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PREFACE TO THE SANITARY DISTRICT CODE

This Code is the result of many months of study and analyses of the District's operations and procedures. It represents a statement in clear, precise and understandable form of all the District's ordinances.

The project of rewriting and putting in code form all of the District's ordinances was originally begun in 1967 and completed in 1974 at the direction of the Directors of the Board. At the insistence of the District, enabling legislation was sought to enable districts organized under the Sanitary District Act of 1923 (Health and Safety Code, Sections 6400-6924) to codify their ordinances and to then adopt the code without the expensive process of publishing their entire code. This procedure is similar to that used by municipalities in the State.

After the removal of all "dead wood" including repealed ordinances and ordinances which had been rendered obsolete by changes in administrative procedures and the adoption of state legislation, the remaining nucleus was reorganized into a logical outline according to subject matter.

The almost incredible growth of the District had necessitated the adoption of modern administrative principles which the District's own body of law had failed to anticipate and had failed to keep up to date. Every effort was made to incorporate or provide for the District's present policies of administration. The result is a concise but comprehensive restatement of the District's ordinances and in many instances its policies underlying the Code.

The Code was adopted finally on _____ The District's experience with it has proved worth the efforts involved. It provides the public with a growth compilation of the laws of the District. Instead of a collection of unrelated ordinances in a series, the District has a fully integrated code. Amendments, additions or repeals can be made to sections or parts of the code; thus, it can be kept up to date. This one document contains, at any stated time, the effective laws of the District.

Special credit is due to Central Contra Costa Sanitary District and the Administration for its ordinances and ideas for the updating to meet present condition.

Signed

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CHAPTER 1. GENERAL PROVISIONS.
Secs. 1-101 to 1-117

- Sec. 1-101. Short title.
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- Sec. 1-114. Code references apply to amendments and additions.
- Sec. 1-115. Relief from ordinances or regulation because of special circumstances.
- Sec. 1-116. Relief from charges because of special circumstances.
- Sec. 1-117. Separability.

Sec. 1-101. Short title.

This Act may be cited as the Rodeo Sanitary District Code.
(Adopted by Ord. No.

Sec. 1-102. Provisions as continuation of existing ordinances.

Each provision of this code insofar as it is substantially the same as an existing provision relating to the same subject matter shall be construed as a restatement and continuation and not as a new enactment.
(Adopted by Ord. No.

Source: Section 2, Health and Safety Code.

Sec. 1-103. Savings clause and accrued rights.

Any action or proceeding started before this code takes effect and any right accrued is not affected by this code. However, all procedure thereafter taken shall conform to this code as far as possible.

(Adopted by Ord.)

Source: Section 4, Health and Safety Code.

Sec. 1-104. Effect of headings.

Chapter, article and section headings do not affect the scope, meaning or intent of this code.

(Adopted by Ord.)

Source: Section 6, Health and Safety Code.

Sec. 1-105. Delegation of power.

Whenever this ordinance grants a power or imposes a duty upon a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized by the officer.

(Adopted by Ord.)

Source: Section 7, Health and Safety Code.

Sec. 1-106. Tense.

The present tense includes the past and future tenses. The future tense includes the present tense.

(Adopted by Ord.)

Source: Section 11, Health and Safety Code.

Sec. 1-107. Gender.

The masculine gender includes the feminine and neuter.

(Adopted by Ord.)

Source: Section, 12, Health and Safety Code.

Sec. 1-108. Number.

The singular number includes the plural, and the plural number includes the singular.

(Adopted by Ord.)

Source: Section 13, Health and Safety Code.

Sec. 1-109. "Shall" and "may".

"Shall" is mandatory and "may" is permissive.

(Adopted by Ord.)

Source: Section 16, Health and Safety Code.

Sec. 1-110. Definitions.

In this code, unless the context otherwise requires:

- (1) "board" means the board of directors of the district;
- (2) "building" means a structure used for any purpose which contains a fixture, plumbing system or sanitary facility of any type;
- (3) "connection" means the physical attachment of a building to a public sewer by a side sewer;

- (4) "county" means Contra Costa County;
- (5) "district" means the Rodeo Sanitary District;
- (6) "general superintendent" means the chief executive officer of the district;
- (7) "fixture" means sink, tub, shower, water closet, garbage disposal or other facility connected by a drain to the sewer;
- (8) "garbage" includes animal, fruit, and vegetable refuse, offal, leaves and cuttings, trimmings from trees, shrubs and grass, inorganic refuse and rubbish, and anything thrown away as worthless;
- (9) "health officer" means the health officer of the county;
- (10) "installer" means a person, including the district, who installs a sewer;
- (11) "living unit" means a structure or a portion of a structure occupied or intended to be occupied by a single person or single family;
- (12) "outside sewer" means a sewer outside the boundaries of the district;
- (13) "person" includes an individual, firm, company, partnership, association, organization, the United States of America, the State of California, a political subdivision, governmental agency or other public or municipal corporation;
- (14) "plumbing system" means plumbing fixtures and traps, waste and vent pipes, and all sewer pipes within a building and extending to the house or side sewer connection 2 feet outside the foundation line or building wall;
- (15) "private sewer" is a side sewer or a sewer serving an independent sewage disposal system not connected to a public sewer;
- (16) "public sewer" is a sewer located in a public right of way which is maintained and controlled by the district;
- (17) "sewage" is the combination of water-carried wastes from a structure together with such ground surface and storm waters which may be present as a result of uncontrollable infiltration;
- (18) "sewage system" includes sewage treatment plants and works, sewers, pumping plants or stations and appurtenances useful or convenient for the interception, treatment, purification or disposal of sewage and industrial wastes, and necessary land and rights of way;
- (19) "sewer" is a pipe or conduit for holding and carrying sewage, and includes manholes, rodding inlets, pressure relief valves and all other facilities appurtenant which are necessary or convenient to the holding or carrying of sewage.
"Sewers" are classified as follows:

- (a) "side sewer" is the privately owned and maintained sewer which connects the plumbing system of the building to the main sewer. The side sewer begins at the point of connection to the main sewer and terminates at the point of connection to the building plumbing system 2 feet outside the foundation line or building wall. Side sewer includes the lateral sewer and the house sewer.
- (b) "lateral sewer" is that portion of the side sewer which is within the public right of way.
- (c) "house sewer" is that portion of the side sewer from the lateral sewer to its connection to the building plumbing system.
- (d) "main sewer" is a public sewer which has more than 1 side sewer connected to it.
- (e) "interceptor trunk sewer" is a secondary trunk sewer over 10" in diameter which accommodates more than 1 main sewer.
- (f) "main trunk sewer" is a public sewer which accommodates more than 1 interceptor trunk sewer.
- (20) "street" includes a public highway, road, street, avenue, alley way, public place, easement or right of way for vehicular or pedestrian use;
- (21) "unit of use" means a living unit or any type of use which produces not more than 300 gallons per day of sewage that is discharged into a public sewer from a connection;
- (22) "user" is a person whose building plumbing system is connected to a sewer.

(Adopted by Ord.

Sec. 1-111. Construction of words and phrases.

Words and phrases shall be construed according to the rules of grammar and according to their common and approved uses. Technical words and phrases and those words and phrases which have acquired peculiar and appropriate meaning shall be construed according to the peculiar and appropriate meaning.

(Adopted by Ord.

Source: Section 13, Civil Code.

Sec. 1-112. Provision of code not retroactive.

No provision of this code is retroactive unless so expressly declared.

(Adopted by Ord.

Source: Section 3, Civil Code.

Sec. 1-113. Effect of repeal or amendment.

(a) The repeal or amendment of this code does not release or extinguish any penalty, forfeiture or liability incurred or right accruing or

accrued under the provision repealed or amended unless the repealing or amending act expressly so provides. The provision shall be treated as remaining in force for the purpose of an action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

(b) When an ordinance repealing a former ordinance, section or provision or an ordinance is itself repealed, the repeal does not revive the former provision or ordinance unless it is expressly so provided.

(Adopted by Ord.

Sec. 1-114. Code references apply to amendments and additions.

When reference is made to this code or a portion of it the reference applies to all amendments and additions now or hereafter made.

(Adopted by Ord.

Source: Section 9, Health and Safety Code.

Sec. 1-115. Relief from ordinances or regulations because of special circumstances.

The board may upon its own motion or upon written application modify or suspend or relieve the application of an ordinance or regulation if it finds that the ordinance or regulation is unjust or inequitable because of special circumstances.

(Adopted by Ord.

Sec. 1-116. Relief from charges because of special circumstances.

If the board finds that a charge is unjust or inequitable because of special circumstances, it may upon its own motion or upon written application of an owner or occupant of premises, fix a fair and equitable charge.

(Adopted by Ord.

Sec. 1-117. Separability.

If a section, sub-section, sentence, clause, or phrase of this code or the application of it to any person or circumstance is for any reason held to be unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this ordinance or the application of the provision to other persons or circumstances. The board declares that it would have passed this ordinance or the section, sub-section, sentence, clause or phrase irrespective of the fact that a section, sub-section, sentence, clause, or phrase is declared to be unconstitutional.

(Adopted by Ord.

Source: Section 24, Health and Safety Code.

CHAPTER 2. BOARD OF DIRECTORS.*

ARTICLE 1. ORGANIZATION AND SALARIES.

Secs. 2-101 to 2-103.

ARTICLE 2. MEETINGS.

Secs. 2-201 to 2-205.

ARTICLE 1. ORGANIZATION AND SALARIES.

Sec. 2-101. Selection and term of president.

Sec. 2-102. Appointment of committees.

Sec. 2-103. Compensation of board members.

Sec. 2-101. Selection and term of president.

The board shall choose one of its members as president after each general district election. The president holds office at the pleasure of the majority of the board and until his successor is chosen.

(Adopted by Ord.)

Sec. 2-101-A. Selection and term of secretary.

The board shall choose one of its members for office of secretary for a term of 2 years.

Sec. 2-102. Appointment of committees.

When the board considers it necessary for the efficient transaction of business, it may approve the creation of a committee for the purpose of reviewing, investigating and recommending with reference to a particular matter. The president shall appoint the members of the committee.

(Adopted by Ord.)

Sec. 2-103. Compensation of board members.

Each board member is entitled to \$40.00 for each day he is present at a regular board meeting, \$20.00 for a special meeting, and pay the secretary as adopted by the board members except as otherwise provided by state law.

(Adopted by Ord.)

Note: Section 6489, Health and Safety Code, limits the total compensation a board member may receive for any one calendar month. At the date of the adoption of this code the amount is \$120.00.

ARTICLE 2. MEETING.

Sec. 2-201. Time and place of regular meetings.

Sec. 2-202. Holidays

Sec. 2-203. Adjournment of meetings.

Sec. 2-204. Special meetings: calling; notice.

Sec. 2-205. Order of business.

Sec. 2-201. Time and place of regular meetings.

The regular meetings of the board of directors are on the 2nd Tuesday of each calendar month at 7:00 o'clock P.M., at the office of the district, 800 San Pablo Ave., Rodeo, Ca.

(Adopted by Ord.)

Note: Section 54954, Government Code, gives the board discretion in determining time and place of regular meetings.

*Note: The Board of Directors is further regulated in sections 6480 to 6499, Health and Safety Code.

Sec. 2-202. Holidays.

If the day fixed for a regular meeting of the board falls on a holiday, the meeting shall be held on the next business day at the same hour specified for the regular meeting.

(Adopted by Ord.)

Source: Section 54954, Government Code.

Sec. 2-203. Adjournment of meetings.

(a) Adjournment by board of directors.

The board of directors may adjourn a regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a puorum may so adjourn from time to time.

(b) Adjournment by secretary.

If all members are absent from a regular or adjourned regular meeting the secretary may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 of the Government Code for special meetings unless this notice is waived as provided for special meetings.

(c) Notice of adjournment.

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment.

(d) Adjourned meeting is a regular meeting.

When a regular or adjourned regular meeting is adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes.

(e) Hour at which adjourned meeting to be held.

When an order of adjournment of a meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(Adopted by Ord.)

Source: Section 54955, Government Code.

Sec. 2-204. Special meetings: calling; notice.

- (a) Calling special meetings.
A special meeting may be called at any time by the president or by a majority of the members of the board, by delivering personally or by mail written notice to each member of the board, and to each local newspaper of general circulation, radio or television station requesting notice in writing.
- (b) Delivery and contents of notice.
Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the legislative body.
- (c) When notice not necessary.
Such written notice may be dispensed with as to any director who at or prior to the time of the meeting convenes files with the secretary a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to a director who is actually present at the meeting at the time it convenes.

(Adopted by Ord.

Source: Section 54956, Government Code.

Sec. 2-205. Order of business.

The order of business at each meeting is as follows:

- I. ROLL CALL
- II. APPROVAL OF MINUTES
- III. APPROVAL OF EXPENDITURES
- IV. HEARINGS
- V. BIDS
- VI. OLD BUSINESS
- VII. NEW BUSINESS
- VIII. REPORTS
- IX. MATTERS FROM THE FLOOR
- X. ADJOURNMENT

(Adopted by Ord.

CHAPTER 3. OFFICERS AND EMPLOYEES.

ARTICLE 1. IN GENERAL.

Secs. 3-101 to 3-104

ARTICLE 2. GENERAL SUPERINTENDENT

Secs. 3-201 to 3-205.

ARTICLE 1. IN GENERAL.

Sec. 3-101. Salaries and hours of employment to be set by resolution.

Sec. 3-102. Salary reduction in Merit system to be proportionate.

Sec. 3-103. Board may fix different rate of compensation for temporary employees.

Sec. 3-104. Right of entry.

Sec. 3-101. Salaries and hours of employment to be set by resolution.

The board shall by resolution establish a schedule of salaries and hours of employment for each position of employment in the merit system. The board may by resolution prescribe the payroll period and other conditions and benefits of employment.

(Adopted by Ord.)

Sec. 3-102. Salary reduction in Merit System to be proportionate.

The board may not reduce the salary for one position in the merit system without reducing the salaries proportionately for all positions in the merit system.

(Adopted by Ord.)

Sec. 3-103. Board may fix different rate of compensation for temporary employees.

The board may establish a rate of compensation for a temporary employee different from that of a permanent employee. A temporary employee is an employee hired for emergency or temporary work not exceeding a period of 12 months.

(Adopted by Ord.)

Sec. 3-104. Right of entry.

Each district inspector shall wear or carry official evidence establishing his position, and upon exhibiting it, may enter the premises in the performance of his official duties and in the enforcement of this code.

(Adopted by Ord.)

Note: The right of entry in this section is provided for under Section 6523.2, Health and Safety Code.

ARTICLE 2. GENERAL SUPERINTENDENT

Sec. 3-201. Chief administrative officer.

Sec. 3-202. Appointment and qualifications of general superintendent.

Sec. 3-203. Authority and responsibility.

Sec. 3-204. Duties.

Sec. 3-205. General superintendent may employ assistants.

Sec. 3-201. Chief administrative officer.

There is created the office of "general superintendent". The general superintendent is the chief administrative officer of the district.

(Adopted by Ord.

Sec. 3-202. Appointment and qualifications of general superintendent.

The board shall appoint the general superintendent.

(Adopted by Ord.

Sec. 3-203. Authority and responsibility.

The general superintendent of the district has the administrative authority and responsibility for the operation of the district and the enforcement of all district rules and regulations.

(Adopted by Ord.

Sec. 3-204. Duties.

The general superintendent shall:

- (1) establish departments and organize the functions of the district;
- (2) recommend rules and regulations for adoption, including specifications and requirements controlling the construction, repair, maintenance and operation of garbage and sewage systems;
- (3) approve plans and drawings, specifications and descriptions for work upon sewers in the district;
- (4) collect fees and charges, issue permits and maintain records of all transactions.

(Adopted by Ord.

Sec. 3-205. General Superintendent may employ assistants.

Upon approval of the board of directors the general superintendent may appoint assistants. Each appointment shall be made in accordance with the employment procedures specified in sections 3-101, 3-102 and 3-103 of this code.

(Adopted by Ord.

CHAPTER 4. MERIT SYSTEM AND CIVIL SERVICE CLASSIFICATION.*

- ARTICLE 1. IN GENERAL.
Secs. 4-101 to 4-102.
- ARTICLE 2. EXEMPTIONS.
Sec. 4-201.
- ARTICLE 3. CLASSIFICATIONS.
Secs. 4-301 to 4-304.
- ARTICLE 4. EXAMINATIONS AND APPOINTMENTS.
Secs. 4-401 to 4-418.
- ARTICLE 5. REDUCTION IN PERSONNEL.
Secs. 4-501 to 4-505.
- ARTICLE 6. SUSPENSION, DEMOTION AND DISMISSAL.
Secs. 4-601 to 4-608.

- ARTICLE 1. IN GENERAL.
Sec. 4-101. Declaration of policy.
Sec. 4-102. Establishment of Merit System.

Sec. 4-101. Declaration of policy.

It is the policy of the district to select employees on the basis of merit and to determine merit through practice and competitive examination. In return for faithful service, district employees are entitled to reasonable security of tenure. Tenure shall be dependent upon good behavior, efficiency, necessity of the work and the appropriation of sufficient funds. The acts and decisions of the district shall be in accordance with good merit system practices and policies.

(Adopted by Ord.)

Sec. 4-102. Establishment of merit system.

The merit system and the positions as classified in the manner prescribed in this chapter are established. Every classified position is under the merit system except those exempted by Section 4-201.

(Adopted by Ord.)

- ARTICLE 2. EXEMPTIONS.
Sec. 4-201. Exemptions.

Sec. 4-201. Exemptions.

The following positions are exempted from the merit system:

- (1) elective officers;
- (2) professional, technical and expert services furnished to the district under contract.

(Adopted by Ord.)

*NOTE: A Sanitary District under Section 6497 (2), Health and Safety Code, may make rules to carry out a classified civil service system.

ARTICLE 3. CLASSIFICATIONS.*

- Sec. 4-301. Board to establish classifications of employees.
- Sec. 4-302. Standard for establishing class of employment.
- Sec. 4-303. Description of classifications.
- Sec. 4-304. Change of classifications.

Sec. 4-301. Board to establish classifications of employees.

The board of directors shall classify all employment positions and shall do so by resolution.

(Adopted by Ord.)

Sec. 4-302. Standards for establishing class of employment.

Each class of employment shall include positions sufficiently similar in that respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class. The same qualifications and tests of fitness for appointment and the same salary range shall apply.

(Adopted by Ord.)

Sec. 4-303. Description of classifications.

The board shall specify the duties and responsibilities and the minimum qualifications for each position in the class. However, the description of duties does not limit the authority of either the general superintendent or the board to assign other duties or to direct and control the work of employees.

(Adopted by Ord.)

Sec. 4-304. Change of classifications.

The board may amend or abolish a class and it may establish, amend or abolish provisions governing a class or positions within a class.

(Adopted by Ord.)

ARTICLE 4. EXAMINATIONS AND APPOINTMENTS.*

- Sec. 4-401. District to hold examinations.
- Sec. 4-402. District may employ agency to conduct examinations.
- Sec. 4-403. Testing standards.
- Sec. 4-404. Announcement of examinations.
- Sec. 4-405. Grounds for disqualification.
- Sec. 4-406. Appeal in case of disqualification.
- Sec. 4-407. Grading standards.
- Sec. 4-408. Board may limit examination for laborer.
- Sec. 4-409. Medical report.
- Sec. 4-410. Eligible list.
- Sec. 4-411. Duration of eligible list.
- Sec. 4-412. Removal from eligible list.
- Sec. 4-413. Appointment from eligible list.

*Note: A Sanitary District under Section 6497 (1) Health and Safety Code, may classify all the places of employment in or under the district.

*Note: A Sanitary District under Section 6497 (2) and (3), Health and Safety Code, may make rules for examination, appointments, promotions, and removals.

- Sec. 4-414. Appointment for seasonal or irregular work.
- Sec. 4-415. Limitation on temporary appointment.
- Sec. 4-416. Special emergency appointments.
- Sec. 4-417. Appointing authority.
- Sec. 4-418. Probationary period.

Sec. 4-401. District to hold examination.

The district shall hold an examination for each class of position to be filled. The examination shall be either oral or written, or both.

(Adopted by Ord.)

Sec. 4-402. District may employ agency to conduct examinations.

The district may employ an independent person to conduct examinations.

(Adopted by Ord.)

Sec. 4-403. Testing standards.

Each examination shall test fairly the skills, knowledge and ability necessary for the position. The district may inquire into the education and character of each candidate and may use any test of technical knowledge, manual skill or physical or mental fitness which it considers appropriate.

(Adopted by Ord.)

Sec. 4-404. Announcement of examinations.

The board shall publicly announce the examination at least three weeks before the closing date for accepting applications. The announcement shall include;

- (1) the position to be filled and the title of the class;
- (2) rate of pay;
- (3) a general statement of the duties;
- (4) minimum qualifications;
- (5) procedure for applying for the position; and
- (6) the closing date for receiving applications.

(Adopted by Ord.)

Sec. 4-405. Grounds for disqualification.

The board may refuse to examine, or after examination may disqualify an applicant, or it may remove his name from an eligible list or may refuse to certify a person for appointment upon any of the following grounds:

- (1) physical or mental disablement which makes a person unfit to perform the duties of the position;
- (2) addiction to narcotics or the habitual use of intoxicating liquors;
- (3) conviction of a felony or a crime involving moral turpitude;
- (4) previous dismissal from public employment;
- (5) use or attempted use of political pressure or bribery to obtain advantage in the examination or appointment.

(Adopted by Ord.)

Sec. 4-406. Appeal in case of disqualification.

If an applicant is disqualified, he may appeal to the board. The board shall hold a hearing in the manner provided in Section 4-604. The decision of the board is final.

(Adopted by Ord.)

Sec. 4-407. Grading standards.

To qualify for appointment an applicant shall pass each part of the examination. The board shall establish the standards for grading the examination giving consideration to the kind of examination, number of candidates, and the needs of the district.

(Adopted by Ord.)

Sec. 4-408. Board may limit examination for laborer.

The board may limit the examination for the class of laborer to tests of physical fitness.

(Adopted by Ord.)

Sec. 4-409. Medical report.

Each successful applicant shall submit a medical report prepared by a licensed physician. The applicant shall pay the cost of the report.

(Adopted by Ord.)

Sec. 4-410. Eligible list.

Each applicant who passes the examination shall be placed on the eligible list for the position.

(Adopted by Ord.)

Sec. 4-411. Duration of eligible list.

The eligible list is effective for 2 years. However, the board may abolish the eligible list after 1 year.

(Adopted by Ord.)

Sec. 4-412. Removal from eligible list.

The board may remove the name of a person from an eligible list for any cause set forth in Section 4-405 or for the following:

- (1) failure to respond to notice within 5 days after the district mails notice to appear;
- (2) request by applicant that his name be removed from the eligible list;
- (3) refusal by the applicant to accept appointment after district has offered 3 successive but separate appointments.

(Adopted by Ord.)

Sec. 4-413. Appointment from eligible list.

The board shall make each appointment from the appropriate eligible list. If an eligible list is not available the board may either make a temporary appointment or make an appointment from a list which it finds is for a comparable class.

(Adopted by Ord.)

Sec. 4-414. Appointment for seasonal or irregular work.

If the board finds that a position requires duties on an irregular, intermittent or seasonal basis, the board shall make the appointment from the eligible list. If no person on the eligible list accepts the appointment the board may make a temporary appointment.

(Adopted by Ord.)

Sec. 4-415. Limitation on temporary appointment.

A temporary appointment is limited to 12 months.

(Adopted by Ord.)

Sec. 4-416. Special emergency appointments.

If the board finds that there is a threatening stoppage of public business it may make an emergency appointment which is good for a period of 90 working days. A person may not receive more than 2 successive emergency appointments.

(Adopted by Ord.)

Sec. 4-417. Appointing authority.

The board may make each appointment or it may designate the general superintendent to make the appointment. In each case where the general superintendent makes the appointment, the board shall confirm it.

(Adopted by Ord.)

Sec. 4-418. Probationary period.

Each person appointed to a position shall serve the probationary period. The board shall fix the probationary period for each position but this period shall be not less than 6 months or more than 12 months. During the probation period, an employee may be dismissed without cause. The decision to dismiss is final and the employee has no right of appeal.

(Adopted by Ord.)

ARTICLE 5. REDUCTION IN PERSONNEL.

Sec. 4-501. Board may abolish or consolidate positions.

Sec. 4-502. Preference where position re-established.

Sec. 4-503. Procedure in the case of reduction in force.

Sec. 4-504. Order of reappointment.

Sec. 4-505. Employee elections in case of lay-off.

Sec. 4-501. Board may abolish or consolidate positions.

If the board finds that it is in the interest of economy and efficiency to do so, it may abolish a position or consolidate it with another position.

(Adopted by Ord.)

Sec. 4-502. Preference where position re-established.

If the board abolishes a position and within 2 years of abolishment either (1) re-establishes the position or (2) creates a new position which involves substantially the same or comparable duties and responsibilities, the person who occupied the position before it was abolished has preference on the eligibility list for the position.

(Adopted by Ord.

Sec. 4-503. Procedure in the case of reduction in force.

If the board reduces the working force for any reason, each person laid off shall be laid off in accordance with seniority in the class to which his position is allocated. However, where an employee supervises another and the employee supervised is senior in service to the employee who supervises, for the purpose of lay-off the person in the supervisory capacity shall be laid off last.

(Adopted by Ord.

Sec. 4-504. Order of reappointment.

If after a reduction the working force is increased the board shall make each appointment from the eligible list in reverse order of lay-off.

(Adopted by Ord.

Sec. 4-505. Employee elections in case of lay-off.

If an employee is laid off because of a reduction in force he may elect to demote to the next lower class. If he so elects in case of lay-off on account of reduction in force in the next lower class he may elect to demote again in the same manner as an original reduction in force.

(Adopted by Ord.

ARTICLE 6. SUSPENSION, DEMOTION AND DISMISSAL

Sec. 4-601. Board may suspend employee.

Sec. 4-602. Board may dismiss or demote employee.

Sec. 4-603. Grounds for suspension, demotion or dismissal.

Sec. 4-604. Appeal.

Sec. 4-605. Board may designate representative to hear appeal.

Sec. 4-606. Decision of the board final.

Sec. 4-607. Reinstatement.

Sec. 4-608. Dismissal during probationary period.

Sec. 4-601. Board may suspend employee.

The board or the general superintendent with the approval of the board may suspend an employee for a period not more than 30 days in any calendar year for any of the grounds set forth in Section 4-603. The order of suspension is not appealable. The board may modify a suspension if it finds that a modification is in the interests of justice.

(Adopted by Ord.

Sec. 4-602. Board may dismiss or demote employee.

The board or the general superintendent with the approval of the board may dismiss or demote an employee for any of the grounds set forth in Section 4-603. The district shall serve a statement of the reasons for the dismissal or demotion upon the employee. The statement shall also specify the effective date of dismissal or demotion and shall advise the employee of his rights to an administrative hearing. The statement shall be served in the manner prescribed by Section 13-102.

(Adopted by Ord.

Sec. 4-603. Grounds for suspension, demotion or dismissal.

An employee may be suspended, demoted or dismissed for any of the following grounds:

- (1) inefficiency;
- (2) misconduct;
- (3) failure to perform duties;
- (4) incompetency;
- (5) any ground specified in Section 4-405.

(Adopted by Ord.

Sec. 4-604. Appeal.

An employee may appeal his dismissal or demotion, except as provided in Section 4-608. An appeal is taken by filing a notice of appeal with the board within 15 days after notice to him of the dismissal or demotion. The board shall hear the appeal within 60 days of receiving notice of the appeal. The board shall make a decision within 30 days after closing the hearing.

(Adopted by Ord.

Sec. 4-605. Board may designate representative to hear appeal.

The board may employ a person to hear the appeal and to recommend action to the board.

(Adopted by Ord.

Sec. 4-606. Decision of the board final.

The board may adopt or modify the recommendation of the hearing officer. The decision of the board is final.

(Adopted by Ord.

Sec. 4-607. Reinstatement.

If the board does not dismiss or demote an employee against whom charges are filed, the board shall reinstate the employee beginning on the date the disciplinary action began. The employee is entitled to compensation from that date less the amount which the employee earned during the period when the disciplinary action was pending.

(Adopted by Ord.

Sec. 4-608. Dismissal during probationary period.

The board or the general superintendent with the approval of the board may dismiss an employee during the probationary period. There is no appeal from this dismissal.

(Adopted by Ord.

CHAPTER 5. FINANCIAL PROVISIONS.

ARTICLE 1. FUNDS.

Secs. 5-101 to 5-104.

ARTICLE 1. FUNDS

Sec. 5-101. Establishment of funds.

Sec. 5-102. The "bond fund".

Sec. 5-103. The "running expense fund".

Sec. 5-104. The "sewer construction fund".

Sec. 5-101. Establishment of funds.

- (a) Each of the following funds is established:
- (1) bond fund;
 - (2) running expense fund;
 - (3) sewer construction fund.
- (b) The board may establish such other funds by resolution as it considers necessary or convenient.
- (Adopted by Ord.

Note: Sanitary District funds are provided for in sections 6790 and 6801, Health and Safety Code.

Sec. 5-102. Bond fund.

- (a) Money to be deposited in fund.
The bond fund consists of the following:
- (1) taxes levied for payment of principal and interest of the bonds issued by the district;
 - (2) other money which the board directs to be deposited.
- (b) Use of fund.
This fund may be used only for bond retirement.
- (Adopted by Ord.

Note A: This fund is regulated by section 6790 and 6791, Health and Safety Code.

Note B: For the provisions on the issuance and payment of bonds see sections 6640 to 6655, Health and Safety Code.

Sec. 5-103. Running expense fund.

- (a) Money to be deposited in fund.
The running expense fund consists of the following:
- (1) property tax revenue levied for running expenses;*
 - (2) running expense revenue accounts;
 - (3) other money which the board directs to be deposited.

*NOTE: Section 6695, Health and Safety Code, limits the tax to be levied for district purposes in any one year, aside from what is required for the payment of the bond principal and interest for that year. At the date of adoption of this code the limit is \$1.00 on each \$100.00 assessed valuation. However, the limit is \$1.00 on each \$100.00 assessed valuation if the board elects to use the county tax roll pursuant to sections 6780 to 6787, Health and Safety Code. Taxation is also limited by the provisions of Chapter 1406 of the Statutes of 1972 (S.B. 90).

(b) Use of fund.

This fund may be used only for the purposes prescribed by law.
(Adopted by Ord.

Note: This fund is regulated by sections 6792 and 6793, Health and Safety Code.

Sec. 5-104. Sewer Service fund.

(a) Money to be deposited in fund.

The sewer fund consists of the following:

- (1) annexation charges;
- (2) connection charges;
- (3) earnings on invested funds;
- (4) that portion of service charges fixed by the board;
- (5) other money as directed by the board.

(b) Use of fund.

The fund is intended for the expansion of the sewage treatment plant and main trunk lines, and shall be used as prescribed by law.

(Adopted by Ord.

Note: This fund is regulated by sections 6796 and 6797, Health and Safety Code.

CHAPTER 6. PRIVATE SEWAGE DISPOSAL.

ARTICLE 1. GENERAL PROVISIONS.

Secs. 6-101 to 6-102.

ARTICLE 1. GENERAL PROVISIONS.

Sec. 6-101. Design, construction and maintenance of private sewage disposal systems.

Sec. 6-102. District not responsible.

Sec. 6-101. Design, construction and maintenance of private sewage disposal systems.

The design, construction and maintenance of private sewage disposal, septic tank system or any method of sewage disposal other than through the system of the district is governed by the ordinances, rules and regulations of the County and the State.

(Adopted by Ord.

Sec. 6-102. District not responsible.

The district is not responsible or liable for the expense of establishing or maintaining or abandoning any private sewage disposal system.

(Adopted by Ord.

CHAPTER 7. DESIGN AND CONSTRUCTION OF PUBLIC SEWERS.*

ARTICLE 1. STANDARDS.

Secs. 7-101 to 7-103.

ARTICLE 2. BACKWATER PROTECTION DEVICES.

Secs. 7-201 to 7-204.

ARTICLE 3. INTERCEPTORS.

Secs. 7-301 to 7-302.

ARTICLE 1. STANDARDS.

Sec. 7-101. Construction.

Sec. 7-102. Design and planning.

Sec. 7-103. Sewers to be built for ultimate service.

Sec. 7-101. Construction.

Public sewers shall be constructed, installed, operated and repaired in accordance with this code and the plans and specifications of the district and the orders of the engineer.

(Adopted by Ord.

Sec. 7-102. Design and planning.

Public sewers shall be constructed, installed, operated and repaired in accordance with this code and the plans and specifications of the district and the orders of the engineer.

(Adopted by Ord.

Sec. 7-103. Sewers to be built for ultimate service.

Sewers connected to the district system shall be designed and constructed in a manner consistent with service to the ultimate service area.

(Adopted by Ord.

ARTICLE 2. BACKWATER PROTECTION DEVICES.

Sec. 7-201. Statement of purpose.

Sec. 7-202. Conditions requiring installation.

Sec. 7-203. Standards of protective device.

Sec. 7-204. Unlawful connection.

Sec. 7-201. Statement of purpose.

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 backflooding on public and private property. It is the purpose of Sections 7-202, 7-203 and 7-204 to protect the health and safety of the residents of the district and to minimize the possibility of damage to property by requiring, where topographical conditions warrant it, the installation and maintenance of a protective device approved by the engineer.

(Adopted by Ord.

*NOTE: The power of a district to construct sewer systems is given under Section 6512, Health and Safety Code.

Sec. 7-202. Conditions requiring installation.

Where the surface elevation of the nearest upstream public sewer structure, such as a manhole pressure relief, flushing inlet or rodding inlet structure capable of overflow and relief of pressure is higher than the elevation of the lowest floor containing gravity waste drainage plumbing, the owner shall install and maintain a protective device approved by the engineer.

(Adopted by Ord.

Sec. 7-203. Standards of protective device.

The protective device shall comply with district specifications. The device shall consist of a backwater check valve combined with a gate valve and downstream standard cleanout, or a comparable backwater overflow device meeting the requirements of the district. The district shall supervise and inspect the installation of the device.

(Adopted by Ord.

Sec. 7-204. Unlawful connection.

No person shall maintain a side sewer connection to the district system without an approved backwater protective device when required by Section 7-202.

(Adopted by Ord.

ARTICLE 3. INTERCEPTORS.

Sec. 7-301. When grease, oil and sand interceptor required.

Sec. 7-302. Standards for interceptor.

Sec. 7-301. When grease, oil and sand interceptor required.

The owner shall install and maintain a grease, oil, and sand interceptor when the engineer finds it is necessary for the proper handling of (1) liquid wastes containing grease in excessive amounts, (2) flammable wastes, (3) sand, or (4) other harmful ingredients. However, the interceptor is not required for a building used for residential purposes.

(Adopted by Ord.

Sec. 7-302. Standards for interceptor.

Then interceptor shall be of a type approved by the general superintendent. The interceptor shall be located so that it is readily and easily accessible for cleaning and inspection.

(Adopted by Ord.

CHAPTER 8. USE OF PUBLIC SEWERS.

ARTICLE 1. CONNECTION AND DISCONNECTION.

Secs. 8-101 to 8-104.

ARTICLE 2. ANNEXATION TO DISTRICT.

Sec. 8-201.

ARTICLE 3. DISPOSAL OF WASTES.

Secs. 8-301 to 8-308.

ARTICLE 1. CONNECTION AND DISCONNECTION.

Sec. 8-101. Connection to sewer required.

Sec. 8-102. Joint building sewers permitted under certain conditions.

Sec. 8-103. Specifications for joint building sewers.

Sec. 8-104. Notification to district where building to be razed.

Sec. 8-101. Connection to sewer required.

If a building abuts a right of way in which there is a public sewer and the public sewer is within 200 feet of the nearest point of the building, the owner shall connect the building with the public sewer at his expense within 30 days after the County Health Department gives notice to do so.

(Adopted by Ord.

Cross Reference: See Article 3, Chapter 11, for fixture charges.

Sec. 8-102. Joint building sewers permitted under certain conditions.

One building sewer may be joined with another to form a single sewer for the purpose of achieving convenience and economy where either of the following conditions exists:

- (1) the buildings to be connected are on land owned by the same person; or
- (2) the buildings are located on premises adjacent to each other.

(Adopted by Ord.

Sec. 8-103. Specifications for joint building sewers.

The requirements for joining 2 or more building sewers are as follows:

- (1) the sewer from the farthest upstream junction shall be at least 8 inch diameter pipe;
- (2) immediately above the junction a standard rodding inlet shall be constructed;
- (3) the sewer line and the right of way in which it is located from the rodding inlet downstream to the junction with the main sewer shall be conveyed to the district;
- (4) a standard manhole shall be constructed at the junction of the line with the main sewer.

(Adopted by Ord.

Sec. 8-104. Notification to district where building to be razed.

Before a building connected to the district system is removed or modified in a manner which required a physical disconnection of the building from the sewer, the owner of the building shall notify the district at least 7 days in advance of the physical disconnection. The owner shall connect and plug the side sewer at the property line or at the main sewer under district inspection.

(Adopted by Ord.)

ARTICLE 2. ANNEXATION TO DISTRICT.

Sec. 8-201. Annexation required for connection of property outside district.

Sec. 8-201. Annexation required for connection of property outside district.

Property outside the district may not be connected to a sewer inside the district unless the property served is annexed to the district.

(Adopted by Ord.)

Note: See Sections 6830 to 6887, Health and Safety Code, for the provisions regulating annexation of territory to the district.

Cross-reference: See Article 2, Chapter 11, for annexation charges.

ARTICLE 3. DISPOSAL OF WASTES.

Sec. 8-301. Disposal facilities shall comply with code.

Sec. 8-302. Disposal of other wastes into sewer system.

Sec. 8-303. Treatment of wastes.

Sec. 8-304. Special service charges.

Sec. 8-304A. Interim special service charges.

Sec. 8-304B. Billing for special service charges.

Sec. 8-304C. Collection of special service charges.

Sec. 8-305. Special pre-treatment.

Sec. 8-306. Drainage waters prohibited.

Sec. 8-307. Types of wastes prohibited.

Sec. 8-308. Swimming pools.

Sec. 8-301. Disposal facilities shall comply with code.

Each facility intended or used for the disposal of sewage shall be built and maintained in accordance with this code.

(Adopted by Ord.)

Sec. 8-302. Disposal of other wastes into sewer system.

A waste substance other than sewage may be deposited in the district sewer system only under the following conditions;

- (1) if the engineer finds that the waste will not harm the system;
- (2) the waste is disposed of into the district system at a designated point;
- (3) the waste does not include a metallic waste, plating waste, pickling product, petroleum product, explosive or inflammable solid or liquid, or a substance which the engineer finds is harmful to the operation of the system.

(Adopted by Ord.)

Sec. 8-303. Treatment of wastes.

A person shall not discharge sewage or waste into a waterway except where approved sewage treatment is provided.

(Adopted by Ord.

Sec. 8-304. Connections involving special conditions - special service charges.

- (A) Special service charges shall be established by the board, based upon studies to determine whether additional equalization charges or conditions are equitable, if the engineer finds that a connection involves:
- (1) other than human waste; or
 - (2) a disproportionate quantity or quality of sewage; or
 - (3) a more intensive use of the local collection facilities of the district than the land use established at the time of construction or at the time of connection to the district system; or
 - (4) properties requiring an unusual investment of district funds to make service available; or
 - (5) persons or properties regulated by direct order and with discharge standards fixed by the Regional Water Quality Control Board; or
 - (6) special contract stipulations setting forth conditions for service and/or payment for services; or
 - (7) connectors or users who, for any reason, are not subject to the tax levies of the district, or who otherwise do not make financial contributions to the expenses of the district equivalent to services received.
- (B) Under the circumstances referred to in Subdivision "(A)" of this section, the following general methods will be used in determining the nature and amount of the special service charge to be established:
- (1) A flat volume rate of \$150.00 per million gallons where it does not appear that a detailed study is necessary or desirable.
 - (2) Volume charges based on metered sewerage or metered water when sewerage accepted by district system is of normal domestic sanitary sewage strength or less.
 - (3) Where there is found to be an excessive volume, or unusual variations of flow rates, the volume charge per million gallons shall be fixed annually in relationship to the total flow of the district and its total revenue derived for meeting the obligations of the district running expense account.
 - (4) Volume-strength charges based on metered sewage or metered water and sewage constituents which require additional transportation, or treatment or disposal costs, by the district. The board will determine a factor, or factors, to be applied to equate additional strength or constituents to increased volume and charges for adjusted volume shall be determined in the same manner set forth in subparagraph "(3)" hereof.

(Adopted by Ord.

Cross-reference: See Article 3, Chapter 11, for fixture charges.

Sec. 8-304A. Interim special service charges.

Pending the establishment of a special service charge based on specific volume or strength and subsequent to the determination of the engineer that a connection involves one or more of the special conditions of Sec. 8-304 an interim charge may be established by the engineer. Such an interim charge shall estimate an appropriate special service charge where possible, but in no event shall be less than \$2.00 per month per connection, or per building, or per living unit, or per unit of use, whichever results in the greater special service charge.

(Adopted by Ord.

Sec. 8-304B. Billing for special service charges.

The regular billing for the special service charge shall be at four month intervals. If a bill is not paid on or before the last day of the four month interval in which it is due, a penalty accrues amounting to six percent (6%) of the amount due plus one percent (1%) of the amount due for each month it is delinquent.

(Adopted by Ord.

Sec. 8-304C. Collection of special service charges.

Special service charges shall be a charge against the property, but upon written request of the owner of said property, may in the first instance be billed to the sewer user if said user is different from the owner. Provided, however, that if the same becomes delinquent, the district may elect to use the tax roll for collection in accordance with Sec. 11-901 of the sanitary district code.

(Adopted by Ord.

Sec. 8-305. Special pre-treatment.

If the engineer finds that waste may be injurious to the sewerage system, the district may require pre-treatment sufficient to neutralize or remove the injurious elements as a condition to connection.

(Adopted by Ord.

Sec. 8-306. Drainage waters prohibited.

No person shall (1) connect a leader from a roof, surface drain, or subsurface drain to a sewer, or (2) permit surface or storm water, seepage, cooling water, or unpolluted industrial water to enter a sewer.

(Adopted by Ord.

Sec. 8-307. Types of wastes prohibited.

No person shall discharge any of the following described water or waste into a sewer:

- (1) liquid or vapor having a temperature higher than 150°;
- (2) water or waste containing more than 100 parts per million, by weight, of fat, oil or grease;

- (3) gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - (4) garbage that has not been shredded to such a degree that each particle can be carried freely under the flow condition normally prevailing in the sewer;
 - (5) ash, cinder, sand, mud, straw, shaving, metal, glass, rag, feather, tar, plastic, wood, paunch manure, or other solid or viscous substance which could obstruct the flow in a sewer or cause an interference with the proper operation of the sewage system;
 - (6) water or waste having a pH lower than 5.5 or higher than 9.0 or other corrosive property capable of causing damage or hazard to a person or property;
 - (7) water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the sewage treatment process or which is a hazard to a human or animal or which creates a hazard in the receiving waters of the treatment plant;
 - (8) water or waste containing suspended solids of a character and quantity that unusual attention or expense is required to handle the water or waste at the treatment plant;
 - (9) noxious or melodorous gas or substance which may create a public nuisance;
 - (10) septic tank sludge;
 - (11) radioactive material.
- (Adopted by Ord.

Sec. 8-308. Swimming pools.

No person may discharge the contents of a swimming pool into a sewer without a permit from the district. The engineer shall fix the terms and conditions of the permit. A swimming pool discharging into a district sewer shall be equipped with a 2 inch maximum diameter discharge pipe and an approved air gap separation to prevent the entry of sewage into the swimming pool or piping system. Discharge of water or waste from swimming pools to the sewer shall only be through pumping systems regulated to avoid surcharge at any portion of the sewer system.

(Adopted by Ord.

Cross-reference: See Article 1, Chapter 10, for permit procedures.

CHAPTER 9. REBATE FACILITIES.

- ARTICLE 1. DEFINITIONS AND DECLARATION OF INTENT.
Secs. 9-101 to 9-102.
- ARTICLE 2. PROCEDURE.
Secs. 9-201 to 9-206.
- ARTICLE 3. DETERMINATION AND APPORTIONMENT OF REBATE FEES AND VALUES.
Secs. 9-301 to 9-304.
- ARTICLE 4. DISTRICT AS INSTALLER.
Secs. 9-401 to 9-404.
- ARTICLE 5. INSTALLER'S CREDIT.
Secs. 9-501 to 9-504.
- ARTICLE 6. ACCOUNTING AND DISBURSEMENT OF FUNDS.
Secs. 9-601 to 9-606.

- ARTICLE 1. DEFINITIONS AND DECLARATION OF INTENT.
Sec. 9-101. Definitions.
Sec. 9-102. Policy statement and declaration of intent.

Sec. 9-101. Definitions.

In this chapter unless the context otherwise requires:

- (1) "direct connection" means the connection of a side sewer to the rebate line which does not require the extension of the rebate line;
- (2) "indirect connection" means the connection of a side sewer to the rebate line which requires the extension of the rebate line;
- (3) "installer" means a person who has district approval to install a rebate sewer line or the district itself under the provisions of Article 4 of this Chapter 9;
- (4) "rebate fee" means the fee established for each class in accordance with the schedule set forth in section 9-301;
- (5) "rebate service area" means the area prescribed by the engineer which is reasonably expected to require the use of the rebate sewer installation within a period of 10 years;
- (6) "rebate sewer line" or "rebate line" is either (1) a public sewer installed by the district under the provisions of section 9-401, or (2) a public sewer installed by a private person for the purpose of serving his property or development and which, because of geographical and engineering considerations, can serve a larger area than that which is being initially developed by the person installing it;
- (7) "rebate cost" means the expense approved by the engineer of installing the public sewer line, including cost of pipe lines, structures, inspection, engineering, right of way and legal costs;

- (8) "rebate value" means the rebate fees as classified in section 9-301 less the cost of district administration as specified in that section;
- (9) "unit of use" means a living unit when applied to single family residential use and in all other cases means 25 "fixture unit equivalents" as defined in the Standard Specifications of the district.

(Adopted by Ord.

Sec. 9-102. Policy statement and declaration of 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 of sewers due to increased demand for capacity results in:

- (1) increased capital expense and maintenance and operation expense to the taxpayers of the district;
- (2) inconvenience to the traveling public;
- (3) reduction in efficiency of the collection process, and
- (4) hazard to the public health.

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

(Adopted by Ord.

Cross-reference: See section 9-602 for requirement of payment of rebate fee.

ARTICLE 2. PROCEDURE.

Sec. 9-201. Application of installer.

Sec. 9-202. Approval of application and compliance with district regulations.

Sec. 9-203. Procedures for establishing rebate fees.

Sec. 9-204. Application of rebate provision only to those complying.

Sec. 9-205. Waiver.

Sec. 9-206. Rebate line to be 8 inches unless it is cast iron.

Sec. 9-201. Application of installer.

A person may file an application to install a rebate sewer line. The application shall be in the form approved by the engineer and shall include:

- (1) a plan showing engineering details of proposed construction; and
- (2) a map outlining the proposed rebate service area and containing the details specified in the "Guide to Engineers".

(Adopted by Ord.

Sec. 9-202. Approval of application and compliance with district regulations.

If the engineer (1) approves the plans, and (2) determines that the proposed sewer will provide sewer service to properties other than those

owned or controlled by the applicant, the applicant becomes an installer if he proceeds with construction. The installer shall comply with all rules and regulations and the installation of the rebate sewer is governed by the procedure in this chapter.

(Adopted by Ord.

Sec. 9-203. Procedures for establishing rebate fees.

(a) The district may establish rebate fees for future connections upon the basis of watershed planning areas and estimated costs of future facilities.

(b) If a connection is made to an existing sewer in a watershed planning area before construction of the ultimate facilities, the person connecting shall pay a rebate fee. These rebate fees shall be deposited in an account for future construction within the watershed planning area.

(c) Upon recommendation of the engineer, the board may classify and establish district uniform rebate fees. If the board does so, the rebate fees shall apply to both established rebate installations and to pending rebate installations. The board may fix the uniform fees on a connection basis, an acreage basis or a front-foot basis.

(Adopted by Ord.

Sec. 9-204. Application of rebate provisions only to those complying.

This chapter applies only to (1) the district in the case of an existing district-owned sewer or to (2) an installer who:

(a) applies under section 9-201 for a determination before beginning construction as to whether the line will provide sewer service to property other than that owned or controlled by the installer, and

(b) furnishes to the engineer, within 15 days after acceptance of the sewer by the district, all of the information necessary to fix rebate cost and rebate fees.

(Adopted by Ord.

Sec. 9-205. Waiver.

A person who fails to comply with sections 9-201 and 9-204 waives all rights under this chapter.

(Adopted by Ord.

Sec. 9-206. Rebate line to be 8 inches unless it is cast iron.

A sewer line with a diameter of less than 8 inches may be installed as a rebate line under this chapter only if it is made of cast iron.

(Adopted by Ord.

ARTICLE 3. DETERMINATION AND APPORTIONMENT OF REBATE FEES AND VALUES.

Sec. 9-301. Uniform rebate fees.

Sec. 9-302. Recovery of rebate fees by installer.

Sec. 9-303. Apportionment of rebate when more than one installer.

Sec. 9-304. Partial use by an extension of common sewer line.

Sec. 9-301. Uniform rebate fees.

(a) The board finds that the cost of installation of main sewers is generally determined by the density of land use and conditions of terrain and that the fixing of rebate fees upon the basis of the density of land use and said conditions of terrain is generally the most equitable method of charging for a direct connection to a rebate sewer. Therefore, density of use together with conditions of terrain have been made the basis for fixing the class of rebate fees set forth in the following subsection,

(b) However, the board recognizes that these conditions are not the only basis for determining rebate fees in every case, and therefore recognizes and authorizes exceptions to be made by the engineer as follows:

The engineer may apply a class of rebate fees other than that dictated by density of use and conditions of terrain where a different application is justified in the opinion of the engineer by the total cost of sewer installation or the class of rebate fees charged in adjacent sewer areas.

Sec. 9-302. Recovery of rebate fees by installer.

When the rebate value and rebate fees are fixed, the district shall deduct the amount of rebate fees the installer would have had to pay if he had not installed the rebate line. This deduction is the share of the cost of the line which the installer's land must bear. The installer of a rebate line is entitled to recover from the district the balance of the rebate fees which the district collects when other properties connect to the rebate line. The right of the installer to receive these rebate fees terminates fifteen years from the date the district accepts the rebate line unless the district board determines upon recommendation of the engineer that the termination date be extended beyond said fifteen years to a certain time.

(Adopted by Ord.)

Sec. 9-303. Apportionment of rebate when more than one installer.

(a) Where there is a connection to a rebate line and the line had been installed under more than one rebate proceeding, the rebate fee collected for the connection to the line shall be credited to each downstream installer in an amount proportional to the maximum amount of recovery calculated to be due each downstream installer.

(b) The district shall determine the portion of the rebate fee to be allocated to each downstream installer as follows: The maximum amount of his recovery shall be divided by the total maximum amount of recovery due all downstream installers. The percentage arrived at is the percentage of the rebate fee due that downstream installer.

(c) The district shall prepare a tabulation for each downstream installer showing the amount and the percentage of each rebate fee to be shared with each of the other downstream installers.

(d) When an installer received the maximum amount of recovery for his installation, the district shall fix a new sharing percentage based on the remaining balances for the purpose of determining allocation of rebate fees to each of the remaining installers.

(Adopted by Ord.)

Sec. 9-304. Partial use by an extension of common sewer line.

Where an extension to the common facility is made which does not use the entire length of an installer's downstream sewer line, the maximum amount of recovery of the installer for purposes of calculating the percentage of a rebate charge to be shared shall be based on only that portion of the downstream line actually jointly used.

(Adopted by Ord.

ARTICLE 4. DISTRICT AS INSTALLER.

Sec. 9-401. Board may elect to substitute district as installer.

Sec. 9-402. Application of other provisions of chapter.

Sec. 9-403. Effect of district substitution and agreement between district and installer.

Sec. 9-404. District may install rebate lines.

Sec. 9-401. Board may elect to substitute district as installer.

The board may elect to substitute the district as the installer in whole or in part of a rebate sewer line if: (1) the line is an interceptor or trunk sewer of a diameter of at least 12" and (2) either the district regulations prohibit direct side sewer connections to the line; or under other circumstances the engineer recommends that the district exercise this election.

(Adopted by Ord.

Sec. 9-402. Application of other provisions of chapter.

The procedures, the calculations, and other provisions governing the installation of rebate sewer line set forth in this chapter apply except as otherwise specifically set forth in this article.

(Adopted by Ord.

Sec. 9-403. Effect of district substitution and agreement between district and installer.

If the board elects, as provided in section 9-401, the district may buy from an installer all or a portion of the rebate rights which the installer is otherwise entitled to receive as a result of connections to the rebate line. The district buys these rebate rights by giving to the installer in return a credit for annexation charges or connection charges, or both, which would otherwise be due from the installer to the district as a result of the development of the installer's property. The district and the installer shall enter into a written agreement to this effect. The agreement shall specify the terms and conditions necessary to effect transfer of rebate rights.

(Adopted by Ord.

Sec. 9-404. District may install rebate lines.

The board may elect to install the rebate line using district funds and, if it does so, the district becomes an installer under this chapter and all of the provisions of this chapter which apply to private installers apply to the district except that the fifteen year limitation on recovery of section 9-302 does not apply to the district.

(Adopted by Ord.

ARTICLE 5. INSTALLER'S CREDIT.

- Sec. 9-501. Computation of installer's credit.
- Sec. 9-502. Duration of installer's credit.
- Sec. 9-503. District may adjust amount of credit.
- Sec. 9-504. Installer is entitled to rebate feed when his credit is less than his right to rebate fees.

Sec. 9-501. Computation of installer's credit.

The district shall fix the amount of the installer's credit. The district's determination is final. However, in determining the credit the district shall consider the installer's proposed plans for development of his property, existing land use regulations, geography, and such other factors which it considers pertinent. The maximum credit which the district may give to the installer is the amount which the installer would otherwise be entitled to receive from connections to the rebate line by others if the district had not purchased the rebate rights.

(Adopted by Ord.

Sec. 9-502. Duration of installer's credit.

The installer is entitled to the credit for a period not longer than fifteen years from the date the district accepts the rebate sewer line for maintenance and operation unless the district board determines upon recommendation of the engineer that the termination date be extended beyond said fifteen years to a certain time. If the installer does not use up his credit within this period by making connections from his property, the credit terminates.

(Adopted by Ord.

Sec. 9-503. District may adjust amount of credit.

From time to time the district may modify the amount of the installer's credit if it finds that there is a change in the development of the installer's land which substantially affects the rights of the installer or the district under this article. The district may modify the credit upon its own motion.

(Adopted by Ord.

Sec. 9-504. Installer is entitled to rebate fees when his credit is less than his right to rebate fees.

If the installer's credit is less than the amount of rebate rights he would have had but for the district substituting itself as installer, the district shall first pay to the installer all rebate fees it collects from other connectors until the installer receives an amount equal to the difference between his recoverable rebate cost and the amount of the credit.

(Adopted by Ord.

ARTICLE 6. ACCOUNTING AND DISBURSEMENT OF FUNDS.

- Sec. 9-601. Funds and accounts.
- Sec. 9-602. Payment of rebate fee a condition to connection.
- Sec. 9-603. District not liable.
- Sec. 9-604. Recalculation of rebate values.
- Sec. 9-605. Appeal of engineer's determinations.
- Sec. 9-606. Effect of chapter.

Sec. 9-601. Funds and accounts.

Funds collected by the district shall be for connections only and shall be placed in a special segregated account for each rebate line with proper identification. On January 1st and July 1st of each year or as soon thereafter as may be practical, the district shall audit each account and shall return to the installer upon his written request any accumulated funds collected from other connectors. Each account shall show the maximum recovery of the installer. When either this amount is collected and paid, or when fifteen years or the extended period of time granted by the board elapses from the date of acceptance of the installation, whichever occurs first, all payments to the installer cease and all money collected after this time shall be deposited in the sewer construction fund of the district and is the property of the district.

(Adopted by Ord.)

Cross-reference: See section 5-104 for the money to be deposited in the sewer construction fund and its use.

Sec. 9-602. Payment of rebate fee a condition to connection.

No person may connect to a rebate line installed under this chapter unless he pays the rebate fee.

(Adopted by Ord.)

Sec. 9-603. District not liable.

The district is not liable to any person for failure to collect rebate fees under this chapter or for failure to account for funds collected under this chapter.

(Adopted by Ord.)

Sec. 9-604. Recalculation of rebate values.

If at any time the engineer finds that anticipated development used to establish rebate values is deviating from the calculations, he may recalculate new values. However, the district shall not make any adjustment for prior collections.

(Adopted by Ord.)

Sec. 9-605. Appeal of engineer's determination.

If a person is dissatisfied with any determination of the engineer relating to rebate cost, rebate fees, or rebate service area, the person 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 appeal shall state the grounds for appeal. At a regular meeting of the board after the appeal is filed, the board shall hear the appeal. The decision of the board is final.

(Adopted by Ord.)

Cross-reference: See chapter 13 for additional provisions regulating appeals to the board.

Sec. 9-606. Effect of chapter.

This chapter does not create any right, title or interest in any property. The board may change or repeal the chapter or any portion of it at any time. No property right becomes vested by operation of this chapter and the district is not liable for any change or repeal of any portion of this chapter.

(Adopted by Ord.)

CHAPTER 10. PERMITS AND LICENSES.

- ARTICLE 1. GENERAL PROVISIONS AND ADMINISTRATION.
Secs. 10-101 to 10-108
- ARTICLE 2. REQUIREMENTS FOR APPLICANTS.
Secs. 10-201 to 10-212.
- ARTICLE 3. SUSPENSION OR REVOCATION OF PERMITS.
Secs. 10-301 to 10-303.
- ARTICLE 4. FAILURE TO OBTAIN PERMITS.
Sec. 10-401.

- ARTICLE 1. GENERAL PROVISIONS AND ADMINISTRATION.
 - Sec. 10-101. Permit required.
 - Sec. 10-102. Permit application.
 - Sec. 10-103. Permit form and agreement.
 - Sec. 10-104. Inspection.
 - Sec. 10-105. Notice that work is ready for inspection.
 - Sec. 10-106. Changes in terms of permit.
 - Sec. 10-107. Effective period of permit.
 - Sec. 10-108. Permits not transferable.

Sec. 10-101. Permit required.

A person engaging in any of the following activities shall obtain a permit from the district:

- (1) construction or repair of a trunk, main, or side sewer;
- (2) connection to a trunk, main or side sewer;
- (3) excavation within the paved surface of a public right of way for the purpose of working on a sewer;
- (4) engaging in the business of cleaning septic tanks;
- (5) disposing waste from a septic tank into the district system;
- (6) discharging contents of a swimming pool into a sewer, subject to the provisions of section 8-308.

(Adopted by Ord.

Cross-reference: See section 11-101 for permit fee, and section 11-102 for fee for disposing of septic tank waste into the district system.

Sec. 10-102. Permit application.

The applicant for permit shall submit:

- (1) a description of the work proposed, including costs;
- (2) the location of the work;
- (3) the date the work will begin; and
- (4) the names of each person who may perform the work.

(Adopted by Ord.

Sec. 10-103. Permit form and agreement.

The general superintendent may prescribe the form of permit application and require information in addition to that required by section 10-102. The signature of the applicant on the permit application is an agreement to comply with the rules and regulation of the district.

(Adopted by Ord.

Sec. 10-104. Inspection.

The district shall inspect the work done under each permit. If the work does not meet district standards and requirements, the district may order disconnection, or other corrective measures at the expense of the permit holder.

(Adopted by Ord.

Cross-reference: See section 11-101 for inspection fees.

Sec. 10-105. Notice that work is ready for inspection.

The holder of the permit shall advise the district that the work is ready for inspection on a normal working day by giving written notice to this effect at least 24 hours in advance of the time he desires inspection.

(Adopted by Ord.

Sec. 10-106. Changes in terms of permit.

At any time before work under a permit is complete, the district may change any term of the permit. This section applies to permits outstanding on the date this section takes effect.

(Adopted by Ord.

Sec. 10-107. Effective period of permit.

A permit is effective for a period of 1 year from the date it is issued.

(Adopted by Ord.

Sec. 10-108. Permits not transferable.

A permit is not transferable.

(Adopted by Ord.

ARTICLE 2. REQUIREMENTS FOR APPLICANTS.

- Sec. 10-201. Insurance required.
- Sec. 10-202. Cash deposit for sewer construction permit.
- Sec. 10-203. Deposit required before permit.
- Sec. 10-204. Condition of cash deposit.
- Sec. 10-205. Forfeiture of deposit.
- Sec. 10-206. Notice and hearing of forfeiture and order to correct work.
- Sec. 10-207. District may correct work and deduct cost from deposit.
- Sec. 10-208. District may correct work if permit violation creates emergency.
- Sec. 10-209. Increasing deposit.
- Sec. 10-210. Return of cash deposits.
- Sec. 10-211. Continuing deposit by contractor licensed under state law.
- Sec. 10-212. Disposition of deposits.

Sec. 10-201. Insurance required.

A contractor who applies for a permit shall maintain:

- (1) workmen's compensation insurance;
- (2) Public liability insurance in amounts as follows:
 - (a) not less than \$100,000 for the death or injury of one person and \$300,000 for the death or injury of more than one person, and (b) property damage insurance in the amount of not less than \$10,000.

The applicant shall file a certificate evidencing the insurance with the district.

(Adopted by Ord.)

Sec. 10-202. Cash deposit for sewer construction permit.

(a) Finding and declaration of purpose. The board finds that the work of constructing, installing and repairing of sewers vitally affects the operation of the district sewage system and has an adverse and deleterious effect upon it unless the work is performed by qualified and experienced contractors under close district supervision. The district has in the past experienced loss and damage to its facilities because of the way in which work was done. The reason for requiring a cash deposit from an applicant as provided in this section is to prevent damage to district and private facilities and additional expense in case of poor or improper workmanship and materials, and to encourage and insure high construction standards.

(b) Deposit for general sewer construction. An applicant for a permit for the construction, installation, alteration or repair of a public or private sewer shall be properly licensed for the work by the State of California and shall deposit with the district cash in the amount of \$1,000.00.

(Adopted by Ord.)

Sec. 10-203. Deposit required before permit.

An applicant shall deposit the amount required by section 10-202 before receiving a permit or performing any work. A permit issued before the deposit is made is void.

(Adopted by Ord.)

Sec. 10-204. Condition of cash deposit.

The condition of the cash deposit required by section 10-202 is that the applicant shall comply with each term of the permit. The deposit shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of 1 year after the work is certified by the general superintendent to be satisfactorily completed.

(Adopted by Ord.)

Sec. 10-205. Forfeiture of deposit.

If the applicant violates any term of the permit and the engineer so certifies to the board, the board may declare a forfeiture of the deposit.

(Adopted by Ord.)

Sec. 10-206. Notice and hearing of forfeiture and order to correct work.

When the general superintendent certifies to the board that the applicant has violated the permit, the secretary shall give the applicant written notice that the board intends to declare a forfeiture 10 days in advance of the date the matter will be heard. If, after the hearing, the board finds that it is necessary to correct faulty workmanship or replace defective materials, or both, it shall notify the permit holder to correct the work.

(Adopted by Ord.)

Sec. 10-207. District may correct work and deduct cost from deposit.

If the applicant fails to correct the work within 10 days after the district gives notice to do so, the district may proceed with the work and deduct the reasonable cost of doing it from the deposit. If the deposit is not sufficient to complete the corrective work, the district shall advise the applicant and direct him to deposit an additional sum necessary to cover the cost of the work.

(Adopted by Ord.)

Sec. 10-208. District may correct work if permit violation creates emergency.

If in the opinion of the general superintendent the applicant's violation of a permit creates an emergency which should be corrected immediately, the general superintendent may order the applicant to correct the work within a specified period of time. If the applicant fails to correct the work within this time, the district may proceed with the work and deduct the reasonable cost of doing it from the deposit.

(Adopted by Ord.)

Sec. 10-209. Increasing deposit.

If the board finds that the amount of the deposit provided for in section 10-202 is inadequate, it may increase the amount of the deposit up to the estimated cost of the work covered by the permit. In increasing the deposit, the board shall consider (1) the effect of the work on other district facilities and its proximity to them, (2) the knowledge and experience of the applicant in the field of sewer construction, and (3) damage to the district and its facilities in case of faulty workmanship or defective material.

(Adopted by Ord.)

Sec. 10-210. Return of cash deposits.

The district may return the cash deposit upon application by the depositor upon expiration of 90 days from the date the work is satisfactorily completed. However, the general superintendent may require that the deposit be kept for a period not exceeding one year if he considers it necessary to protect the district.

(Adopted by Ord.)

Sec. 10-211. Continuing deposit by contractor licensed under state law.

A person licensed under state law to construct, install or repair sewers who regularly conducts his business in the district may make an initial deposit of the amount required and maintain this as a continuing deposit. Thereafter when the applicant applies for a permit he need not make a deposit with each application. In this case, the deposit is sufficient irrespective of the number of permits he may have at the same time. The general superintendent may increase the amount of the deposit of a licensed contractor who has more than one permit outstanding up to the amount specified in section 10-202 for each permit if he finds that this is necessary to protect the district.

(Adopted by Ord.)

Sec. 10-212. Disposition of deposits.

The district shall place each deposit in an account. The district shall give the depositor a receipt for the deposit. No interest is payable on a deposit.

(Adopted by Ord.)

ARTICLE 3. SUSPENSION OR REVOCATION OF PERMITS.

Sec. 10-301. Suspension or revocation of permits.

Sec. 10-302. Procedure for suspension.

Sec. 10-303. Procedure upon revocation.

Sec. 10-301. Suspension or revocation of permits.

The board may suspend or revoke a permit if the permit holder fails or refuses to comply with each provision of the permit, this code, the rules, regulations and orders of the engineer, or the rules and regulations of a federal or state agency.

(Adopted by Ord.)

Sec. 10-302. Procedure for suspension.

If ground exists for the suspension of a permit under section 10-301, the general superintendent shall suspend the permit by giving notice of suspension to the permit holder specifying the grounds for suspension and stating that the permit is suspended and giving the effective date of suspension. The suspension of the permit continues until the permit holder removes the grounds for suspension.

(Adopted by Ord.)

Sec. 10-303. Procedure upon revocation.

If ground exists for the revocation of a permit under section 10-301, the general superintendent shall temporarily suspend the permit pending a hearing and determination upon the question of revocation of the permit. The district shall give the permit holder notice stating that the permit is temporarily suspended and shall state the grounds upon which the permit is sought to be revoked. The notice shall also specify the time and place of hearing upon the question of revocation. The district shall give the permit holder at least 10 days notice of the hearing. This notice shall be served in the manner prescribed by section 13-102.

(Adopted by Ord.)

ARTICLE 4. FAILURE TO OBTAIN PERMIT.

Sec. 10-401. Additional charge for failure to obtain a required permit.

Sec. 10-401. Additional charge for failure to obtain a required permit.

Whenever a person required to obtain a permit as provided in this chapter fails to obtain the required permit he shall pay to the district, in addition to all other charges, an amount determined by the district as sufficient to defray the additional cost to the district, including inspection work and administrative expense, caused by the failure to obtain the required permit, which additional amount shall be not less than \$100.00.

(Adopted by Ord.

CHAPTER 11. FEES AND CHARGES*.

- ARTICLE 1. ENGINEERING, PERMIT AND LICENSE FEES.
Secs. 11-101 to 11-103.
- ARTICLE 2. ANNEXATION CHARGES.
Secs. 11-201 to 11-209.
- ARTICLE 3. USAGE CHARGES.
Secs. 11-301 to 11-308.
- ARTICLE 4. ELECTIVE USAGE CHARGE.
Secs. 11-401 to 11-405.
- ARTICLE 5. ASSESSMENT AND SPECIAL CONDITION EQUALIZATION CHARGES.
Secs. 11-501 to 11-505.
- ARTICLE 6. REBATE CHARGE.
Secs. 11-601 to 11-602.
- ARTICLE 7. ENVIRONMENTAL QUALITY CHARGE.
Secs. 11-701 to 11-717.
- ARTICLE 8. SPECIAL SERVICE CHARGES.
Secs. 11-801 to 11-803.
- ARTICLE 9. USE OF TAX ROLL FOR COLLECTION.
Sec. 11-901

- ARTICLE 1. ENGINEERING, PERMIT AND LICENSE FEES.
 - Sec. 11-101. Fees for permit, inspection, etc.
 - Sec. 11-102. Fees for disposal of septic tank wastes in district system.
 - Sec. 11-103. Time of payment.

Sec. 11-101. Fees for permit, inspection, etc.

The fees for each of the services described are established as follows:

- (1) basic permit and connection-----\$168.00
 - (2) inspection of saddle installation or manhole connection-\$ 15.00
 - (3) inspecting a lateral sewer installation-----\$ 15.00
 - (4) inspecting a house sewer installation-----\$ 15.00
 - (5) inspecting repairs or minor alterations-----\$ 15.00
 - (6) inspection at time other than during between 8:00 a.m.
and 4:30 p.m. on regular working days-----\$ 15.00 an hour
 - (7) review of plans (\$0.10 a lineal ft. for 6" diameter
or larger pipe), minimum of-----\$ 50.00
 - (8) field location of structure-----\$ 15.00
 - (9) installation of saddle connection or wye to sewer-----\$ 15.00
- (Adopted by Ord.

*Note: Section 6520.5, Health and Safety Code, provides that the district may impose fees and charges for its service and use of its facilities.

Sec. 11-102. Fees for disposal of septic tank wastes.

Disposal of residential septic tank, cesspool, or holding tank wastes into the district system shall be subject to the following fees and conditions: a person desiring to dispose of such wastes shall:

- (1) Register with Contra Costa County Health Department and obtain a County permit.
- (2) Register with district and pay the \$100.00 per year district permit fee due on the first day of January.
- (3) Pay, as billed, the charge per truckload dumped established by the district, which is hereby fixed at \$1.00 for each 100 gallons.
- (4) Dump only at the designated location in a manner to prevent spillage outside of the manhole.

(Adopted by Ord.

Sec. 11-103. Time of payment.

Each fee prescribed in this article is due at the time of application and the district may not issue the permit or license as the case may be until the applicant pays the fee.

(Adopted by Ord.

ARTICLE 2. ANNEXATION CHARGES.

Sec. 11-201. Findings.

Sec. 11-202. Declaration of policy.

Sec. 11-203. Annexation charge.

Sec. 11-204. Proration of charge.

Sec. 11-205. Total annexation charge.

Sec. 11-206. Use of annexation charge.

Sec. 11-207. Determination of charge.

Sec. 11-208. Time of payment of annexation charge.

Sec. 11-209. Inclusion of charge in special assessments.

Sec. 11-201. Findings.

The board of directors finds that, in addition to the administrative costs involved in processing petitions for the annexation of territory to the district, an amount should be paid to equalize the territory outside the district with territory inside the district. Owners of real property in the district have made a substantial investment in capital facilities through the payment of real property taxes. It is necessary to impose a charge upon the owners of territory seeking annexation in order to (1) spread the capital investment in the district's facilities over all the area that will benefit from them, (2) equalize the financial burden, (3) discourage property owners from remaining outside the district solely to avoid payment of real property taxes and thus avoid sharing in the payment of capital improvements which directly benefit them, and (4) encourage the construction of sewers for the protection of the health and welfare of the people in the district.

(Adopted by Ord.

Sec. 11-202. Declaration of policy.

The purpose of the annexation charge is to (1) defray the cost of processing annexation requests and (2) impose upon the property to be annexed a charge which will approximate the amount of ad valorem real property taxes the property owner would have paid if the property had been in the district when those taxes were imposed.

(Adopted by Ord.

Sec. 11-203. Annexation charge.

The annexation charge for real property situated outside of the boundaries of the sanitary district, is Four Hundred and no/100 dollars (\$400.00) an acre.

(Adopted by Ord.

Sec. 11-204. Proration of charge.

For a fraction of an acre included in an annexation proceeding, the annexation charge is prorated.

(Adopted by Ord.

Sec. 11-205. Total annexation charge.

The owner of real property which is annexed to the district shall as a condition to annexation pay to the district an annexation charge consisting of:

- (1) his prorated cost of processing the petition and conducting the proceeding based upon area; and
- (2) the annexation charge.

(Adopted by Ord.

Sec. 11-206. Use of annexation charge.

The district shall deposit annexation charges in the sewer construction fund.

(Adopted by Ord.

Cross-reference: See section 5-104 for the money to be deposited in the sewer construction fund and its use.

Sec. 11-207. Determination of charge.

The district shall fix the charge as a term and condition of annexation of the property to the district at the time the property owner petitions the district for annexation. If the property owner does not file the proper documents to complete annexation proceedings within three months from the date the district fixes the annexation charge, the board of directors of the district may review the amount of the charge or other decision or finding of the district and modify it if the board finds that circumstances have so changed that the amount of the charge or conditions originally fixed no longer reflects the purpose for which it was imposed or the facts upon which the findings or decision was based have changed.

(Adopted by Ord.

Sec. 11-208. Time of payment of annexation charge.

The annexation charge is due when the property is annexed to the district. However, the district may grant a deferment of payment until each structure built on the territory annexed has been made ready for connection to the district sewer system. As sewer service is provided to each property upon which a structure is located, that property, or portions thereof, shall be charged its proportionate amount of total annexation charge due which amount shall be paid prior to actual connection.

(Adopted by Ord.

Sec. 11-209. Inclusion of charge in special assessments.

The annexation charge may be collected by or included in a special assessment upon the property benefited.

(Adopted by Ord.

ARTICLE 3. USAGE CHARGES*.

Sec. 11-301. Definitions.

Sec. 11-302. Usage charge established.

Sec. 11-303. Basic usage rate schedule.

Sec. 11-304. Special commercial & public fixture charges.

Sec. 11-305. Rate schedules for multiple uses.

Sec. 11-306. Rate schedule for residential, commercial, multi-storied buildings and miscellaneous uses.

Sec. 11-307. Additional charge for change of use.

Sec. 11-308. Usage charge due upon connection; additional charge for late payment.

Sec. 11-301. Definitions.

In this article unless the context otherwise requires:

- (1) the basic usage rate schedule is the list of charges for connection of individual plumbing fixtures ordinarily used (sec. 11-303).
- (2) "fixture multiple" means the number of times that the amount listed for a fixture in the basic usage rate schedule is multiplied to reach the amount of total usage charge.

(Adopted by Ord.

Sec. 11-302. Usage charge established.

A person desiring to connect to either a public sewer in the district or a sewer flowing into a public sewer in the district shall pay a usage charge to the district. The usage charge is in addition to all other fees and charges.

(Adopted by Ord.

Cross-reference: See Sec. 11-401 which allows certain non-residential users to pay an elective fixture charge instead of the usage charge.

*CROSS-REFERENCE: A special service charge for connection in addition to the charges in this article may be imposed under section 8-304 which applies to a connection involving an unusual use.

Sec. 11-303. Basic usage rate schedule for ordinary plumbing fixtures connected to the sewer system.

(Adopted by Ord.

Sec. 11-304. Special commercial and public usage charges.

(Adopted by Ord.

Sec. 11-305. Rate schedule for multiple uses.

(Adopted by Ord.

Sec. 11-306. Rate schedule for residential uses, general commercial and miscellaneous uses and multi-storied buildings.

The minimum total usage charges are as follows:

General

Auditorium, bank, bakery, barber or beauty shop, church, cleaning plant, delicatessen, department store, drug store, dog kennel, fire house, grocery, hall, meat market, medical or office building.

Types of uses not listed hereon:

Cocktail lounge, bar, club, gas station, garage, restaurant, fountain, drive-in, funeral parlor.

Convalescent hospital, rest home, hospital.

Creamery, food processor,

Factory, industry,

Multi-use building,

School.

(Adopted by Ord.

Sec. 11-307. Additional charge for change of use.

The usage charge applies to the use made of the sewer at the time the connection is made. If an additional or different use is made of the sewer, an additional charge is imposed for the additional or different use. The amount of this charge is the difference between the usage charge paid and the amount applicable under this article.

(Adopted by Ord.

Sec. 11-308. Usage charge due upon connection; additional charge for late payment.

The usage charges provided for in this article are due upon actual connection to the district's system. If the usage charge is not paid in full on said due date, an additional charge accrues in the amount of 1% of the usage charges due plus a further 1% for each month thereafter in which the usage charges remain unpaid.

(Adopted by Ord.

ARTICLE 4. ELECTIVE USAGE CHARGES.

Sec. 11-401. Elective usage charge option to usage charge.

Sec. 11-402. Amount of elective usage charge.

Sec. 11-403. Manner of election.

Sec. 11-404. Subsequent election.

Sec. 11-405. Billing.

Sec. 11-401. Elective usage charge option to usage charge.

Where an usage charge is payable under Article 3 of this chapter and the use is a use other than (1) residential, or (2) federal, state or local government facility, the user may elect to pay the elective usage charge prescribed herein. The owner of the real property on which the use is situated shall be considered to be the user.

(Adopted by Ord.

Sec. 11-402. Amount of elective usage charge.

(Adopted by Ord.

Sec. 11-403. Manner of election.

A person who elects to pay the elective usage charge shall be the owner of the property and file with the district upon a form furnished by it a written statement that he elects to pay the elective usage charge.

(Adopted by Ord.

Sec. 11-404. Subsequent election.

Sec. 11-405. Billing.

ARTICLE 5. ASSESSMENT AND SPECIAL CONDITION EQUALIZATION CHARGES.

- Sec. 11-501. Statement of purpose.
- Sec. 11-502. Equalization charge for connection made through local improvement district or special assessment proceedings.
- Sec. 11-503. Equalization charge for connection made to sewers installed by the district from general or bond funds.
- Sec. 11-504. Equalization charge for connection made to sewers needing improvements which were not constructed through assessment proceedings, district funding, or rebate procedures.
- Sec. 11-505. Equalization charge for connection presenting special conditons.

Sec. 11-501. Statement of purpose.

The purpose of the assessment equalization charge is to collect from those properties benefiting from but not participating in the original cost of local collection facilities a share of the cost.

(Adopted by Ord.

Sec. 11-502. Equalization charge for connection made through local improvement district or special assessment proceedings.

(a) A person who connects to a sewer constructed through local improvement district or special assessment proceedings shall pay an equalization charge to the district before the connection is made.

(b) The assessment equalization charge is in addition to all other charges and shall be the adjusted amount the property would have been assessed if it had been included in the local improvement district or special assessment proceedings. The adjustment shall recognize appreciated cost due to time and shall conform to the established rebate charge for the area.

(Adopted by Ord.

Sec. 11-503. Equalization charge for connection made to sewers installed by the district from general or bond funds.

A person who connects to a sewer constructed by the district and financed by general (sewer construction or running expense funds) or bond funds shall pay an equalization charge to the district before the connection is made. The amount of the charge shall conform to the rebate charge established for the area.

(Adopted by Ord.)

Sec. 11-504. Equalization charge for connection made to sewers needing improvements which were not constructed through assessment proceedings, district funding, or rebate procedures.

A person who connects to a sewer not constructed through special assessment proceedings, district funding, or rebate procedures where such sewer has been established as requiring improvements by the district, shall pay an equalization charge to the district before the connection is made. The amount of the charge shall be established by the district in conformance to rebate charge schedules.

(Adopted by Ord.)

Sec. 11-505. Equalization charge for connection presenting special conditions.

(a) If a connection involves a use other than human waste or disproportionate quantities or qualities of sewage, an equalization charge shall be paid before connection is made.

(b) In such a case the district shall conduct a special study to determine whether an equalization charge be paid and if so in what amount.

(Adopted by Ord.)

ARTICLE 6. REBATE CHARGE.

Sec. 11-601. Charge for connection to rebate sewer line.

Sec. 11-602. Rebate charge under chapter 9 is in addition to all other charges.

Sec. 11-601. Charge for connection to rebate sewer line.

A person who connects to a sewer line which was installed as a rebate sewer line under chapter 9 shall pay to the district the rebate charge fixed in accordance with secs. 9-105 and 9-110.

(Adopted by Ord.)

Sec. 11-602. Rebate charge under chapter 9 is in addition to all other charges.

The charge fixed under chapter 9 for the connection to a rebate sewer line is in addition to all other charges prescribed by this code. This rebate charge shall be levied and collected in accordance with chapter 9.

(Adopted by Ord.)

ARTICLE 7. ENVIRONMENTAL QUALITY CHARGE.

- Sec. 11-701. Findings and purposes.
- Sec. 11-702. Basis of charge.
- Sec. 11-703. Rates.
- Sec. 11-704. Power to inspect premises.
- Sec. 11-705. Enforcement.
- Sec. 11-706. Vacancy.
- Sec. 11-707. Refunds.
- Sec. 11-708. Adjustments.
- Sec. 11-709. Effective date of charges.
- Sec. 11-710. Due date of charge.
- Sec. 11-711. Delinquency date.
- Sec. 11-712. Where payable.
- Sec. 11-713. Billing.
- Sec. 11-714. Persons responsible.
- Sec. 11-715. Penalties for non-payment - lien.
- Sec. 11-716. Collection of charges on tax roll.
- Sec. 11-717. Government or public premises.

Sec. 11-701. Findings and purposes.

The board hereby finds and determines that the protection of the environment is of the highest priority and that it is necessary and desirable to aid in the protection of that environment by building improved sewerage facilities for the collection, treatment and disposal of sewage in the central contra costa county area. Specifically, additional collection, treatment and discharge facilities should be provided to improve the quality of waste water now discharged into the bay.

It is further found, and determined to be in the public interest, that the said waste water be so improved through treatment as to make it available for industrial use and other appropriate purposes, thereby releasing fresh water supplies for other beneficial uses.

To accomplish these basic aims, the board hereby finds and determines that it is necessary to establish an "environmental quality charge" in the manner hereinafter set forth.

(Adopted by Ord.)

Sec. 11-702. Basis of charge.

The basis of the environmental quality charge is the establishment of a unit cost, computed to reflect costs in the collection, treatment and disposal of sewage from an average single-family dwelling.

(Adopted by Ord.)

Sec. 11-703. Rates.

The rates shall be as set forth in the schedule below and as said schedule is amended from time to time by resolution of the board of directors of the Rodeo Sanitary District.

- (1) Unimproved properties: For each unimproved parcel of real estate listed on the County Assessor's roll, the charge shall be zero dollars (\$0.00) per year.

- (2) Improved properties: For each improved parcel of real estate listed on the County Assessor's roll, the minimum charge shall be zero dollars (\$0.00) per year.
- (2A) Improved residential properties: For each improved parcel of real estate listed on the County Assessor's roll used for residential purposes, the charge shall be zero dollars (\$0.00) for each family dwelling unit, or each hotel, motel, or similar living unit in excess of one per parcel.
- (2B) Improved non-residential properties: For each improved parcel of real estate listed on the County Assessor's roll used for non-residential purposes, the minimum charge shall be zero dollars (\$0.00) for each lease unit, or rental unit, or "unit of use" as defined in this code in excess of one per parcel.
- (Adopted by Ord.

Sec. 11-704. Power to inspect premises.

In order to effect the powers of this section and pursuant to section 6523.2 of the Health and Safety Code of the State of California, the district's general superintendent and his authorized representatives are hereby given the power and authority to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situate therein, and any other facts or information reasonably necessary to ascertain the applicability of any charges to such premises, or the amount of such charges.

(Adopted by Ord.

Sec. 11-705. Enforcement.

In the event of the failure of any owner to pay when due any charges applicable to premises owned by him, the district may enforce payments of such delinquent charges in any of the following manners:

(1) The district may have such premises disconnected from the sanitary sewer system. In the event such disconnection should create a public hazard or nuisance, the general superintendent or his representatives may enter upon the premises for the purposes of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the district for all expenses incurred by district in disconnecting any such premises, or in doing other things authorized by this section; and no reconnection shall be made until all such charges are paid.

(2) The general superintendent may 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.

(3) Any and all delinquent payments may be placed on the tax roll, and collected with property taxes, as hereinafter provided.

(4) Such other action may be taken as may be authorized by law and by the Board.

(Adopted by Ord.

Sec. 11-706. Vacancy.

No credit, adjustment or refund will be made to any customer because the premises or any part thereof are vacant.

(Adopted by Ord.

Sec. 11-707. Refunds.

When any refund becomes due and owing by virtue of action of the board or by virtue of any error made in ascertaining the charge applicable to any customer, the general superintendent is authorized to make payable such monies from the specific fund established for the deposit of environmental quality charges.

(Adopted by Ord.

Sec. 11-708. Adjustments.

It is the intent of the provisions of this article, in establishing different environmental quality charges for different categories of properties, to reflect the benefit from such service to each property. If, in respect to any customer, the board should find that the charge is inequitable, or unfair because of unusual circumstance, it may establish a special service charge for such customer, differing from those otherwise established which will bear a closer relationship to the benefit received from the district system. Such special charge may be revoked at any time by the board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

The owner of any premises who by reason of special circumstances finds that the applicable rates are unjust or inequitable as applied to his premises, may make written application to the board, stating the circumstances and requesting a different basis of charges for such premises. If such application be approved, the board may fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during their period of such special circumstances.

(Adopted by Ord.

Sec. 11-709. Effective date of charges.

The above mentioned environmental quality charges shall become effective on _____ as to all premises in the district.

(Adopted by Ord.

Sec. 11-710. Due date of charges.

All environmental quality charges shall become due and payable beginning with fiscal year _____

(Adopted by Ord.

Sec. 11-711. Delinquency date.

Except as otherwise provided elsewhere in this article, each environmental quality charge shall be delinquent if not paid on or before the

(Adopted by Ord.

Sec. 11-712. Where payable.

Except as otherwise provided elsewhere in this article, all environmental quality charges shall be payable at the office of the Rodeo Sanitary District, or as otherwise noted on the billing.

(Adopted by Ord.

Sec. 11-713. Billing.

Except as provided elsewhere in this article, the general superintendent shall ascertain the amount of each environmental quality charge applicable to each premise in the district, and shall mail to the owner of each premise in the district, within sixty (6) days from and after the date any such charges become due and payable, a bill for the environmental quality charges which are then due and payable. Such bills shall be mailed to the person or persons listed as the owners on the last equalized assessment roll of the county of Contra Costa at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known to the general superintendent. Each bill so mailed shall contain a statement that a delinquency in payment for 30 days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded shall have the force, effect and priority of a judgment lien for three years unless sooner released or otherwise discharged. Failure of the general superintendent to mail any such bill or failure of any owner to receive any such bill, shall not excuse the owner of any premises from the obligation of paying any environmental quality charge for any premises owned by him.

(Adopted by Ord.

Sec. 11-714. Persons responsible.

The owner of any premise is and shall be responsible for payment of any and all environmental quality charges applicable to premise(s) owned by him. It shall be and is hereby made the duty of each such owner to ascertain from the general superintendent the amount and due date of any such charge applicable to premise(s) owned by him and to pay such charge when due and payable. It also shall be and is hereby made the duty of all owners of all premises to inform the general superintendent immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to premises owned by him or the amount of any such charge. In particular, but not by way of limitation, an owner of any premises shall immediately inform the general superintendent of any sale or transfer of such premises by or to such owner.

(Adopted by Ord.

Sec. 715. Penalties for non-payment - lien.

Except as otherwise provided in this article for collection of environmental quality charges through general tax law, whenever a delinquency charge shall occur for non-payment, a penalty of ten percent (10%) shall attach to the delinquent charge and for each month that such charge remains delinquent a further penalty of one-half one one percent (1/2 of 1%) of said basic charge shall be added. After delinquency for 30 days such unpaid charge and penalties shall constitute a lien upon the lot or parcel of land against which the charge was levied.

(Adopted by Ord.

Sec. 11-716. Collection of charges on tax roll.

Pursuant to the provisions of Division 5, Part 3, Chapter 6, article 4, of the Health and Safety Code of the State of California, and subject to the exceptions hereinafter set forth, the district hereby elects, as an alternative procedure for the collection of sewer charges prescribed or imposed by the provisions of this article to have all such environmental quality charges for each fiscal year from and after July 1, 1972, 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.

The general superintendent is hereby directed to annually prepare and file with the district secretary before the 15th day of July, a written report containing a description of each and every parcel of real property receiving the environmental quality services hereinabove mentioned and the amount of the environmental quality charge for each parcel for the forthcoming fiscal year, in conformity with the charges prescribed herein. Providing and excepting that: The environmental quality 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 section 327 of the Revenue and Taxation Code of the State of California and on file in the office of the County Assessor of Contra Costa County, California, or by reference to plats or maps on file in the office of the district.

The district secretary shall cause notice of the filing of said report and of a time and place of hearing thereon to be published prior to the date set for hearing in a newspaper of general circulation printed and published within the district. Said publication of said notice shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the 14th including therein the first day.

The district secretary shall also cause a notice in writing of the filing of the first report hereunder proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed on the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to the district secretary, in accordance with said division 5, part 3, chapter 6, article 4, of the Health and Safety Code.

If the board adopts said report for the forthcoming fiscal year, July 1, 1974, to June 30, 1975, inclusive, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years, but notice by publication as hereinabove provided shall be adequate.

At the time stated in the above mentioned notice, the board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If said district finds that protest is made by owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land, except as provided in section 11-713.

Upon the conclusion of the hearing the board may adopt, revise, change, reduce or modify and change or overrule any or all objections, and shall make its determination upon each charge as described in said report, which determination shall be final.

On or before the 10th of August of each year following such final determination, the district secretary shall file with the auditor of the county of Contra Costa a copy of said report with a statement endorsed thereon over his signature that it has been finally adopted by the board, and the auditor of the county of Contra Costa shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the date prescribed by law as the lien date for general property taxes.

The tax collector of the county of Contra Costa shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

All laws applicable to the levy, collection and enforcement of general taxes of the district, including but not limited to, those pertaining to matters of delinquency, collection, cancellation, refund and redemption, are applicable to such charges.

The tax collector may in his discretion issue separate bills for such charges and separate receipts for collection on account of such charges. The county of Contra Costa shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges in an amount to be fixed by agreement between the Board of Supervisors of Rodeo Contra Costa County and the board of directors of the Rodeo Contra Costa Sanitary District.

If any premises within the district are omitted from the above mentioned report or said tax roll, either because the charge therefor shall not have yet been ascertained by the general superintendent as of the date of said report or for any other reason, the environmental quality charge for each premises shall be collected

in the manner provided elsewhere in this article. If the charge for any premises, as shown on said report for the forthcoming fiscal year should be less than that which should be the charge therefor under the provisions of this article, the balance of said charge shall be collected in the manner provided elsewhere in this article.

(Adopted by Ord.

Sec. 11-717. Government or public premises.

The provisions of this article shall apply to governmental or public premises as well as to premises which are not governmental or public premises. As used herein the terms "governmental or public premises" means and includes premises which are owned, controlled or used by (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, county, town or city and county or any of their departments or agencies, (4) any school district, (5) any other governmental or public entity.

(Adopted by Ord.

ARTICLE 8. SPECIAL SERVICE CHARGES.

Sec. 11-801. Connections involving special conditions.

Sec. 11-802. Determination and amounts of rates.

Sec. 11-803. Interim special service charge.

Sec. 11-801. Connections involving special conditions.

- (1) Special service charges shall be established by the board, based upon studies to determine whether additional charges are equitable, if the engineer finds that a connection involves any one or more of the following attributes:
- (a) other than human waste; or
 - (b) a disproportionate quantity or quality of sewage; or
 - (c) a more intensive use of the local collection facilities of the district than the land use established at the time of construction or at the time of connection to the district system;
 - (d) properties requiring an unusual investment of district funds to make service available; or
 - (e) persons or properties regulated by direct order and with discharge standards fixed by the Regional Water Quality Control Board; or
 - (f) special contract stipulations setting forth conditions for service and/or payment for services; or
 - (g) other users not included under subparagraphs (a), (b) (c), (d), or (e) above, except where the applicable facilities are directly used by public agencies, where it is determined that a service charge is necessary to assure that each recipient of waste treatment service will pay its proportionate share of the costs of operation and maintenance (including replacement).

(Adopted by Ord.

Sec. 11-802. Determination and amounts of rates.

Under the circumstances referred to in Subdivision "(1)" of this section the following general methods will be used in determining the nature and amount of the special service charge to be established:

- (1). A flat volume rate of \$150.00 per million gallons where it does not appear that a detailed study is necessary or desirable.
- (2). Volume charges based on metered sewerage or metered water when sewerage accepted by district system is of normal domestic sanitary sewage strength or less.
- (3). Where there is found to be an excessive volume, or unusual variations of flow rates, the volume charge per million gallons shall be fixed annually in relationship to the total flow of the district and its total revenue derived for meeting the obligations of the district.
- (4). Volume-strength charges based on metered sewage or metered water and sewage constituents which require additional transportation, or treatment or disposal costs, by the district. The board will determine a factor, or factors, to be applied to equate additional strength or constituents to increased volume and charges for adjusted volume shall be determined in the same manner set forth in subparagraph "(3)" hereof.

(Adopted by Ord.

Sec. 11-803. Interim special service charge.

Pending the establishment of a special service charge based on specific volume or strength and subsequent to the determination of the general superintendent that a connection involves one or more of the special conditions of sec.11-801, an interim charge may be established by the general superintendent. Such an interim charge shall estimate an appropriate special service charge when possible, but in no event shall be less than \$2.00 per month per connection or per building, or per living unit, or per unit of use, whichever results in the greater service charge.

(Adopted by Ord.

ARTICLE 9. USE OF TAX ROLL PER COLLECTION.

Sec. 11-901. District may elect to use tax roll for collection.

Sec. 11-901. District may elect to use tax roll for collection.

The district may elect to use the tax roll on which general district taxes are collected for the collection of current or delinquent charges for services and facilities furnished by the district. Said election is pursuant to sec. 5470 et seq. of the Health and Safety Code.

(Adopted by Ord.

CHAPTER 12. GARBAGE.*

- ARTICLE 1. IN GENERAL.
Secs. 12-101 to 12-102.
- ARTICLE 2. STORAGE AND COLLECTION.
Secs. 12-201 to 12-208.
- ARTICLE 3. EXCLUSIVE FRANCHISE.
Secs. 12-301 to 12-305.
- ARTICLE 4. NON-EXCLUSIVE FRANCHISE.
Secs. 12-401 to 12-405.
- ARTICLE 5. RATES.
Secs. 12-501 to 12-505.

- ARTICLE 1. IN GENERAL.
Sec. 12-101. Definitions.
Sec. 12-102. Application of ordinance
within incorporated cities.

Sec. 12-101. Definitions.

In this code, unless the context otherwise requires:

- (1) "garbage" includes animal, fruit and vegetable refuse; offal; leaves and cuttings, trimmings from trees, shrubs and grass; inorganic refuse and rubbish; and anything thrown away as worthless.
- (2) "person" means person defined in section 1-110 and in addition an occupied residential unit or commercial establishment.
- (3) "place" means land, building, site, drainage ditch or road, public or private, in the district.
- (4) "contractor" means an agent or employee of the district, or a person with whom the district contracts to collect, transport through the streets and dispose of garbage produced in the district.

(Adopted by Ord.

Sec. 12-102. Application of ordinance within incorporated cities.

This ordinance does not apply within an incorporated city whose boundaries are within the district if the city has a franchise for garbage and refuse collection and disposal within its limits.

(Adopted by Ord.

*NOTE: The district under section 6518.5, Health and Safety Code, may collect waste and garbage; and under section 6520, Health and Safety Code, may compel all residents and property owners in the district to use the garbage collection and disposal system.

ARTICLE 2. STORAGE AND COLLECTION.

Sec. 12-201. Storage of garbage at point of origin.

Sec. 12-202. Garbage to be placed in containers.

Sec. 12-203. Requirements for containers.

Sec. 12-204. Requirements as to containers not applicable to certain types of garbage.

Sec. 12-205. Area where container kept to be clean.

Sec. 12-206. Frequency of garbage removal.

Sec. 12-207. Exceptions to application of sec. 12-201 to sec. 12-206.

Sec. 12-208. General requirements for hauling garbage.

Sec. 12-201. Storage of garbage at point of origin.

No person shall keep or dispose of garbage in a manner which or upon any place which affords food or harborage for rodents or insects, or which causes a public nuisance or public health hazard, or which is in violation of this ordinance.

(Adopted by Ord.

Sec. 12-202. Garbage to be placed in containers.

Every person having charge or control of a place where garbage accumulates shall provide suitable and sufficient garbage containers.

(Adopted by Ord.

Sec. 12-203. Requirements for containers.

A person having control of a place where garbage accumulates shall place the garbage in a container which:

- (1) is water-tight, circular, galvanized metal or of equivalent quality;
- (2) is of not more than 32 gallon capacity;
- (3) has two adequate handles;
- (4) is covered continuously except when being filled or emptied;
- (5) is placed in locations accessible to the collector;
- (6) is kept clean by the users.

(Adopted by Ord.

Sec. 12-204. Requirements as to containers not applicable to certain types of garbage.

Garbage consisting of industrial, horticultural, construction or other accumulations may be collected and disposed of without reference to the requirements of section 12-203.

(Adopted by Ord.

Sec. 12-205. Area where container kept to be clean.

A person who has a garbage container shall keep the area where the garbage container is located clean and free of garbage.

(Adopted by Ord.

Sec. 12-206. Frequency of garbage removal.

Garbage shall be removed once each week or as often as required by the Health Officer. No garbage, swill, animal remains, offal or fecal matter shall be burned.

(Adopted by Ord.

Sec. 12-207. Exceptions to application of sec. 12-201 to sec. 12-206.

Sections 12-201 to 12-206 do not apply to persons collecting:

- (1) dead animals, bones, or meat scraps for tallow plants, or
- (2) industrial wastes.

(Adopted by Ord.

Sec. 12-208. General requirements for hauling garbage.

- (1) All garbage removed and conveyed on or along streets in the district shall be hauled in an all-metal, water-tight bodied motor truck and conveyed in a manner so that the contents do not sift through or fall upon the streets and do not blow upon the streets or adjacent properties.
- (2) The truck body shall be constructed of metal of sufficient strength to withstand fire within, without endangering persons or property. The truck body in which garbage is regularly hauled shall be washed as often as necessary to keep it clean but in no case less than once each week.
- (3) Each truck shall be equipped with a tarpaulin or other suitable covering which shall be drawn over the load as completed to full depth. Garbage in the truck shall be completely covered between points of collection and disposal.

(Adopted by Ord.

ARTICLE 3. EXCLUSIVE FRANCHISE.

Sec. 12-301. Exclusive franchise.

Sec. 12-302. Contractor to furnish bonds and insurance.

Sec. 12-303. Exclusive right of contractor to collect and dispose of garbage.

Sec. 12-304. Revocation of exclusive contract.

Sec. 12-305. Board shall hold a hearing before revocation.

Sec. 12-301. Exclusive franchise.

The board finds that the district cannot by its own resources collect and dispose of garbage which accumulates within the district. The district may enter into an exclusive contract or may enter into exclusive contracts covering specified geographical service areas to provide for the uniform and speedy collection and disposal of garbage.

(Adopted by Ord.

Sec. 12-302. Contractor to furnish bonds and insurance.

The contractor shall furnish a bond in the amount of \$5,000.00 in favor of the district conditioned upon the faithful performance by him of the duties imposed by ordinance, contract, and rules and regulations of the district. The contractor shall obtain and keep in force for the period covered by the contract the following:

- (1) public liability insurance in an amount not less than \$100,000.00 for the death or injury of one person and \$300,000.00 for the death or injury of more than one person, and
- (2) property damage insurance in an amount of not less than \$10,000.00 upon each of the vehicles used in carrying out the contract. The contractor shall also furnish such other insurance as the board may require. All insurance obtained by the contractor shall also cover the district, its officers, agents and employees.

(Adopted by Ord.

Sec. 12-303. Exclusive right of contractor to collect and dispose of garbage.

The contractor shall collect, convey and dispose of all garbage accumulated in the geographical service area specified in the contract. No person other than the contractor may collect, convey over the streets of the district, or dispose of garbage accumulated in the area specified in an exclusive contract.

(Adopted by Ord.

Sec. 12-304. Revocation of exclusive contract.

The district may revoke an exclusive contract entered into under this ordinance if the contractor violates the contract, this ordinance or rule or regulation of the district.

(Adopted by Ord.

Sec. 12-305. Board shall hold a hearing before revocation.

Before revoking an exclusive contract under section 12-114, the board shall hold a hearing on the question of revocation and give the contractor at least 20 days notice of the hearing. If after the hearing, the board finds that the contractor has violated (1) the contract, or (2) this ordinance or (3) a rule or regulation of the district applicable to the contractor, the board may revoke the contract.

(Adopted by Ord.

ARTICLE 4. NON-EXCLUSIVE FRANCHISE.

- Sec. 12-401. Alternate procedure.
- Sec. 12-402. Application for license.
- Sec. 12-403. Issuance and duration of license.
- Sec. 12-404. License non-exclusive.
- Sec. 12-405. Suspension or revocation of license.

Sec. 12-401. Alternate procedure.

If the board has not granted an exclusive franchise under article 3, or if an exclusive franchise ceases to exist, the board may elect to make the collection and disposal of garbage non-exclusive within a geographical service area and may grant licenses in the manner provided in this article.

(Adopted by Ord.

Sec. 12-402. Application for license.

An applicant for a non-exclusive license shall apply in writing to the district on forms provided by the district.

(Adopted by Ord.

Sec. 12-403. Issuance and duration of license.

If the board determines that the applicant is able to comply with this ordinance and the rules and regulations adopted under this ordinance, the board may issue a license to the applicant for the conduct of a garbage collection and disposal service within the service area for which the license is requested. The license gives the licensee the privilege of collecting and disposing of garbage in the area specified for the period prescribed by the board.

(Adopted by Ord.

Sec. 12-404. License non-exclusive.

The license issued under this article is non-exclusive and does not confer upon the licensee any exclusive right or privilege. The board may at any time terminate the license and grant an exclusive franchise as provided by article 3.

(Adopted by Ord.

Sec. 12-405. Suspension or revocation of license.

The board may revoke or suspend a license if the licensee violates the license, this ordinance or a rule or regulation of the district. Before revoking or suspending a license, the board shall hold a hearing and give the licensee at least 20 days' notice of the hearing. If, after the hearing, the board finds that the licensee has violated the license, this ordinance or a rule or regulation of the district, the board may revoke the license or may suspend it upon such conditions as it considers just.

(Adopted by Ord.

ARTICLE 5. RATES.

Sec. 12-501. Legislative findings and designation of geographical areas.

Sec. 12-502. Maximum rates for garbage collections.

Sec. 12-503. Maximum residential rates where special conditions exist.

Sec. 12-504. Minimum rates for special collections.

Sec. 12-505. Hearing upon complaint based on unreasonable charges.

Sec. 12-501. Legislative findings and designation of geographical areas.

The board finds that, because of the large size of the district, the diversity of geographical characteristics within its boundaries, and the concentration of population centers in specific and definable areas, a uniform rate for the collection and disposition of garbage which is fair and equitable to all residences and businesses alike cannot be fixed. The board finds that, for the purpose of fixing maximum rates, the district is divided into zones designated and generally described as follows:

(Adopted by Ord.

Sec. 12-502. Maximum rates for garbage collections.

- (1) The rates to be charged in all zones shall be established as follows:
- (a) single family dwelling units and commercial establishments shall be entitled to one collection each week at a rate fixed for the first container collected;
 - (b) multi-family dwelling units shall be entitled to one collection each week at a rate fixed for each dwelling unit;
 - (c) each additional container collected at the same time on a regular monthly schedule, except for multi-family dwelling units, shall be charged at an additional container fixed rate.
 - (d) each additional collection each week on a regular monthly schedule for multi-family dwelling units shall be charged at a fixed rate shown below;
 - (e) each additional container collected at the same time on a non-regular schedule shall be charged for each pick up at an additional container fixed rate;
 - (f) bulk collections shall be charged for each pick up on the basis of cubic yards and fractions thereof collected.

(2) Except as provided in sections 12-503 and 12-504, the maximum rates which shall be charged for Zone 1 and each classification of customer and service provided are hereby fixed as follows:

| <u>RESIDENTIAL</u> | | | | <u>MULTI-FAMILY</u> | | | |
|--------------------|---------|---|----------------------|------------------------------|--------------|------------------------|-----------------------------------|
| Zone | 1st Can | 1st Can With/1 Wkly Garden Trim. Pick UP | Ea. Add. Can Reg. | Each Add. Can Non-Reg. | 1st Coll. | Ea. Add. Coll. Reg. | Ea. Add. Container Non-Reg. |

| <u>COMMERCIAL</u> | | | | |
|-------------------|---------|----------------------|-----------------------------|---------------------------------|
| Zone | 1st Can | Ea. Add. Can Reg. | Ea. Add. Can Non-Regular | Bulk per Cu. Yd. Per Pick Up |

Sec. 12-503. Maximum residential rates special conditions exist.

In each zone where a special truck is required for collection because of (1) the condition of a roadway, (2) the degree of incline, (3) the condition of a driveway, or (4) the distance of the area where a container is kept from the street, the maximum basic residential rate for one collection a week of 32 gallons or less is:

Sec. 12-504. Minimum rates for special collections.

The minimum rate for each special collection requested by a customer is:

Sec. 12-505. Hearing upon complaint based on unreasonable charges.

A person complaining that a charge for collection is unreasonable shall file a written complaint with the board setting forth the facts. The board shall notify the person fixing the charge of the complaint and shall investigate the matter of the complaint and conduct a hearing, if requested to do so, to determine the reasonableness of the charge.

(Adopted by Ord.

CHAPTER 13. NOTICES AND APPEALS

ARTICLE 1. NOTICES AND SERVICE OF NOTICES

Secs. 13-101 to 13-104

ARTICLE 2. APPEALS

Secs. 13-105 to 13-108

ARTICLE 1. NOTICES AND SERVICE OF NOTICES.

Sec. 13-101. Giving notice where not otherwise provided.

Sec. 13-102. Method of service.

Sec. 13-103. When service by mail is complete.

Sec. 13-104. Computation of time.

Sec. 13-101. Giving notice where not otherwise provided.

Whenever this code requires the giving of notice and the manner of giving the notice is not otherwise specified, the notice shall be in writing. If a right may be exercised or an act is to be done, the notice of it is required to be given but the time within which the notice must be given is not specified, the notice shall be given at least 10 days prior to the time the right must be exercised.

(Adopted by Ord.)

Sec. 13-102. Method of service.

Whenever in this code notice is required to be given and the manner of giving notice is not otherwise specified, the notice shall be served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the person at his last known mailing address and deposited in a facility maintained by the United States post office department.

(Adopted by Ord.)

Sec. 13-103. When service by mail is complete.

In the case of service by mail, service is complete at the time the notice is deposited in the United States mail. However, if within a given number of days after service, a right may be exercised or an act is to be done by the person to whom the notice is given, the time within which the right may be exercised or the act done is extended one additional day for every 100 miles distant between the place of deposit and the place of address.

(Adopted by Ord.)

Source: Section 1013, Code of Civil Procedure.

Sec. 13-104. Computation of time.

The time in which any action provided by this code is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

(Adopted by Ord.)

Source: Section 12, Code of Civil Procedure, and sec. 10, Civil Code.

ARTICLE 2. APPEALS

- Sec. 13-201. Appeal of administrative action.
- Sec. 13-202. Procedure for taking appeal.
- Sec. 13-203. Form of notice of appeal and hearing.
- Sec. 13-204. Board decision final.

Sec. 13-201. Appeal of administrative action.

A person aggrieved by an administrative action taken by any officer or employee of the district under this code may appeal from the action to the board of directors. The time and manner of appeal is prescribed by sections 13-106 to 13-107.

(Adopted by Ord.

Sec. 13-202. Procedure for taking appeal.

Wherever this code provides that a decision or order may be appealed and the procedure for taking the appeal is not specifically provided for, the person appealing shall file a written notice of appeal with the secretary of the district within 30 days of the action appealed from.

(Adopted by Ord.

Sec. 13-203. Form of notice of appeal and hearing.

Upon receiving the notice of appeal, the secretary shall set the matter for hearing at a regular meeting of the board of directors and shall give the person appealing written notice of the time and place of hearing at least 10 days before the hearing. The board of directors shall hold the hearing within 60 days of the date of the notice of appeal is filed. This time may be extended by agreement.

(Adopted by Ord.

Sec. 13-204. Board decision final.

The decision of the board after the appellant has had an opportunity to be heard is final and conclusive.

(Adopted by Ord.

CHAPTER 14. MISCELLANEOUS.

ARTICLE 1. RESPONSIBILITY FOR DEFECTS.

Secs. 14-101 to 14-102.

ARTICLE 2. SPECIAL PROVISIONS.

Secs. 14-201 to 14-203.

ARTICLE 1. RESPONSIBILITY FOR DEFECTS.

Sec. 14-101. Correction of defects.

Sec. 14-102. Liability for defects.

Sec. 14-101. Correction of defects.

When a defect results from a violation of the code, the person responsible for the defect shall correct it immediately after the general superintendent gives notice to do so. If the person does not correct the defect within 10 days after notice to do so, the district may correct it at the violator's expense.

(Adopted by Ord.)

Sec. 14-102. Liability for defects.

When a person performs work under this code, the district is not liable for loss or damage resulting from a defect or failure in their performance of the work, and the person performing the work shall hold the district free and harmless from all liability which results directly or indirectly from the work.

(Adopted by Ord.)

ARTICLE 2. SPECIAL PROVISIONS.

Sec. 14-201. Emergency action.

Sec. 14-202. Special agreements.

Sec. 14-203. Conflict of duties of employees.

Sec. 14-201. Emergency action.

This code is not intended to prevent a person from protecting property and public health in the event of disaster or danger. However, a person who performs work in this event shall report it and obtain proper inspection and clearance at the earliest opportunity.

(Adopted by Ord.)

Sec. 14-202. Special agreements.

This code does not prevent a special agreement, contract or arrangement by the board when the board finds that it is necessary and of benefit to the district.

(Adopted by Ord.)

Sec. 14-203. Conflict of duties of employees.

An officer or employee in the classified service shall not engage in any activity which is inconsistent, incompatible, or in conflict with his duties as an officer or employee of the district.

(Adopted by Ord.

CHAPTER 15. PROHIBITION AND PENALTIES.

ARTICLE 1. PROHIBITED ACTIVITY.

Sec. 15-101 to 15-104.

ARTICLE 2. ENFORCEMENT.

Secs. 15-201 to 15-202.

ARTICLE 3. PENALTIES.

Secs. 15-301 to 15-302.

ARTICLE 1. PROHIBITED ACTIVITY.

Sec. 15-101. Damage of district property.

Sec. 15-102. Occupancy prohibited.

Sec. 15-103. Disposal of wastes.

Sec. 15-104. Notice of violation.

Sec. 15-101. Damage of district property.

No person shall damage or tamper with the district property without authorization to do so.

(Adopted by Ord.

Sec. 15-102. Occupancy prohibited.

No person may occupy a building or structure until the premises meet all rules and regulations of the district.

(Adopted by Ord.

Sec. 15-103. Disposal of wastes.

No person may place or deposit in an unsanitary manner upon public or private property in the district any sewage, waste, garbage or other objectionable materials.

(Adopted by Ord.

Sec. 15-104. Notice of violation.

The engineer shall serve a person who violates this code or other rule or regulation of the district with written notice of the violation. The notice shall contain the nature of the violation and give a time limit for satisfactory correction which shall be not less than 2 nor more than 7 working days. Upon receipt of the notice the person shall cease violation and correct the defect within the time stated in the notice.

(Adopted by Ord.

ARTICLE 2. ENFORCEMENT.*

Sec. 15-201. Disconnection.

Sec. 15-202. Abatement of violation as a public nuisance.

*NOTE: Section 6521, Health and Safety Code, provides that the district may make and enforce all necessary and proper regulations for (1) the removal of garbage, (2) the cleanliness of the roads and streets of the district, and, (3) all other sanitary purposes not in conflict with the laws of this state.

Sec. 15-201. Disconnection.

(a) Disconnection.

The board may order disconnection of the user or the sewer system from the sewer mains of the district if the board finds it necessary to enforce the code or rule or regulation of the district.

(b) Reconnection.

Before a structure may be reconnected, the user shall deposit with the district an amount estimated by the general superintendent to be the cost of disconnection and of reconnection. After payment of the cost of disconnection and reconnection, the general superintendent shall refund the excess, if any.

(Adopted by Ord.)

Sec. 15-202. Abatement of violation as a public nuisance.

(a) Violation of code as a public nuisance.

Continued occupation of a building or continued operation of an industrial facility in violation of the code or any rule or regulation of the district is a public nuisance.

(b) Disconnected premises as a public nuisance.

During the period of disconnection, occupancy of premises is a public nuisance.

(c) Abatement proceedings.

The district may bring proceedings to abate a public nuisance specified in (a) and (b) of this section during the period of the violation.

(Adopted by Ord.)

ARTICLE 3. PENALTIES.

Sec. 15-301. Violation a misdemeanor.

Sec. 15-302. Violation includes aiding, abetting, or concealing.

Sec. 15-301. Violation a misdemeanor.

A person who violates this code is guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or imprisonment of not more than 1 month, or both. This section is a declaration of section 6523, Health and Safety Code, State of California, and is not intended to create a different or separate penalty.

(Adopted by Ord.)

Sec. 15-302. Violation includes aiding, abetting, or concealing.

A person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

(Adopted by Ord.)

Source: Section 659, Health and Safety Code.

CHAPTER 16. ENVIRONMENTAL GUIDELINES.

- ARTICLE 1. GENERAL.
Secs. 16-101 to 16-102.
- ARTICLE 2. APPLICABILITY.
Secs. 16-201 to 16-202.
- ARTICLE 3. DEFINITIONS.
Secs. 16-301 to 16-319.
- ARTICLE 4. EMERGENCY PROJECTS.
Sec. 16-401.
- ARTICLE 5. FEASIBILITY AND PLANNING STUDIES.
Sec. 16-501.
- ARTICLE 6. EVALUATING PROJECTS.
Secs. 16-601 to 16-605.
- ARTICLE 7. CATEGORICAL EXEMPTIONS.
Sec. 16-701.
- ARTICLE 8. RETENTION OF COMMENTS AND AVAILABILITY
OF COMMENTS FOR REVIEW.
Sec. 16-801.
- ARTICLE 9. SUBSEQUENT EIR'S.
Sec. 16-901.
- ARTICLE 10. USE OF A SINGLE EIR FOR MORE THAN ONE PROJECT.
Sec. 16-1001.
- ARTICLE 11. PARTIAL INVALIDITY.
Sec. 16-1101.

- ARTICLE 1. GENERAL.
 - Sec. 16-101. Purposes.
 - Sec. 16-102. Objectives.

Sec. 16-101. Purposes.

These Guidelines implement the purposes and provisions of the California Environmental Quality Act of 1970 as amended (hereinafter referred to as "CEQA") and the Guidelines for Implementation of the CEQA of 1970 which have been adopted by the California Resources Agency (hereinafter referred to as "State Guidelines"). The enhancement and long-term protection of the environment and the encouragement of public participation in achieving these goals are objectives of this measure.

(Adopted by Ord.

Sec. 16-102. Objectives.

From time to time and under circumstances as outlined by these Guidelines, a document known as an environmental impact report (hereinafter referred to as an EIR) must be prepared as a prerequisite to approval of a project. The function of an EIR is to inform the governing board of the environmental effects of proposed projects. The environmental effects set

forth in the report are to be evaluated by the governing board before a project is approved. The board retains existing authority to balance environmental objectives with economic, social, and other relevant objectives of the proposed project.

(Adopted by Ord.

ARTICLE 2. APPLICABILITY.

Sec. 16-201. Scope of applicability.

Sec. 16-202. Ministerial projects.

Sec. 16-201. Scope of applicability.

These Guidelines apply to all projects which may have a significant effect on the environment involving discretionary decision-making on the part of the district, and which do not fall within any class of categorical exemptions set forth in Article 8 of the State Guidelines and in Article 7 hereof, are not emergency projects within the meaning of Article 4 hereof, and which do not constitute feasibility or planning projects as described in Article 5 hereof.

(Adopted by Ord.

Sec. 16-202. Ministerial projects.

A. These Guidelines do not apply to ministerial projects approved by the district. Generally speaking, a ministerial project is one requiring approval of the district as a matter of law or one involving minimal independent exercise of judgment by the district as to its wisdom or propriety. Examples of such projects include, but are not limited to, individual utility service connections and disconnections, and agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies.

B. The decision as to whether or not a proposed project is ministerial in nature, and thus outside the scope of this enactment, shall be made by the district on a case-by-case basis.

(Adopted by Ordinance

ARTICLE 3. DEFINITIONS.

Sec. 16-301. Approval.

Sec. 16-302. Board.

Sec. 16-303. Categorical exemption.

Sec. 16-304. Discretionary project.

Sec. 16-305. District.

Sec. 16-306. Emergency.

Sec. 16-307. Environment.

Sec. 16-308. EIR.

Sec. 16-309. EIS.

Sec. 16-310. Feasible.

Sec. 16-311. State Guidelines.

Sec. 16-312. Lead agency.

Sec. 16-313. Negative declaration.

Sec. 16-314. Notice of completion.

Sec. 16-315. Notice of determination.

Sec. 16-316. Person.

Sec. 16-317. Project.

Sec. 16-318. Significant effect.

Sec. 16-319. District's staff.

Whenever the following terms are used in these Guidelines, they shall have the following meaning unless otherwise expressly defined:

Sec. 16-301. Approval.

Approval means a decision by the district which commits it to a definite course of action with regard to a particular project. As respects any project to be undertaken directly by the district, approval shall be deemed to occur on the date the board adopts a resolution making the determination to proceed with a project, which in no event shall be later than the date of adoption of plans and specifications. As respects private projects defined in section 16-317 A(2) and (3), approval shall be deemed to occur upon the earliest commitment to issue or the issuance by the district of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project. The mere acquisition of land by the district, on the other hand, shall not in and of itself be deemed to constitute approval of a project.

For purposes of these Guidelines, all environmental assessments must be completed as of the time of project approval.

(Adopted by Ord.

Sec. 16-302. Board.

Board means the governing board of this district.

(Adopted by Ord.

Sec. 16-303. Categorical exemption.

Categorical exemption (as more particularly described in Article VII infra) means an exemption from the requirement of preparing a negative declaration or an EIR even though the proposed project is discretionary in nature.

(Adopted by Ord.

Sec. 16-304. Discretionary project.

Discretionary project means a project approval of which requires the exercise of independent judgment, deliberation or decision-making on the part of the district.

(Adopted by Ord.

Sec. 16-305. District.

District means this district.

(Adopted by Ord.

Sec. 16-306. Emergency.

Emergency means a sudden and catastrophic calamity, caused by an occurrence or combination of occurrences of statewide or local impact such as fire, flood, landslide, earthquake, or other natural disaster, riot, war, accident, sabotage.

(Adopted by Ord.

Sec. 16-307. Environment.

Environment means the physical conditions which exist in the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.

(Adopted by Ord.

Sec. 16-308. EIR.

EIR means a detailed statement setting forth the matters specified in sec. 21100 of the Public Resources Code as more particularly described hereinafter in section 16-605.

(Adopted by Ord.

Sec. 16-309. EIS - Environmental Impact Statement.

Environmental Impact Statement means an EIR prepared pursuant to the National Environmental Policy Act (NEPA).

(Adopted by Ord.

Sec. 16-310. Feasible.

Feasible means capable of being accomplished in a successful manner by reasonably available, economic, and workable means.

(Adopted by Ord.

Sec. 16-311. State Guidelines.

State Guidelines means the Guidelines for implementation of the CEQA of 1970 adopted by the California Resources Agency as they now exist or hereafter may be amended.

(Adopted by Ord.

Sec. 16-312. Lead Agency.

Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment where more than one public agency is involved with the same underlying activity.

(Adopted by Ord.

Sec. 16-313. Negative Declaration.

Negative Declaration means a statement by the district that will carry out or approve a discretionary project and that such a project, although not categorically exempt, would not have a significant effect on the environment and therefore does not require an EIR. The term "Exemption Declaration" is interchangeable with the term "Negative Declaration".

(Adopted by Ord.

Sec. 16-314. Notice of Completion.

Notice of Completion means a brief report filed with the secretary for resources as soon as a district has completed a draft EIR and is prepared to send out copies for review.

(Adopted by Ord.)

Sec. 16-315. Notice of Determination.

Notice of Determination means a brief notice to be filed by the district when it approves or determines to carry out a project which is subject to the requirements of CEQA.

(Adopted by Ord.)

Sec. 16-316. Person.

Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any of the agencies' political subdivisions.

(Adopted by Ord.)

Sec. 16-317. Project.

A. Project means the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

- (1) an activity directly undertaken by the district;
- (2) an activity undertaken by a person which is supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from the district;
- (3) an activity involving the issuance by the district to a person of a lease, permit, license, certificate, or other entitlement for use.

B. Project does not include:

- (1) anything specifically exempted by state law;
- (2) proposals for legislation to be enacted by the state legislature;
- (3) continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, e.g. setting of rates (except as they are applied to specific instances covered above), feasibility or planning studies;
- (4) the submittal of proposals to a vote of the people of the state or of a particular community, i.e. the district.

(Adopted by Ord.)

Sec. 16-318. Significant effect.

Significant effect means a substantial impact on the environment.

(Adopted by Ord.)

Sec. 16-319. District's staff.

District's staff means the district's general superintendent and/or his designee and any other person or persons designated by the board.
(Adopted by Ord.

ARTICLE 4. EMERGENCY PROJECTS.

Sec. 16-401. Projects outside scope of Guidelines.

Sec. 16-401. Projects outside scope of Guidelines.

The following emergency projects do not require the preparation of a negative declaration or an EIR and, thus, are outside the scope of these Guidelines:

- (a) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with section 8550) of division 1, title 2 of the Government Code.
- (b) Emergency repairs to any of the district's facilities necessary to maintain service.
- (c) Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

ARTICLE 5. FEASIBILITY AND PLANNING STUDIES

Sec. 16-501. Feasibility and planning studies excepted.

Sec. 16-501. Feasibility and planning studies excepted.

Feasibility and planning studies of potential projects undertaken by the district are specifically excepted from the requirements of CEQA and thus are outside the scope of these Guidelines, although such studies may contain considerations of environmental factors incident to the potential project.

ARTICLE 6. EVALUATING PROJECTS

- Sec. 16-601. Initial review for CEQA exemptions.
- Sec. 16-602. Lead agency.
- Sec. 16-603. Initial study procedures.
- Sec. 16-604. Negative declaration.
- Sec. 16-605. Environmental impact reports.

Sec. 16-601. Initial review for CEQA exemptions.

- A. Preliminary review. At the outset a proposed activity shall be examined by the district's staff for the purpose of determining whether it is (1) not a project as defined in section 16-317 supra, (2) ministerial, (3) an emergency project as described in Article 4, supra, (4) a feasibility and planning study as described in Article 7, infra, or (6) involves another agency which constitutes the lead agency primarily responsible for the carrying out of the project as described in Sec. 16-602, infra.

- B. Staff finding of no exemption. If in the judgment of the district's staff the proposed activity does not fall within one of the foregoing categories, it shall proceed with the project evaluation process as outlined in sec. 16-603. Any person proposing to undertake a project as defined in sec. 16-317 A. (2) or A. (3) (i.e. a private project) may present his objection to the staff's determination to the board at its next regular meeting.
- C. Staff finding of exemption. If in the judgment of the district's staff, a proposed activity does fall within one of the categories enumerated in subparagraph A, it shall so find on a form entitled Preliminary Environmental Assessment (a copy of which is attached hereto as Exhibit "A") unless such activity is specifically exempted in secs. 16-202 or 16-701, or is otherwise declared by the board not to require a written environmental assessment. If so declared or exempted no further environmental assessment shall be necessary and the proposed activity may be carried out in the matter routinely exercised by the district.
- D. Retention of preliminary environmental assessment; availability for inspection. The preliminary environmental assessment shall be retained at the district's office as part of its usual record-keeping process for a period of at least 5 years, and it shall be made available for public inspection during all regular district office hours. Except as otherwise may be determined by the board, the date of completion and signing of the environmental impact assessment by the manager or other authorized person shall be deemed to constitute the date of approval of the activity.

Sec. 16-602. Lead agency.

- A. Staff determination of lead agency; recommendation to board. Upon a determination that a proposed activity is discretionary in nature and is not otherwise exempt, consideration shall be given by staff to whether another public agency is primarily responsible for carrying it out or approving it. Staff shall consider, among others, the following factors relating to the lead agency principle:
- (1) the lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.
 - (2) the lead agency generally is the public agency with the greatest general governmental powers, rather than an agency with single or limited purposes which is involved with the project by reason of the need to provide a public service or utility service to the project, such as the district.
 - (3) When any property to be served by the district requires a change in zoning, conditional use permit, variance, subdivision or tract approval or other land use permits or entitlements, the governmental agency responsible therefor shall be the lead agency.

B. Staff finding that district is agency with primary responsibility. If, in the judgment of the district's staff, the project does not involve another public agency which is the lead agency, it shall proceed with the project evaluation process as outlined in sec. 16-603. Any person proposing to undertake a project as defined in sec. 16-317 A.(2) or A.(3) (i.e. a private project) may present his objections to the staff's determination to the board at its next regular meeting.

C. Staff finding that another public agency is lead agency. If, in the judgment of the district's staff, the project does involve another public agency which is the lead agency, it shall so find and shall designate the lead agency on the aforementioned preliminary environmental assessment.

Unless otherwise required by the board, no further environmental assessment shall be necessary.

Whenever a determination is made that another public agency constitutes the lead agency for undertaking or approving a project, the district shall provide data, upon written request of the lead agency, concerning all aspects of the district's activities related to the project.

The Office of Planning and Research will resolve disputes among public agencies as to which is the lead agency.

Sec. 16-603. Initial study procedures.

A. Undertaking of initial study; by whom; submission of data; costs. Upon a determination that a project is discretionary and is not otherwise exempt, and that the district is the agency with primary responsibility for approval of the project, an initial study shall be undertaken for the purpose of ascertaining whether the proposed project may have a significant effect on the environment.

(1) As to projects defined in Article 3, Sec. 16-317 A.(1) of these Guidelines, the initial study shall be undertaken by the district's staff or by private experts pursuant to contract with the District.

(2) As to the projects defined in article 3, Sec. 16-317 A. (3), the person or entity proposing to carry out the project shall submit all data and information as may be required by the district to determine whether the proposed project may have a significant effect on the environment. Such data and information shall consider all factors enumerated in subparagraph B infra. All costs incurred by the District in reviewing the data and information submitted by said person or entity, or in conducting its own investigation based upon such data and information for the purpose of determining whether the proposed project might have a significant effect on the environment shall be borne by the person or entity proposing to carry out the project.

B. Evaluating environmental significance. In determining whether a project may have a significant effect on the environment, the district shall consider both primary and secondary consequences. Some examples of consequences which may have a significant effect on the environment are whether the project:

(1) is in conflict with environmental plans and goals that have been adopted by the community where the project is to be located;

- (2) has a substantial and demonstrable aesthetic effect;
- (3) substantially affects a rare or endangered species of animal or plant, or habitat of such a species;
- (4) causes substantial interference with the movement of any resident or migratory fish or wildlife species;
- (5) breaches any published national, state, or local standards relating to solid waste or litter control;
- (6) results in a substantial detrimental effect on air or water quality, or on ambient noise levels for adjoining areas;
- (7) involves the possibility of contaminating a public water supply system or adversely affecting ground water;
- (8) could cause substantial flooding, erosion or siltation;
- (9) is subject to major geologic hazards;
- (10) is likely to generate growth.

In most instances, affirmative findings as to any of the foregoing will require preparation of an EIR.

C. Mandatory Findings of Significance. In every case where any of the following conditions are found to exist as a result of a project, the project will be found to have a significant effect on the environment:

- (1) Impacts which have the potential to degrade the quality of the environment, curtail the range of the environment.
- (2) Impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.
- (3) Impacts for a project which are individually limited, but cumulatively considerable. A project may impact on two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of a significance does not apply to two or more separate projects where the impact of each is insignificant.
- (4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

D. Staff recommendation; board action. Staff shall submit its recommendation as to whether a proposed project may or may not have a significant effect on the environment to the board, which recommendation shall be submitted on a form entitled Environmental Impact Assessment (a copy of which is attached hereto as Exhibit "B"). If the board finds that the proposed project will not have a significant effect on the environment, it shall order the preparation and filing of a negative declaration in accordance with the provisions of Section 16-604 infra. If, on the other hand, the board finds that the proposed project may have a significant effect on the environment, it shall order the preparation and filing of an EIR in accordance with the provisions of sec. 16-605, infra.

- E. Public participation. Members of the public may appear before the board and present their views prior to the board's determination under this section.

Sec. 16-604. Negative declaration.

Following the initial study as described in sec. 16-603, a negative declaration shall be prepared for all discretionary projects not otherwise exempt upon a finding by the board that the project will not have a significant effect on the environment. The required contents of a negative declaration and the procedures to be followed in connection with the preparation thereof are as follows:

- A. Contents. A negative declaration should be a concise, one-page statement containing the following information:
(1) a description of the project; and
(2) a finding that the project will not have a significant effect on the environment.
- B. Filing. Upon completion of a negative declaration, it shall be filed with the county clerk.
- C. Filed notice of negative declaration. Simultaneously with the filing of a negative declaration with the county clerk, the manager or other designated person shall cause a copy of the negative declaration to be filed at the district's office, and be available for public inspection.
- D. Board approval or disapproval of project. Following the filing of the negative declaration with the county clerk and in the district office, but in no event sooner than ten days following the date of filing with the county clerk, the board may consider the project at a meeting for purposes of approval or disapproval. Members of the public may appear before the board and present their views prior to the board's determination to approve or disapprove the project.
- E. Notice of determination. Following approval or disapproval of the project, the district shall cause to be prepared a Notice of Determination on a form attached hereto as Exhibit "C" which shall contain the following:
(1) the decision of the district to approve or disapprove the project;
(2) the determination of the district as to whether the project will or will not have a significant effect on the environment; and
(3) a statement of whether an EIR has been prepared. Said notice shall then be filed with the county clerk of the county or counties in which the project is located.
- F. Posting notice of determination. Simultaneously with the filing of the Notice of Determination the district shall cause a Notice of Determination to be posted at the district's office.
- G. Costs. As to projects covered by Article 3, sec. 16-317 A. (2) and (3), the person or entity proposing to carry out the project requiring approval by the district shall bear all costs incurred by the district in preparing and filing the negative declaration.

Sec. 16-605. Environmental impact reports.

Following the initial study as described in sec. 16-603, and EIR shall be prepared for all discretionary projects not otherwise exempt upon a finding by the board that the project may have a significant effect on the environment. The required contents of an EIR and the procedures to be followed in connection with the preparation thereof are as follows in subparagraphs A, B, and C, infra.

- A. Description of project. The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact:
- (1) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
 - (2) A statement of the objectives sought by the proposed project.
 - (3) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals.
- B. Description of environmental setting. An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region, should also be included for purposes of examining the possible cumulative impact of such projects.
- C. Environmental impact. All phases of a project must be considered when evaluating its impact on the environment, planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs:
- (1) The environmental impact of the proposed action: Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects.
It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services.
 - (2) Any adverse environmental effects which cannot be avoided if the proposal is implemented: Describe any adverse impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Do not neglect impacts on any aesthetically valuable surroundings, or on human health.
 - (3) Mitigation measures proposed to minimize the impact: Describe any mitigation measures written into the project plan to reduce significant environmentally adverse impacts to insignificant levels, and the basis for considering these levels acceptable. Where a particular mitigation measure has been

- chosen from among several, alternatives should be discussed and reasons should be given for the choice made.
- (4) Alternatives to the proposed action: Describe any known alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impact, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.
- (5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.
- (6) Any irreversible environmental changes which would be involved in the proposed action should it be implemented: Uses of non-renewable resources during the initial and continued phase of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a non-accessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such consumption is justified.
- (7) The growth-inducing impact of the proposed action: Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

- D. Preparation of draft EIR; by whom.
- (1) As to projects defined in Article 3, sec. 16-317 A. (1) of these Guidelines, the draft EIR shall be undertaken by the district's staff or by private experts pursuant to contract with the district.
 - (2) As to projects defined in Article 3, sec. 16-317 A. (2) and (3), the person or entity proposing to carry out the project shall submit a draft EIR, containing the information required by subparagraph A above, for review and consideration by the district's staff. The district's staff shall analyze the draft EIR submitted pursuant to this subsection to verify its accuracy and objectivity prior to presenting it to the board. The manager or other authorized person may require additional information and data from the person or entity proposing to carry out the project as he may deem necessary for completion of the draft EIR.
- E. Completion of draft EIR; notice of completion. Upon completion, the draft EIR shall be presented to the board for review. If the board finds the draft EIR to be in order, it shall authorize the manager or other authorized person to file a notice of completion with the secretary of the Resources Agency on a form attached hereto as Exhibit "D". Said notice shall contain the following:
- (1) a brief description of the proposed project;
 - (2) the location of the proposed project; and
 - (3) information indicating where copies of the draft EIR are available for review.
 - (4) Filing shall be deemed complete when the notice of completion has been deposited in the United States mail addressed to the secretary for resources, or when delivered in person to the office of the secretary.
- F. Additional filing of notice of completion. Simultaneously with the filing of a notice of completion, the district shall cause a copy of said notice to be filed at the district's office and be available for public inspection.
- G. Review of draft EIR by other public agencies and persons with special expertise.
- (1) General
 - (a) After filing a notice of completion, the district shall submit copies of the draft EIR for review and comment to all public agencies having jurisdiction by law over the proposed project. The identify of those public agencies having jurisdiction by law over the project shall be determined on a case-by-case basis.
 - (b) The district may send copies of the draft EIR to public agencies or persons with special expertise whose comments relative to the draft EIR would be desirable.
 - (c) Each public agency and/or person to whom a draft EIR is sent under (a) or (b) above shall be advised in writing that they may submit written comments to the district within the time established for review under paragraph 2 below.

- (2) Time for review. At the time the board authorizes the filing of the notice of completion it shall establish a time period so as to permit adequate review of and comment on the draft EIR by such public agencies or persons. The period of time, to be established in the discretion of the board, shall be based upon the size and scope of the proposed project; however, in no event shall the review period be less than thirty (30) days after the filing of the notice of completion with the secretary for resources.
 - (3) Failure to comment. In the event a public agency or person whose comments on a draft EIR are solicited pursuant to subsection 1 above fails to comment within the time period established pursuant to subsection 2 above, it shall be presumed, absent a written request for a specific extension of time for review and comment, together with the reasons therefor, that such agency or person has no comment to make. Any extension of time granted by the district shall be reasonable under the circumstances, but ordinarily shall not cover a period greater than the time period initially established for review and comment pursuant to subsection 2 above.
 - (4) Continued planning activities. Continued planning activities concerning the proposed project, short of formal approval thereof, may continue during the period set aside for review and comment on the draft EIR.
- H. Availability of the draft EIR for review. Following the filing of the notice of completion as required by subparagraph E above, copies of the draft EIR also shall be made available at the district's office for review or acquisition by members of the general public. Any person requesting a copy of the draft EIR from the district shall be charged the actual cost of reproducing it.
- I. Public hearings.
- (1) General. From time to time, depending upon the nature and location of a proposed project, the board, in its discretion, may find it desirable to conduct a public hearing on the environmental impact thereof. In such event the public hearing shall be conducted subsequent to the filing of the notice of completion, but in no event sooner than fourteen days thereafter. The draft EIR shall be used as the basis for discussion during any public hearing that may be held.
 - (2) Notice. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation which is circulated within the district. Publication shall be done at least fourteen (14) days prior to the date set for public hearing. Said notice also shall indicate where the draft EIR is available for review.
 - (3) Public hearing during regular meeting. A public hearing may be scheduled to be conducted during the course of a regular meeting of the board.
 - (4) Procedures for conducting public hearings. The procedures for the manner of conducting the public hearings shall be prescribed by the board at the time the hearing convenes. Members of the public who attend shall be afforded the opportunity to participate in the hearing process.

J. Final EIR.

- (1) Preparation. Following the receipt of comments on the draft EIR by other public agencies and persons with special expertise as required by subparagraph G above, and if a public hearing has been held pursuant to subparagraph I above, following such a hearing, comments that have been received shall be evaluated and then a final EIR shall be prepared.
- (2) Contents. The final EIR shall consist of the draft EIR, a section containing a statement of the comments received through the review and consultation process set forth in subparagraphs G and I above, either verbatim or in summary, and a section containing a response to the significant environmental points that are raised in the review and consultation process.

The response of the responsible agency to comments received may take the form of a revision of the draft EIR or may be an attachment to the draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g. revisions to the proposed project to mitigate anticipated impacts or objections). In particular the major issues raised when the responsible agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted, and factors of overriding importance warranting an override of the suggestions.

- K. Adoption of final EIR by board; board approval or disapproval of project. Following preparation of the final EIR, it shall be presented to the board at a regular or special meeting. If the board finds the final EIR to be in order it shall adopt it, whereupon it may proceed immediately to consider the proposed project for purposes of approval or disapproval. Members of the public may appear before the board and present their views prior to the board's determination to approve or disapprove the project.
- L. Notice of determination. Following approval or disapproval of the project, the district shall cause to be prepared a notice of determination on a form attached hereto as Exhibit "C" which shall contain the following:
- (1) The decision of the district to approve or disapprove the project;
 - (2) The determination of the board as to whether the project will or will not have a significant effect on the environment; and
 - (3) A statement of whether an EIR has been prepared.
- Said notice shall then be filed with the county clerk of the county or counties in which the project is located.
- M. Costs. As to projects covered by sec. 16-317 A. (2) and (3), the person or entity proposing to carry out the project requiring approval by the district shall bear all costs incurred by the district in preparing and filing the EIR, as well as all publication costs incident thereto.

ARTICLE 7. CATEGORICAL EXEMPTIONS.

Sec. 16-701. Classes of projects categorically exempt.

Sec. 16-701. Classes of projects categorically exempt.

The following classes of projects, in accordance with and pursuant to Article 8 of the State Guidelines, have been determined not to have a significant effect on the environment, and therefore are declared to be categorically exempt from the requirements of preparing a negative declaration or an EIR. The categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation on the categorical exemptions set forth in Article 8 of the State Guidelines.

- A. Class I. Existing facilities. Class I consists of the operation, repair, maintenance or minor alteration of all existing district facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion of use beyond that previously existing, including but not limited to:
- (1) street improvements and conveyance facilities.
 - (2) service connection facilities, including all appurtenances;
 - (3) public safety facilities;
 - (4) storage reservoirs, ponds, disposal areas;
 - (5) pump stations;
 - (6) buildings and structures; and
 - (7) treatment plants and waste disposal facilities.
- B. Class II: Replacement or Reconstruction. Class II consists of replacement or reconstruction of any district facilities, structures or other property where the new facility or structure will be located on the same site as the replaced or reconstructed facility or structure, including but not limited to:
- (1) street improvements and conveyance facilities, including pipelines, conduits and service facilities;
 - (2) service connection facilities, including all appurtenances;
 - (3) public safety facilities;
 - (4) storage reservoirs, ponds, disposal areas;
 - (5) pump stations;
 - (6) buildings and structures; and
 - (7) treatment plants and waste disposal facilities.
- C. Class III: New construction of small structures. Class III consists of construction of new facilities or structures and installation of new equipment or facilities, including, but not limited to:
- (1) service extensions to serve the following newly constructed structures:
 - (a) single family residences not in conjunction with the building of two or more such units.
 - (b) motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures.
 - (2) all appurtenances, including all auxiliary facilities required to serve such structures.
- D. Class IV: Minor alterations to land. Class IV consists of minor alterations in the condition of land, water, and/or vegetation, including but not limited to:
- (1) small, inconspicuous structures, improvements and facilities;
 - (2) minor cutting or mowing of grass, weeds and brush for fire protection and aesthetic reasons;

- (3) grading on land with a slope of less than 10 percent except where it is to be located in a waterway, in any wetland, in an officially designated (by Federal, State, or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
 - (4) new gardening or landscaping but not including tree removal;
 - (5) filling of earth into previously excavated land with material compatible with the natural features of the site;
 - (6) minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
 - (7) minor temporary uses having negligible or no permanent effects on the environment.
- E. Class V: Information Collection. Class V consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information gathering purposes or as part of a study leading toward the undertaking of a project.
 - F. Class VI: Inspection. Class VI consists of inspection activities, including but not limited to inquiries into the performance of an operation and examinations of the quality, health or safety of a project.
 - G. Class VII. Accessory structures. Class VII consists of the construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.
 - H. Class VIII. Surplus personal property. Class VIII consists of sales or surplus district personal property.

ARTICLE 8. RETENTION OF COMMENTS AND AVAILABILITY OF COMMENTS FOR REVIEW.

Sec. 16-801. Retention and availability of comments.

Sec. 16-801. Retention and availability of comments.

All written comments received on a draft EIR through the formal consultation process provided for in sec. 16-605 E, as well as all written comments that may be received independently of said process, shall be retained at the district's office for a period of at least one year following approval or disapproval of the project to which they relate. In addition, said comments shall be made available for public inspection at all reasonable times.

ARTICLE 9. SUBSEQUENT EIR'S

Sec. 16-901. Conditions determining subsequent EIR's.

Sec. 16-901. Conditions determining subsequent EIR's.

Where an EIR has been prepared, no additional EIR need be prepared unless:

- A. Substantial changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in the original EIR.

- B. There are substantial changes with respect to the circumstances under which the project is to be undertaken, such as a change in the proposed location of the project, which will require major revisions in the EIR due to the involvement of new environmental impacts not covered in the original EIR.

ARTICLE 10. USE OF A SINGLE EIR FOR MORE THAN ONE PROJECT.

Sec. 16-1001. Use of a single EIR for more than one project.

Sec. 16-1001. Use of a single EIR for more than one project.

- A. Two projects undertaken at the same time. A single EIR may be utilized to describe more than one project when the projects are essentially the same in terms of environmental impacts. Any environmental impacts peculiar to any one of the projects must be separately set forth and explained.
- B. Later projects. An EIR on an earlier project may be utilized to apply to a later project if the environmental impacts of the projects are essentially the same. If there are environmental impacts applicable to the later projects which were not associated with the earlier project, the earlier EIR must be amended to separately set forth and explain said impacts.

ARTICLE 11. PARTIAL INVALIDITY.

Sec. 16-1101. Partial invalidity.

Sec. 16-1101. Partial invalidity.

In the event any part or provision of these Guidelines shall be determined to be invalid, the remaining portions hereof which can be separated from the invalid unenforceable provisions, shall nevertheless continue in full force and effect.

EXHIBIT "A"

_____ DISTRICT

Address: _____

PRELIMINARY ENVIRONMENTAL ASSESSMENT

Name of Project:

Location:

Entity or person undertaking project:

A. _____ DISTRICT

B. Other:

1. Name:

2. Address:

Staff determination:

The district's staff, having undertaken and completed a preliminary review of this project in accordance with the district's guidelines entitled "Local Guidelines Implementing the California Environmental Quality Act of 1970, as Amended", has concluded that this project does not require further environmental assessment because:

- () 1. The proposed action does not constitute a project within the meaning of sec. 16-317.
- () 2. The project is a ministerial project under sec. 16-202.
- () 3. The project is an emergency project under sec. 16-401.
- () 4. The project constitutes a feasibility or planning study under sec. 16-501.
- () 5. The project is categorically exempt under sec. 16-701.

Application Exemption Class _____

- () 6. The project involves another public agency which constitutes the lead agency.

Name of Lead Agency _____

Date: _____

_____ Authorized Person

EXHIBIT "B"

_____ DISTRICT

_____ (address)

ENVIRONMENTAL IMPACT ASSESSMENT

Name of project:

Location:

Entity or person undertaking project:

A. _____ DISTRICT

B. Other:

1. Name:

2. Address:

Staff determination

The district's staff, having undertaken and completed an initial study of this project in accordance with sec. 16-603 of the district's guidelines entitled "Local Guidelines Implementing the California Environmental Quality Act of 1970, as Amended", for the purpose of ascertaining whether the proposed project might have a significant effect on the environment, has reached the following conclusions:

- () 1. The project could not have a significant effect on the environment; therefore, a negative declaration should be prepared.
- () 2. The project could have a significant effect on the environment; therefore, an EIR will be required.

Date: _____

_____ Authorized Person

EXHIBIT "C"

DISTRICT

NOTICE OF DETERMINATION

Responsible Agency/Division _____ Division _____

Name of Project _____

Location _____

Contact Person _____ Area Code _____ Phone _____ Extension _____

The Board of Directors of the _____
District, on _____, 19____, took the following action concerning
the above project:

1. Determined to (approve) (disapprove) the project; and
2. Determined that the project (will) (will not) have significant
effect on the environment.

An EIR (has) (has not) been prepared pursuant to the provisions of the
California Environmental Quality Act of 1970, as amended.

Date

Manager

EXHIBIT "D"

DISTRICT

(address)

NOTICE OF COMPLETION

Responsible Agency Division

Name of Project

Location

Contact Person Area Code Phone Extension

PROJECT DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES

Project Location - City

Project Location - County

Address where copy of draft EIR is available

Date

Manager

EXHIBIT "E"

RESOLUTION NO. _____

A RESOLUTION MAKING A NEGATIVE DECLARATION
AND PROVIDING FOR NOTICE THEREOF

_____ DISTRICT

RESOLVED, by the Board of Directors of _____

_____ District, _____ County, California,

that

WHEREAS, the project concerning which this determination is made is described as follows:

WHEREAS, an initial study of the environmental effects of said Project has been undertaken and completed and the results thereof have been reviewed by this Board;

NOW, THEREFORE, IT IS HEREBY FOUND, DECLARED and ORDERED as follows:

1. That said Project will not have a significant effect upon the environment.

2. That the Secretary be, and (he) (she) is hereby, authorized and instructed to file a certified copy of this Resolution with the Office of the County Clerk of _____ County and at the District office to be available for public inspection.

* * * * *

CERTIFICATE OF DISTRICT