check Fee.** Plan check fee shall be equal to 2% of the Engineer's estimated construction cost for all sewer construction including, but not limited to, sewer lines, trunkline, pump station, manholes, trenching, dewatering, backfill, paving and testing.
- 4.2 **Inspection Fee.** Inspection fee for two or more equivalent units shall be equal to 4% of the construction cost as described in Section 4.1 above, or \$50.00 per single inspection.
- 4.3 **Connection Fee.** The connection fee shall be equal to the total number of equivalent service units determined in Section 3 above multiplied time \$275.00.
- 4.4 **Permit Fee.** The fee charged to cover administration fees for permit issuance. The fee is \$20.00 per permit issued.

- 4.5 **Trunkline Capacity Fee.** Trunkline capacity fee shall be equal to the total number of equivalent service units as determined above, multiplied by \$600.00.
- 4.6 **Plant Capacity Fee.** Plant capacity fee shall be equal to the total number of equivalent service units determined above multiplied by \$2,571.00.
- 4.7 **Annexation Cost.** The owner of the property being annexed shall pay all cost and fees due LAFCo and state plus District's expense related to the annexation.
- 4.8 **Monthly Service Charge.** The monthly service charge shall be equal to the total number of equivalent service units as determined above multiplied by \$16.50. Monthly service charges will be collected by the County Tax Collector.
- 4.9 **Change of Use.** Where connection fees have previously been paid for sewage service for a structure, building, identifiable commercial activity, or separate premises, and it is proposed to alter the original character to use for the structure, building, identifiable commercial activity or separate premises, the Engineer shall establish and collect connection fees for the new proposed use, giving credit for a decrease in calculated fees.

#### **Section 5 - Use of Public Sewer Required**

- 5.1 **Disposal of Wastes.** No person shall place, deposit, permit to be deposited, or maintain in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District any human or animal excrement or other objectionable waste.
- 5.2 **Violation Unlawful.** No person shall connect to, construct, install, provide, maintain or use any privy, privy vault, septic tank, cesspool, or any other means of sewage disposal from any building in said District except by connection to a public sewer in the manner as provided in this Ordinance. The Board of Directors may grant an exception to this requirement for reason of undue hardship.
- 5.3 **Sewer Required.** The owner of any building situated within the District and abutting on any street in which there is now located, or may in the future be located, a public sanitary sewer of the District, shall at his expense, connect said building directly with the proper public sewer in accordance with the provisions of this Ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line at streetline.

- 5.4 **Sewer Not Available.** Where a public sanitary or combined sewer is not available under the provisions of this Ordinance, the owner of a building shall connect the building sewer to a private sewerage disposal system complying with the requirements of the County Health Officer.
- 5.5 **Abandonment of Facilities.** At such time as the owner makes a direct connection to the public sewer, he shall abandon any septic tanks cesspools, or similar private sewage disposal system and fill them with suitable material within 90 days, or as determined by the Engineer, and in connection therewith shall comply with all pertinent state, county, and city laws, ordinances, rules and regulations, and shall obtain all permits and pay all fees required by the entity having jurisdiction.

#### **Section 6 - Side Sewer and Connections**

- 6.1 **Permit Required.** No person shall uncover, make any connections with or opening into, use, alter or disturb any main sewer, lateral sewer or appurtenance thereof without first obtaining a written permit from the District and paying all fees and connection charges of the District.
- 6.2 **Contractor's Registration.** Except as provided in Paragraph 6.3 hereof, no person who has not complied with the State Contractor's License Law (Sections 7000-7145 of the Business and Professions Code) shall install or construct any District sanitary sewer or make connections to any District sanitary sewer in a public street or easement in the District. All contractors must register with the District prior to commencing or carrying out any such work within the District.
- 6.3 **Contractor's Registration Exception.** The provisions of Paragraph 6.2 shall not apply to work done solely on private property by property owner, provided that such work is subject to inspection by the District for workmanship and possible entrance of foreign material.
- 6.4 **All Costs Paid by owner.** All costs and expenses incident to the installation and connection of the side sewer and sewer line extension in right of ways shall be borne by the owner. The acceptance of any permit shall constitute agreement to comply with all the provisions, terms and requirements of this and other ordinances, rules and regulations of the District and other public entities having jurisdiction, and with any plans and specifications filed with the District.
- 6.5 **Separate Sewers.** The owner shall provide a separate and independent side sewer for every building, except where one building stands at the rear of another on an interior lot, both of which belong to the same owner, and no main sewer is

available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The side sewer from the front building may be extended to the rear building and the whole considered as one side sewer during the period of such ownership. Upon subsequent sale or other division of said ownership, the building not directly connected with a main sewer shall be separately connected with a side sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

#### **6.6 Sewage Backflow Protective Devices.**

(A) Due to the topographical characteristics of certain areas within the District, there exists the danger of damage to health and property resulting from the possibility of sewage overflow and back-flooding on public and private property. It is the purpose of this Ordinance to protect the health and safety of the residents of the District and to minimize the possibility of damage to property requiring, where topographical conditions warrant it, the installation and maintenance of an approved sewage backflow protective device.

(B) Where the surface elevation of the nearest upstream public sewer structure capable of overflow and relief of pressure (i.e., manhole, pressure relief, flushing inlet or rodding inlet structure) is higher than the elevation of the lowest floor containing gravity waste drainage plumbing of any structure connected, or to be connected, to the District's sewerage system, the owner, at his sole cost and expense, shall install and keep in operable condition at all times a sewage backflow protective device.

(C) All sewage backflow protective devices shall be located in the manner and meet the standards prescribed in the District's Standard Specifications, latest edition.

(D) It shall be unlawful for the owner to maintain any building sewer connection to the District's sewerage system without an approved sewage backflow protective device, as required by the provisions of this Ordinance.

**6.7 Existing Side Sewers.** Existing side sewers may be used in connection with new buildings only when they are found by the Engineer, on examination and test required by him, to meet all requirements of the District. The cost of examination and testing of existing side sewers shall be borne by the owner at the same rates as for inspection.

**6.8 Sewer Too Low.** In all buildings in which any side sewer is too low to permit gravity flow to the main sewer, sanitary sewage carried by such side sewer shall be lifted by artificial means, approved by the Engineer, and discharged to

the main sewer at the expense of the owner.

- 6.9 **Maintenance of Side Sewer.** Side sewers between the building and connection at the main line shall be maintained by the owner of the property served thereby.
- 6.10 **Plans, Profiles, and Specifications Required.** The application for a permit for main sewer construction shall be accompanied by three (3) complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District, prepared by a registered Civil Engineer, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the District Engineer, who shall, within twenty (20) days, approve it as filed, reject it, or require it to be modified as he deems necessary for proper installation. The permit shall prescribe such terms and conditions as necessary in the public interest.
- 6.11 **Subdivisions and Mobile Home Parks.** The requirements of Paragraph 6.10 of this Ordinance shall be fully complied with before any final subdivision improvement plans shall be approved by the Board of Directors. The final plan shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed.
- (A) Faithful Performance Security Bond - 100% of approved Engineer's Estimate.
- (B) Payment Security Bond - 100% of approved Engineer's Estimate.
- (C) Maintenance Security Bond shall be effective for one year immediately following acceptance of the work by the Board and shall equal 10% of approved Engineer's Estimate.
- (D) The Plan Checking Fees are due and payable at the time plans and specifications are delivered to the District office for checking. The Faithful Performance Security Bond and Payment Security Bond are to be delivered and accepted by the District before any agreement is entered and/or construction is begun. The Maintenance Security Bond shall be delivered to and accepted by the District before the acceptance of sewerage system by the Board.
- 6.12 **Easements or Rights of Way.** In the event that an easement is required for the extension of the mainsewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of the right-of-way having a minimum width of ten (10) feet and sufficient working

easement and length to allow the laying and maintenance of such extension or connection.

- 6.13 **Design and Construction Standards.** Minimum standards for the design and construction of sewers within the District shall be in accordance with the District Standard Specifications heretofore or hereafter adopted by the District Board, copies of which are on file in the District Office. The Engineer may permit or require modifications of the Standard Specifications where special conditions warrant.
- 6.14 **Asbuilt Drawing.** One (1) complete set of "as-built" drawings of a reproducible nature, on mylar, acceptable to the Engineer, showing the actual location and depth of all mains, structures, wyes, and laterals, shall be filed with the District before final acceptance of the work and before paving of streets.
- 6.15 **Completion of Sewer Required.** Before any acceptance of sewer line by the District, which line has been constructed by an installer, and before the admission of the sewage into the system, the sewer line shall be tested by the owner and shall be complete, in full compliance with all requirements of the District's Standard Specifications and to the satisfactions of the Engineer.
- 6.16 **Drainage Into Main Sewer Prohibited.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a side sewer which, in turn, is connected directly or indirectly to a main sewer.
- 6.17 **Design and Construction Requirements.** The connection of the side sewer to the main sewer shall conform to the Standard Specifications and other requirements of the District. All such connections shall be tested in accordance with the Standard Specifications. The Engineer may permit deviations from the prescribed procedures and materials when, in his opinion, special conditions and the best interests of the District warrant such deviations.
- 6.18 **Notification.** The applicant for a side sewer permit shall notify the Engineer when the side sewer is ready for inspection and connection to the main sewer. The connection shall be made under the supervision of the Engineer or his representative. Any damage to the main sewer shall be repaired at the cost of the applicant to the satisfaction of the Engineer.
- 6.19 **Compliance with Local Regulations.** Any person constructing a sewer within a street shall comply with all state, county, and city laws, ordinances, rules and regulations pertaining to the

cutting of pavement, opening, barricading, lighting and protection of trenches, backfilling, and repaving, and shall obtain all permits and pay all fees required by the entity having jurisdiction before the issuance of a permit by the District.

6.20 **Protection of Public.** All excavations for side sewer and main sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. The owner shall restore streets, sidewalks, parkways, and other public property disturbed in the course of the work in a manner satisfactory to the District.

6.21 **Building Removal.** When a building is demolished or removed from any premises, the lateral sewer shall be plugged immediately. The plug shall be a permanent type and shall be located at the property line under the ground surface.

### **Section 7 - Fees, Rates, Charges, and Billing for Facilities and Services**

7.1 **General Purposes for Accumulating Funds.** The general purposes for accumulating funds are;

(A) For the payment at, or before maturity of, the principle of and interest on any and all bonds issued by the District for expansion and/or improvement of the System;

(B) For the payment of any and all costs assessable to the District for planning, design, and construction of facilities forming a part of a regional or subregional sewage interceptor and treatment facility;

(C) For the provision of funds for the payment of the cost of administration, operation, maintenance, new construction, and replacement of any and all sewerage facilities.

7.2 **Methods of Accumulating Funds.**

(A) Funds shall normally be accumulated by a system of initial fees, charges, and annual sewerage service charges, and shall be established, from time to time, by order or resolution of the Board after consideration of the Engineer's recommendations.

(B) The fees herein provided for shall be paid at the following times:

(1) Plan Checking Fee - At the time of submitting plans and specifications to the District for checking.

(2) Inspection Fee - At the time of application for the Construction Permit or approval of subdivision plans for construction.

(3) Connection Fee - At the time of application for building permit or when notified by the Engineer of the amount determined to be payable, except in the case of connections through works constructed under assessment district proceedings, in which case the Fee shall be paid when the capital funds are received and disbursed pursuant to the assessment proceedings.

(4) Permit Fee - At time of permit issuance.

(5) Capacity Fees and/or Trunk Line Fee and/or Annexation Fee - At the time the subdivision approval for construction or for a single unit at time of building permit application.

(6) Annexation Cost - At the time of initiation of proceedings.

7.3 **Refunds.** Owner's failure to construct or failure to complete a project for which plans have been approved and permits issued and for which fees have been paid shall not constitute a reason for any refund of any monies of fees previously paid.

### **Section 8 - Specifications**

8.1 **District Standards.** The latest Standard Specifications of Central Contra Costa Sanitary District, Martinez, California, and subsequent revisions and amendments thereto are adopted as the Standard Specifications of the District and are by this reference incorporated herein as though fully set forth.

8.2 **Variance.** Under special conditions, the Engineer may approve modifications and/or require additions to the Standard Specifications.

### **Section 9 - Enforcement Measures**

9.1 **Liability for Violation.**

(A) Any 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.

(B) A violation of any of the District's ordinances, rules, or regulations is a misdemeanor and is punishable in accordance with the provisions of Section 4766 of the California Health and Safety Code.

- 9.2 **Discontinuance of Service.** The District may refuse to furnish sewerage service and may discontinue all services, as provided in Paragraph 9.4, to any premises where the Engineer finds that practices or conditions exist, or are imminent that would be detrimental or injurious to the System, or where necessary to protect itself against fraud, abuse, or improper operational and maintenance procedures.
- 9.3 **Enforcement.** The District, the Board, and all proper District officers, agents, or employees shall promptly take all steps, actions or remedies necessary for the collection of fees, charges and penalties as provided in this Ordinance (including which are now or hereafter be provided for in the law. Said remedies for collecting and enforcing said fees, charges and penalties, set forth in the law, are cumulative and may be pursued alternately or consecutively, as the Board determines.
- 9.4 **Violation - Nonpayment of Bills.** Upon failure of the owner or user of any premises violates any other provision of this Ordinance, and said violation continues for a period of sixty days, the Engineer may disconnect the premises from the System, subject to the hearing provisions of Paragraph 12.9.
- 9.5 **Public Nuisance - Abatement.** During the period of such disconnection, human habitation of such premises shall constitute a public nuisance, and the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human being during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District, in accordance with the provisions of Paragraph 12.10D(2), a reasonable attorney's fee and costs of suit arising in said action.
- 9.6 **Emergency Disconnection.** Notwithstanding the provisions of Paragraphs 9.4 and 12.9, if, in the opinion of the Engineer, such violation constitutes a public hazard or menace, the Engineer may immediately enter upon the premises without notice and such things including disconnection of the premises from the System and expending such sums as are necessary to abate such hazard.
- 9.7 **Correction of Violations.** Any sum expended by the District in correcting a violation shall be a charge upon the property, the responsible party, and the owner of the property, and the District may collect such sum from the same.
- 9.8 **Reconnection After Violation.** The Engineer shall estimate the cost of disconnection and the reconnection to the System and the owner or user shall deposit the cost, as estimated, of disconnection and reconnection, in accordance with the provisions of paragraph 12.10B, before the premises are

reconnected to System.

- 9.9 **Reconnection After Nonpayment of Bills.** Whenever premises have been disconnected from the system for nonpayment of sewerage service charges, in addition to the requirements of Paragraph 9.8, such premises shall not be reconnected to the System until all delinquent charges and penalties have been paid and until a connection permit has been obtained and until such of the following charges as are applicable have been paid: a sewer disconnection fee equal to the actual cost to the District of such disconnection; a sewer inspection fee for reconnection, and a permit fee; and until the owner and/or user of such premises otherwise has complied with this Ordinance. Reconnection will not be performed by the District.

### **Section 10 - Rebatement Provisions**

- 10.1 **Policy and Intent.** It is the policy of the District that sewer lines should be designed and installed initially to provide service to the widest possible service area. The Board of Directors finds that the replacement of sewers, or duplication sewers due to increased demand for capacity, results in:

- A. Increased capital expense and maintenance and operation expense to the taxpayers of the District;
- B. Inconvenience to the traveling public;
- C. Reduction in efficiency of the collection process, and
- D. Hazard to the public health.

The purpose of this section is to require the construction of sewers having capacities which are capable of handling sewage flows from service areas when they are ultimately and finally developed.

- 10.2 **Rebates.** The District will enter into rebate agreements with owner, subject to the following:

- A. No rebate shall be paid for any pipeline 12" in diameter or smaller.
- B. No rebate shall be paid for pipe lines 12" and larger when the oversizing is required due to slope of the pipeline.
- C. No rebate shall be paid for intact sewer line regardless of the diameter.

**Section 11 - Applicants Outside District**

11.1 **Outside of District.** The District shall not make sewerage service available to any applicant whose premises is located outside the boundaries of the District.

11.2 **Beyond District.** The District is not obligated to install any sewer lines beyond the boundaries of the District.

**Section 12 - Use of Sewers - Requirements, Limitations, Charges**

12.1 **Permit Required.** Permits to discharge into the sewerage system of the District anything but domestic sewage will be granted only in accordance with, and in consideration of, the conditions of this Ordinance, and shall be subject to reasonable rules, regulations and requirements.

12.2 **Prohibited Discharges.** 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 storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waters. Unpolluted water shall mean any water within the following limits of quality:

pH	7.0 minimum, 8.5 maximum
Dissolved Solids	1,000 milligrams per liter, maximum
Biochemical Oxygen Demand	5 milligrams per liter, maximum
Suspended Solids	5 milligrams per liter, maximum
Settleable Solids	0.1 milliliters per liter, per hour, maximum
Grease or Oil	None
Color or Odor	None
Toxic Concentration of Substances	None

B. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

C. Any ashes, cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscose substances capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage treatment plant.

D. Any garbage that has not been properly shredded. Proper shredding is defined as having not more than 5 percent by weight (determined on a dry basis) of all material discharged

less than 1/4 inch in its largest dimension, and no particle greater than 1/2 inch in its largest direction.

E. Any liquid or vapor having a temperature higher than 150 degrees F.

F. Any water or waste having a pH lower than 6.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage work.

G. Any water or waste containing (1) floatable grease, oil or fat of animal or vegetable origin in excess of 25 milligrams per liter, or (2) floatable grease, oil or fat mineral origin in excess of 10 milligrams per liter, or (3) dispersed grease, oil or fat in excess of 200 milligrams per liter.

H. Any noxious or malodorous substances which by themselves or by interaction with other wastes may create a public nuisance or hazard or make human entry into the sewers extraordinarily hazardous.

I. Any water or waste having a 5-day biochemical oxygen demand greater than 300 milligrams per liter.

J. Any water or waste having greater than 350 milligrams per liter of suspended solids.

K. Any water or waste which exerts or causes excessive discoloration.

L. Any unusual volume of flow or concentration of waste constituting a "slug". "Slug" is defined as any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.

M. Any water or waste containing dissolved sulfides in excess of 0.1 milligram per liter.

N. Any water or waste 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 sewage treatment plant. The following is a partial list of toxic substances and their maximum concentration allowable for admission into the public sewer system.

<u>Toxicant</u>	<u>Maximum Allowable Concentration</u>
Alcohols	100 mg./liter
Algicides	(See Note A)
Aluminum	0.2 mg./liter
Antibiotics	(See Note A)
Arsenic & Arsenicals	1.0 mg./liter
Bactericides	(See Note A)
Barium	5.0 mg./liter
Beryllium	5.0 mg./liter
Boron	10.0 mg./liter
Bromine, Iodine, Chlorine (total)	50.0 mg./liter
Cadmium & Chromium Salts	0.5 mg./liter
Chromium & Chromim Salts	0.5 mg./liter
Copper & Copper Salts	0.1 mg./liter
Cresols & Creosotes	2.0 mg./liter
Cyanides & Nitriles	0.2 mg./liter
Fluorine	1.5 mg./liter
Fungicides	(See Note A)
Insecticides	(See Note A)
Iron	1.0 mg./liter
Lead	0.2 mg./liter
Manganese	0.2 mg./liter
Mercury & Mercurials (as Mercury)	0.01 mg./liter
Nickel	0.2 mg./liter
Organic Solvents	1.0 mg./liter
Phenols & their Derivatives	0.5 mg./liter
Selenium	2.0 mg./liter
Silver & Silver Compounds (as Silver)	0.01 mg./liter
Sulfonamides & Dyes	(See Note A)
Zinc Compounds (as Zinc)	0.2 mg./liter
Strong Oxidizing Agents, such as Chromates, Dichromates, Permanganates, Peroxides, etc.	(See Note A)
Strong Reducing Agents, such as Nitrates, Sulfites, Thiosulfates, etc.	(See Note A)

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Note A: None will be allowed unless specifically approved in writing by the Engineer.

The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined by the Engineer on an individual basis. In no event shall any industrial waste discharged to the public sewers have a 96 hour median tolerance limit (TLM), as determined by the Routine Fish Bioassay Method, of less than 25 percent.

O. Any other substance, material, water or waste, which is not amenable to treatment by the treatment process, or causes

the sewerage treatment plant effluent to violate discharge requirements issued by the State Water Resources Control Board or the Regional Water Quality Control Board, or harms the sewers, treatment processes and equipment, or has any adverse effect on the receiving waters, or can endanger health, safety, public property, or can cause a nuisance.

**12.3 More Stringent Limits Permitted.** When the volume of waste discharge from any single industrial establishment is greater than 10 percent of the average daily sewage flow of the District, the Engineer may impose separate or special concentration limits more stringent than those previously listed upon that establishment.

**12.4 Precautions Against Entry of Unauthorized Materials to Sewer.**

Any physical connection to a public sewer or to a private sewer connected to a main sewer from vessels, tanks or containers receiving any of the hereinbefore mentioned material and substances, through which quantities of the aforesaid prohibited material or substances could be discharged accidentally, directly or indirectly, into the main sewers is prohibited. The owner of any manufacturing process or storage vessel shall take precaution to prevent the accidental spillage of any of the hereinbefore mentioned materials into floor drains, basins, downspouts, gutters, or any other drainage facilities which are connected, directly or ultimately, to the sewer system.

**12.5 Permit Procedure.**

A. Each person discharging anything except domestic sewage into the sewer system at the time this Ordinance takes effect shall submit an application to the Engineer within two (2) months after this Ordinance takes effect and shall not discharge industrial waste into the sewer system after nine (9) months from the date of adoption of this Ordinance without a permit therefor.

B. No person discharging anything other than domestic sewage shall make a connection to the System without first applying to and receiving from the Engineer a permit therefore. This permit shall be in addition to all other permits required by the District.

C. All applicants for a permit to discharge anything other than domestic sewage to the System shall file with the Engineer industrial waste information as a prerequisite for the consideration of such a permit. The following is partial listing of information to be furnished by the applicant for a permit:

(1) Details of production, number of employees, water consumption and usage, water disposal facilities and other pertinent data to enable the Engineer to properly determine the nature of the waste being discharged;

(2) Plan of the properties showing accurately all sewers, drains and sewer connections;

(3) Laboratory determination of the characteristics of the sewage, industrial waste or other waste discharged to the sewer system when required by the Engineer, For the purpose of obtaining this permit, such laboratory determinations shall be performed at the expense of the applicant.

D. Terms and conditions as may be required by the Engineer in the issuance of a permit are as follows:

(1) A limitation on the volume of sewage and the rate of flow permitted from the premises;

(2) The installation by the discharger, at his own expense, of facilities or equipment for intermittent or continuous monitoring of the quantity or quality of sewage, industrial waste or other wastes discharged into the sewer system from such premises; such facilities and equipment shall be deeded to the District along with the necessary easements and/or rights of way as required by the District. The cost of maintaining said monitoring facilities or equipment shall be added to the Annual Sewage Service Charge to the discharger.

(3) The installation and maintenance by the discharger, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage or industrial waste to such a percentage of the 24 hour rate as may be required by the Engineer.

(4) The installation and maintenance by the discharger, at his own expense of such preliminary treatment facilities as may be required by the Engineer.

(5) The installation and maintenance by the discharger, at his own expense, of a suitable control manhole in the portion of the side sewer located on private property to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Engineer.

(6) The installation and maintenance by the discharger, at his own expense, of grease, oil and sand interceptors or traps that are necessary for the proper handling of liquid wastes containing grease and excessive amounts of any inflammable waste, and other harmful ingredients. All interceptors or traps shall be of an approved type and capacity and shall be so located as to be readily and easily accessible for cleaning and inspection;

(7) The submission to and approval by the Engineer of the plans for any of the above facilities or equipment required to be installed and maintained by the discharger;

(8) Such other terms and conditions as may be necessary to protect the System and carry out the provisions of this Ordinance;

(9) Such terms and conditions may also provide that subsequent to the commencement of operation of any preliminary treatment facilities, periodic reports shall be made by the discharger to the Engineer setting forth adequate data upon which the acceptability of the sewage, industrial waste or other waste, after treatment, may be determined.

(10) The permittee shall notify the Engineer of any changes in operation that affect the quantity or quality of the industrial waste discharge immediately upon such changes. The Engineer, at any time before or after granting a permit, may require additional pertinent information from each person discharging industrial waste into the sewer system.

**12.6 Refusal of a Permit.** The Engineer may refuse to grant any permit if he determines that one or more of the following conditions apply:

A. The applicant has not adequately completed the application for the permit or furnished information required by this Ordinance in connection therewith.

B. The application for a permit contains false statements or misrepresentations.

C. The applicant's existing or proposed discharge does not conform to the provisions of this Ordinance.

D. The granting of a permit would result in the establishment of a use or occupancy of land in violation of the zoning ordinance of any city or county having jurisdiction over the land for which a permit is sought.

- E. The granting of a permit or occupancy or use pursuant thereto would result in the creation or maintenance of a public nuisance.
- 12.7 **Grounds for Suspension or Revocation of a Permit.** Any permit issued hereunder may be suspended or revoked at any time as provided hereunder upon any of the following grounds:
- A. Upon any of the grounds for which a permit may be denied.
  - B. For violation of any condition or provision of the permit.
  - C. For violation of any provision of this Ordinance or of any rule or regulation issued pursuant thereto.
- 12.8 **Effect of Suspension or Revocation of a Permit.** Upon the suspension or revocation of a permit, the District shall terminate service and shall disconnect sanitary and waste disposal connection in accordance with the provisions of paragraphs 9.4 and 12.9 of this Ordinance; provided, however, that the District may continue service and may continue sanitary and waste disposal connection facilities upon the removal by the permitor of the grounds for suspension or revocation and upon such other terms and conditions as shall be authorized by this Ordinance and imposed by the Engineer.
- 12.9 **Procedure for Suspension or Revocation of a Permit: Notice and Hearing.** Prior to the suspension or revocation of a permit, and the termination of service and disconnection of sanitary and waste disposal facilities, the District shall notify, in writing, the owner and tenant, if any, of the property affected. Said Notice shall advise that said District will consider the suspension or revocation of the permit, termination of service, and disconnection. Said Notice shall state the date of proposed suspension or revocation, termination of service, and proposed disconnection of service, and the reason therefor, and the time and date and place that the District Board shall hold a hearing upon said proposed suspension, revocation, termination and disconnection. Said hearing shall not be less than ten days subsequent to the giving of notice as herein required. Said Notice shall be mailed to the owner at the address shown on the records of the Assessor of Contra Costa County or as known to the District, and a copy shall be delivered to the tenant or posted conspicuously on the property affected. District may (but shall not be required to) give such further or additional notice as in the Discretion of the District is convenient or desirable. At the conclusion of the hearing, the Board shall adopt a resolution determining whether grounds exist for suspension or revocation of the permit and for termination and disconnection of service. If such grounds are found to exist, the permit shall forthwith be suspended or revoked (as said

resolution shall so determine) and service shall forthwith be terminated and sanitary and waste disposal facilities forthwith disconnected. A copy of said resolution shall be mailed to the owner at the address shown on the records of the Assessor of the County or as known to the District and a copy shall be delivered to the tenant or posted conspicuously on the property; provided, however, that the service of said copy of the resolution shall not be a condition precedent or subsequent to suspension or revocation, termination or disconnection.

#### **12.10 Procedure for Requested Restoration of Permit and Service:**

##### **Imposition of Conditions.**

A. Any person whose permit has been suspended or revoked hereunder, or for whom service has been terminated and disconnection effected hereunder, may petition the District Board for reinstatement of the permit and reinstatement of service. The petition shall be filed with the Engineer and shall be verified by the petitioner under oath or by declaration under penalty of perjury. The petition shall contain a detailed statement of the corrective action taken by the petitioner or others to remove the grounds for suspension or revocation, termination and disconnection of the corrective measures or devices to prevent a repetition of any violation, and of proposed security against any further violation. The petition shall contain the name and address of the petitioner for purposes of receiving notice.

B. The petition shall be heard by the District Board within 35 days of the date of filing. Notice of time, date and place of hearing shall be given to the petitioner at least ten days before the hearing, in writing, and mailed to the petitioner at the address shown on the petition; provided, however, that the petitioner may waive said notice in writing. At the hearing, the District Board shall consider evidence presented by the petitioner in support of his petition and evidence in opposition.

C. The Board, in its discretion, may restore the permit, service and connection if it finds, by resolution that the grounds for suspension or revocation, termination and disconnection have been corrected and that there is adequate assurance from the petitioner of corrective measures or devices to prevent a repetition of any offense for which the permit was suspended or revoked and service terminated and disconnected.

D. The District Board may, as a condition to the restoration of the permit, service and connection:

(1) Require the petitioner to provide reasonable safeguards and security to avoid a repetition of any offense for which the permit was suspended or revoked and service terminated and disconnected.

(2) Impose reasonable charges in accordance with the schedule adopted by the District to compensate the District for expenses incurred by the District in connection with the suspension or revocation, termination and disconnection, and in connection with the reinstatement of the permit and the restoration of service and reconnection.

(3) Impose reasonable charges in accordance with the schedule adopted by the District for any damage to its facilities, in accordance with paragraph 9.1(A), or any overload to its facilities which the petitioner should equitably be required to pay.

(4) Impose such other reasonable conditions or regulations as shall be necessary to protect the public health, safety and property and to prevent a nuisance.

(5) Impose such reasonable conditions or regulations as shall be necessary to comply with the requirements of the State of California Regional Water Quality Control Board or the State of California Water Resources Control Board of this District.

**12.11 Rules and Regulations.** The Board may adopt reasonable rules and regulations or impose reasonable conditions, in addition to those herein specifically authorized, upon any permit issued, for the purpose of implementing this Ordinance. A copy of any such rules and regulations shall be maintained in the office of the District and shall be available for inspection upon request of any member of the public. Copies of said rules and regulations shall be reproduced for sale to members of the public at a reasonable charge. Without limitation to the generality of any other provision of this Ordinance, a violation of said rules and regulations shall be grounds for suspension or revocation of a permit.

**12.12 District Personnel Authorized to Inspect Premises.** The Engineer and other duly authorized employees and agents of the District, bearing credentials and identification, shall, in all cases affected by this Ordinance, be authorized to enter upon all properties in the District for the purpose of (1) determining the size, depth, location and condition of any sewer or storm drain connection, (2) determining the location of discharge connection of roof and surface drains and plumbing fixtures, and (3) inspecting, observing, measuring, sampling and testing the quantity, consistency and

characteristics of water and wastes being discharged into any public sewer or natural outlet.

The inspections authorized by this paragraph shall be conducted either with the consent of the owner or occupant, or pursuant to the provisions of Title 13 of Part III of the Code of Civil Procedure (CCP Section 1822.50 et seq.).

- 12.13 **Sampling and Testing.** All measurements, tests and analyses of characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be performed upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents in the sewage upon the sewage works and to determine the existence of hazards to life, limb and property.

### **Section 13 - Protection of District Property**

- 13.1 **Damage to District Property.** No person shall break, dig up, obstruct, injure, manipulate, remove, or in any way interfere with the property and facilities, or any part thereof, including, but not limited to any valve, manhole cover, clean-out, flushing inlet, sewer lines, or apparatus connected therewith, of the District without prior written authorization from the District to do so.
- 13.2 **Deposits on District Property.** No person shall place or deposit upon the property or in the facilities of the District any waste, garbage, trash, debris, or other unauthorized material.

### **Section 14 - Sewerage Service Charges**

- 14.1 **Definitions.** Unless otherwise defined by this section or clearly required by its context, terms used in this section shall have the meanings set forth for them in this Ordinance.
- 14.2 **Purpose.** Revenue derived under this section shall be used only for the acquisition, planning, construction, reconstruction, maintenance and operation of its sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewerage facilities, and to repay federal or state loans or advances made to such entity for the construction or reconstruction of sanitary or sewerage facilities.

**14.3 Operative Date for Charges.** Annual sewerage service charges are hereby assessed and levied upon all premises connected to the District's system on July 1, 1993 and thereafter for each succeeding fiscal year. Premises first connected to the system after July 1, 1985 shall pay for the annual sewerage service charge as it was on the date on which the application is made to connect the system for the current fiscal year as provided in this Ordinance.

**14.4 Annual and Initial Charges.**

A. Annual Sewerage Service Charges. For each premises connected or required by this Ordinance to be connected to the system, the annual sewerage service charge required to be paid is the applicable amount set forth in paragraph 14.5 of this Ordinance, except where annual sewerage service charges are paid for under a contractual agreement between the District and the premises' owner or occupant. Such agreed charges shall, as a minimum, be substantially equivalent to the applicable charges specified in paragraph 14.5.

B. Initial Annual Sewerage Service Charges. The initial annual sewerage service charge shall be paid at the time of connection for sewerage service prorated for the number of months remaining in the current fiscal year until the next following June 30, including the month during which connection is made. The initial charge for services for less than one year, and other bills requiring proration, shall be prorated only on the basis of the number of months in the period, and any period of less than a full month shall be counted as a full month.

Time of connection shall mean the date which the District issues the signed connection permit which will not be issued until all fees and service charges are paid.

**14.5 Required Charges.**

A. Minimum Annual and Unit Charges. Minimum annual sewerage service charges are established and shall be paid as follows:

(1) Minimum rate for any premises shall be one "annual unit charge." An "annual unit charge" shall be that amount of money determined by the Board in an order or resolution to be required per unit to meet the annual costs of the operation, construction, and maintenance of the District's system, plus bond principal and interest and capital improvements for the fiscal year charges which are to be made.

(2) Each unit shall have one "annual unit charge."

(3) Each unit in a multiple dwelling structure shall have one "annual unit charge."

(4) The minimum annual charge for multiple lodging structures, identifiable commercial activity and institutional owners shall be the rate established by order or resolution of the Board after consideration of the Engineer's recommendations for charges. Such rate charge shall be the sum of money determined by multiplying the "annual unit charge" for a unit by the applicable multiplier set forth in Section 3.

B. Vacant Premises. If any premises shall become vacant, the applicable minimum annual sewerage service charge shall continue to be charged to and collected from the owner of such premises until the premises have been disconnected from the System and the Engineer notified in writing by the owner of that disconnection.

C. Exemptions. No premises serviced by the system shall be exempt from payment of charges without Board approval by order or resolution setting forth the special conditions which form the basis for exemption.

D. Separate Connections.

(1) There shall be a separate connection to the System for each structure, building, identifiable commercial activity or separate premises.

(2) Upon written request to the Engineer, any two or more separate structures, buildings, or identifiable commercial activities on the same lot, or on adjoining lots, under a single ownership of record, provided the Engineer's written approval is first obtained, may be connected to the System by means of a single connection to serve such structures, buildings, identifiable commercial activities, or separate premises. In this single connection situation, one total annual service charge shall be levied, which charge shall be the total of the applicable minimum annual sewerage service charges set forth in this section for each structure, building, identifiable commercial activity, or separate premises, and the responsibility for payment of this total annual charge for all facilities and services furnished is the responsibility of the owner. Under this single connection option, the connecting sewer shall remain a private side sewer unless constructed as a main sewer and deeded or dedicated to the District.

E. Use Change and Charge Adjustment. Where applicable fees and annual sewerage service charges have already been paid for

sewerage service to be provided for a structure, building, identifiable commercial activity or separate premises, the Engineer may establish and collect connection or development fees and/or annual service charges in accordance with District ordinances and paragraph 14.5 for the new proposed use, giving credit for connection and development fees previously paid.

#### 14.6 Collection of Annual Charges.

A. Authority and Conflict. This section is enacted pursuant to Health and Safety Code sections 4766 and 5473 to 5473.11, inclusive, and constitutes the ordinances referred to in Sections 4566 and 5473. In the case of any conflict between the provisions of this section and Ordinance and those of Sections 5473 to 5473.11, or Ordinance No. 1 of OBIWMA, the latter shall prevail.

#### B. Tax Roll Collection:

(1) All District annual sewerage service charges for the 1993/1994, and subsequent fiscal years, shall be collected on the County tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency.

(2) All things required by Health and Safety Code Sections 5473 to 5473.11 to be done in a timely manner by the Engineer so that the Board for each fiscal year can take all actions required of it in order to collect the annual sewerage service charges for that year on the tax roll.

#### C. Direct Collection.

(1) If any levied annual sewerage service charge for a fiscal year, or portion thereof, billed on the tax roll become delinquent, they shall be collected as follows:

(a) By the Engineer, who may take any reasonable and proper action necessary to insure payment, including the billing and the filing of liens as provided in Health and Safety Code Section 5473.11. The Engineer may also institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the District may be collected.

(b) Collection by consent and agreement with another entity's department's or utility's rates

pursuant to Health and Safety Code Sections 5471 and 5472.

(c) By such other action as authorized by law and by the District's Board, including disconnection from the System pursuant to the provisions of Section 9.

(2) Charges collected pursuant to this subsection (C) are subject to the following:

(a) A basic penalty of 10 percent of any unpaid charge shall be added to it for non-payment within the time and in the manner prescribed in this section and collected.

(b) A further penalty of one half of one percent per month for non-payment of any charge and basic penalty shall be added and collected.

#### **Section 15 - Duties of Engineer**

**15.1 Engineers responsibility.** The Engineer shall supervise all connections to the System and enforce all provisions of this Ordinance. The Engineer shall collect all fees and charges excepting those relating to the billing, collection and delinquency of Annual Sewerage Service Charges and Ad Valorem Taxes.

#### **15.2 Right of Entry.**

A. The Engineer shall be authorized to enter all private properties through which, or through part of which the District holds a duly-obtained easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portions of the System lying within the easement.

B. The entries authorized by this paragraph shall be conducted either with the consent of the owner or occupant or pursuant to the provisions of Title 13 of part III of the code of Civil Procedure (CCP Section 1822.50 et seq.).

#### **Section 16 - Notices**

**16.1 Written or Oral.** Notices from the District to any person will be given in writing, either delivered personally to the owner of record or mailed to his last known address, except that in any emergency the Engineer may give oral notice by telephone or in person.

16.2 **Notices to the District.** Notices from any person to the District may be given by such person or his authorized representative orally or in writing at the District office or may be sent by mail to the Engineer at P.O. Box 1105, Oakley, CA 94561.

### **Section 17 - Appeals**

17.1 **Appeal of Engineer's Determinations.** Any installer dissatisfied with any determination of the Engineer may appeal the determination to the Board within 15 days after receiving notice of the determination by filing written notice of appeal with the District. The notice of appeal shall state the grounds for appeal. At a regular meeting of the Board after the notice of appeal is filed, the Board shall hear the appeal. The decision of the Board shall be final.

17.2 **Payment and Refund.** Pending decision upon any appeal relative to the amount of any charge hereunder, the appellant desiring to proceed with construction shall pay such charge. After the appeal is heard, the Board shall order refunded to the appellant such amount, if any, as the Board shall determine should be refunded.

17.3 **Relief on Own Motion.** If the Board on its own motion finds that by reason of special circumstances any provision of this Ordinance should be suspended or modified as applied to a particular premises, it may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

### **Section 18 - Validity**

18.1 **Validity.** If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, no other provision of this Ordinance shall be affected thereby.

### **Section 19 - Effective Date**

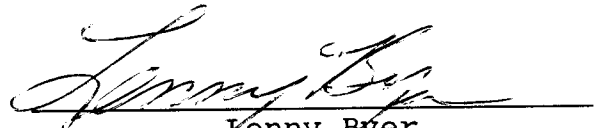
This Ordinance becomes effective on July 1, 1993. This order also designates the undersigned to prepare and publish a 1/4 page display advertisement in accordance with California Health and Safety Code Section 6490.

PASSED AND ADOPTED ON THE 1st day of June, 1993 by the following vote:


Ayes: L. Byer, D. Meadows, R. Kirkman, W. Trice, I. Powell, D. Mickelson, and R. Gromm

Noes: none

Absent: none

  
Lenny Byer  
President of the Board

Attest:

  
Cynthia A. Bauer  
Secretary to the Board

JE: cab  
isd\ord25  
(rev: 6-22-93)