

# TWAIN HARTE COMMUNITY SERVICES DISTRICT



## WASTEWATER CODE

**TWAIN HARTE COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 32**

**ADOPTION OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT  
WASTEWATER ORDINANCE (WASTEWATER CODE)**

The Twain Harte Community Services District Board of Directors, hereby ordains as follows:

# TABLE OF CONTENTS

<b>SECTION 1 - PURPOSE AND DEFINITIONS</b> .....	<b>1-1</b>
1.01 SHORT TITLE .....	1-1
1.02 PURPOSE.....	1-1
1.03 DEFINITIONS .....	1-1
<b>SECTION 2 - GENERAL REGULATIONS AND PROHIBITIONS</b> .....	<b>2-1</b>
2.01 SERVICE SUBJECT TO REGULATIONS .....	2-1
2.02 SERVICE INTERRUPTIONS .....	2-1
2.03 DISTRICT RESPONSIBILITY FOR FACILITIES .....	2-1
2.04 DAMAGE TO OR BLOCKAGE OF DISTRICT FACILITIES.....	2-1
2.05 TAMPERING WITH DISTRICT FACILITIES.....	2-1
2.06 REQUESTS TO CHANGE DISTRICT FACILITIES .....	2-1
2.07 PROHIBITIONS ON DISCHARGES .....	2-2
2.08 PROHIBITIONS ON STORM DRAINAGE AND GROUNDWATER .....	2-2
2.08.1 INDIVIDUAL CONNECTIONS .....	2-2
2.08.2 COMMUNITY SEWER CONNECTIONS .....	2-2
2.09 PROHIBITION ON UNPOLLUTED WATER .....	2-3
2.10 LIMITATION ON RADIOACTIVE WASTES .....	2-3
2.11 LIMITATION ON THE USE OF GARBAGE GRINDERS.....	2-3
2.12 LIMITATIONS ON POINT OF DISCHARGE.....	2-4
2.13 HOLDING TANK WASTE .....	2-4
2.14 OTHER LIMITATIONS ON WASTEWATER .....	2-4
2.15 GREASE TRAP AND GREASE INTERCEPTORS .....	2-5
2.16 LIMITATIONS ON FLOW .....	2-6
2.17 BACKFLOW PREVENTION DEVICES REQUIRED .....	2-7
2.18 ACCESS.....	2-7
2.19 RESPONSIBILITY FOR LATERAL OR SERVICE LINE .....	2-7
2.20 DISCHARGE REPORTS .....	2-7
2.21 MONITORING FACILITIES.....	2-8
2.22 INSPECTION AND SAMPLING.....	2-8
2.23 PRETREATMENT .....	2-8
2.24 PROTECTION FROM ACCIDENTAL DISCHARGE.....	2-9
2.25 SPECIAL AGREEMENTS.....	2-9
2.26 APPROVAL OF PLANS FOR SEWERAGE CONSTRUCTION .....	2-9
2.27 INSPECTION OF CONSTRUCTION .....	2-9
2.28 PLAN APPROVAL NOT TRANSFERABLE .....	2-9
2.29 MANHOLE RECONSTRUCTION NOTIFICATION AND IMPROVEMENTS.....	2-10
<b>SECTION 3 - CLASSIFICATION OF USERS, CHARGES AND FEES</b> .....	<b>3-1</b>
3.01 CLASSIFICATION OF USERS .....	3-1
3.02 DETERMINATION OF WASTEWATER DEMAND FLOW BY USER CLASSIFICATION.....	3-1
3.02.1 NORMAL DETERMINATION .....	3-1
3.02.2 UNIFORMITY OF DETERMINATION.....	3-1
3.03 ESTABLISHMENT OF CHARGES AND FEES.....	3-1
3.04 PROPERTY OWNER RESPONSIBILITY FOR CHARGES AND FEES .....	3-1
3.05 BASIS OF REGULAR WASTEWATER CHARGES AND FEES .....	3-1
3.06 CONNECTION FEES AND CAPACITY CHARGES .....	3-2
3.06.1 CAPACITY CHARGES FOR ACCESSORY DWELLING UNITS.....	3-2
3.07 MISCELLANEOUS FEES.....	3-2
3.08 CHANGE OF USE .....	3-2
3.09 TEMPORARY SUSPENSION OF REGULAR SEWER SERVICE CHARGES.....	3-3

<b>SECTION 4 - BILLING AND ENFORCEMENT FOR NON-PAYMENT .....</b>	<b>4-1</b>
4.01 BILLING .....	4-1
4.02 BILLING FREQUENCY.....	4-1
4.03 DELIVERY OF BILLS.....	4-1
4.04 DIRECT BILLING OF TENANTS .....	4-1
4.05 PRORATED BILLS.....	4-1
4.06 BILL PAYMENT.....	4-1
4.07 DELINQUENT BILLS .....	4-2
4.07.1 DELINQUENT DATE .....	4-2
4.07.2 PENALTIES.....	4-2
4.07.3 DELINQUENT NOTICES.....	4-2
4.07.4 DISPUTED BILLS .....	4-2
4.07.5 PAYMENT TO AVOID FLOW RESTRICTION OR SHUTOFF .....	4-2
4.07.6 FLOW RESTRICTION OR SHUTOFF FOR NON-PAYMENT .....	4-3
4.08 ALTERNATIVE PAYMENT PLANS, FEE WAIVERS AND ACCOUNT CREDITS .....	4-3
4.09 UNPAID ACCOUNTS – PROPERTY LIEN .....	4-3
4.10 UNPAID ACCOUNTS – COUNTY TAX ROLL .....	4-3
4.11 COLLECTION BY LEGAL ACTION.....	4-3
<b>SECTION 5 - SERVICE CONNECTIONS.....</b>	<b>5-1</b>
5.01 APPLICATION FOR SERVICE .....	5-1
5.02 NEW SERVICE CONDITIONS.....	5-1
5.03 GUARANTEE OF APPLICANT.....	5-1
5.04 QUOTES FOR SERVICE.....	5-1
5.05 SERVICE CONNECTION REQUIREMENTS.....	5-2
5.06 SERVICE CONNECTION SIZE, LOCATION, AND INSTALLATION.....	5-2
5.07 CUSTOMER DISCONNECTION OF SERVICE PROHIBITED.....	5-2
5.07.1 EXCEPTIONS FOR CERTAIN PROJECTS .....	5-3
5.07.2 EXCEPTIONS FOR ABANDONED CONNECTIONS.....	5-3
5.08 DISCONNECTION OF SERVICE BY DISTRICT .....	5-3
5.09 UNAUTHORIZED SERVICE CONNECTIONS.....	5-3
5.10 FORCED CONNECTIONS BY DISTRICT .....	5-4
5.10.1 AUTHORIZATION .....	5-4
5.10.2 FORCED CONNECTION COSTS ON COUNTY TAX ROLLS .....	5-4
5.10.3 ENFORCEMENT OF LIEN.....	5-4
<b>SECTION 6 - EXTENSION OR IMPROVEMENT OF FACILITIES.....</b>	<b>6-1</b>
6.01 REQUIRED EXTENSION OR IMPROVEMENT OF FACILITIES.....	6-1
6.02 EXTENSION OR IMPROVEMENT APPLICATION .....	6-1
6.03 PROJECT APPROVAL.....	6-1
6.04 ENVIRONMENTAL REVIEW CHARGE .....	6-1
6.05 DESIGN, INSTALLATION AND OWNERSHIP OF FACILITY EXTENSIONS .....	6-1
6.06 SIZING OF FACILITIES .....	6-2
6.07 LOCATION OF FACILITIES.....	6-2
6.08 LAND RIGHT SCHEDULE .....	6-2
6.09 PAYMENT OF COSTS.....	6-2
6.10 INSPECTION AND NOTICE OF COMPLETION.....	6-3
6.11 ACCEPTANCE OF FACILITIES.....	6-3
6.12 WARRANTY RESPONSIBILITIES.....	6-3
6.13 DOCUMENTATION OF PROJECT COSTS.....	6-3
6.14 COSTS REIMBURSED BY THE DISTRICT.....	6-3
<b>SECTION 7 - WASTEWATER DISCHARGE PERMITS FOR CRITICAL USERS ....</b>	<b>7-1</b>
7.01 MANDATORY DISCHARGE PERMITS .....	7-1

7.02	PERMIT APPLICATION.....	7-1
7.03	DURATION OF PERMITS.....	7-1
7.04	TRANSFER OF A PERMIT .....	7-2
7.05	CHANGES IN OPERATION OR DISCHARGE .....	7-2
7.06	REVOCAION OF PERMIT .....	7-2
7.07	PERMIT FOR TEMPORARY SERVICE .....	7-2

**SECTION 8 - PRIVATE SEWER LATERALS AND FACILITIES..... 8-1**

8.01	INFLOW AND INFILTRATION FROM PRIVATE SEWER FACILITIES .....	8-1
8.02	OWNER RESPONSIBILITY TO MAINTAIN AND REPAIR PRIVATE SEWER FACILITIES.....	8-1
8.03	REMEDY OF POORLY MAINTAINED PRIVATE SEWER FACILITIES.....	8-1
	8.03.1 PROPERTY OWNER NOTIFICATION.....	8-1
	8.03.2 NOTIFICATION OF OTHER AUTHORITIES .....	8-2
	8.03.3 REPAIRS PERFORMED BY DISTRICT .....	8-2
8.04	DISTRICT PRIVATE SEWER FACILITIES TESTING PROGRAM .....	8-2
	8.04.1 INTENT.....	8-2
	8.04.2 SCOPE OF TESTING .....	8-2
	8.04.3 SPECIAL EVENTS REQUIRING TESTING .....	8-2
8.05	DISTRICT PRIVATE SEWER FACILITIES TESTING PROCEDURES .....	8-3
	8.05.1 GENERAL.....	8-3
	8.05.2 TESTING .....	8-3
	8.05.3 REQUIREMENT FOR CLEANOUTS ON LATERALS .....	8-3
	8.05.4 INITIAL TESTING TIMELINES.....	8-3
	8.05.5 AIR TESTING PROCEDURES .....	8-4
	8.05.6 WATER TESTING PROCEDURES.....	8-4
8.06	FAILED TESTS.....	8-4
8.07	TIME LIMITS FOR COMPLETION OF REPAIRS AND RETESTING.....	8-4
8.08	DISTRICT INSPECTION COSTS .....	8-5
8.09	WAIVER OF TESTING REQUIREMENTS.....	8-5

**SECTION 9 - DISCHARGE VIOLATIONS AND ENFORCEMENT ..... 9-1**

9.01	PUBLIC NUISANCE.....	9-1
9.02	EMPLOYEE AWARENESS OF DISCHARGE REQUIREMENTS .....	9-1
9.03	ACCIDENTAL DISCHARGES .....	9-1
9.04	DISCHARGES AND OBSTRUCTIONS THAT DAMAGE DISTRICT FACILITIES .....	9-1
9.05	CEASE AND DESIST ORDERS .....	9-1
9.06	TIME SCHEDULES.....	9-2
9.07	INJUNCTION .....	9-2
9.08	CIVIL DAMAGES AND PENALTIES.....	9-2
9.09	CRIMINAL PENALTIES .....	9-2
9.10	FALSIFYING OF INFORMATION .....	9-2

**SECTION 10 - MISCELLANEOUS..... 10-1**

10.01	INTERPRETATION AUTHORITY .....	10-1
10.02	ENFORCEMENT OF THIS CODE.....	10-1
10.03	UNLAWFUL ACTS .....	10-1
10.04	APPEALS .....	10-1
10.05	SUPERSEDES.....	10-1
10.06	SEVERABILITY.....	10-1

**SECTION 11 - PUBLICATION, EFFECTIVE DATE AND ADOPTION ..... 11-1**

11.01	PUBLICATION.....	11-1
11.02	EFFECTIVE DATE.....	11-1

**11.03 ADOPTION.....11-1**  
**EXHIBIT A – DEMAND FLOW BY USER CLASSIFICATION ..... 11-1**  
**EXHIBIT B - AMENDMENTS..... 11-2**

## SECTION 1 -PURPOSE AND DEFINITIONS

### 1.01 Short Title

This Ordinance shall be known as the "Twain Harte Community Services District Wastewater Code" and may be cited as such.

### 1.02 Purpose

This Wastewater Code sets uniform requirements for discharges into the wastewater collection and treatment system of the Twain Harte Community Services District (hereinafter referred to as "District"). It enables the District to comply with administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law. Its purpose is to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. This Ordinance also provides for the setting of user charges and fees for the equitable distribution of cost of all users, and the issuance of permits to certain users.

### 1.03 Definitions

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agency.

**Accessory Dwelling Unit (ADU)** – An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) An efficiency unit. [and] (B) A manufactured home, as defined in Section 18977 of the Health and Safety Code. For billing purposes, a dwelling unit on a parcel zoned for multi-family residential will only be considered an accessory dwelling unit after all other dwelling units allowed under the specific parcel zoning have been constructed.

**Application for Service** - Written application requesting Twain Harte Community Services District service to a specific parcel of land, as indicated on a form provided by the District, together with such plans, specifications and fees as the District's Regulations shall, from time-to-time, require.

**Board** - The Board of Directors of the Twain Harte Community Services District.

**Building Sewer** - A sewer conveying wastewater from the premises of a user to a community sewer.

**Beneficial Uses** - Uses of the waters of the State that may be protected against quality degradation, including but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or specified by Federal or State law.

**Certificate of Lien** - Written certificate of an overdue balance owing to the District by any user, duly recorded with the Tuolumne County Recorder.

**Change of Use** - When the primary water use changes from one classification to another, increases quantity, and/or adds multiple uses.

**Code** – See Wastewater Code.

**Connection Fees** - A charge imposed upon all applicants for service at the time service is sought from the District. "Connection fee" is a general term that encompasses a variety of one-time charges imposed upon applicants for service. A "connection fee" includes, but is not limited to, the fees charged to make the physical connection to the District's system, lateral installation charges, new account administration fees, and capacity charges (which compensate the District for expenses incurred in providing existing capacity or an increase in needed capacity).

**Community Sewer** - A sewer owned or operated by the District, or a sewer owned or operated by another person or entity which is tributary to and discharges into an interceptor, or a treatment or disposal facility owned or operated by the District.

**Compatible Pollutant** - Biochemical oxygen demand, suspended solids, PH and fecal coliform bacteria, the District's treatment works were designed to treat, and removes to a substantial degree.

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

**Critical User** - A user whose user classification is identified in the Standard Industrial Classifications (SIC) Manual in any of Division A, B, D, E, and I, and who (1) has a discharge flow of 50,000 gallons or more per average work day, or (2) has a discharge flow greater than 5 percent (5%) of the flow in the District's wastewater treatment system, or (3) has in his wastes toxic pollutants in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act.

**Customer** – Any person, including without limitation a parcel or property owner, or tenant, supplied or entitled to be supplied with wastewater service by the District in accordance with established rules, regulations, rates and charges.

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

**Developer** - Any person who enters into an agreement with the District for the construction of sewer facilities to be transferred to the District for the provision of sewer service to a project or parcel(s).

**Disconnection** - A property line cleanout has been removed and the service lateral has been cut and capped; or other permanent method has been employed to ensure that sewer is not able to flow from the property into the District's collection system. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon approval by the District.

**District** - Twain Harte Community Services District, a California Special District organized under Sections 61000 et. seq. of the Government Code. May also be referred to as THCS D.



**Dwelling Unit** – Any structure containing living, sleeping, cooking, and sanitation facilities. At a minimum, cooking facilities shall include a sink that is separate from the bathroom sink. See Residential Living Unit.

**Equivalent Single-Family Residence (ESFR)** - The estimated potential demand of the typical residential user expressed in terms of the volume of wastewater discharge, usually average monthly flow in gallons per month.

**Federal Act** - The Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

**Finance Officer** – The Finance Officer of the Twain Harte Community Services District.

**Flow Restriction** – A device placed on a customer’s meter by the District to restrict flow through the customer’s water service as a result of non-payment. The device shall significantly restrict flow, but provide enough water for basic human needs – drinking, cooking and sanitation.

**Guest Living Unit** – Any accessory living area occupied by temporary guests, without compensation of any kind as a condition of occupancy, and used as sleeping quarters only. A Guest Living Unit may have sleeping and sanitation facilities, but no living, cooking or housekeeping facilities. A Guest Living Unit includes either: (1) a structure detached from a primary residential living unit or (2) an independent living area attached to a primary residential living unit that has its own separate entrance.

**Holding Tank Waste** - Any waste from Holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease traps or grease interceptors, and vacuum pump tank trucks.

**Incompatible Pollutant** - Any pollutant which is not a compatible pollutant as defined in this section. The pretreatment standard for incompatible pollutants introduced into a District treatment works by a major contributing industry not subject to Section 307© of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Section 301(b) and 304(b) of the Federal Act. Provided, that if the District's treatment works which receives the pollutants is committed, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

**Junior Accessory Dwelling Unit** – A unit that is no more than 500 square feet in size and contained entirely within a single family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

**Lateral Inspection** - Inspection carried out by District staff of the segment of service lateral originating at the connection to the sewer main through the property line cleanout and up to the connection to the customer’s private sewer service lateral.

**Lateral: Private Lateral** – Private lateral is the portion of the sewer pipeline upstream of a District-approved sewer cleanout or manhole that is located near the property line, provided one exists and is accessible to the District, to the points of service within the property or properties. The private lateral is owned and maintained by the property owner. If no District-approved cleanout or manhole exists near the property line then the entire lateral from the points of service to the lateral connection at the public sewer main is considered a private lateral.

**Lateral: Public Lateral** – Public lateral is the portion of the sewer pipeline downstream of a District-approved sewer cleanout or manhole that is located near the property line, provided one exists and is accessible to the District, to the lateral connection at the public sewer main. The public lateral is owned and maintained by the District. If no District-approved cleanout or manhole exists near the property line then no portion of the lateral is considered public.

**Lateral Connection** -The physical point in which the public or private sewer lateral meets and connects to the public sewer main..

**Manager** - The General Manager of the District, or his designated representative.

**Mass Emission Rate** - The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

**Mobile Home Park** - A user which has a proper license and permit issued by Tuolumne County or as regulated by the State of California, to lease or rent mobile homes and which is defined in Tuolumne County Code, Title 17 Section 17.04.520.

**Multi-Family Residential** - A parcel with a sewer service that serves a structure with more than one attached dwelling unit, such as duplexes, triplexes, apartments and accessory dwelling units. For the purposes of billing, detached accessory dwelling units will also be considered a multi-family residential unit.

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

**Parcel** - A piece of real property designated by the County of Tuolumne by a single assessor's parcel number, or other identifying information.

**Parcel Owner** - The person or persons whose name or names appear on the Tuolumne County Tax Assessor's latest equalized assessment roll as the owner of a parcel that is receiving utility service. The parcel owner is responsible for the payment of all rates, charges, and fees, including penalties thereon regarding such furnished services.

**Permit** - Means a written permit issued by the Manager or his authorized representative.

**Person** - Any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.

**Pollution** - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial users. Pollution may include contamination.

**Premises** - A parcel of real estate, including any improvements thereon, which is determined by the District to be a single user for purpose of receiving, using, and paying for service.

**Property Owner** – See Parcel Owner.

**Residential Living Unit** – Any structure containing living, sleeping, cooking, and sanitation facilities. At a minimum, cooking facilities shall include a sink that is separate from the bathroom sink. See Dwelling Unit.

**Shall and Will** - As used in this document shall both mean a mandatory or obligatory act or requirement.

**Single Family Residence** – The primary residential dwelling unit on a parcel. For billing purposes, all separate/detached dwelling units on a parcel will be billed as separate single family residential units, unless the dwelling unit is classified as an accessory dwelling unit.

**Tenant** – A person who occupies land or property rented from a landlord, including without limitation a parcel or property owner. See Customer.

**THCSD** – See District.

**Unimproved Property** - Refers to parcels of land upon which no structure requiring wastewater service has heretofore been placed or presently exists.

**Unpolluted Water** - Water containing no constituents which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface water.

**User** - Any person that discharges, causes or permits the discharge of wastewater into a community sewer.

**User Classification** - A classification of user based on the type of activity conducted on the premises.

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

**Wastewater** - Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer. Also referred to as “sewer”.

**Wastewater Constituents and Characteristics** - The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

**Wastewater Code** – The entirety of this Ordinance, which establishes requirements for design, methods of construction, operation and maintenance of both public and private water supply, storage and distribution facilities and water service connections served by the District’s water system.

**Wastewater Service** – Water or water infrastructure that is provided, including but not limited to, residential, non-residential, agricultural, commercial and industrial customers. Also referred to as “sewer service”.

**Water of the State** - Any water, surface or underground, including saline waters within the boundaries of the State.

## **SECTION 2 -GENERAL REGULATIONS AND PROHIBITIONS**

### **2.01 Service Subject to Regulations**

Wastewater service will be provided to properties within the Twain Harte Community Services District boundary in accordance with this Code, adopted and amended from time to time by the Board of Directors. By applying for or receiving wastewater service from the District, each user covenants and agrees to be bound by and to comply with all regulations of this Code.

### **2.02 Service Interruptions**

The District reserves the right at any and all times to shut off wastewater delivery for the purpose of maintenance, making repairs, or alterations to the system. Reasonable effort will be made when feasible to give advance notice of interruption of service to all wastewater users affected. The District shall not be liable for any loss or damage caused by accident, act of God, fire, strikes, riots, war or any other cause beyond the District's control.

### **2.03 District Responsibility for Facilities**

Operation, maintenance and replacement of the District-owned Wastewater System shall be under the exclusive control of the District under the direction of the General Manager. The District's ownership of and responsibility for operation and maintenance of Wastewater System facilities shall end at the connection of the property owner's service connection lateral to the public sewer main, unless provided otherwise in this Wastewater Code.

### **2.04 Damage to or Blockage of District Facilities**

The user shall be responsible to pay the District for costs of repairing or replacing any District facilities damaged as a result of construction or other work or activities on the user's property.

The owner of the property served by the District's sanitary sewer system shall be responsible and liable for all costs involved in the repair of all damages caused by the owner or the owner's tenant, occupant, customer, or agent, to the District's sanitary sewer system facilities, including but not limited to sewer obstructions, wherever located, and including any costs incurred by the District resulting from such damage or repairing the same.

### **2.05 Tampering with District Facilities**

No person other than those designated and authorized by the District, shall at any time in any manner operate, interfere with, or tamper with the District's property or Wastewater System.

The cost of repairing any damage resulting from tampering with District Facilities will be billed to the responsible party and shall include, without limitation, the cost of labor, materials and equipment. Any tampering qualifying as a misdemeanor under the California Penal Code shall be referred to the District Attorney for prosecution.

### **2.06 Requests to Change District Facilities**

Customers may request that the District make changes to its facilities (i.e. relocation of service lateral connection for customer convenience). If the District deems that the requested changes are suitable for continued service and do not add an undue burden to the District's operations, the District may make such changes. If changes are approved, the customer is required to make a payment sufficient to cover the District's cost of work, as determined by the District, prior to the performance of work.

## **2.07 Prohibitions on Discharges**

No person shall discharge to a community sewer or District treatment facilities, wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

A fire or explosion;

Obstruction of flow in a sewer or injury of the system or damage to the wastewater collection, treatment or disposal facilities;

Danger to life or safety of personnel;

A nuisance, or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;

Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;

Interference with the wastewater treatment process;

The District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process;

A detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;

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

Conditions at or near the District's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency of State or Federal regulatory body;

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

## **2.08 Prohibitions on Storm Drainage and Groundwater**

### **2.08.1 Individual Connections**

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

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

### **2.08.2 Community Sewer Connections**

Whenever, in the District's opinion, a community sewer connection is discharging quantities of effluent significantly in excess of the amounts that should be generated from the services within

the community sewer system, whether from storm water, groundwater, rainwater, street drainage, subsurface drainage, area drainage or other causes, then such excessive drainage shall be remedied, controlled and eliminated by the community sewer entity upon demand of the District, and for that purpose, the District may take any steps reasonably designed in its opinion to remedy, control and eliminate such excess effluent discharge into District facilities, including but not limited to:

1. Imposition of a surcharge, including progressive surcharges, on such excessive discharge;
2. Requiring the entity to conduct an infiltration/inflow analysis or other study to determine the causes, and to adopt and implement a plan to remedy or eliminate such excess discharge;
3. Termination of service.

## **2.09 Prohibition on Unpolluted Water**

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

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

## **2.10 Limitation on Radioactive Wastes**

No person shall discharge or cause to be discharged, any radioactive waste into a community sewer, except;

1. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency.
2. When the waste is discharged in strict conformity with current California Radiation Control Regulations, and the Atomic Energy Commission regulations and recommendations for safe disposal; and
3. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.
4. When the person is undergoing medical procedures, treatments, or therapies.

## **2.11 Limitation on the Use of Garbage Grinders**

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

1. Waste generated in preparation of food normally consumed on the premises; or
2. Where the user has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the Wastewater Constituents.

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

## **2.12 Limitations on Point of Discharge**

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless upon written application by the user and payment of the applicable user charges and fees, the District issues a permit for such direct discharges.

## **2.13 Holding Tank Waste**

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

## **2.14 Other Limitations on Wastewater**

Users shall comply with the following limitations:

1. No person shall discharge into a sewer wastewater containing in excess of:

- 0.1 mg/L arsenic
- 0.2 mg/L cadmium
- 5.6 mg/L copper
- 1.0 mg/L cyanide
- 1.0 mg/L lead
- 0.01 mg/L mercury
- 1.0 mg/L nickel
- 0.2 mg/L silver
- 0.5 mg/L total chromium
- 3.0 mg/L zinc

Groundwater remediation projects:

- 1.0 mg/L Benzene, Toluene, Ethyl benzene, Xylene (BTEX)
- 10.0 mg/L Total Petroleum Hydrocarbons (TPH)

2. No person shall discharge into a sewer any wastewater:
  - a. Having a temperature higher than 150 degrees F (65 degrees C.)
  - b. Containing more than 300 mg/L of oil or grease of animal or vegetable origin.
  - c. Containing more than 100 mg/L of oil or grease of mineral or petroleum origin.
  - d. Having a pH lower than 6.0.
  - e. Containing in excess of 0.02 mg/L total identifiable chlorinated hydrocarbons.
  - f. Containing an excess of 1.0 mg/L phenolic compounds.
3. No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District sewer system any toxic or other wastes if in the opinion of the Manager such wastes may have an adverse or harmful effect on service maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger the public, the environment, or create a public nuisance.

4. Effluent limitation promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Ordinance. Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in commercial and industrial categories subject to effluent guidelines of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the Administrator. Where the District treatment works was designed to and does achieve substantial removal of pollutants other than the four pollutants listed in the definition for compatible pollutants, it is not appropriate to require the commercial or industrial user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of 80 percent (80%) or greater. Minor incidental removals in the order of 10 to 30 percent (10-30%) are not considered "substantial". For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly owned treatment works. However, any adjustment required for particular categories should be considered in connection with the District's requirements, rather than in the national pretreatment standards. Limitations on wastewater strength in this Ordinance may be supplemented with more stringent limitations:
  - a. If the District or the district that treats its wastewater determines that the limitations in this section may not be sufficient to protect the operation of the District's treatment works; or
  - b. If the District or the district that treats its wastewater determines that the limitations in this section may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the Waste Discharge Requirements specified by the California Regional Water Quality Control Board for the District.

## **2.15 Grease Trap and Grease Interceptors**

Requirements for grease traps and grease interceptors are as follows:

1. Any type of business or other establishment such as, but not limited to, restaurants, bakeries, donut shops, takeout or drive-in eating establishments, ice cream parlors, hospitals, hotels, markets, or commercial kitchens in schools, churches, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public sewer main or disposal system, shall have a "gravity grease interceptor" or a "hydromechanical grease interceptor", herein referred to generally as "interceptor", unless waived by the District Manager upon evidence that an interceptor is not required, which determination shall be made at the sole discretion of the District.. Any modification to operations upon which a waiver was granted may require installation of a grease interceptor.
2. Any type of business or facility such as, but not limited to, car washes, quick lubes, and automotive repair shops, where any grease of mineral or petroleum origin is generated and which may be discharged into a public sewer main or disposal system, shall have a "oil liquid interceptor", herein referred to generally as "interceptor", unless waived by the District Manager upon evidence that an interceptor is not required, which determination shall be made at the sole discretion of the District. Any modification to operations upon which a waiver was granted may require installation of a grease interceptor
3. Interceptors shall be sized and constructed in accordance with District standard



specifications and the latest edition of the District's Fats, Oils and Grease Control Program. All designs shall be submitted for approval by the District Manager prior to installation.

4. Each interceptor shall be so installed and connected in a location that is easily accessible for inspection at all times and to provide for cleaning and removal of the intercepted grease. A gravity grease interceptor may not be installed in any part of a building where food is handled. Locations of interceptors shall meet the latest edition of the California Plumbing Code and the approval of the District Manager.
5. Each business establishment for which an interceptor is required shall have an interceptor, which shall serve only that business establishment.
6. Buildings remodeled for use requiring interceptors shall be subject to these regulations.
7. Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, etc., and floor drains shall not drain through the interceptor without prior approval by the District Manager. Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.
8. The interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be emptied or discharged into any drainage piping or public or private sewer. Such materials shall not be disposed of at the District's Regional Wastewater Treatment Plant.
9. Abandoned grease interceptors shall be emptied and filled as provided for in the latest edition of the California Plumbing Code and in accordance with the requirements of the Tuolumne County Environmental Health Department
10. The cover or lid for interceptors shall be designed for the loads imposed on the structure as required by the District Manager. The cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only. The use of proper vent per the most recent edition of the California Plumbing Code shall be required.
11. Interceptors shall be installed in such a manner as to prevent drainage from outside the intended area of use.
12. If, upon inspection by the District, an interceptor is found to be absent or ineffective as solely determined by the District Manager, the owner/user shall be required to make immediate repairs or corrections within thirty (30) days after receiving written notification of deficiency from the District. If the interceptor requires pumping and servicing, as determined by the inspector, the owner/user shall be required to have the interceptor pumped by a licensed hauler within ten days after receiving notification by the inspector. Failure to make such repairs or corrections shall result in disconnection from the public sewer, and if the District supplies water service to the premises, such water service shall be shut off.
13. The owner/user shall keep records of interceptor cleaning, maintenance, and grease removal and report on such maintenance to the District in the format and at the frequency required by the District Manager. The District Manager may require the owner/user to provide results of periodic measurements of its discharge which is to include chemical analysis of fats, oils and grease content.

## **2.16 Limitations on Flow**

When in the opinion of the District, the quantity of wastewater discharged to the collection facilities are in any way detrimental to said facilities or are in excess of the capacity of that system, the District may require the implementation of flow limiting devices by individual users. The flow limiting devices shall be of a type approved by the District and shall be installed on those fixtures designated by the District and at the user's expense. User charges may then be adjusted as provided for in Chapter 4 of this Ordinance.

All applicants for new sewer service connections may be required to furnish proof of installation in residential, commercial and/or industrial buildings, ultra-low flow toilets with a maximum tank size or flush capacity and shower heads maximum flow rates as determined by California law

### **2.17 Backflow Prevention Devices Required**

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

### **2.18 Access**

District personnel shall have a right of access to any premises the sewage discharge from which reaches the District's sewer system, to determine whether there is compliance or non-compliance with this Ordinance. District personnel shall further have a right of access to go upon any premises on which a sewer line is located that is serving more than one parcel or building for the purpose of inspection of the sewer line and to shut off, terminate, repair or reconnect sewer service, for any other purpose related to the operation of the sewer system, including the inspections relating to grease interceptors. All Critical Users will be required to install an inspection/sampling chamber, the type and location of which will be determined by the District.

### **2.19 Responsibility for Lateral or Service Line**

The property owner shall be responsible for maintenance and repair of the sewer lateral from the building to its interconnection with the District's main. If the homeowner installs a District-approved sewer cleanout at the property line adjacent to a public right-of-way, and the cleanout is accessible to the District's satisfaction, The District will maintain the portion of the lateral downstream of the cleanout in the public right-of-way. District approval of a cleanout will require District inspection of both the cleanout and portion of lateral within the public right of way. If the portion of lateral within the public right of way is not in an acceptable condition in the opinion of the District, then the customer may be required to repair or replace the lateral within the public right-of-way before the District will assume maintenance. All such approvals shall be in writing.

All new construction requires installation of a District-approved cleanout at the property line adjacent to the public right-of-way in a location accessible to the District's satisfaction.

In no case will the District maintain sewer laterals on private property unless the District specifically agrees under special circumstances, such as where the lateral serves more than one parcel and an easement is granted to and accepted by the District.

### **2.20 Discharge Reports**

The District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The District may require that the discharge report include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. The District may also require that such reports include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. In addition to discharge reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports.

## **2.21 Monitoring Facilities**

The District may require any user to construct, at his own expense, monitoring facilities to allow inspection, sampling and flow measurements of the building sewer or internal drainage systems, including grease traps and grease interceptors, and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area under an encroachment permit of the governing agency and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such sampling facility to allow accurate sampling and composing of samples for analysis. The manhole or other facility, and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District requirements and all applicable local agency construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District, unless a time extension is otherwise granted by the District.

## **2.22 Inspection and Sampling**

The District may inspect the facilities of any user to ascertain whether any purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards, so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

## **2.23 Pretreatment**

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and must be acceptable to the District.

## **2.24 Protection from Accidental Discharge**

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

## **2.25 Special Agreements**

Special agreements and arrangements between the District and any persons or agencies may be established when in the option of the District unusual or extraordinary circumstances compel special terms and conditions.

## **2.26 Approval of Plans for Sewerage Construction**

No person, other than employees of the District or persons contracting to do work for the District, shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection, sewage pumping plant, pollution control plant, grease interceptor, or other sewerage facility within the District where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the District without first obtaining approval of sewerage construction plans from the District.

The applicant shall submit to the District for approval, construction plans and such specifications and other details as required to describe fully the proposed sewerage facility. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

Plans for sewerage construction shall not be approved by the District for any facility which will convey industrial wastewater until the District has determined if a Wastewater Discharge Permit is required for the facility.

Plans for sewerage construction shall meet all design requirements of the District.

An approval of plans for sewerage construction shall expire one year after date of approval unless construction has been initiated.

## **2.27 Inspection of Construction**

All sewer construction, including on-site grease interceptor facilities, shall be inspected by personnel of the District during construction. In making a connection to a trunk sewer, no physical alterations of the District's facilities shall commence until an inspector is present.

Sewerage facilities which will be connected to a District sewer, will be inspected routinely by the District during construction. Upon completion of construction and prior to removal of the downstream bulkhead and upon receiving 48-hour notice, the District will inspect the work to determine if it has been constructed in a satisfactory manner and to determine if all facilities are cleaned of construction debris that could be flushed into the District's sewers.

## **2.28 Plan Approval Not Transferable**

Approval of plans for sewerage construction and connections to trunk sewers is not transferable from one person to another person or from one location to another location without written consent of the District.

## **2.29 Manhole Reconstruction Notification and Improvements**

Access to District manholes shall not be obstructed for a period longer than forty-eight (48) hours without written approval of the District. Adjustments to District manholes shall be performed in accordance with established procedures of the District. A designated person from the entity proposing to perform work necessitating the adjustment of manholes on District's sewers to a new grade shall be responsible for notifying the District in advance of the work at least forty-eight (48) hours prior to performing the work.

## **SECTION 3 - CLASSIFICATION OF USERS, CHARGES AND FEES**

### **3.01 Classification of Users**

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

### **3.02 Determination of Wastewater Demand Flow by User Classification**

#### **3.02.1 Normal Determination**

The District hereby determines the quantities of wastewater Demand Flow for each user classification in Exhibit A. Demand Flow is an estimate of wastewater discharge volume for a typical user within a given user classification based on actual average winter water usage of users within each user classification. The estimate is determined by the District to be a reasonable and equitable determination within and between user classifications. For the purpose of setting charges, the District may apply a weighted factor to Demand Flows for specific user classifications to equitably account for quantities of wastewater constituents and characteristics attributable to that user classification in excess of the typical strength of domestic wastewater. If such factors are applied, they shall be noted in Exhibit A.

#### **3.02.2 Uniformity of Determination**

The demand flow measured in residential equivalents (Equivalent Single Family Residence or ESFR) for each user within a user classification is assumed for purposes of this Ordinance to be uniform. Flow monitoring devices such as sewage meters are not a feasible, practical or acceptable means of determining demand flow for individual users.

### **3.03 Establishment of Charges and Fees**

The District Board shall, by resolution, establish a schedule of charges and fees for wastewater service and new wastewater connections. Wastewater service charges and fees shall be set and established in accordance with law. The District may from time to time increase its charges and fees or adopt new charges and fees pursuant to applicable provisions of law.

### **3.04 Property Owner Responsibility for Charges and Fees**

The Property Owner is responsible for the timely payment of all charges and fees related to wastewater service for his/her property.

### **3.05 Basis of Regular Wastewater Charges and Fees**

The basis for the allocation of the cost of providing wastewater service shall be Demand Flow, per occurrence, per connection or other basis related to the nature of the service provided. Service charges shall be based on Demand Flows established in Exhibit A.

Regular wastewater service charges provide for ongoing operation, maintenance, repair, and improvement of the District's wastewater system. The District finds that the District's wastewater system provides a benefit to all of its customers and all customers have a responsibility to pay

wastewater charges in order to maintain the wastewater system whether or not they discharge wastewater to the system.

Guest living units will not be subject to regular wastewater charges beyond those attributed to the customer's residential dwelling unit(s).

### **3.06 Connection Fees and Capacity Charges**

Applicants for new service connections shall be required to pay all applicable connection fees and capacity charges related to user classification. Connection fees and capacity charges will be established by the District Board, by resolution, and specifically determined for each proposed connection by the General Manager or his/her designee. Connection fees and capacity charges shall be paid prior to District's approval of new service connection application.

#### **3.06.1 Capacity Charges for Accessory Dwelling Units**

Capacity charges will not be applied to accessory dwelling units that are less than 750 square feet. Capacity charges for accessory dwelling units larger than 750 square feet shall be proportional to the capacity required to serve said unit.

### **3.07 Miscellaneous Fees**

The District shall adopt, and amend as needed, a miscellaneous fee policy to establish reimbursement of miscellaneous sewer-related services provided for the direct benefit of a customer, agency or other party. Such services include, but are not limited to: additional billings, property transfers, account set-up, tenant account set-up, new service application, applications, appeals, service flow reduction/shutoff, door notice for service flow reduction/shutoff, after hours reinstatement of service or after hours call, monitoring service, and cleanout inspections. Some services provided to the customer may be billed based on actual costs incurred by the District.

### **3.08 Change of Use**

Wastewater Users shall immediately notify the District in writing if the user makes any property changes or improvements that alters the user classification, type of water use, or the size, character or extent of private water facilities in a manner that would increase or decrease wastewater charges and fees. "Immediately" shall mean at the time a building permit is issued for altering the property or at the time the change of use actually commences (if no permit is issued).

Examples of changes in use include, but are not limited to, the following changes:

1. Improvements that change the classification of use (i.e. changing from general commercial to restaurant) or add a new classification of use to the existing use (i.e. adding commercial use to an existing residential use).
2. Improvements that change property use, including, but not limited to, addition of dwelling units, parcel splits, additional buildings, additional commercial units, or other possible multiple use divisions.

At the discretion of the General Manager, changes in use may require the submittal of an amended application for service. A change in use may require payment of additional capacity fees and/or additional or modified service connections. If the change requires an increase in service charges, said increase will be implemented on, or applied retroactively to, the date at which the change of use actually commences. If the change requires a decrease in service charges, said decrease will be implemented at the time the District receives and verifies notification.

Failure to report a change of use, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized change of use was made and twice the additional connection fee in effect at the time of discovery. Properties found to have unauthorized changes of use may be disconnected or be subject to flow reduction until payment of said payments are paid.

The General Manager, at his/her discretion, may reduce said penalties for changes of use based on the specific circumstances related to the change of use.

### **3.09 Temporary Suspension of Regular Sewer Service Charges**

At the sole discretion of the General Manager, the District may allow a maximum six-month suspension of monthly service charges in the event that the customer requests services be shut off as a result of a catastrophic event that renders a dwelling unit uninhabitable (such as fire, etc.). Such suspensions will only be granted to customers who have continuously used and maintained their wastewater service in an active billing status for at least one year.



## **SECTION 4 - BILLING AND ENFORCEMENT FOR NON-PAYMENT**

### **4.01 Billing**

Charges for wastewater service will be billed to customers who:

1. Receive wastewater service from the District; or
2. Have capacity allocated to the property, regardless of whether a service lateral has been installed.

A customer account will be billed whether or not the property is vacant, or wastewater is being discharged. No credit or discount will be allowed or approved for any vacant properties regardless of the reason for the vacancy.

### **4.02 Billing Frequency**

Wastewater service charges will be billed on a monthly basis.

### **4.03 Delivery of Bills**

Bills will be sent physically and/or electronically to the customer at the address of the property owner or tenant (should the property owner agree to have the tenant billed directly). Customer shall be responsible to keep the District advised of the address to which the bills are to be delivered. Non-receipt of a bill shall not relieve the owner of any obligation to the District.

### **4.04 Direct Billing of Tenants**

As a courtesy, property owners that rent or lease property with water service may have the billing sent directly to their tenant or tenant's agent. To accomplish this, the owner shall first complete an Owner – Authorization for Tenant Service which application may be required to be updated from time to time at the District's sole determination. The tenant is then required to complete a Tenant – Water/Sewer Agreement for Service prior to the District changing the billing name and address. Even with completion of both agreements, if the tenant becomes delinquent, the property owner shall ultimately be responsible for all delinquent charges, fees, interest, and penalties. The property owner shall have access to information regarding the account status of their tenant upon request. If tenant becomes more than 30 days delinquent, the District may revoke tenant billing privileges and the account will be closed in the tenant's name and billing will be placed back into the owner's name. Billing will remain in property owner's name once tenant privileges have been revoked.

### **4.05 Prorated Bills**

For bills calculated for less than a full billing period, the bill will be prorated from the first day of the billing period to the date of service or from the commencement of service until the last day of the billing period.

### **4.06 Bill Payment**

Bill payment requirements are as follows:

1. Responsibility: The Property Owner is responsible for the timely payment of all rates, charges and fees related to water service for his/her property, even if the property owner's tenant is a customer.
2. Due Date: Wastewater charges are due and payable to the District on the first working day of each month for service received the preceding month.

3. Delivery of Payment: Customer shall make bill payments to the District in a manner acceptable to the District as provided on the bill and/or the District's website.

## **4.07 Delinquent Bills**

### **4.07.1 Delinquent Date**

Payments shall be considered delinquent at the close of business on the 20<sup>th</sup> day of the month.

### **4.07.2 Penalties**

Should any bill not be paid in full before becoming delinquent, a one-time penalty charge of ten and one-half percent (10.5%) shall be added. The penalty charge will continue to be added to any new balances that become delinquent until all delinquent charges, fees, penalties and interest are paid in full. Current charges due and payable will not be accepted without payment of all delinquent charges, fees, penalties and interest..

Failure to pay delinquent bills will result in the District placing a flow restriction device on the customer's water service connection, as described below.

### **4.07.3 Delinquent Notices**

Delinquent notices shall be delivered as follows:

1. First Notice (15-day): Prior to any service flow restriction for non-payment, the District shall mail a written notice to the customer stating that the bill is delinquent and that water service flow will be restricted fifteen (15) days after the date of the notice. The notice shall provide contact information for the District, the past due amount, and any opportunities to request alternative payment plans through the latest revision of the District's alternative payment plan policy.
2. Second Notice (48-hour): A second notice shall be delivered to the customer, either in person or by mail, forty-eight (48) hours prior to a flow restriction device being placed on the customer's service for non-payment. The notice shall be considered delivered if hung on the door or entry way to the building receiving water service. A separate fee will be charged to the customer for delivery of the second notice.
3. Tenants and Owners: If the property owner and tenant have entered into agreements with the District to have the account in the tenant's name, the first delinquent notice shall be sent to both the tenant and the property owner.

### **4.07.4 Disputed Bills**

Delinquency notices shall inform the customer that any disputed portion of the billing may be reviewed with the General Manager or Finance Director within thirty (30) days of the date of the Notice. The customer shall send a written statement supporting the basis for dispute to the District office, attention of the General Manager. Billing adjustments may be considered based on a history of no greater than 6 months from the date of most recent billing period.

### **4.07.5 Payment to Avoid Flow Restriction or Shutoff**

To avoid service flow restriction and or shutoff for non-payment, even if the customer has disputed the bill, the customer must provide full payment of the past due amount of the bill prior to the date of flow restriction or shutoff provided in the delinquent notices. Customers may also contact the District to request an alternate payment plan per the District's latest adopted alternative payment plan policy.

#### **4.07.6 Flow Restriction or Shutoff for Non-Payment**

If customers fail to pay the past due balance by the date provided in the delinquent notices, the District will restrict flow through or shutoff the customer's service connection due to non-payment. Flow restriction or shutoff shall be subject to the following:

1. Flow Restriction: Flow restriction devices installed on a customer's service line will significantly restrict flow through the customer's water service connection. The restricted water flow is considered sufficient to provide for basic drinking, cooking and sanitation needs, although such water may be supplied at an inconvenience to the customer due to the reduced flow rate and pressure.
2. Shutoff: At its option, the District may choose to shutoff water services for non-payment. Should the District opt to shutoff services for non-payment, it must adopt and implement a separate shutoff policy that fully complies with the requirements of California law.
3. Restriction/Restoration of Flow: Water service will only be restricted and/or restored from restriction between 8:00 a.m. and 3:00 p.m. on business days (excludes weekends and holidays). After full payment of past due bill balances and fees, the customer may request that water service be restored after hours or on a weekend or holiday. If, at the discretion of the District, an operator is available to make such restoration, the customer may opt to pay a fee to have water service restored.
4. Continued Billing: Customers will continue to be billed normal wastewater service charges even if their water service connection is restricted or shutoff.

#### **4.08 Alternative Payment Plans, Fee Waivers and Account Credits**

The District Board shall adopt, and update as it deems necessary, a policy to provide for alternative payment plans to provide alternatives that help customers avoid service flow restrictions and/or disconnections. The policy shall also provide conditions for waiver of fees and account credits.

#### **4.09 Unpaid Accounts – Property Lien**

All unpaid wastewater service accounts may become a lien against the real property to which the service is rendered when the General Manager or the Finance Officer has determined that the recovery of the amount due may be uncertain, then the General Manager or the Finance Officer shall cause to be filed with the County Recorder a Certificate of Lien, setting forth the amount of the delinquent charges, including any interest and penalties therein, the name and address of the property owner.

#### **4.10 Unpaid Accounts – County Tax Roll**

The amount of any charges for wastewater service that are delinquent and unpaid for sixty (60) days or more on or before July 1<sup>st</sup> of each year, shall be added to and become a part of the annual taxes upon such property, and shall constitute a lien on that property as of the same time and in the same manner as general taxes upon such property. The Finance Officer shall furnish to the County Board of Supervisors and the County Auditor a statement of such delinquent and unpaid charges on or before August 10<sup>th</sup> of that year and shall provide all other notifications required by law.

#### **4.11 Collection by Legal Action**

The General Manager is authorized and directed to institute and prosecute, in the name of the District, appropriate legal action for the collection of the delinquent wastewater charges and fees.

## **SECTION 5 - SERVICE CONNECTIONS**

### **5.01 Application for Service**

Application for wastewater service shall be made in writing on forms provided by the District, and signed by the legal owner of the subject property. Applications shall be supported by plot maps, assessor's parcel number, description of proposed construction, construction type, number of dwelling units, date the service is to begin, the name and billing address of the owner, and where deemed necessary by the District the domestic water requirements in gallons per day.

### **5.02 New Service Conditions**

The following requirements must be met to obtain a service connection:

1. The property to be served must be within the geographical boundaries of the Twain Harte Community Services District, and within or adjacent to an area being served or servable by the District.
2. The property to be served and the proposed location of the new service must be located adjacent to an existing District sewer main.
3. The District's Wastewater System must possess adequate capacity to collect, pump and treat wastewater discharged from the property, as determined solely by the District. Should the determination reveal that the District's existing facilities are inadequate to serve a new connection, the new service or services shall not be allowed to connect into the system unless and until the applicant provides such adequate extension and improvements and/or pays capacity charges as required by the District. The location, capacity and design of such extensions and improvements shall be determined solely and conclusively by the District.
4. Use of the service must not significantly impair service to existing District customers.
5. The Property Owner must pay all connection and capacity fees and any other applicable charges and fees. In areas where the District also provides water service, the Property Owner must apply and pay connection fees for both treated water and sewer service simultaneously. Service connections will not be installed prior to payment of said fees.

### **5.03 Guarantee of Applicant**

The submission of an application shall constitute the Property Owner's agreement to comply with all the Regulations in this Code and other ordinances, policies and regulations relating to water service, including, but not limited to, the timely required payment for water service.

### **5.04 Quotes for Service**

The District will respond to requests for general information on fee schedules within an area serviced by the District's Wastewater System free of charge. The District will also provide quotes for new service capacity and connection fees for connection of specific properties that can be readily served by the District's Wastewater System. To receive a property-specific quote, applicants must complete an application for service to determine specific use and service needs. Quotes for service are subject to the following:

1. The District will guarantee quotes for 60 days for new services, where the applicant is the property owner as of the date of the quote.
2. Provision of a quote does not include a guarantee of service.

3. Material differences between an application and the subsequent intended use of District services, as determined by the General Manager, may render the quote invalid.
4. Quotes will not be provided for properties that require an extension of facilities.

## **5.05 Service Connection Requirements**

The following requirements must be met for all service connections:

1. Separate Services per Parcel. A service connection shall not serve more than one parcel. However, the property owner may apply for as many separate services for the same parcel as he/she may reasonably require. The District's General Manager may, at his/her sole discretion, require separate services for each separate dwelling unit or commercial building located on the same parcel. Each service will be subject to normal service charges and fees.

The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership, to be served by one service connection. A service connection shall not be used to serve adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley, unless approved by the District General Manager.

2. Division of Presently Serviced Parcels. When a parcel which is presently serviced by the District is divided into two or more parcels, the existing service connection shall be considered as belonging to the parcel which it directly enters. Prior to provision of wastewater service to the new parcel(s), the new parcel(s) shall require installation of a new service connection and payment of appropriate capacity and connection fees.
3. District-Approved Cleanout. The customer shall, at his/her own expense, install, maintain, repair and replace a District-approved sewer cleanout at the property line adjacent to a public right-of-way. The cleanout must, in the opinion of the District, be easily accessible to District staff.
4. Backflow Prevention Devices. The customer shall, at his/her own expense, install, operate, maintain, repair and replace a District-approved backflow prevention device to protect the customer's building sewer from being impacted by back up of wastewater from the public sewer. Such backflow prevention device shall be installed on the property of the user and become part of the user's private sewer lateral. Protection of property from damage caused by wastewater backup from the public sewer is the sole responsibility of the user.

## **5.06 Service Connection Size, Location, and Installation**

The District will furnish and install a service lateral of such size and location as it approves. The service will typically be installed from its public sewer main to the curb line or property line of the parcel or the edge of District easement. Unless the District, at its discretion, opts to install service connections, the customer will be responsible to obtaining a qualified contractor to install his/her service connection. All such installation work will require District inspection and acceptance.

## **5.07 Customer Disconnection of Service Prohibited**

Once a service line is extended to a parcel, the customer may not disconnect the service under any circumstances and the property owner shall be responsible for all related monthly charges and fees. No refunds of connection or capacity fees shall be allowed. Capacity shall not be allowed to be transferred amongst parcels except through the conditions of approval contained in a development agreement for a subdivision which development agreement is issued by the District.

### **5.07.1 Exceptions for Certain Projects**

At the sole discretion of the General Manager, an exception may be granted for existing service lines not utilized by a development, redevelopment or demolition project. Customers must request such disconnection in writing along with copies of any applicable permits issued by local agencies prior to consideration by the District. In cases where the project does not require a permit, such as in certain demolition projects, a site inspection by the District shall be required. An approved disconnection requires customers to remove, at their expense, the unneeded service line(s) at the main or another location determined by the District Engineer. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon final approval by the District. Once disconnected, if service is desired at the property in the future, owner shall submit a new service application along with payment of the current connection and/or capacity fees applicable at time of application.

### **5.07.2 Exceptions for Abandoned Connections**

At the sole discretion of the General Manager an exception may be granted under this section for existing service lines where it can be determined, to the District's satisfaction, that service has not been utilized for a period of ten years or more and there is no structure on the property. Customers must request disconnection in writing with documentation demonstrating the property has not been occupied for at least ten years. A site inspection by the District may be required. An approved disconnection requires customers to remove, at their expense, the unneeded service line(s) at the main or another location determined by the District Engineer. All capacity, including capacity previously provided by Developers, associated with a disconnected service line shall be permanently forfeited upon disconnection and monthly service charges shall cease upon approval by the District. Once disconnected, if service is desired at the property in the future, owner shall submit a new service application along with payment of the current connection and/or capacity fees applicable at time of application. This exception shall not apply to commercial properties and will be evaluated on a case-by-case basis for residential properties located within a subdivision where water mains were previously constructed to serve the parcel in question.

## **5.08 Disconnection of Service by District**

The District reserves the right to disconnect any connection to its wastewater collection system, to discontinue wastewater service, and/or to shutoff the customer's water service for any of the following reasons, without notice unless otherwise indicated.

1. The customer fails to comply with any of the regulations in this Wastewater Code, after notice by mail or in person;
2. The service is being furnished without proper authorization or application;
3. There is evidence of unauthorized tampering or interference with the District's facilities;
4. The District or a State or County Public Health Officer finds that there exists a known or potential hazard to the health or safety of the customer or any other person, hazards resulting from discharges from the customer's private sewer facilities;
5. The customer discharges wastewater that causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this Wastewater Code.

## **5.09 Unauthorized Service Connections**

No person shall cause a service connection to be made without prior authorization of the District, and every person who does so shall be guilty of a misdemeanor. Such person may be required to pay a penalty for the unauthorized service connection equal to twice the estimated user's charges in effect during the period of time such unauthorized service connection was made and

used and twice the Connection Fee in effect at the time connection is authorized. Such unauthorized connections may be disconnected by District at such person's expense, until such service connection is authorized and the penalties and other charges or fees are paid. The payment penalties as provided herein may be reduced to 25% of the user charges and then-applicable Connection Fee provided such person makes application and pays all charges and fees within ten (10) working days of written notification that such service connection is unauthorized and provided that the connection is not in violation of any other provisions contained herein or as provided by law.

## **5.10 Forced Connections by District**

If it appears that the use of a septic system tank, cesspool or other local means of sewage disposal is contaminating any surface or underground water, or creating a public health hazard or is a public nuisance within the District, the General Manager shall report that fact and the evidence in support thereof to the Board. The Board may thereupon give written notice to the owner and occupants of such dwelling unit that the Board will, not less than ten (10) days after the giving of such notice, determine whether such condition has occurred or is occurring. Notice shall be given by mailing to the address of the owner as shown on the County Assessment roll, and to the occupants by mailing to the address of the premises, or by hand delivery to an adult person residing on the premises, or by posting at the entry or other conspicuous place on the premises. Any person interested may appear at said hearing and be heard on the matter. If the Board finds, at the conclusion of said hearing that such condition is occurring or that it has occurred, the Board may order the owner of said premises to connect such dwelling unit, together with all toilets, sinks and other plumbing therein, properly vented, and in a sanitary manner, to the District's wastewater system, within a time to be specified by the Board. Upon the failure to do so, the Board shall order that said work be done, at a reasonable cost, by the District's own forces or by another person contracting with the District therefore. The District shall thereupon have a lien upon said property for all applicable connection fees or charges, and the District, or such other person doing such work at the District's request, shall thereupon have a lien upon said property for the work done and materials furnished, and such work and materials furnished shall be held to have been done and furnished at the insistence of the owner, and any persons claiming or having any interest in said real estate.

### **5.10.1 Authorization**

It is the intent of this Chapter that the Board shall have all of the powers and authority conferred upon District by Section 31103 of the Water Code (declaring the use of septic tanks to be a public nuisance), and under section 5463 and 5464 of the Health and Safety Code (relating to procedures upon refusal or failure to connect dwellings with sewers), but nothing herein shall preclude the District to utilize any other power or authority for violations or enforcement. "Owner" as used in this Chapter shall also mean and include reputed owner.

### **5.10.2 Forced Connection Costs on County Tax Rolls**

Alternatively to the enforcement of the lien to pay for forced connection costs, the Board may declare that the amount of the costs of such work and the administrative expenses incurred by the Board, together with connection charges and other applicable charges, be transmitted to the County Assessor and Tax Collector, whereupon it shall be the duty of such officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

### **5.10.3 Enforcement of Lien**

The liens provided for herein shall be enforced in the same manner as those provided for in (commencing with Section 8000), Part 6 of the Civil Code.

## **SECTION 6 - EXTENSION OR IMPROVEMENT OF FACILITIES**

### **6.01 Required Extension or Improvement of Facilities**

When water is requested for property within the District which does not abut an adequate public sewer collection facility, an extension or improvement of the District's system shall be required. Such facilities may include, but not limited to, collection pipes, manholes, backflow prevention devices, pump stations and cleanouts.

### **6.02 Extension or Improvement Application**

An extension or improvement of facilities shall be initiated by completing an application and depositing an application fee with the District, as described herein. The application must be signed by the property owner. The application shall become null and void:

1. Three (3) months after the date of the application unless an extension has been granted or improvement of facilities agreement has been signed by the Board of Directors and the developer.
2. Eighteen (18) months after the date of the executed agreement unless construction has been completed, and accepted by District. A maximum twelve (12) month extension of time may be granted upon request of the developer and approved in writing by the General Manager.

### **6.03 Project Approval**

Extension or improvement of facilities applications shall be reviewed by the District Engineer or District Engineer's designate. If further information is required, the developer's Engineer, at the developer's expense, will prepare the additional information needed. The property owner shall sign the extension or improvement of facilities agreement which incorporates the requirements of the District. The agreement will not be effective unless approved by the District's Board of Directors. No work shall commence until the agreement has been signed by all parties.

### **6.04 Environmental Review Charge**

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

### **6.05 Design, Installation and Ownership of Facility Extensions**

The character and design of the extension or improvement of facilities required to serve any parcel of land shall be determined solely by the District. The developer shall have the facilities designed by a qualified registered civil engineer. All costs associated with facilities design and installation shall be borne by the developer. Design of the facilities shall be in accordance with good engineering practice and not less than the District's Minimum Design Standards. Improvement plans shall be approved by the District Engineer. The facilities shall be installed in accordance with the approved plans and specifications and the District's Standard Plans and Specifications as they exist at the time of approval.

Unless installed by the District, the developer shall have the facilities installed by an experienced, licensed contractor approved by the District. District reserves the right to waive this requirement at its discretion.



All construction materials such as pipe, valves, fittings, concrete, sand, asphalt, etc., shall be supplied in accordance with Standard District Specifications. The District reserves the right to construct, with its own personnel or by contract, taps on existing mains, extensions involving complicated connection to, or interference with the District's existing facilities or other unusual facilities. The developer may be required to furnish an irrevocable letter of credit, bond or other acceptable surety to insure payment for construction of any facilities for which the District assumes responsibility. Upon completion, inspection and acceptance by the District, the facilities shall be owned and operated by the District as part of its water system.

#### **6.06 Sizing of Facilities**

Pipeline sizing shall be in accordance with the following:

1. The normal minimum public sewer pipeline size shall be six (6) inches (except as provided below).
2. The District Engineer or his designate may require larger or allow smaller pipeline size, if in his opinion, a larger size is needed or a smaller pipeline size would be appropriate.
3. For applications involving proposed developments that will have ten (10) or more new connections at build-out, the applicant shall pay the District to model the flows from the project to a point of the District's determining.

#### **6.07 Location of Facilities**

The extension or improvement of facilities shall be located only on land owned by the District in fee, in streets with an acceptable encroachment permit, existing public utilities easements, or in an easement granted to the District. The location is subject to the District's approval of alignment, accessibility and safety of the facilities. The developer shall convey or grant to the District without cost such land and/or easements the District determines necessary for the facilities. The District may also require an easement for future extensions. Land shall be conveyed to the District, free and clear of liens or encumbrances except encumbrances of record that are acceptable to the District. Easements shall be granted in a form satisfactory to the District. The pipeline shall abut all parcels served. An easement shall be granted to District along the entire length of the developer's parcel except in cul-de-sacs, dead-end roadways or other situations where the District determines that the pipeline may terminate and remote service be provided.

#### **6.08 Land Right Schedule**

The developer shall provide all land, easements and rights-of-way to the District prior to District acceptance of facilities.

#### **6.09 Payment of Costs**

The developer shall pay the District's actual costs including, but not limited to: Engineering analysis, designs, plan review or preparation of environmental impact documents, hearings, review or preparation of improvement plan, construction inspection, as-built drawings, project management and usual overhead expenses allocated to such work. The developer shall deposit District's estimate of engineering review, inspection, and project administrative costs prior to performance of any work by the District. Upon completion of the work, if the amount deposited with the District is less than actual costs, the difference shall be paid to the District prior to the commencement of service. Any amount deposited in excess of actual cost will be refunded.

## **6.10 Inspection and Notice of Completion**

The District shall inspect the construction of all facilities to be owned and operated by the District. The District will not accept or provide service through a facility which has not been inspected, is satisfactory to and is accepted by the District Engineer.

## **6.11 Acceptance of Facilities**

Upon completion of the construction, final inspection and approval by the District Engineer, submission of as-built drawings acceptable to the District and payment of any outstanding monies due, the project shall be accepted by the District. The District shall then issue proof of service to the County Building Department. The facilities shall be owned, operated and maintained by the District except as otherwise specified in an agreement.

## **6.12 Warranty Responsibilities**

For a period of two (2) years from the date of acceptance by the District, the property owner shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, due to negligence in the manufacture and/or installation of the facilities and not due to improper operation of the system by the District or its agents, acts of a third party or acts of God. Failure by the property owner to pay for any of the repairs described above after being billed by the District may result in a discontinuance of service.

The developer, or the developer's representative, shall submit a two (2) year warranty surety bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an amount established by contract with the District.

## **6.13 Documentation of Project Costs**

The developer shall provide the District with copies of all invoices for materials, equipment, labor and District costs for construction of the portion of the project that is to be deeded to the District. Those invoices shall be marked "PAID" and signed by the developer or his authorized agent, or at Districts' option an estimate may be prepared at the developer's expense either by the District or by a registered professional engineer establishing the best possible value of the project for accounting, warranty and other purposes.

## **6.14 Costs Reimbursed by the District**

Reimbursement of documented project costs to a developer for extension or improvement of permanent facilities, when other users later benefit from such facilities, shall be subject to a reimbursement agreement. It shall be the intent of this regulation to provide a fair and equitable return to the original developer provided others within an area designated by the District make use of the extended or improved facilities within a ten year period following completion of construction. The District will collect and disburse funds for repayment of verified project costs under the conditions set forth below.

1. The District shall be under no obligation to make any reimbursement payment whatsoever, except as outlined in this section. All questions as to the meaning of any portion of this section shall be as interpreted by the District.
2. Reimbursable facilities must be constructed in accordance with District's standard specifications from plans submitted and approved prior to construction, inspected by the District during and after construction and the costs must be documented to District's satisfaction.
3. Any applicant within an Area of Benefit designated by the District who requires service

through facilities or improvements constructed by others pursuant to a reimbursement agreement and who did not contribute to the cost of construction or required in-lieu fees, shall pay a pro rata reimbursement fee prior to service being supplied, including an Administrative Fee of 3% or \$250, whichever is greater. An area of benefit which identifies parcels having access to the constructed facility or improvement shall be determined by District's Engineer and a map of the area shall be attached as Exhibit A to the reimbursement agreement. In no case shall reimbursement exceed the documented cost of construction less the proportionate share of the project utilized by the original developer. Reimbursement payments required of future applicants for service within the area of benefit shall be based solely upon parcel area according to the following formula:

$$\begin{array}{rcl} \text{Developer's} & \text{Verified Construction} & \text{Area of} \\ \text{Payment} & \text{Cost (dollars)} & \text{Applicant's} \\ \text{Obligation} & = \frac{\text{Total Area of Benefit}}{\text{(acres)}} & \text{Parcel} \\ \text{(dollars)} & & \text{(acres)} \end{array} \quad \times$$

Where extensions are constructed in subdivisions, reimbursement amounts may be based on the number of lots within the area of benefit instead of acreage.

4. On an annual date specified in the reimbursement agreement, the District will disburse collected reimbursement funds to the developer without interest. Developer shall keep the District informed of any change of mailing address. If the developer is an entity of more than one individual, District shall disburse funds to a designated escrow account and shall have no responsibility or liability for the further distribution of such funds.
5. The developer's rights to reimbursement funds shall not be transferable or assignable without the express written consent of the District Board of Directors.
6. Any expense for collection, enforcement, disbursement, litigation or any other reason connected with administration of a reimbursement agreement which exceeds the administration fee cited in paragraph four (4) above, may be deducted from reimbursement funds collected by the District before disbursement of the remainder of such funds to the developer.
7. The District will not administer reimbursement from the developer's own existing or proposed parcels or from parcels to be acquired by the Developer.
8. Parcel owners within the area of benefit will not be required to connect to the developer's extension if an alternate route is preferable in the sole opinion of the District.

## **SECTION 7 - WASTEWATER DISCHARGE PERMITS FOR CRITICAL USERS**

### **7.01 Mandatory Discharge Permits**

All critical users proposing to connect or to discharge into the District's sewer system must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer. All existing critical users connected to or discharging into a community sewer must obtain a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance.

Any applicant for sewer service may be required to obtain a wastewater discharge permit if contemplated discharge is found by the General Manager to have significant impact, either singly or in combination with other contributing discharges, on the treatment or collection system.

### **7.02 Permit Application**

Users seeking a Wastewater Discharge Permit shall complete and file with the General Manager, an application in the form prescribed by the General Manager, accompanied by the applicable fees, and signed by the applicant. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name, address and SIC number of applicant;
2. Volume of Wastewater to discharge;
3. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2.08 as determined by a laboratory approved by the District.
4. Time and duration of discharge;
5. Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
7. Description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged.
8. Each product produced by type, amount, and rate of production;
9. Hours of work;
10. Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.

The General Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the General Manager may issue a Wastewater Discharge Permit, subject to terms and conditions provided herein.

### **7.03 Duration of Permits**

Permits may be issued for a specified time period. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the District thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, if any limitations or requirements as identified in Section 2.08 are modified, changed or made more stringent. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### **7.04 Transfer of a Permit**

Wastewater Discharge Permits may be issued for a specific operation on a specific premise. Such wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, or a new user without the expressed written consent of the District Engineer.

#### **7.05 Changes in Operation or Discharge**

A user to whom a permit has been issued shall promptly report in writing to the General Manager any changes in his operations, or wastewater constituents or characteristics, that are significantly different from that provided in his permit application.

#### **7.06 Revocation of Permit**

Any user who violates this Ordinance or applicable State and Federal regulations, or any of the following, is subject to having his permit revoked:

1. Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Any of conditions of the permit.

#### **7.07 Permit for Temporary Service**

Temporary wastewater discharge permits shall be limited to one year or less, and thereafter renewable at the discretion of the District General Manager. Service charges shall be determined at rates established by this ordinance.

## **SECTION 8 - PRIVATE SEWER LATERALS AND FACILITIES**

### **8.01 Inflow and Infiltration from Private Sewer Facilities**

The District's sanitary sewer system has a recurring problem of receiving excessive inflows during the wet seasons. As a result of infiltration and inflows into broken, cracked, and poorly maintained private sewer facilities, including private sewer laterals, flows occasionally overload the conveyance and treatment capacity of the District's Regional Sewer System. In addition, plugging and blockage of private sanitary sewer pipelines caused by root intrusions, grease accumulation, offset joints, flat spots or bellies, can result in overflows, difficulties in operation, contamination of surface waters, and nuisances and endangerment to the public health, safety, and welfare. Therefore, it is hereby found and determined that the District must adopt an aggressive policy of inspection of such private sewer facilities that discharge wastewater into the District's sanitary sewer system and to require property owners to repair or replace such facilities when such conditions are found to occur.

### **8.02 Owner Responsibility to Maintain and Repair Private Sewer Facilities**

The owner of a property served by the District's sanitary sewer system shall at all times maintain, at the owner's cost and expense, the private sanitary sewer facilities serving the property in a good condition and repair so that the owner's private sewer facilities do not allow the infiltration, inflow or discharge of stormwater, rainwater, groundwater, subsurface or street drainage into the District's sanitary sewer system. The owner shall be responsible for the operation, maintenance, and repair of such private sanitary sewer facilities, including pipelines and all devices or safeguards required by this section which are part of such private sanitary sewer facilities serving the owner's property (collectively, "private sewer facilities"). The owner's operation, maintenance, and repair responsibility is from the building to the connection at the District's sewer main, or to the cleanout at the property line on the sewer lateral when a District-approved cleanout has been installed and is accessible to the District's satisfaction.

The owner's responsibility shall extend to and include the private sanitary sewer pipelines, manholes, equipment, pump stations, and related appurtenances serving the owner's parcel. The District shall not be responsible for any loss or damage caused by improper or defective installation of such private sanitary sewer facilities, whether inspected and/or approved by the District. All such installations of private sanitary sewer facilities shall conform to all federal, state, county, city, District and local laws, rules, regulations and ordinances.

### **8.03 Remedy of Poorly Maintained Private Sewer Facilities**

All private sewer facilities found in need of repair as a result of testing procedures required by this chapter shall be repaired, upgraded and/or installed to the standards set forth in the District Standards at the owner's expense. If the repairs are not made promptly pursuant to notice being given and to the satisfaction of the District, the District may take any of the enforcement actions described in this Ordinance, including the termination of service to the premises. The District may also at its option cause the improvements or repairs to be made by the District at the owner's cost and to collect the same as a delinquent account by any of the procedures described in this Ordinance, including the establishment of a lien against the property.

#### **8.03.1 Property Owner Notification**

Any of the following shall constitute the giving of notice by the District under this section:

1. Notice to both the owner and to any tenant, either by notice in person, by telephone, or by hand delivery of a notice , or;
2. Posting such notice in a conspicuous place on the premises and the expiration of 48

hours after posting, plus the mailing of notice by first class mail with postage prepaid in the U.S. mail to the owner and any such tenant and the expiration of 72 hours after such mailing.

### **8.03.2 Notification of Other Authorities**

The District may also notify the county building inspector, county health inspector, health officer, or other affected county office of any apparent violation of a county ordinance or state law related to sanitary sewers, or any contamination, pollution as nuisance relating thereto.

### **8.03.3 Repairs Performed by District**

The General Manager is authorized, at his/her discretion, upon the request of any owner or tenant in writing to provide emergency repairs to any broken, plugged or inoperative private sewer lateral when assurance is given for the District to be reimbursed for the costs thereof. If the costs are not paid to the District pursuant to such assurances or within 30 days after such billing, the District may utilize any remedies for the collection thereof that are available for collection of unpaid sewer charges, including but not limited to shutting off the water supply to the premises and by establishing a lien against the property.

## **8.04 District Private Sewer Facilities Testing Program**

### **8.04.1 Intent**

It is the intent of the District to test and as necessary, video inspect the private sewer laterals, pipelines, and connections of customers served by the District's sewer system on a rotating basis, at a frequency determined by the District, or when one of the events described in this section occurs, for the purposes of reducing sanitary sewer overflows and eliminating inflow and infiltration into the District's sewer system. Video inspection may be used to identify defects in the private sanitary sewer facilities including, but not limited to unacceptable construction materials, leaks, breaks, plugs, blockages, root intrusion, grease accumulation, offset joints, flat spots or bellies.

Owner, user or occupant of a house, building, or property connected to the District's sanitary sewer system shall maintain private sanitary sewer facilities in a condition such that the tests and inspections described below can be successfully accomplished.

### **8.04.2 Scope of Testing**

Testing will apply to all private sanitary sewer facilities and pressurized (septic effluent) lateral sewers, including those serving or intended to serve residential, multiple residential, commercial, and industrial users connected to the District's sanitary sewer system.

### **8.04.3 Special Events Requiring Testing**

Testing be conducted at the owner's expense when any of the following occur:

1. New construction of a service connection;
2. Remodeling of the house, building, or property served to an extent of more than 25 percent of the square footage before improvements;
3. Repair or replacement of all or part of the private sanitary sewer facilities, including sewer lateral(s), or private lift station components;
4. Installation of an additional sewer lateral pipeline;

5. Change of use of the house, building, or property serviced from residential to business or commercial, or from non-restaurant commercial to restaurant commercial;
6. Addition of living quarters, such as accessory dwelling on the property served, or conversion of garages into living quarters with plumbing fixtures, or addition of structures on the parcel that may, in the opinion of the District, impact an existing sewer lateral or increase fixture units;
7. When an inspection by the District indicates reasonable cause; or
8. Upon determination of the District that testing or sanitary sewer facility replacement is required for the protection of the public health, safety, and welfare.

## **8.05 District Private Sewer Facilities Testing Procedures**

### **8.05.1 General**

The owner of a house, building, or property connected to the District's sanitary sewer system shall conduct all private sanitary sewer facility upgrades and testing required pursuant to Section 9.02 at the owner's sole expense and shall notify the District 48 hours prior to testing. Testing and repair or replacement shall be conducted by a contractor determined qualified by the District. All testing shall be witnessed by a District Inspector and carried out in accordance with one of the methods described in subsection D below.

### **8.05.2 Testing**

All sewer laterals and privately owned sewer pipelines shall be tested by either an air or water method, at the discretion of the District. In the case of sewer laterals, the test section shall be from the building cleanout to the property line cleanout. The test section shall include all private pipelines, including joint laterals, which provide sanitary sewer service to the parcel in question. Privately owned sewer pipelines shall be tested their full length. No allowances shall be made for length, age or material.

### **8.05.3 Requirement for Cleanouts on Laterals**

If a cleanout has not been installed at the easement/property line, a cleanout per District standards shall be installed prior to testing. If there is no cleanout located outside the building foundation (within two (2) feet of the foundation wall), then a cleanout per District standards shall be installed. A backflow prevention device shall be installed, per District standards, on at least one cleanout. If the building lateral exits the foundation under an existing deck or concrete patio, the location of the building cleanout near the foundation may be modified on a case-by-case basis as determined by the District. The owner shall be responsible for such installation.

### **8.05.4 Initial Testing Timelines**

Initial testing shall be completed by the owner in a timely manner as follows:

1. Within thirty (30) days of written notification from the District of a defective sewer discovered by video inspection, service call, or maintenance records; or
2. Immediately if it is determined by the District that testing and repair are necessary to protect public health and the integrity of the sanitary sewer system.
3. Time extensions may be granted on a case-by-case basis by the District Engineer.

Once the private sanitary sewer facilities have passed the required tests, the District Inspector shall notify the District office of its acceptance and written notice shall be provided to the property owner, city or county, as applicable.



### **8.05.5 Air Testing Procedures**

Air test, consisting of plugging each end of the pipeline and applying a pressure of 3.5 pounds per square inch to the section being tested. The pipeline shall be allowed a loss in pressure of up to ½ pound per square inch in five (5) minutes. If the loss exceeds ½ pound per square inch, the test may be attempted one additional time. A second loss of pressure over ½ pound per square inch constitutes a failure of the pipeline, whereupon the pipeline shall be replaced or repaired, as needed, and retested in accordance with this section.

### **8.05.6 Water Testing Procedures**

Water test, consisting of plugging the downstream end of a pipeline, and placing a vertical water column of at least seven (7) feet above the bottom of the pipe at the building cleanout. If a seven (7) foot high water column cannot be created or the water column height at the property line cleanout exceeds twelve (12) feet, the air test method must be used.

The pipeline shall be allowed a maximum loss of water level of 1 inch in 5 minutes for a 4-inch or 6-inch pipeline per ninety (90) feet in length. If the loss exceeds the allowable, the pipeline may be retested one additional time. A second loss exceeding the allowable constitutes a failure of the pipeline, whereupon the pipeline shall be repaired or replaced, as needed, and re-tested in accordance with this section.

## **8.06 Failed Tests**

In the event of a failed test, the Owner or the Owner's Contractor must do one of the following:

1. Repair or replace the sewer lateral. Repairs or replacement of 50 percent or more of a sanitary sewer pipeline may be cause for total pipeline replacement as determined by the District. In the case of total pipeline replacement, the pipeline shall be installed in accordance with the District standards; or
2. Arrange for a video inspection of the sewer lateral extending from the house to the property line cleanout in order to ascertain the location needing repair. A copy of the video inspection shall be furnished to the District for review. Following completion of a video inspection, the property owner may opt, with approval from the District Engineer, to undertake one of the following:
  - a. Dig and replace the entire sewer lateral from the building cleanout to the property line cleanout; or
  - b. Dig and spot repair deficient sections of the lateral as identified in the video inspection. The method of repair must be approved by the District Engineer; or
  - c. Arrange for trenchless rehabilitation of the entire sewer lateral from the building cleanout to the property line cleanout. The method of rehabilitation must be approved by the District Engineer.
3. All permits including, but not limited to, encroachment permits, building permits, etc. necessary to complete the repair work will be the property owner's responsibility to obtain and said work shall be in compliance with the conditions of such permits.

## **8.07 Time Limits for Completion of Repairs and Retesting**

If a private sewer facility fails any of the above described tests, including defects discovered during video inspection, the owner shall cause corrective work and retesting to be performed within thirty (30) days from the date of written notification by the District. All repairs shall be inspected by the District.

Time extensions may be granted on a case-by-case basis from the District Engineer. However, the maximum time extension shall be eight (8) months.

In the event that testing would be required during the period from October 15 to April 15 or during such other periods when such work may be impractical due to weather conditions, the District Engineer or his/her designee may defer such requirement upon posting of a performance bond with and satisfactory to the District guaranteeing completion that is satisfactory to the District. The posting of the performance bond is intended to assure funds are available to conduct the testing, and to repair and/or replace the sanitary sewer facilities in question if needed when weather conditions permit. The amount of the performance bond shall be calculated by the District Engineering staff and based on estimated testing costs, the current local construction costs, the lineal footage of the building lateral, the number of cleanouts and other related appurtenances to be installed as well as the removal and replacement of existing physical obstacles and structures affected by the test.

Once the new or repaired sewer connection and lateral meet District standards and pass required tests, the District Inspector shall notify the District office of its acceptance and written notice shall be provided to the property owner.

In the event that a private sanitary sewer facility has not been successfully tested within the required time period, the District may discontinue sewer service to the property pursuant to this Wastewater Code.

#### **8.08 District Inspection Costs**

The property owner will be responsible to pay a fee for each District inspection required by this section, including observation of air or water tests, re-inspections and District review of video inspections.

#### **8.09 Waiver of Testing Requirements**

The General Manager, or his/her designee, shall have the authority to waive testing requirements if:

1. The private sewer facility was newly installed and tested within a prior twenty (20) year period and there have been no substantial changes to the property including the addition of landscaping, property grading, decks or other improvements which may have damaged the sewer; or
2. The existing private sanitary sewer facility was tested within a prior ten (10) year period and, due to pipe material type and site conditions, there is good reason to believe that such testing is not necessary; or
3. The private sanitary sewer pipeline is of such a length that testing is not practical; or
4. The private sanitary sewer facilities are part of a central private sanitary sewer system and the District has an established written agreement concerning specific testing requirements.

## **SECTION 9 - DISCHARGE VIOLATIONS AND ENFORCEMENT**

### **9.01 Public Nuisance**

Discharges of wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person creating a public nuisance is guilty of a misdemeanor.

### **9.02 Employee Awareness of Discharge Requirements**

In order that the employees of users be informed of the District's requirements, users shall make available to their employees copies of this Wastewater Code and together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

### **9.03 Accidental Discharges**

A user shall notify the District immediately upon accidentally discharging wastes in violation of this ordinance, to enable countermeasures to be taken by the District to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters.

This notification shall be followed within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

### **9.04 Discharges and Obstructions that Damage District Facilities**

When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.

Tree roots originating from trees on private property or within a utility easement that penetrate the pipe and which appear to be a cause of obstruction or infiltration may be severed at the District's discretion. The District shall not be responsible for the corresponding impact to the tree, replacement of the tree, or for compensation to the owner.

### **9.05 Cease and Desist Orders**

When the District finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this ordinance, or the provisions of a Wastewater Discharge Permit, the General Manager may issue an order to cease and desist and direct that those persons violating or not complying with such prohibitions, limits, requirements, or provisions to:

1. Comply forthwith;
2. Comply in accordance with a time schedule set forth by the District; or
3. Take Appropriate remedial or preventive action in the event of a threatened violation.

## **9.06 Time Schedules**

When the District finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the District may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

## **9.07 Injunction**

Whenever a discharge of wastewater is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may file an action in the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharges.

## **9.08 Civil Damages and Penalties**

Any person who violates any provision of this Ordinance or permit condition or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable civilly for all damages incurred, and for a penalty not to exceed \$10,000 for each day in which such violation occurs. The attorney of the District, upon order of the District's Board of Directors, shall file an action in the Superior Court to determine, impose, assess, and recover such sums.

## **9.09 Criminal Penalties**

Any person who intentionally or negligently violates any provision of this Ordinance or permit condition or who discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be guilty of a misdemeanor.

## **9.10 Falsifying of Information**

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is guilty of a misdemeanor.

## **SECTION 10 - MISCELLANEOUS**

### **10.01 Interpretation Authority**

The General Manager is authorized to make interpretations of this Wastewater Code.

### **10.02 Enforcement of this Code**

The General Manager, or his/her designee, are authorized by Government Code sections 53069.4 and 61064 to cite violators of District Ordinances, including all provisions of this Wastewater Code, and they shall perform the aforementioned task in a professional manner without malice or personal bias.

### **10.03 Unlawful Acts**

The District will cause the prosecution of all violations of Sections 498, 624 and 625 of the Penal Code of the State of California and all Ordinances and Codes which make the interference with the orderly supply of water to the District users a crime.

### **10.04 Appeals**

Any person or entity dissatisfied with an imposed condition or decision of the General Manager or other authorized District employee relating to any subject covered by this Water Code, may appeal to the District Board of Directors.

All appeals shall be submitted in writing to the District within 30 days after the party has been made aware of the decision. The written appeal shall clearly state the following:

1. Identity of the appellant and their interest in the decision.
2. The decision or imposed condition being appealed.
3. Specific reasons why the appellant believes the decision or conditions imposed were unjustified or unappropriated.
4. A statement of appellant's goal or desired outcome of proposed Board action regarding the appeal.

### **10.05 Supersedes**

This Water Code shall supersede all prior Ordinances related to the District's wastewater system and sewer services and all said prior Ordinances are superseded by this Wastewater Code.

### **10.06 Severability**

If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of such provisions to other persons or other circumstances shall not be affected.

**SECTION 11 - PUBLICATION, EFFECTIVE DATE AND ADOPTION**

**11.01 Publication**

A summary of this Ordinance shall be prepared.

At least five (5) days prior to the meeting at which this Ordinance is scheduled to be adopted, the District shall:

- 1. Publish the summary; and
- 2. Post a certified copy of this Ordinance in the District Clerk's office.

Within fifteen (15) after the adoption of this Ordinance, the District shall:

- 1. Publish the summary; and
- 2. Post a certified copy of this Ordinance in the District Clerk's office, along with the names of the Board members voting for and against this Ordinance, or otherwise voting.

**11.02 Effective Date**

This ordinance shall become effective thirty (30) days after its adoption.

**11.03 Adoption**

This Ordinance was introduced on September 13, 2023. This Ordinance is hereby adopted as a Twain Harte Community Services District Ordinance at a public hearing held by the District Board of Directors on October 11, 2023, by the following vote:

AYES: mannix, Sipperley, Knudson, Bohlman  
 NOES:         
 ABSTAIN:         
 ABSENT:       

ATTEST: Kimberly Silva  
 Kimberly Silva, District Board Secretary

As District Board President, I approve the foregoing Ordinance this October 11, 2023:

Eileen Mannix  
 Eileen Mannix, District Board President

## EXHIBIT A – DEMAND FLOW BY USER CLASSIFICATION

User Classification	Demand Flow (ESFR Units)
<b>Residential - Single Family</b> Single family residential dwelling unit, fire stations and other primary residence.	<b>1.0 per living unit</b>
<b>Residential - Multi-Family and Accessory</b> Multi-family dwelling units, apartments, accessory dwelling units.	<b>0.85 per living unit</b>
<b>General Commercial</b> Offices, retail stores, service stations, barbers, salons, post offices, banks, chiropractic, recreation and other general commercial uses.	<b>0.7 per commercial unit</b>
<b>Lodging</b> Hotels, motels, bed and breakfast, rooming houses, cottages and other commercial lodging.	<b>0.3 per room</b>
<b>Restaurant - Small</b> Restaurants, cafes, coffee shops, ice cream shops and other food services. Indoor Dining Area < 500 SF or Average 5-year Winter Water Use < 5,000 gallons/month	<b>1.4 per facility</b>
<b>Restaurant - Large</b> All restaurants and other food services exceeding the requirements of the "Restaurant - Small" classification.	<b>3.6 per facility</b>
<b>Medical</b> Doctor offices, veterinarians, dentists and other medical facilities.	<b>2.0 per facility</b>
<b>Super Market</b> Grocery, butcher, produce and other food products.	<b>By Calculation</b>
<b>Laundromat</b>	<b>0.5 per washer</b>
<b>Car Wash</b>	<b>2.4 per stall</b>
<b>Schools</b>	<b>10.1 per campus</b>
<b>Church</b>	<b>1.1 per facility</b>
<b>Public Restrooms</b>	<b>1.3 per facility</b>
<b>Multi-Use</b> Demand flow for wastewater connections serving combinations of the above user classifications. Demand flow will be calculated based on demand flow units for each type of use.	<b>By Calculation</b>

### NOTES

- 1 Demand flow is measured in Equivalent Single Family Residence (ESFR) units.
- 2 Demand flow is determined to be uniform for each user within a given user classification.
- 3 Demand flow is calculated based on the average winter water usage of individual users within each user classification. Winter water usage is used to reasonably estimate actual wastewater discharges by eliminating non-wastewater usage, such as irrigation.
- 4 Demand flows for users who do not specifically fit within a user classification will be determined by the District Manager from the most similar classification or from usage records of a similar establishment.

**EXHIBIT B - AMENDMENTS**