

ORDINANCE NO. 76
BROOKTRAILS UTILITIES CODE

AN ORDINANCE ADOPTING A UTILITIES CODE ESTABLISHING REGULATIONS FOR WATER SERVICE AND THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; FOR THE CONSTRUCTION THEREOF AND THE CONNECTION THERETO; PROVIDING FOR PERMITS AND FIXING FEES AND CHARGES FOR USE THEREOF; PROVIDING FOR ALLOCATION OF WATER AND SEWER SERVICE CAPACITY; PROVIDING FOR THE PROPER STORAGE, THE ORDERLY COLLECTION, THE EFFECTIVE RECYCLING, AND THE SAFE DISPOSAL OF SOLID WASTE; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF; AND REPEALING ORDINANCES 34, 35, 44, 47, 58, 59, AND 73

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT, AS FOLLOWS:

SECTION 1. The Utilities Code of the Brooktrails Community Services District is hereby enacted to read:

****BEGINNING OF ORD 76 CHAPTERS****

CHAPTER I - GENERAL PROVISIONS

ARTICLE 1. GENERAL

1-101. Short Title. This code shall be known and may be cited as "Brooktrails Utilities Code."

1-102. Relief on application. When any person, owner, or customer by reason of special circumstances is of the opinion that any provision of this Code is unjust or inequitable as applied to a specific premises or person, the person, owner or customer may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to the applicant or applicant's premises. Within 30 days of receipt of an application, the Board shall, by resolution, deny the application or suspend or modify the provision complained of as applied to such premises or person, and the application shall be acted upon accordingly.

1-103. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances, any provision of this Code should be suspended or modified as applied to a particular premise or person and may, by resolution, order such suspension or modification for such premises or person.

1-104. Ruling Final. All rulings of the Board shall be final. All rulings of the General Manager shall be final unless appealed in writing to the Board within thirty (30) days of mailing of written notice thereof to the person affected thereby.

1-105. Discontinuance of Service for Violation. In addition to any other penalty or charge provided for or levied upon a customer for the failure of the customer to comply with all or any part of this code, or any related ordinance, resolution, or order fixing rates and charges of this District, water service shall not be supplied to such customer until the customer shall have complied with the rule or regulation, rate or charge violated. In the event that the customer cannot comply with said rule or regulation, water service shall not be supplied until the customer shall have satisfied the General Manager that in the future the customer will comply.

1-106. Misdemeanor Penalty. Any person who shall violate any provision of this code, the violation of which is declared to be a misdemeanor, shall severally for each and every such violation be guilty of a misdemeanor.

1-107. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, the General Manager or authorized representative may enter a building or premises at all reasonable times to inspect the same or to perform any duty imposed by this code.

The General Manager or authorized representative shall first make a reasonable effort at least 24 hours in advance of the proposed entry on the premises to contact by phone or in person the owner or other persons having charge or control of the building or premises and request entry. Thereafter, the General Manager or authorized representative shall first present proper credentials to persons on the premises and request entry. If such entry is refused or the owner or occupant cannot be located, water service may be terminated pursuant to Section 1-105 hereinabove. If after termination of water service, the General Manager believes that conditions exist on the premises which endanger the District water or sewage works, or the quality of groundwater or surface water within or without the District, or the public health or safety, the General Manager shall obtain a proper inspection warrant or other remedy provided by law.

1-108. Interruptions in Service. The District shall not be liable for damage which may result from an interruption in utility service from a cause beyond the control of the District. Temporary shutdowns may be made by the District to make improvements and repairs. If time permits, all customers affected will be notified prior to making such shutdowns. The District will not be liable for utility service interruption, shortage or insufficiency of water supply, sewer blockage or for any loss or damage occasioned thereby if caused by accident, accumulations of solid waste, act of God, fire, strikes, riots, war or any other cause not within its control.

1-109. Tampering with District Property. No person except an officer, employee, or agent of the District shall tamper with, alter, or operate any part or element of the District's water works or sewage works, including, but not limited to, the curb cocks or valves, main cocks, gates or valves, meters or their connections, street mains, pumps, transmission lines, dams, or other parts of the water works, nor the laterals, mains, lift stations, manholes, or other parts of the sewage works. A violation of this section shall be deemed a misdemeanor.

1-110. Unsafe Apparatus. Utility service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

1-111. Fraud or Abuse. Utility service may be discontinued if necessary to protect the District against fraud or abuse.

1-112. Water Theft. Water theft will be found, investigated, prevented and addressed to the fullest extent of the law through administrative review of the District. Administrative enforcement does not prevent the District from seeking separate legal remedy.

- a) Established fines for water theft are codified in Government Code §53069.45(c).
- b) If the water theft is committed via meter tampering, established fines are codified in Government Code §53069.45(b).
- c) If utility service is discontinued under this section, all penalty fees must be paid in full before water service may be returned to normal. (*ORD 163*)

1-113. Water Use Cap Overages. Utility customers who exceed the monthly water use cap are subject to administrative penalty fees after receiving notification of excessive water usage and being provided with administrative remedy, yet continue to exceed the monthly excessive use cap.

- a) The penalty fee is \$1,000 plus the overage use above the excessive use cap at twenty times the then current water rate.

ARTICLE 2. DEFINITIONS

1-201. Words and Phrases. For the purpose of this Code, all words used herein in the present tense shall include the future or the past; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

1-202. Additional Definitions.

a) For the purpose of this Code, unless otherwise defined herein terms shall have the meaning indicated in that certain plumbing code, entitled *Uniform Plumbing Code, 7966 Edition* adopted at the Fifty Seventh Annual Conference, September 1986 of the International Association of Plumbing and Mechanical Officials, copies of which are on file in the office of the District or as established in Section 49500 et seq. of the Public Resources Code of the State of California.

b) When terms are not defined hereinbelow or pursuant to (a) hereinabove, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New*

International Dictionary of the English Language, Unabridged, copyright 1981, shall be considered as providing ordinarily accepted meanings.

1-203. Definitions. As used in this code, the following **terms** shall have the meaning indicated in this section:

1-203.005. **Air-Gap Separation** means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.

1-203.010. **Applicant** shall mean the person making application for a utility service, depending upon the context, and shall be the owner of premises to be served (or the owner's authorized agent) when service is first established or ownership changes.

1-203.015. **Approved Water Supply** means any water supply approved by or under the public health supervision of a public health agency of the State of California, or its political subdivisions. In determining what constitutes an approved water supply, the State Department of Public Health shall have final judgment as to the safety and potability of such water supply.

1-203.020. **Auxiliary Supply** means any water supply on or available to the premises other than the public water supply.

1-203.025. **AWWA Standard** means an official standard developed and approved by the American Water Works Association (AWWA).

1-203.030. **Bill or Water Bill** means the statement of charges for services rendered or water supplied by the District related to its water works, sewage works, or for services related to solid waste collection or disposal, which said charges are currently due or past due pursuant to policy established by the Board and shall include the total of all said charges as a single amount.

1-203.035. **Board or Board of Directors** means the Board of Directors of the District, which shall have such power and authority as granted by the Community Services District Law (Division 3 of the Government Code).

1-203.040. **Building** shall mean any structure used or intended for supporting or sheltering any use or occupancy.

1-203.045. **Building Sewer** shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.

1-203.048. **Collector** shall mean any person, firm, corporation, government agency, or association with whom the District shall have duly contracted to collect, transport through the streets, and dispose of solid wastes produced within the boundaries of the District, including the agents and employees thereof. The term "collector" shall encompass the term "authorized recycling agent" as defined in Section 40105 of the Public Resources Code.

1-203.050. **Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.

1-203.051. **Commercial Use** shall mean the use of District water as an integral part of the manufacturing or production process for any product for sale including agricultural products. (*ORD 134*)

1-203.052. **Construction Service** shall mean water service and facilities rendered for construction work prior to the final inspection by the County of Mendocino and an inspection by the District Architect for conformance to County Ordinance No. 3959. (*ORD 112*)

1-203.053. **Container** shall mean only the types of containers approved by the District for storage of garbage or refuse.

1-203.055. **Contractor** shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under a permit issued

pursuant to this code.

1-203.060. **Cost** means the cost of labor, material, transportation, supervision, engineering, legal and all other necessary overhead expenses.

1-203.065. **County** shall mean the County of Mendocino, California.

1-203.070. **Cross Connection** means any actual or potential physical connection between the piping system from the District service and that of any other source or system of water supply containing water or a substance that is not or cannot pursuant to law be approved as safe, wholesome, and potable for human consumption whereby unapproved water or substances from the unapproved source may be forced or drawn into the District's distribution mains.

1-203.075. **Customer** means the owner of the property receiving utility service, or when application for service is made by a person who is not the owner, any user person in possession of the property receiving utility service who is entitled by virtue of a lease or rental agreement, whether such entitlement is explicit or implied, to act as agent of the owner to obtain service for the premises.

1-203.078. **Discontinuation of Water Service** means the closing of the curb stop valve or other action taken by the District to prevent water from being used at any premises; discontinuation does not mean disconnection.

1-203.080. **Distribution Mains** means water lines in streets, highways, alleys, and easements used for public and private fire protection and for general distribution of water.

1-203.085. **District** means Brooktrails Township Community Services District.

1-203.090. **District Engineer** shall mean an engineer appointed by and acting for the District and shall be a Registered Civil Engineer.

1-203.095. **District Inspector** shall mean the inspector acting for the District.

1-203.100. **Double Check Valve Assembly (DC)** means an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water-tightness of each check valve.

1-203.106. **Excessive Use Cap** shall mean the amount of 9,000 gallons per billing period for any water customer (*ORD 159*), except that a lesser amount will apply in the following circumstances:

(a) During a declared Water Alert Program, a lesser amount if so set by the Board.

(b) During a declared Water Rationing Program, the Excessive Use Cap will be the Standard Allocation set by the Board, or the specific Variance Allocation granted to any particular water customer.

(c) In an emergency or disaster situation, a lesser amount as set and declared by the General Manager in a Disaster Declaration, which amount shall be ratified or modified by the Board at its next meeting.

1-203.107. **Family** means an individual, or two or more persons related by blood or marriage, or group of persons who need not be related by blood or marriage, living together as a single housekeeping unit in a structure designed exclusively for residential occupancy.

1-203.110. **Family Residential Unit** means the place of residence of a family such as a single family dwelling or an apartment in a multiple family apartment and shall mean any group of rooms designed therefore (all exclusive of "accessory uses" as defined by the Mendocino County Zoning Code).

1-203.115. **Garbage** shall mean putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, or consumption of food and from dead animals, and putrescible market and industrial waste.

1-203-117. **Garden clippings** shall mean all plant and vegetable matter cut, trimmed, or pruned from any premises, including garden plants, flowers, shrubbery, lawn, brush, and tree trimmings.

1-203.120. **General Manager** shall mean the person appointed by the Board of Directors as General Manager of the District.

1-203.125. **Hazardous material** shall mean hazardous waste as defined in Section 40141 of the Public Resources Code and all materials which are defined as being hazardous to the public health or safety by federal, state, or county statutes, ordinances, policies, rules, and regulations. Hazardous materials may include those things which are not hazardous except in combination with other materials which may be found in solid waste. Examples include, but are not limited to, any explosives, antifreeze, paint thinner, mineral spirits, paint, asbestos, insecticides, weed killer, household cleaners with lye or ammonia, hot ashes, and medicines and hospital solid waste.

1-203.130. **Health Agency** means the State Water Resources Control Board, Department of Public Health, or the Mendocino County health officer with respect to a small water system.

1-203.131. **Irrigation Use** shall mean the use of District water for irrigating vegetative matter for crops. (*ORD 134*)

1-203.135. **Landfill, dump or transfer station** shall mean the landfill designated for use by District residents to dispose of solid waste produced from or accumulated within the District in any agreement between the District and any other public or private agency, or by and between public agencies other than the District, or as designated by the County of Mendocino.

1-203.140. **Lateral Sewer** shall mean the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

1-203.143. **Local Health Agency** means the County of Mendocino health officer.

1-203.145. **Main Sewer** shall mean a public sewer designed to accommodate more than one lateral sewer which is located in a street, highway, alley, or easement.

1-203.150. **Multiple Dwelling** shall mean a building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families (exclusive of "accessory uses" as defined by the Mendocino County Zoning Code) including, but not limited to the following: hotels, motels, auto courts, trailer courts, apartment houses, duplexes, rooming houses, boarding houses and dormitories.

1-203.155. **Owner** means the holder of legal title as disclosed by public records, or such person exercising the incidents of ownership by legal authority.

1-203.160. **Outside Sewer** shall mean a sanitary sewer beyond the established boundaries of the District not subject to the control or jurisdiction of the District.

1-203.165. **Permit** shall mean any written authorization required pursuant by this code or any other regulation of the District.

1-203.170. **Person** means any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies, and mandatories thereof.

1-203.175. **Premises** means a lot or parcel of real property within the District under one ownership as determined by the latest rolls of the Assessor of the County of Mendocino.

1-203.180. **Private Fire Protection Service** means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor.

1-203.185. **Private Sewer** shall mean a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

1-203.190. **Public Fire Protection Service** means the service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto,

and the water available for fire protection, excepting residential service connections and appurtenances thereto.

1-203.195. **Public Sewer** shall mean a sewer lying within a street and which is controlled by or under the jurisdiction of the District.

1-203.200. **Reclaimed Water** means a wastewater which as a result of treatment is suitable for uses other than potable use.

1-203.203. **Recyclable refuse** shall mean that refuse material designated by the District as salvageable refuse.

1-203.205. **Reduced Pressure Principle Backflow Prevention Device** means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

1-203.208. **Refuse** shall mean non-putrescible solid waste consisting of materials such as paper, cardboard, tin cans, wood, glass, fabrics, bedding, crockery, metal, auto parts, appliances, plastics, ash, garden clippings, and all other similar materials, except and excluding hazardous material.

1-203.210. **Regular Water Service** means metered water service and facilities rendered for normal domestic, commercial, and industrial purposes on a long-term basis, and the water available therefor, but shall not include a **construction service**. (*ORD 112*)

1-203.215. **Sanitary Sewer** shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

1-203.217. **Sanitation System** shall mean the District's sewage works and solid waste collection and disposal program, including collection of solid waste by the Collector.

1-203.220. **Service** or **Service Connection**, when used in the context of a water service, means the pipeline and appurtenant facilities such as the curb stop, water pressure reducer, backflow prevention device, manual shut-off valve, meter and meter box, if any, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service. In context, service may also mean the providing of water from the water works to a premises.

1-203.225. **Sewage** shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

1-203.230. **Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.

1-203.235. **Sewage Works** shall mean all facilities for collecting, transporting or moving, pumping, treating and disposing of sewage controlled by the District.

1-203.240. **Sewer** shall mean a pipe or conduit for carrying sewage.

1-203-242. **Sewer Backflow Prevention Valve** means a plumbing valve adapted to prevent the undesirable backflow of sewer water upwardly through a trap, but which is also designed to provide for the normal downflow into the sewer.

1-203-242. **Sewer Cleanout** means a capped pipe connecting a side sewer with the district sewer system providing access to the side sewer permitting blockages to be effectively repaired.

1-203.245. **Side (Lateral) Sewer** shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

1-203.250. **Single Family Unit** shall mean and refer to the place of residence of a family.

1-203.253. **Solid waste** shall mean garbage and refuse and any mixture thereof, and all other solid waste as defined by Section 40191 of the Public Resources Code.

1-203.255. **Storm Sewer or Storm Drain** shall mean a sewer which carries storm and surface or ground waters and drainage but excludes sewage and polluted industrial wastes.

1-203.260. **Street** shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right of way.

1-203.270. **Uniform Fire Code** shall mean that code adopted by District Ordinance Number 71 as amended.

1-203.275. **User Connection** means the point of connection of a user's piping to the water supplier's facilities.

1-203.280. **Utility** shall mean any or all of the water works, the sewage works, or the solid waste collection and disposal system of the District.

1-203.285. **Utility** service shall mean any or all of the following: (a) the supplying of a premises with water through the water works; (b) the removal of sewage from a premises through the sewage works; (c) the collection of refuse by the District collector.

1-203.290. **Utility Department** means the Board of Directors and the General Manager of the District performing functions relating to the District water and sewage works, together with other employees and other duly authorized representatives of the District.

1-203.293. **Water Service** means "regular water service" or "temporary water service," as determined from the context or situation.

1-203.295. **Water Supplier** means the entity that owns or operates the public water supply system and herein, unless otherwise required by the context of its use, means the District.

1-203.300. **Water User** means any person obtaining water from a public water supply system.

1-203.305. **Water Works** shall mean all facilities for collecting, pumping, treating and distributing water controlled by the District.

1-203.306. **Water Use** shall mean that water shall be limited in use to domestic, commercial, or industrial use including normal yard upkeep only, consistent with designated zoning. Commercial agricultural watering is prohibited. (*ORD 157*)

ARTICLE 3. NOTICES

1-301. Notices to Customers. Notices from the District to a customer will normally be given in writing, and either delivered personally to the premises or by first class mail addressed to the customer at the customer's last known address. Where conditions warrant or in emergencies, the District may resort to notification either by telephone or messenger.

1-302. Notices From Customers. Notice from the customer to the District may be given by the customer or the customer's authorized representative in writing (1) at the District office, (2) to the General Manager of the District, or (3) to an officer or agent duly authorized by the Board to receive notices or complaints. If not hand-delivered it should be by certified mail with return receipt.

ARTICLE 4. CREDIT

1-401. Payment Policy. Each customer is expected to pay a fair share, as determined by the Board, of the cost of providing utility service within the District and to not expect others to support his or her use of the services. No application for service will be accepted from any person who has an outstanding unpaid balance for charges, interest, or penalties.

1-402. Guarantee Deposit. Each applicant for utility service who is applying for re-connection after having been disconnected from water service for nonpayment on two or more occasions during the preceding two years, shall be required to post a cash guarantee deposit as established by the Board of Directors by resolution before service will be rendered or restored.

1-404. Return of Guarantee Deposit. A guarantee deposit shall be returned to the customer within 30 days after service is discontinued and utility service charges are current, or upon the expiration of twelve consecutive months of timely payment of periodic charges by the customer, whichever first occurs. The General Manager is authorized to prescribe a policy for the payment of interest on guarantee deposits, such interest payable only upon the return of the guarantee deposit as herein provided.

1-405.1 Primary Responsibility. The property owner, as determined by the real property tax roll of the county assessor, is liable for payment of utility service provided by the District either directly, through contract or permit, and shall be liable for the rates, charges and fees for that service as established by the District. In situations where someone other than the owner occupies the property receiving the service, the owner of the property shall be primarily liable for payment of services regardless of whether the owner authorizes the monthly bills to be sent to someone other than the owner.

1.405.1.2. It is the responsibility of the owner of the real property to provide the District with the current billing address or tenancy and to notify the District of any changes of address or tenancy.

1.405.1.3. It shall be and is hereby made the duty of each property owner to ascertain from the District the amount and due date of any rates, charges and fees for which the owner is liable. It shall also be and is hereby made the duty of each owner liable for the rates, charges and fees to inform the District immediately of all circumstances and of any change in any circumstances which will in any way affect the applicability or the amount of any rates, charges and fees to premises where utility service is being received.

1.405.1.4. Upon the written direction and consent of the property owner using a form provided by the District, the property owner can direct the bills containing the charges for service be sent to a person other than the property owner, including a tenant of the property, for payment. Regardless of whether the designated person pays the bills, the owner of the property shall remain liable for all charges for service, including delinquent charges and penalties. (*ORD 157*)

1-406. Account Charge. Whenever the customer name or billing address changes for a premises, an account charge as established by the Board of Directors by resolution shall be collected.

ARTICLE 5. BILLING AND RATES

1-501. Billed Period. The regular billing period will be monthly for each customer.

1-502. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated both as to monthly minimum charges or base rates and quantity blocks. Closing bills may be estimated by the Utility Department in the same manner as consumption is estimated pursuant to Section 2-509 for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

1-503. Payment of Bills. Bills shall be payable on presentation and shall become delinquent if unpaid on the twentieth (20th) day of the month after mailing. On each bill for utility service rendered by the District shall be printed substantially the following:

"If this bill is not paid on or before the twentieth day of the month following the date of mailing of the bill, water service may be discontinued. A reconnection charge and penalties will be collected prior to renewing service following a discontinuance."

1-504. Billing of Separate Meters Not Combined. Separate bills will be rendered for each service connection or meter installation except where the Utility Department has, for its own convenience,

installed two or more meters in place of one meter. Where such installations are made the meter readings will be combined for billing purposes.

1-505. Utility Rates. Utility rates and charges for utility services shall be established from time to time by resolution duly enacted by the Board.

1-506. Penalty. Rates and charges which are not paid on or before the twentieth (20th) day of the month following the date of mailing of the bill shall be subject to a basic penalty of ten per cent (10%). Rates and charges that remain delinquent after the levying of initial penalty shall be subject to a further penalty of one-half percent (0.5%) simple interest on the principal past due amount per month for non-payment of the delinquent charges which shall accrue on the first day of each subsequent month. (*ORD 157*)

1-507. Abatement of Penalties. A customer may submit to the General Manager in sufficient form and documentation as determined by the General Manager in the discretion of the General Manager, an application to the Board of Directors to abate accrued penalties imposed pursuant to Section 1-506 for a utility account, provided the customer has brought current all accrued utility charges excluding accrued interest. The General Manager shall submit such application to the Board of Directors for consideration at a regularly scheduled meeting of the Board of Directors, notice for which shall be provided to the Applicant. In its discretion the Board of Directors shall consider any application addressed it and shall either reject the Application or approve the application upon making the following factual findings:

(1) There were extenuating circumstances for non-payment for successive billing periods;

(2) The applicant is otherwise in compliance with all District ordinances including all provisions of the Utility Code but for Section 1-506.

(3) It is in the public interest to abate the penalties.

The ruling of the Board of Directors shall be final. Upon a ruling providing for abatement of penalties a satisfaction of lien shall be recorded if a lien had been previously recorded.

1.508. Repayment Plan. Subject to interest and penalties along with all other charges of fees levied by this article, the General Manager may permit continuance of use of utility service upon the customer's written agreement to comply with all terms and conditions of a short term repayment plan. Additionally, further penalties may be held in abeyance on the past due amount. The plan shall include the following requirements:

1.508.1. The customer's account must be brought current by the end of the repayment plan term and 'current' charges must be paid in accordance with Section 1-503. Payment of Bills.

1.508.2. Failure to comply with agreed to terms and conditions may result in a discontinuance of service and/or the levying of penalties that were held in abeyance.

1.508.3. Repayment plan agreements with tenants shall require the written concurrence of the property owner who has primary responsibility as defined in Section 1.405.1. Primary Responsibility.

1.509. Changes in Ownership. Upon a change in the ownership of premises, the existing owner shall notify the District five business days prior to the transfer of title to the property to the new owner. Escrow demands for the total amount of service charges due at the time of transfer, upon the selling of a property, and the recorded deed in the new owner's name is required to transfer the service to the new owner. The prior owner shall be liable for all charges, whether or not any water is used, prior to the transfer of service as set forth in this subsection.

1-510. Lien. When any charge or penalty remains unpaid for a period longer than 60 days, the General Manager may file a certificate with the County Recorder establishing a lien as provided in Section 61621 of the Government Code.

1-511. Collection with Taxes. As provided by Section 61621.2 of the Government Code, the General Manager may initiate proceedings to have any charge or penalty which remains unpaid for a period longer than 60 days collected on the tax roll.

ARTICLE 6. DISCONTINUANCE OF SERVICE; COLLECTION OF CHARGES

1-601. Discontinuance for Non-payment.

a) Water service may be discontinued for nonpayment of all or any portion of the utility bill over 61 days due, including but not limited to charges for sewer service, if non-payment persists after provision of notice of delinquency and contact prior to termination, including third-party notification for elders or dependent adults. As for notice of delinquency, the District adopts the provisions of California Public Utilities Code §10010.1, as amended from time to time to the extent not inconsistent with the Act, hereinafter referred to as the “Notice of Termination”.

b) On or before thirty days after the enactment of this Ordinance the General Manager shall develop a written policy (the “Policy”) consistent with Health and Safety Code §116906-116916, inclusive, provided however, that an additional basis for deferring discontinuance of service shall be included in such policy to the extent that prior to discontinuance, the customer or owner of the property may request a hearing before the Board of Directors of the District to request relief from the operation of this Ordinance pursuant to Section 1-102 of the District Utilities Code whereupon the Board of Directors may rescind Notice of Termination, approve the termination, or to adopt conditions for the rescission of the Notice of Termination, in which case the decision of the Board of Directors shall be final.

c) A current copy of the Policy shall be posted with a reading copy of the Utilities Code on the District Website.

d) Involuntary termination of water service shall not be discontinued on any Friday, Saturday, or Sunday, legal holiday, or at any time in which the District Office is not open to the public or staffed by a district employee and available by telephone to accept payment for restoration of service for at least two hours following discontinuation of service, and upon acceptance of payment service shall be restored at the next available time for district utility staff to do so.

e) This section does not apply to termination or interruption of service due to violation of this Ordinance due to unauthorized actions of the customer, including any violation of the Utilities Code other than nonpayment, but not limited to violations of the excessive use cap as identified in Section 1-203.106.

f) To the extent that compliance with the Act results in the existence of unpaid utility charges at the end of the fiscal year where there is no extant approved payment plan in current status, the General Manager is authorized to make a claim to the State of California by and through the Board of Control, or for any other authorized process for seeking reimbursement of state mandated costs. (*ORD 162*)

1-602. Water and Sewer Base Rates after Service is Discontinued.

1-602.1. Purpose. The purpose of this section is to prevent the District from charging fees for water and sewer services after the District turns off water service for non-payment or after the customer has requested that their water be turned off. It is intended to return control of fees for water and sewer services back to the property owner.

1-602.2. Charging After Service Discontinued or Charging Service Charges Based on Pipes Connected to Water or Sewer System Prohibited. The Brooktrails Township Community Services District shall not collect base rate service charges, or any other service charges, for water or sewer service, for more than two days after the customer has requested discontinuance of service (*Measure D Application*). The District shall not require that a parcel owner relinquish a water or sewer connection as a condition of discontinuing service. The District shall not impose a fee for more than the reasonable cost of turning the service back on when the property owner requests resumption of service. Merely having pipes connected to the District’s water or sewer system is not a service that may be charged for.

1-602.3. Interpretation and Severability. This initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this initiative, and each section, sub-section, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is held invalid or applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This Initiative shall be

broadly construed in order to achieve the purposes stated in the initiative.

1-602.4. Any requests for discontinuance of service shall be in writing on a form prescribed by the General Manager and delivered to the District by personal delivery to the District office during regular business hours; registered mail, return receipt requested; or by nationally recognized courier service, after the effective date of this ordinance. Discontinuance shall not take place any later than two days after the District is notified as provided herein.

1-602.5. Requests for discontinuance for water service pursuant to Section 1-602.4 shall be for a period of no less than the remainder of the then existing billing cycle of thirty days. Customers with active service may request discontinuance for a period of less than thirty days for the purpose of protecting the property at no charge other than an administrative fee which shall be established by resolution from time to time to cover the administrative and field costs of such disconnection.

1-602.6. A discontinuance of water service persisting for longer than sixty (60) days shall be deemed a request for temporary disconnection from the sewer system, which may be accomplished by temporary physical disconnection, but not relinquishment of the connection.

1-603. Responsibility for payment. Unless the service is discontinued as provided in Section 1-602.2 the customer shall be responsible for base water rate charges and flat fee sewer charges whether or not any water is delivered to the premises by the District.

1-604 Reinstatement Charge. A reinstatement charge for reinstatement of service after a request for discontinuance of service shall be set by the Board of Directors both for temporary discontinuance of water service and temporary discontinuance of sewer service by resolution from time to time consistently with the provisions of Section 1-602. The reinstatement charge, plus any outstanding charges, interest and penalties must be paid prior to reinstatement of service following discontinuance.

CHAPTER II – WATER SYSTEM

ARTICLE 1. GENERAL

2-101. Water System. The District will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and distributing water for public and private domestic and commercial uses, including all parts of said system, all appurtenances to it, and lands, easement, rights in land, water rights, contract rights, franchises, and other water supply, storage, distribution facilities and equipment.

2-102. Pressure Conditions. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

2-103. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water line or appurtenances or perform any work on any lateral water line without first obtaining written permission from the District. Violation of this section shall constitute a misdemeanor.

ARTICLE 2. APPLICATION FOR REGULAR SERVICE – WHERE NO MAIN EXTENSION REQUIRED

2-201. Application Required. Each applicant for regular water service shall be required to sign an application form provided by the District. When sewer service is available to the premises, applicant shall apply for sewer service simultaneously.

2-202. Application Contents. Each application shall set forth the following:

- a) Date of application.
- b) Name of applicant.
- c) Street address of property to be served.
- d) Applicant telephone number and e-mail address
- e) The assessor's parcel number of the property to be served.
- f) Address to which bill shall be mailed.
- g) Applicant's relation to the property owner, tenant, agent, or builder.
- h) Applicant's signature and agreement to District regulations and prompt payment of bills.
- i) Owner's name and address on recorded deed, if different from that of applicant.
- j) Purpose for which the service is intended domestic or commercial.
- k) Whether the application is for an existing structure or for a new construction (in the case of the latter, a copy of the building permit from the County of Mendocino shall be provided).
- l) Owner's signature and agreement to observe District regulations and pay bills promptly (if different from applicant).
- m) Amount of deposit required, if any.
- n) A description of any other source of water supply upon the premises which is actually or potentially could be connected to the District's water piping system.
- o) Documentation that the applicant has acquired the necessary approvals required by applicable covenants, conditions, and restrictions of which the District is the enforcing agency.
- p) Such other information as may be required by the General Manager.

2-203. Undertaking of Applicant. Such application will signify the customer's willingness and intention to comply with this and other ordinances, resolutions, rules or regulations relating to utility services and to make payment for such utility services.

2-204. Payment for Previous Service. No application for utility service shall be honored unless payment in full has been made for utility service previously rendered to the applicant by the District. Water service to particular premises shall not be resumed unless payment in full has been made for utility service previously rendered to such premises.

2-205. Installation of Service. Where no connection exists, installation of a new service connection and meter shall be completed by the Utility Department following receipt of the fully completed application with all required attachments and the connection fee and any other applicable

charges and upon determination by the General Manager that the premises is eligible for service pursuant to Chapter IV of this code. Upon receipt of any application for water service or request for an application form, the General Manager shall determine whether, in his judgment, the existing service lateral is of sufficient size to provide the volume of water necessary for the property described in such application or request and the proposed use of the property. If the General Manager determines that the existing service lateral is of insufficient size, the Utility Department shall install, at applicant's cost, a service lateral of sufficient size from the distribution main to the meter. No premises shall be occupied until said final inspection is completed. (ORD 112)

2-205.1. Construction Service. For all new service connections, where a County building permit is also required, the connection is considered to be a construction service until: 1) The County Building and Planning Department issues final approval for occupancy and 2) the District Architect issues a compliance certificate certifying that all conditions of the development review approval have been satisfied. All construction service water usage shall be paid at a rate established by the Brooktrails Board of Directors. When items above have been met, the service will automatically convert to regular water service. If regular water service has not been obtained in one year from the date of the construction service issuance, all water service shall be terminated unless an extension approval has been granted by the General Manager. To obtain an extension approval, applicant must submit a written explanation as to why the project has not yet qualified for regular water service. The General Manager has full discretion in granting an extension approval. (ORD 112)

2-206. Location of Facilities. Water service will be installed at the location determined by the Utilities Department. Service installations will be made only to property fronting on a main line in public streets or on such distribution mains as may be constructed in alleys or easements. The installation of such facilities may be required by the Utilities Department to be completed at the front corner property line, unless existing physical conditions warrant locating such facilities otherwise as the Utilities Department may determine.

2-207. Expiration of Application. Every application for new service shall expire and become void if the request for meter installation is not made by the applicant for the premises to which the application applies within 100 days from the date of application. Applicant may apply in writing to the District Board of Directors for an extension of time not to exceed 60 days. The fees and charges paid by the applicant shall be refunded if the application expires, less applicable administrative costs.

2-208. Refund of Fees. An applicant may request in writing to the General Manager withdrawal of his application. All fees and charges paid by the applicant shall be refundable, less actual costs and expenses, including labor, incurred by the District in processing the application.

2-209. Changes in Customer's Equipment. Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

2-210. Water Service Connection Fees. The connection fee for each water service connection shall be as determined by the Board of Directors by resolution.

2-211. Metered Service. Water service shall not be supplied to any premises or family residential unit except through a water meter installed specifically for that premises or family residential unit pursuant to this Article unless otherwise authorized in writing by the General Manager. Any premises or any family residential unit receiving water in violation of this Section shall be subject to immediate disconnection. Violation of this section is hereby deemed to be a misdemeanor.

2-212. Resale and Transfer Prohibited. Absent a specific written agreement with the District, water obtained by any customer from the District water system shall be used only on the specific metered premises of that customer and shall not be given, sold, transferred, lent, or by any other means or arrangement transferred to any other party or premises. Any premises selling or transferring District water, along with any premises receiving such water, in violation of this Section shall be subject to immediate disconnection. Violation of this section is hereby deemed to be a misdemeanor.

ARTICLE 3. APPLICATION FOR REGULAR WATER SERVICE – WHERE MAIN EXTENSION REQUIRED

2-301. Main Extensions.

The following rules are established:

(a) **Determination.** Upon receipt of any application for water service or request for an application form, the General Manager shall determine whether in his judgment a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this Article whenever, in the judgment of the General Manager and the Board, the premises are eligible for water service pursuant to Chapter IV of this code and such main extension is necessary to provide regular water service to property described in such application or request.

(b) **Application.** Any owner of one or more lots or parcels or sub-divider of a tract of land where, in the opinion of the General Manager, one or more main extensions is required, desiring regular water service to serve such property, shall make a written application therefor to the District as prescribed in Article 2 of this Chapter. The application shall also include additional information which may be required by the District, and be accompanied by a map showing desired location of the proposed connections.

(c) **Investigation.** Upon receipt of the application, the General Manager shall make an investigation and survey of the proposed extension and shall submit his opinion and the estimated cost thereof to the Board.

(d) **Ruling.** The Board shall thereupon consider such application and report, and after such consideration, reject, amend or approve the application.

(e) **District Lines.** All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the District.

(f) **Dead-end Lines.** No dead-end lines shall be permitted, except as recommended by the General Manager and approved by the Board. In cases where, subsequent to the approval of a dead-end line by the Board, another dead-end line is planned in sufficient proximity to make connection feasible, and such connection is recommended by the Engineer and approved by the Board, the dead-end lines shall be connected. In cases where circulation lines are necessary, they shall be designed and installed by the Utilities Department as a part of the cost of extension.

(g) **Extent and Design.** All mains shall extend the full length of the adjacent parallel property line, unless otherwise determined by the General Manager. All main extensions and the construction contracts therefor shall be subject to design approval by the General Manager and the Board. Private line extensions in streets, rights-of-way or easements will not be permitted.

2-302. **General.** The District will provide all main extensions upon application for service and approval thereof by the Board.

2-303. **Determination.** If, in the opinion of the Board, the cost thereof is in excess of what it is prepared to advance, or it questions the economic advantage to the District of making such advance, it shall determine the cost of such extension including all engineering, inspection and other expenses attributable to the line.

2-304. **Advance Cost.** When the Board so determines, the applicant shall advance the amount of such estimate, and the line shall be installed by the District. If the amount of the advance deposit exceeds the actual cost of construction, engineering, legal, inspection and other charges attributable to the extension, the balance shall be refunded to the property owner. If the amount of the deposit is insufficient to pay all charges attributable to the extension, the property owner shall advance a sum sufficient to pay all such costs to the District upon demand by the District.

2-305. **Expiration of Application.** Every application for new service where a main extension is required shall expire and become void if the request for installation is not made by the applicant for the premises to which the application applies within 300 days from the date of application. Applicant may apply in writing for an extension of time not to exceed 65 days. The fees and charges paid by

the applicant shall be refunded if the application expires, less applicable administration costs.

2-306. Refund of fees. An applicant may request in writing to the General Manager withdrawal of his application anytime within 300 days from the date of application. All fees and charges paid by the applicant shall be refundable, less actual costs and expenses, including labor incurred by the District in processing the application.

ARTICLE 4. GENERAL USE REGULATIONS

2-401. Number of Services Per Premises. In no case shall there be fewer than one service and one meter per family residential unit on a premise. The applicant may apply for water and sewer service connections as available and permitted by the District for the applicant's premises; provided that the pipe line system from each service be independent of the others and that they not be interconnected. The cost of all services shall be borne by the applicant. (*ORD 116*)

2-402. Water Supply to Separate Premises and Allocate Service Connections. Each premises shall have at least one water service connection and one water meter. When two or more buildings are maintained upon a single premise, one water service connection and one water meter may serve all buildings, except when the buildings are residential units. The permitted water service connections for residential units by the District for the applicant's premises are limited as follows: one water service connection and water meter per parcel or lot, which is not zoned multiple residential units ("R-2," "R-3"); two water service connections and water meters per parcel or lot which is zoned "R-2"; and three or more water connections and the same number of water meters per parcel or lot, which is zoned "R-3." A second residential unit may be added to premises which is not zoned for multiple residential units and which has an existing residential unit and water connection and water meter and be authorized to connect for water service to a new water meter, if the applicant owns another lot within the District that is deemed capable of development of a residential unit and the applicant either merges that second lot to any lot within the District that is not zoned for multi-unit residential units, or donates the second lot to the District. (*ORD 116*)

2-403. Water Waste. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, especially if seriously affecting the general system service, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

2-404. Responsibility for Equipment on Customer Premises. All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired or replaced by the District without consent or interference of the owner or occupant of the property. However, private pressure systems shall be maintained by the customer. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining said facilities on private property. No person shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with reading of a meter.

2-405. Damage to Water System Facilities. The customer shall be liable for any damage to the District-owned customer water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill. Any person causing intentional damage to water service facilities shall be guilty of a misdemeanor.

2-406. Ground-Wire Attachments. All persons are forbidden to attach any ground-wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. Violation of this Section where the ground-wire transmits electricity to any part of a service connection is hereby deemed to be a misdemeanor.

2-407. Control Valve on the Customer Property. The customer shall provide a valve on his side of the service installation as close as is practicable to the meter location to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and

off for his convenience.

2-408. *RESERVED*

2-409. Commercial Use Only on Commercial Meter. Commercial Use of District water shall only be made if the customer has a commercial connection. (*Ord. 134*)

ARTICLE 5. METERS AND SERVICE CONNECTIONS

2-501. Installation. All services shall be metered. The connection fee established by the District shall be paid prior to installation of the service connection. The service connection, whether located on public or private property, is the property of the District, unless specifically otherwise provided. The District reserves the right to repair, replace and maintain the service connection, as well as the right to remove the service connection upon discontinuance of service.

2-502. Service Connections. When service has been approved by the District, the District will furnish and install the connection to the utility lines of District in the manner by which the Utilities Superintendent determines. All work and Expense therefor shall be the responsibility of the Applicant, but in no event shall any work be conducted by any person on any main or lateral line without the approval and issuance of written permit or permission by the Utilities Superintendent.

2-503. Meter Installations. Meters will be installed at the curb or within the easement and shall be owned by the District. No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises.

2-504. Change in Location of Meters and Connections. Meters moved for the convenience of the customer will be relocated subject to the approval of the General Manager and at the customer's expense. Meters moved for the convenience of the District will be moved at District expense.

2-505. Meter Reading. Meters will be read for each customer as nearly as possible to the same day monthly, at the option of the District.

2-506. Meter Tests Deposit. All meters will be tested prior to installation and no meter will be installed which registers more than two per cent (2%) fast. If a customer desires to have the meter serving his premises tested, the customer shall first deposit a cash deposit in the amount established by resolution of the Board. Should the meter register more than 2% fast, the deposit will be refunded, but should the meter register less than 2% fast, the deposit will be retained.

2-507. Adjustment for Meter Errors - Fast Meters. If a meter tested at the request of a customer pursuant to Section 2-506 is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

2-508. Adjustment for Meter Errors - Slow Meters. If a meter tested at the request of a customer pursuant to Section 2-506 is found to be more than 2% slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

2-509. Non-registering Meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate and estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the Utilities Department and its decision shall be final.

ARTICLE 6. PUBLIC FIRE PROTECTION

2-601. Use of Fire hydrants. Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain permission from the Utilities Department and the Fire Department prior to use and shall operate the hydrant in accordance with instructions issued by the Fire

Department and the Utilities Department. A hydrant meter shall be used at all times. The unauthorized use of a hydrant is hereby deemed a misdemeanor.

2-602. Moving of Fire Hydrants. If a property owner or other party desires a change in the size, type or location of a hydrant, the owner shall bear all costs of such changes, without refund. Any change in the size, type or location of a fire hydrant must be approved by the District Fire Chief.

Article 7 repealed by Ord. 128 – DO NOT RE-USE

**ARTICLE 8. PRIVATE WATER TANKS
FOR LANDSCAPING IRRIGATION**

2-801. Private water tanks may be installed on improved parcels within the District for the purpose of landscape irrigation and/or fire suppression subject to the finding by the District Architect, where the District Architect has jurisdiction, that the parcel is suitable for tank installation and the tanks have the following characteristics:

(a) For parcels up to 8000 square feet, a maximum storage capacity of 2500 gallons, with no one tank exceeding 2500 gallons in capacity.

(b) For parcels over 8000 square feet, additional storage capacity over 2500 gallons may be approved by the District Architect and be provided by additional, smaller tanks. However, tanks larger than 2500 gallons in size may be installed within Spring Creek or Sylvandale without approval of the District Architect, but shall be subject to all ordinances of Mendocino County and any applicable deed Restriction.

(c) All tanks shall be either black or green to inhibit algae growth.

(d) All tanks shall be screened or otherwise equipped to prevent access by or injury to persons or animals.

(e) All tanks shall be limited in height to 7.5 feet.

2-802. Source of Fill Water. Except in Sylvandale and/or Spring Creek, private water tanks may be filled with non-potable water only. The District specifically prohibits the use of District water to fill such tanks, and prohibits installation of infill equipment which would make hose filling possible. However, in Spring Creek and/or Sylvandale, trucked-in, non-District, potable water may be used to fill such tanks.

2-803. Cross-Connections Prohibited. Private water tanks installed within the District but outside of Spring Creek and/or Sylvandale may not be connected to any other water system on the affected property or any other property

2-804. Fire Connectors. Private water tanks may have optional fire connectors installed but are not required to have these devices.

2-805. Overflow Drainage. Except in Spring Creek and/or Sylvandale, all water tank installations must include a provision for overflow drainage, each to be individually approved by the District Architect.

2-806. Construction Inspections Required. Except for private water tanks to be installed within Spring Creek, Sylvandale, or any other properties which are not subject to the reservation of water rights to the Bank of California, no private water tank may be installed within the District unless the following procedure has been completed:

(a) Applicant will submit a request for site review to the District Architect and pay the applicable inspection fee.

(b) The District Architect will review each site individually and assess such factors as lot size, hillside stability, slope, adjacent structures, and view shed. Based on these findings, the District Architect will determine whether a tank may be installed on the lot, and if so, will specify tank, foundation and construction requirements and placement on the lot.

(c) The District Architect may deny permission to install a tank should circumstances so warrant. Applicant may appeal this decision in writing to the District Board of Directors within ten (10) days of such denial. At this time applicant may also request a variance to any of the prescribed standards.

(d) Once plans are approved, the property will be posted in order to inform neighboring

lot owners of the proposed installation. Neighboring property owners will have twenty (20) days in which to properly submit written objection to the project. Construction may not begin until after the period of objection has passed and objections, if any, have been addressed.

(e) Should an objection by neighboring property owners be timely received by the District Architect, the District Architect will either amend the construction requirements accordingly or deny permission to construct. Applicant may appeal either decision in writing to the District Board of Directors within ten (10) days of such decision.

(f) When construction is complete, Applicant will request the District Architect to conduct a final inspection, paying any applicable fee. The District Architect will perform such inspections as necessary to certify the tank installation as complete and in conformance with District standards, and no private water tank may be filled until the District Architect has approved the tank installation in writing.

2.806.1. Special Procedure for Installations in Spring Creek and/or Sylvandale. For private water tanks to be installed in Spring Creek and/or Sylvandale, the following procedure will apply: Property owner will notify the Brooktrails District Office of a pending installation so that District Utilities Department personnel may inspect for backflow device installation and provide for the monthly inspection charge on the property owner's water bill.

2-807. Annual Inspections Required. All private water tanks installed within the District will be subject to annual inspection by the Utilities Department, with or without prior notification to the tank owner, for compliance with District standards (limited to backflow device testing and inspection for tanks within Spring Creek and/or Sylvandale) and for confirmation of structure safety and stability. The tank owner will pay the applicable fee for such inspections, which shall be billed monthly at the then prevailing rate on the tank owner's water/sewer bill. Should such inspection be refused or unreasonably delayed by the tank owner, the District will revoke permission to use the tank upon ten (10) days written notice to the tank owner.

2-808. District Assumes No Liability. The District assumes no liability for loss or damage due to denial of permission to construct a tank or for revocation of permission to operate an installed tank. The District specifically prohibits filling of private water tanks from the District water supply and bears no responsibility for lack of water supply or lack of water pressure for such tanks. The District assumes no liability for any loss, damage or personal injury which may result to any party from any incident connected with the installation and/or operation of any private water tank within the District. (*ORD 128*)

ARTICLE 9. CROSS-CONNECTIONS

2-901. Permit Required for Water Cross-Connections. The regulations of the California State Water Resources Control Board and the Drinking Water Standards of the United States Environmental Protection Agency prohibit unprotected cross-connections between the public water supply and any unapproved source of water. All water cross-connections must be approved by the District and a permit issued by the District's Utilities Department prior to installation. Violation of this section shall be a misdemeanor.

2-902. Where Backflow Protection is Required.

(a) Each service connection from the District water works for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water works unless the auxiliary water supply is accepted as an additional source by the District, and approved by the public health agency having jurisdiction;

(b) Each service connection from the District water works for supplying water to any premises on which any substance is handled under pressure in such fashion as to permit entry into the water works shall be protected against backflow of the water from the premises into the public system. This shall include the handling of processed waters and waters originating from the District water works which have been subjected to deterioration in sanitary quality;

(c) Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections unless such cross-connections are abated to the Utilities Department satisfaction, that the District Service Code and State and County regulations have been complied with; and,

(d) Backflow prevention devices shall be installed on the service connection to a premises which exceeds five acres in size.

2-903. Installation at District Expense. If backflow prevention is required on a new service, or on an existing service to a premise on which changed circumstances occurring after the effective date of this code results in the requirement of the backflow prevention pursuant to Section 2-902, the District shall install an approved backflow prevention device at the sole expense of the District. (ORD 108)

2-904. Type of Protection Required. The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listing in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-gap separation (AG). The water user may choose a higher level of protection than required by the District. All such devices must be of a type approved by the State Water Resources Control Board. The minimum types of backflow protection required to protect the public water supply shall be determined by the District in consultation with the State Water Resources Control Board. Backflow prevention devices shall be installed by the District in a manner prescribed in Title 22, Section 7603 of the California Administrative Code.

2-905. Testing. Backflow prevention devices must be tested by the District annually and immediately after installation, relocation or repair. No device shall be placed in service unless it is functioning as designed. A report of inspection shall be maintained by the Utilities Department each time a device is tested. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective. The Board of Directors may establish a charge for testing, repair, and maintenance which shall approximate the average cost for such services for each type of device. The charge may be collected with other fees and charges.

2-906. Inspection. At the time of sale or transfer of title to any premises, the Utilities Department shall inspect the premises to determine if a backflow protection device is required.

2-907. Protection against Inter-Street Main Flow. Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, shall have an approved check valve on each water service to be located adjacent to and on the property side of the respective meters.

2-908. Qualifications of Backflow Testers. The Utilities Department may require backflow prevention device testing and repair. Certification of such a tester by the American Water Works Association (AWWA), California-Nevada Section shall be conclusive evidence of competency.

ARTICLE 10. GENERAL REGULATIONS

2-10.1. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District facilities and if no other consumers are inconvenienced thereby and if a water shortage has not been declared by the District. For purposes of this Section "abnormally large" shall mean 15,000 gallons or more during any billing period. During the duration of any water emergency declared by the District, permission to take water quantities in excess of 15,000 gallons for such purposes as swimming pools or other purposes shall be suspended.

2-10.2. Responsibility for Equipment. The customer shall, at the customer's own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

2-10.3. New Construction Conservation Requirements. No water or sewer service shall be

approved for any new structure unless the following standards are met:

(a) All tank-type water closets shall use 1.6 gallons or less per flush and shall be "ultra-low flush" type.

(b) All shower heads shall use two (2) gallons per minute or less.

(c) Potable hot water piping in accessible areas leading from water heaters shall be insulated for the first five feet from water heater to provide an installed conductance of 0.33 or less.

(d) In any area where the water pressure at the water main exceeds 60 pounds per square inch, a pressure reducing valve shall be installed at the service and set at 45-50 pounds per square inch.

(e) Graywater systems, compliant with applicable laws and regulations, and with approval of a permit from the County of Mendocino, are hereby allowed to be used in newly constructed and existing residential units, whenever feasible. Graywater, as defined in Section 14876 of the California Water code, is untreated wastewater which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and which does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. (*ORD 113*)

ARTICLE 11. ENFORCEMENT

2.11.1. Disconnection. As an alternative method of enforcing the provisions of this code, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision water system from the water mains of the District. Upon disconnection the General Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The General Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

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

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

CHAPTER III – SEWAGE DISPOSAL

ARTICLE 1. GENERAL PROVISIONS

3-101. Purpose. This Chapter is intended to provide rules and regulations for the use and construction of sewer facilities hereafter installed, altered or repaired within the District. This Chapter shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

ARTICLE 2. USE OF PUBLIC SEWERS REQUIRED

3-201. Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

3-202. Treatment of Wastes Required. It shall be unlawful to discharge to any groundwater, stream or watercourse any sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with provisions of the code.

3-203. Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

3-204. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all the provisions of this code.

3-205. Sewer Required. The owner of any building situated within the District and abutting on any street in which there is located a public sewer of the District is hereby required at the owner's expense to connect said building directly with the proper public sewer in accordance with the provisions of this Code, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet to the nearest point of the building.

3-206. Violation a Misdemeanor. A violation of any of the provisions of this article is hereby declared to be a misdemeanor.

ARTICLE 3. PRIVATE SEWAGE DISPOSAL

3-301. Sewer Not Available. Where a public sewer is not available under the provisions of Section 3-205, the building sewer shall be connected to a private sewage disposal system, complying with the requirements of the County of Mendocino. Water service may not be established to any such premises until evidence of approval of such private sewage disposal system by the County of Mendocino is provided to the District.

3-302. Abandonment of Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3-205, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of the District, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the County or District Inspector.

3-303. Cost of Maintenance by Owner. The owner shall operate and maintain any private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

ARTICLE 4. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

3-401. Permit Required. No person shall construct a lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein. A violation of this section is hereby declared to be a misdemeanor.

3-402. Design and Construction Requirements. Design and construction of lateral sewers shall be in accordance with the requirements of the District. Building sewers shall be constructed in accordance with the requirements of the County of Mendocino.

3-403. Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said lot the portion not directly connected with such public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

3-404. Sewer Too Low. In all buildings in which any building sewer is too low to permit gravity flow in the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means and discharged to the public sewer at the expense of the owner. (ORD.121)

3-404.1. Sewer Backflow Prevention Device Required. In all buildings a sewer backflow prevention device shall be installed in the building sewer at the expense of the owner. (ORD.121)

3-405. Connection to Public Sewer. The connection of the lateral sewer into the public sewer shall be made in strict accordance with District specifications and at the applicant's expense. The connection to the public sewer shall be made under the supervision of the Utilities Department. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the General Manager.

3-406. Maintenance of Side (Lateral) Sewer. Side (lateral) sewers shall be maintained by the owner of the property served thereby from its connection to the sewer main to the building.

3-407. Testing. All lateral sewers shall be tested in strict accordance with District specifications.

ARTICLE 5. PUBLIC SEWER CONSTRUCTION

3-501. Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District, paying fees and connection charges, and furnishing bonds as required. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

3-502. Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three (3) complete sets of plans, profiles and specifications, complying with all applicable codes, ordinances, rules and regulations of the District, prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the District Engineer who shall within twenty (20) days approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the District Engineer, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

3-503. Subdivisions. Regarding the subdivision of any premises located in the District, the provisions of Section 4-102 hereinbelow shall apply. The requirements of this code shall be fully complied with before any final subdivision map shall be approved by the County. The final subdivision map shall provide for the dedication for public use of streets, easements or rights of way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

3-504. Easements or Rights of Way. In the event that an easement is required for the extension of the public

sewer or the making of a connection, the applicant shall procure and have accepted by the Board a proper easement or grant of right of way sufficient in law to allow the laying and maintenance of such extension or connection. Such easement or right of way shall have a minimum width of ten (10) feet.

3-505. Persons Authorized to Perform Work. Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to side (lateral) sewers installed concurrently with public sewer construction.

3-506. Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all state, county or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

3-507. Design and Construction Standards. Minimum standards for the design and construction of sewers within the district shall be in accordance with the Standard District Specifications and Standard Drawings heretofore or hereafter approved by the General Manager, copies of which are on file in the District office. The District Engineer, with the consent of the General Manager, may permit modifications or may require higher standards where unusual conditions are encountered.

3-508. Completion of Sewer Required. Before any acceptance of any sewer line by the District and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be completed in full compliance with all requirements of the Standard District Specifications and Standard Drawings and to the satisfaction of the District Engineer.

ARTICLE 6. USE OF PUBLIC SEWERS

3-601. Drainage into Sanitary Sewers Prohibited. No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

3-602. Types of Wastes Prohibited. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees F.
- (b) Any water or waste which may contain more than 100 milligrams per liter of fat, oil or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (d) Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works.
- (g) Any waters or wastes containing a hazardous material or a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals or create any hazard in the receiving waters of the sewage treatment plant.
- (h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (j) Any septic tank sludge.
- (k) Any other waste which may not be discharged into the City of Willits sewage treatment plant.

3-603. Interceptors Required. Grease, oil, and sand interceptors shall be provided when in the opinion of the General Manager they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand, and or other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the General Manager and shall be so located as to be readily and easily accessible for cleaning and inspection.

3-604. Maintenance of Interceptors. All grease, oil and sand interceptors shall be maintained by the

owner, at the owner's expense and be in continuously efficient operation at all times.

3-605. Preliminary Treatment of Wastes. Where necessary in the opinion of the General Manager, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the General Manager and no construction of such facilities shall be commenced until said approvals are obtained in writing.

3-606. Maintenance of Pretreatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense and to the satisfaction of the District.

3-607. Control Manholes. When required by the General Manager, the owner of any property served by the side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

3-608. Measurements and Tests. All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 3-607, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

3-609. Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer. Violation of this section shall be a misdemeanor.

ARTICLE 7. PERMITS AND FEES

3-701. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any lateral sewer without first obtaining a written permit from the District. Violation of this section shall constitute a misdemeanor.

3-702. Application for Permit.

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

(b) If the General Manager determines that the plans, specifications, drawings, descriptions, and information furnished by the applicant are in compliance with the ordinances, rules and regulations of the District, the General Manager shall issue the permit applied for upon payment of the required fees as hereinafter fixed.

3-703. Compliance with Permit. After approval of the application evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the General Manager, or other authorized representatives.

3-704. Agreement. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, and may be altered only by the District upon the written request for the alteration from the applicant.

3-705. Fees: Annexation Charges. The owner or owners of lands within areas to be annexed to the District shall pay to the District, prior to the final hearing on the proposed annexation, an amount

to be fixed by the District Board which shall equal the engineering, legal and publication costs and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

3-706. Fees: Connection Charges in Annexed Areas. The owner or owners of lands within areas hereafter annexed to the District shall pay to the District, prior to the issuance of a permit to connect any portion of the property so annexed to the sanitary sewage works of the District, a fee as established by the Board by resolution. This charge shall be in addition to other connection, permit and inspection charges hereinafter fixed. This charge shall be due and payable, in the case of subdivisions in annexed areas, prior to approval of the final improvement plans for the subdivision by the District.

3-707. Building Sewer Service Connection Fees. Persons desiring connection to the sanitary sewage works of the District shall pay to the District, prior to issuance of a permit, a building sewer service connection fee as established by the Board by resolution.

3-708. Permit and Inspection Charges.

(a) Initial Sewer Installation. The fee for issuing a permit and inspecting each initial sewer connection shall be deemed included in the connection charge.

(b) Alteration of Existing Sewer Installation. A fee as established by the Board by resolution shall be paid to the District for issuing a permit and inspecting any work altering a connection.

3-709. Bond; Public Sewer Construction. Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the District a faithful performance bond or cash in the amount of the total estimated cost of the work, said bond to be secured by a surety or sureties satisfactory to the District. This cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

3-710. All Work To Be Inspected. All sewer construction work shall be inspected by the General Manager or District Inspector to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the General Manager or District Inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the Inspector shall issue a certificate of satisfactory completion.

3-711. Notification. It shall be the duty of the person doing the work authorized by permit to notify the office of the District that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours, Saturdays, Sundays, and holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

3-712. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

3-713. All Costs Paid By Owner. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

3-714. Outside Sewers. Permission shall not be granted to connect any parcel of land outside the District to any public sewer in or under the jurisdiction of the District.

3-715. Street Excavation Permit. A separate permit must be secured from the County of

Mendocino or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

3-716. Liability. The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

3-717. Time Limit on Permits. If work under a permit be not commenced within six (6) months from the date of issuance or if after partial completion the work be discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new permit fee shall be paid upon the issuance of said new permit.

ARTICLE 8. ENFORCEMENT

3-801. Disconnection. As an alternative method of enforcing the provisions of this code, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the General Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The General Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

3-802. Public Nuisance Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the nuisance caused by the occupancy of such premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

3-803. Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

ARTICLE 9. SIDE SEWER TESTING

3-901. Purpose, Policy and Administration.

(a) Purpose. The purpose of this Article is to codify requirements for the inspection, testing, repair and replacement of side sewers within the District. It is the policy of the District to reasonably prevent infiltration, exfiltration, and better protect the environment by requiring a reasonable program of inspection, testing, and if necessary, the repair and replacement of private side sewers. It is also the policy of the District to require sewer backflow prevention valves and sewer cleanouts as required by Code and for backflow inspection.

(b) Policy. Within ninety (90) days of the adoption of the Ordinance enacting this Article, the Superintendent of Utilities shall prepare and promulgate public administrative guidelines which shall, among other things, establish the following:

(1) A certification program for licensed plumbers, contractors and other qualified inspectors will be placed on the pre-authorized list and the basis for obtaining and maintaining such a certification or decertification;

(2) Standard inspection report forms and guidelines for completing and using Side Sewer Inspection Reports;

(3) A standard Notice to Repair and enforcement procedures for repair and replacement;

(4) A standard for documentation of a property by a Certificate of Side Sewer Compliance.

(c) Superintendent's Jurisdiction. The Superintendent of Utilities shall administer these requirements and has the authority to alter or waive the requirements prescribed in this article if such requirements are impractical because of the nature of physical location of the side sewer. Owners of side sewers shall have the right to seek relief from the application of this Ordinance first from the Superintendent of Utilities, the General Manager, and ultimately, the Board of Directors pursuant to Section 1-102 of the District Utility Code.

(d) Each property connected to the District sewer system shall maintain upon the property a functioning Sewer Backflow Prevention Valve and a functioning Sewer Cleanout.

Section 3-902. Applicability.

(a) Application of Article. This Article shall apply to property located in the District and to property which is located outside the boundaries of the District but which is served by the District's sewer mains.

(b) Any side sewer which has been repaired or replaced, including gravity and pressure laterals, shall be tested in accordance with the applicable procedures of this Article. No person constructing, repairing or replacing a side sewer shall use such lateral to introduce sewage to the District sewer main until such time as such person has complied with this Article, as appropriate.

(c) Certificate Required. All side sewers connected to the District sewer system, including side sewers servicing residential, multi-family residential, commercial or industrial uses, shall be cleaned and tested in accordance with this Article, upon the occurrence of any of the following, unless a valid Certificate of Side Sewer Compliance is on file with the District, or the Superintendent of Utilities has waived compliance as provided herein:

(1) Upon the occurrence of a sanitary sewer overflow from the private side sewer;

(2) Upon the discovery of either an illegal connection or as described herein or an illegal discharge as described herein to the District sewer system;

(3) Upon application for a building permit for work on an existing structure with the sewer service where the value of the work, as set forth in the permit, exceeds \$100,000, provided, however, that the value of the work required by the Americans With Disabilities Act (ADA) or to add fire sprinklers as required by the California Fire Code shall not be included when determining whether a side sewer is subject to inspection and testing; provided, further, that beginning on the annual anniversary of the adoption of this ordinance, the amount of \$100,000 shall be adjusted annually by the percentage increase in the consumer price index over the same month in the previous year. CPI means the Consumer Price Index for All Urban Consumers, all items (base year 1982-1984) published by the United States Department of Labor, Bureau of Labor Statistics. In the event the CPI is discontinued or otherwise not available, CPI shall mean comparable statistics on the purchasing power of the consumer dollar as determined by the General Manager;

(4) The addition of a plumbing fixture having assigned to it two or more fixture units as are assigned by the California Plumbing Code, including but not necessarily limited to the addition of a toilet;

(5) Upon a change of use of the property served from a residential to a commercial use, or from a commercial use to a restaurant;

(6) In conjunction with the replacement or rehabilitation of the District sewer main to which the side sewer is connected;

(7) Upon the occurrence of a Qualifying Side Sewer Service Call;

(8) Side Sewers serving parcels which are located within 150 feet of any creek or stream which is declared by the Superintendent of Utilities to be impacted or potentially impacted by the sewer system; and,

(9) Upon a change of ownership of the property as defined by California Revenue and Taxation Code Section 62, except that transfer exempt from reassessment shall not be deemed to be a change of ownership.

(d) Sewer Cleanouts. Upon the occurrence of any of the events set forth in subparagraph (c) above, the Superintendent of Utilities shall cause the subject property to be inspected to determine if the property has a sewer cleanout in proximity to the property line as required by applicable law. The Superintendent shall not thereafter issue a Certificate of Side Sewer and Property Compliance, until such time as the Superintendent is satisfied that the property has a compliant sewer clean-out.

(e) Backflow Inspection. Upon the occurrence of any of the events set forth in subparagraph (c) above, the Superintendent of Utilities shall inspect the subject property to determine if the property has a Sewer Backflow Prevention Valve as required, and further to inspect the backflow device as to its operability. The Superintendent shall not thereafter issue a Certificate of Side Sewer and Property Compliance until such time as the Superintendent is satisfied that the property has a functioning and compliance backflow device.

Section 3-903. Approved Testing Methods. The side sewer shall be inspected and tested, using the following methods as allowed by and in accordance with standards adopted by the Superintendent of Utilities:

- (a) T.V. inspection;
- (b) exfiltration testing; and/or,
- (c) other similar inspection or testing methods as approved by the Superintendent of Utilities.

Section 3-904. Requirements for Testing Side Sewers.

(a) Testing procedure:

(1) Testing shall be completed within the time period specified in the fourth column of the five column chart set forth in Section 3-908.

(2) Testing shall be performed by a licensed plumber, contractor, or other person who possesses any license required by law, if any, to perform the test, and who is determined by the Superintendent of Utilities to be qualified to perform the test based on training and experience.

(3) Testing shall not commence without a valid permit issued by the Superintendent of Utilities and testing may be witnessed by the Superintendent of Utilities or designee.

(4) Access to the sewer lines to be tested and conditions necessary to conduct the test shall be made ready by owner prior to scheduling a side sewer test.

(b) Repair. It shall be the responsibility of the property owner to repair any side sewer which has been found through testing or inspection to exhibit conditions which will permit infiltration to enter the sewer system and, if necessary, to replace any side sewer to prevent such infiltration.

Upon completion of the repair or replacement of the side sewer, reinspection shall be conducted until the side sewer passes the required test.

(c) Retest. The property owner must complete the repair or replacement of a side sewer and the side sewer must pass a retest within the time specified in the fifth column of the table set forth at Section 3-908. This deadline may be extended by the Superintendent of Utilities for good cause, not to exceed ninety (90) days. If repair is not completed within the required time period, the District may complete the required repairs and add a surcharge onto the property's utility account until the costs are recovered in not more than three (3) years.

(d) Certificate of Side Sewer and Property Compliance. Once the side sewer has successfully passed the testing procedure, the Superintendent of the Utilities or his designee shall execute a Certificate of Side sewer and Property Compliance (ACertificate of Compliance@) which shall be filed with the Superintendent of Utilities, and be recorded to the extent authorized by law, and the Mendocino County Recorder.

(e) Notice to Repair. The Superintendent of Utilities for good cause may from time-to-time issue a notice to repair to the owner of any property whereupon the property owner would be required to obtain a Certificate of Compliance within the time specified in the five column table set forth at Section 3-909 below. This deadline may be extended by the Superintendent of Utilities for good cause, not to exceed ninety (90) days. If repair is not completed within the required time period, the District may complete the required repairs and add a surcharge to the property's utility account until the costs are recovered in not more than three (3) years.

Section 3-905. Testing.

(a) Testing Procedure. Testing may be performed in accordance with the requirements of Section 3-902 above or if authorized by the resolution of the Board of Directors, testing may be performed by the District in connection with any rehabilitation or replacement work. Upon completion of the testing the Superintendent of Utilities shall issue either a Certificate of Compliance or a notice of repair.

(b) Failure of Test and Requirement for Repair. It shall be the responsibility of the property owner to repair and or replace any side sewer which has been found through testing and/or inspection to exhibit conditions which would permit infiltration to enter the sewer system and further to install or repair any deficient sewer cleanout and to test any required backflow device.

The inspection shall be continued until such time as the property qualifies for issuance of a Certificate of Compliance.

(c) **Repair or Replacement Work.** All repair or replacement work shall be completed by a person properly licensed to perform the work, including the licensed plumbers and/or contractors and shall be completed under any appropriate permits from the County, as appropriate, including building and encroachment permits.

(d) **Time for Repairs.** All repairs must be completed within the time specified in the fifth column of the table set forth in Section 3-909 below unless for good cause shown an extension is granted by the Superintendent of Utilities, not to exceed ninety (90) days.

(e) **Failure to Repair.** If repair is not completed within the required time period, the District may complete or cause to be completed the required repairs and may add a surcharge onto the property's utility account until the costs are recovered in not more than three (3) years, or any other remedies authorized under this ordinance including but not limited to termination of service.

(f) **Alternative procedure.** The Board of Directors may by resolution prescribe alternative procedures, by which the repair or replacement work shall be performed, including but not limited to, the degree to which the District shall offer to perform all or a portion of the work or contribute toward the cost of the work, using loans or grants.

Section 3-906. Certificate of Compliance Without Inspection. A property owner may apply to the Utilities Superintendent for a Certificate of Compliance without inspection under the following circumstances:

(a) The property owner provides evidence satisfactory to the Superintendent of Utilities that the building on the property is ten (10) years old or less and contains a compliant sewer cleanout and a compliant Sewer Backflow Prevention Valve;

(b) The property owner provides evidence satisfactory to the Superintendent of Utilities that the side sewer was repaired or replaced and passed inspection within the previous ten (10) years and contains a compliant sewer cleanout and a compliant Sewer Backflow Prevention Valve; or,

(c) The property owner provides evidence satisfactory to the Superintendent of Utilities that the lateral has passed an inspection within the past five (5) years.

In such cases, the Superintendent of Utilities shall execute a Certificate of Compliance.

Section 3-907. Fees.

The Board of Directors may establish fees pursuant to its annual fee resolution for administration of this Article.

Section 3-908. Time frames to Complete Work.

TIME FRAMES TO PERFORM WORK ON SIDE SEWER

EVENT	CLEAN/VIDEO <i>Inspection</i>	WATER <i>When</i>	TEST <i>Completed</i>	REPAIR/REPLACE <i>When</i>
Qualifying Side Sewer Service Call	At time of service	Inspection indicates damage, displacement or deflection of lateral or lack of cleanout or Sewer Backflow Prevention Valve.	Within 7 days of Service Call or Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Sanitary Sewer Overflow	Within 7 days of Notice or At Time of Service	Inspection indicates damage, displacement, or deflection of lateral	Within 7 days of Service Call or Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Remodels to Structure Being	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final

Served of \$100K or Greater				
Addition to Building or Site Plumbing	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final	Prior to Permit Final
Change of Property Use: Residential to Commercial and non-Restaurant Commercial to Restaurant Commercial	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use	Prior to Opening Under New Permitted Use
Illegal Connection	Within 7 days of Notice	Within 7 days of Notice	Within 7 days of Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Prohibited Discharge	Within 7 days of Notice	Within 7 days of Notice	Within 7 days of Notice	Within 30 days of Failed Water Test with Max of 90 day Extension for Cause
Parcel Served is within 150 feet of Creek which is Declared Impacted by Sewer System	Within 1 Year of Adoption of Resolution (or Notice)	Within 1 Year of Adoption of Resolution (or Notice)	Within 1 Year of Adoption of Resolution (or Notice)	Within 2 years of Failed Water Test

CHAPTER IV - ALLOCATION OF WATER AND SEWER CAPACITY

ARTICLE 1. GENERAL PROVISIONS

4-101. Purpose of Chapter. This Chapter is intended to provide rules and regulations for the orderly allocation of water and sewer connections. This chapter recognizes the fact that the District has a limited amount of water available and a limited sewage system capacity. This Chapter is adopted pursuant to the District's implied power to promulgate regulatory means which guarantee the fair, nondiscriminatory distribution of water service and sewer service in a situation where the demand for service exceeds the existing or prospective capacity of either the water works or the sewage works, or both.

4-102. Eligibility for Connection to Water Works or Sewage Works. No lot or parcel of land created or annexed to the District after April 24, 1986, shall be eligible for water or sewer service unless otherwise determined by the Board pursuant to Section 1-102. The use of the word "annexed" herein includes land brought into the District through a boundary line adjustment that integrates property outside of the District into premises inside the District and as approved by resolution of the District; and those premises shall be limited to water and sewer service connections pursuant to sections 2-401 and 2-402 herein above. No lot or parcel of land zoned "C-1 Limited Commercial District" pursuant to Chapter 20.088 of the Mendocino County Zoning Code - Division 1, shall be provided more than one water service connection or meter nor shall the requirements of this code for one water and sewer service connection, as available, for each residential unit be waived. All other premises or other requests for more than one water or sewer service shall be connected in the chronological order in which complete applications were received pursuant to this code. (*ORD 116*)

ARTICLE 2. DEFINITIONS

4-201. Definitions. The following terms shall have the meaning indicated for purposes of this chapter:

(a) **Applicant** shall mean the person making the application.

(b) **Application** shall mean an application for water service or sewer service connection made pursuant to this code.

(c) **Moratorium** shall mean the receipt by the District of a notice or order from a regulatory agency prohibiting the District from making additional water service connections or sewer service connections or shall mean the receipt of the complete water or sewer service application which when added to all other existing connections and complete applications constitutes the number of such connections permitted by a permit from a regulatory agency.

(d) **Regulatory Agency** shall mean any Federal, State, County or municipal agency or court having the authority to limit or prohibit the District from expanding either its water service or sewer service.

ARTICLE 3. ALLOCATION PROCEDURES – MORATORIUM

4-301. Resolution of Moratorium. In the event that a moratorium is imposed upon the District, the Board shall adopt a resolution declaring that the provisions of this Article are in effect for the duration of the moratorium.

4-302. Receipt of Applications. The District shall continue to receive applications and in doing so shall maintain a list in chronological order in which completed applications are received.

4.303. Allocation of Connections.

(a) As capacity to make connections becomes available, such available connections shall be allocated to applicants in the chronological order in which completed applications were approved by the District.

(b) When a connection becomes available for allocation as provided in subdivision (a) of this section, the Applicant shall be notified by the District by written notice addressed to the Applicant at the address provided on the application, and as otherwise known by the District,

and such notice shall be deemed as being received three calendar days after dispatch.

(c) A notified Applicant shall have thirty (30) calendar days following the receipt of the notice specified in subdivision (b) of this section to return their NOTICE OF INTENT TO PROCEED and they must pay water and sewer connection fees applicable.

(d) Within the next ninety (90) days applicants will be required to have their existing plans reviewed for any District, County, or State building code changes that have occurred since they filed their original application and obtain and pay for a County Building Permit.

(e) Applicant shall complete the construction in substantially the same manner as depicted in the applied-for plans for the project and qualify for a permanent connection as provided by this Code within three hundred and sixty-five (365) calendar days.

(f) Time is declared to be of the essence in the performance of each of the requirements in subsections (c), (d) and (e) above, subject to the provisions of Section 4-304 as amended below. (*ORD 141*)

4.304. Termination of Allocation. For purposes of this section, "Applicant" includes the original applicant or applicant's executor.

(a) A connection allocation under Section 4-303 above shall be terminated and deemed forfeited if an Applicant:

(1) fails to comply with each of the requirements of Section 4-303(c)–(e);

(2) transfers title to the property to be served by the allocated connection to another party prior to completion of all requirements of Section 4-303.

(b) The General Manager shall monitor the progress of applicants allocated a connection under this Article. Upon learning of an event requiring termination and forfeiture of the connection, the General Manager shall notify the Applicant by

(1) first class mail;

(2) certified mail, return receipt requested; and,

(3) posting of the property.

(c) Applicant shall have the right to appeal such forfeiture to the General Manager upon showing of good cause within ten (10) days of such notice. If an Applicant is unsatisfied with the decision of the General Manager, the Applicant may seek relief from the Board of Directors of the General Manager's determination within ten (10) days of notice from the General Manager of action upon the appeal. The decision of the General Manager shall be final unless appealed to the Board of Directors, whereupon the decision of the Board of Directors shall be final. In considering relief from termination and forfeiture, the General Manager and the Board of Directors shall be guided by the principle that relief may be granted for non-compliance where the circumstances of the non-compliance are shown to have been beyond the diligent control of the Applicant, or where termination and forfeiture would be inequitable given the totality of circumstances.

(d) Upon termination and forfeiture of an allocated waiting list connection, such allocation may be made available to the general public. (*ORD 141*)

4-305. No Refunds. In the event that a water service permit or sewer service permit is terminated for any reason set forth in this Chapter, the permit holder shall not be entitled to a refund.

CHAPTER V – WATER SHORTAGES

Article 1 – Declaration of Water Shortage and Responsive Programs

5-101. Monitoring and Reporting of Sufficiency of Water Storage. The General Manager shall regularly monitor the acre-feet of water in storage and maintain projections of water supply over time based on such factors as acre-feet in storage, reserves required, current and anticipated usage demands, plant production, inflow and release data, construction projects, water system leaks or failures, disasters, and other special circumstances. These projections shall be reported to the Board at least monthly May through September and as needed at other times, unless otherwise directed by the Board. Projections shall include the calculations shown in Article 2, Subsection 2-504 hereinbelow.

5-102. Insufficient Water Storage Capacity. When a projection shows the potential for insufficient water availability to meet expected demand for any specific time period, or when a natural disaster or water system event such as dam or plant failure occurs and threatens or cuts off the water supply, the General Manager shall alert the Board of Directors to the situation, present an estimate of the shortfall, and certify whether at that point in time the situation requires the District to declare either (a) a Water Alert requiring mandatory water conservation, or (b) a Water Emergency requiring mandatory water rationing. (Each may be referred to as "the Program(s)" hereinbelow.)

5-103. Resolution Adopting Program. The Board will determine if either a Water Alert or a Water Emergency is appropriate and if such a determination is made, shall adopt the appropriate Program by means of a Resolution with a finding of necessity and appropriate Declaration, pursuant to the provisions of California Water Code Sections 350-358. This action may be taken at either a regular or emergency Board meeting.

5-104. Notice and Hearing. If the District is aware in advance of the need for either Program, action shall be taken in full accord with the public hearing and notice requirements of Water Code Sections 350-358. However, in the event of a natural disaster or water system failure, action may be taken immediately and the public notified as soon as possible by whatever means are available to the District at that time, and the District will endeavor to bring the declaration process to full compliance with this Chapter and with the Water Code as soon as practicable.

5-105. Publication. The Resolution and attachments giving details of the rationing program shall be published in full or in summary in the Legal Notices section of the Newspaper of Record within ten (10) days after adoption of the Resolution and shall be posted in three conspicuous places in the District and also in a conspicuous manner upon the District's website.

5-106. Notice to Customers. All water customers will be notified as quickly as possible, by mail and/or other publicity and by radio announcement in the case of natural disaster or water system failure, of the basis for the declaration, the type of Program declared, the restrictions imposed, the allocation amount per class of connection (if any), the starting date and expected duration (if known) of the alert or emergency, and the dates of any public hearing or public workshops that will be held.

5-107. Duration of Program. Either Program may be declared for a specific time period or until further notice. If declared until further notice, a modifying Resolution shall be adopted specifying an expected end date once this can be estimated by the District, and the Board shall direct the manner in which residents will be notified of this modification.

5-108. Modification of Water Shortage Program. A Water Alert may be upgraded to a Water Emergency, or a Water Emergency downgraded to a Water Alert, upon Resolution of the Board. Any Program once declared may be modified as appropriate as to term and regulations upon later Resolution, and the Board shall direct the manner in which residents will be notified of this modification.

5-109. Program Components Responsive to Current Situation. For either Program, the General Manager shall draft and the Board shall approve the regulations, restrictions, and guidelines for enforcement responsive to the particular circumstances at hand, and an outline of these Program components shall be made part of the adopting Resolution.

5-110. Notification of Department of Health Services. When the Board declares either a Water Alert or a Water Emergency, the District will immediately notify the Department of Health Services, Drinking Water Division, of the nature of the Program and provide a complete copy of the enacting Resolution and attachments to the Department immediately.

Article 2 – Types and Components of Water Shortage Programs

5-201. Water Alert with Mandatory Conservation. A Water Alert program may include imposition of various restrictions and regulations expected to conserve the available water supply, including but not limited to:

- (a) definition of essential and non-essential uses and restrictions or ban on non-essential uses;
- (b) restrictions or ban on irrigation and typical outdoor uses such as vehicle, driveway, and building exterior washing;
- (c) restrictions or ban on bulk sales of water by the District;
- (d) restrictions or ban on irrigation of the Golf Course or other District property;
- (e) imposition of a lower Excessive Use Cap for the duration of the Alert. (*ORD 138*)

5-202. Water Emergency with Mandatory Rationing. A Water Emergency program shall include a maximum gallon usage allocation ("standard allocation") per water connection per billing period and may also include restrictions and regulations such as those appropriate to a Water Alert and listed in Subsection 5-103 above and any additional restrictions or regulations as deemed appropriate to the circumstances.

5-203. Other Program Components.

- (a) Any Program may include provision for variance requests to regulations or the standard allocation and for a special appeal process for variances and enforcement proceedings.
- (b) Any Program may include special inclining water use tier rates for the duration of the Program, pursuant to Water Code Section 375.
- (c) Unless specifically prohibited by the Program, water customers may use non-processed water collected in rain barrels or provided by licensed water vendors for outdoor use during any Program, provided that District regulations pertaining to private water tanks and backflow devices are adhered to by the water customer.
- (d) Any Program adopted will include provisions for enforcement.

5-204. Calculation of Net Water Supply Available. When calculating the net water supply available or the projected water supply for a specific time period, the following reserves shall be deducted from the overall supply available:

- (a) Deduction from the total currently available water supply of reserve amounts for firefighting, District maintenance, system loss and leaks, expected excessive use caused by violations, and an emergency reserve should the duration of the program extend longer than predicted;
- (b) Deduction from that subtotal of an amount representing the sedimentation level at the bottom of the reservoirs.

5-205. Calculation of Standard Allocation for Mandatory Rationing

- (a) The Board will determine the standard allocation per class of water connection based upon calculations presented by the General Manager of the expected net supply available over the time period in question and the General Manager's recommendations.
- (b) The General Manager will consider the following factors in recommending amounts for the standard allocation:
 - (1) Rough calculation of minimum amount needed per average connection for basic sanitary needs over the expected duration of the Program;
 - (2) Rough calculation of expected variance requests (if allowed by the Program) and creation of a reserve for variance allocation amounts;
 - (3) Final calculation after deduction of all reserves listed above of a standard allocation per class of water connection as follows:
 - single-family residential
 - multi-family residential and multiple dwelling units on one meter
 - commercial, small
 - commercial, large

(c) The standard allocation amount will be primarily based upon actual Net Supply available divided equally among existing water connections, rather than primarily upon considerations such as household size, historical usage, and/or ideas of "reasonable" or "normal" usage.

Article 3 – Administration, Enforcement, Liability, and Excessive Use

5-301. Development of Guidelines. The General Manager is authorized and directed to develop written guidelines consistent with this Ordinance to carry out the provisions of the Program, make such determinations as required by the Program, monitor compliance and enforce the Program, process requests for variance allocations if allowed under the Program, administer an appeal process as designated under the Program, and make continuing projections and reports of sufficiency of water storage capacity. The General Manager is also authorized and directed to take whatever administrative steps are necessary for successful management of the Program, including hiring additional temporary staff and consultants as needed.

5-302. Cost of Enforcement Borne by Violators. Under any Program, the cost of enforcement measures shall be determined by the District and shall be the responsibility of and charged to the violating water customer. All enforcement costs so levied must be paid in full before a customer's service may be returned to normal.

5-303. Appeals.

(a) In order to swiftly protect the community water supply in the event of violation and/or excessive use, no appeal under a Program will serve to delay or lift any enforcement procedure scheduled or in place at the time the appeal is filed, nor will an appeal from a denial of variance entitle the appellant to use of any amount of water greater than the standard allocation.

(b) In any appeal, the burden of proof will be upon the appellant, and the appellant must provide all requested documentation prior to the appeal being scheduled for hearing. The assumption of the Board in any appeal will be that all staff involved in the appealed case has appropriately acted according to the Program's guidelines and for the protection of the community water supply unless the appellant proves otherwise.

(c) The General Manager will prepare guidelines for Board use in the hearing of appeals and shall keep the Board apprised of the amount remaining in the Variance Reserve, if any.

5-304. Liability.

(a) The District, its Board of Directors jointly and individually, its District Counsel, employees, temporary employees, and consultants shall be held harmless from any claim for injuries or damages resulting from any actions taken by them related to the imposition and administration of a Water Shortage Program.

(b) The District shall have no liability for any injuries or damages sustained by any water customer as a result of the imposition and enforcement of any Water Shortage Program, or from damages resulting from any water customer's independent provision of an additional water supply to their premises such as a private water tank or water vendor service, or from the denial of any request for exemption or variance from a restriction or standard water usage allocation.

5-305. Excessive Use Prohibited

(a) No single customer's water use in any billing period may exceed the Excessive Use Cap then in force. (*ORD 159 – 9,000 gallons per month*)

(b) In the event that a water customer's usage exceeds the Excessive Use Cap, the General Manager shall be authorized to:

(1) solicit the cooperation of the water customer to bring the customer's usage within permissible limits;

(2) install a water restriction device; or,

(3) terminate the service temporarily pending resolution of any appeal to the Board of Directors which may be filed by the water customer.

5-306. Irrigation Use Prohibited.

(a) Irrigation Use may be prohibited during a Water Emergency, Water Alert or Water Rationing Program if the Board of Directors finds that such use places an unjustifiable burden upon the public water supply.

(b) Nothing in this Ordinance shall be interpreted to prohibit domestic use of the District water. However, any outdoor irrigation may be restricted or prohibited under the provisions of a Water Shortage Program.

CHAPTER VI – SOLID WASTE COLLECTION AND DISPOSAL (*ORD 103*)

ARTICLE 1. GARBAGE, RUBBISH AND REFUSE¹

6-100.010. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. **Compost** means a mixture of garbage, refuse and rubbish that is composed solely of matter which is capable of decaying or decomposing and which is used as a fertilizer or soil amendment for gardening and landscaping.

B. **Compost Pile** means a pile, pit, or layer of compost.

C. **Container** means a consumer, commercial or recycling container. Consumer containers shall be supplied by the person subscribing or receiving garbage service and shall be a container specifically designed, manufactured, and distributed for the sole purpose of use as a consumer garbage/trash receptacle and shall be of watertight metallic or plastic construction with smooth interiors and with suitable bales or handles and with watertight fitting covers or other similar container as specifically approved jointly by the Contractor and the Township. The capacity of each such container shall not exceed thirty-two gallons. In lieu of or in addition to such containers, persons may contract with the contract agent to provide commercial containers, prepaid bags or cart service or other disposal containers or processes which the contractor agent may provide or approve in the future, including, but not limited to, containers for recyclable and/or salvageable materials. **Commercial Container** means a container supplied by the contract agent to any person subscribing or receiving garbage service and constructed of metal, plastic or other suitable material in such a fashion as to be watertight.

D. **Contract Agent** or **Contractor** includes and means an agent or employee of the Township or any person or the agents of employees thereof with whom the Township has duly contracted under the terms set forth in this chapter, to collect, transport through the streets, alleys or public ways of the Township and dispose of garbage, refuse and rubbish produced within the limits of the Township.

E. **Curbside** means as near but in no event more than five (5) feet, from the property line that abuts a paved public street or in the event the property does not abut a paved public street, where the property abuts a public street, alley, right of way or easement and in the case of a commercial location the service alley of a commercial or institutional entity.

F. **Garbage** means and includes kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits or vegetables. It also includes crockery, bottles, tin vessel, non-hazardous ashes and all refuse, save and excepting as defined as rubbish.

G. **Garden Clippings** means all plant and vegetable matter cut, trimmed or pruned from any premises within the boundaries of the Township, including grass, garden plants, flowers and tree and shrubbery trimmings.

H. **Hazardous Materials** means all materials which are defined as being hazardous to the public health or safety by federal, state or county statutes, legislation, policies or rules and regulations as they may exist from time to time. Hazardous waste may include those things which are not hazardous in and of themselves but which may become hazardous in combination with other materials which may be found in the waste stream. Examples include, but are not limited to batteries, motor oil, fireworks, gunpowder, antifreeze, paint thinner, mineral spirits, paint, asbestos, insecticides, weed killer, household cleaners with lye or ammonia, and medicines.

¹ For statutory provisions authorizing cities to contract for the collection and disposal of garbage, see Health and Safety Code '4250; for provisions on burning of garbage, see Health and Safety Code '4300 et seq.

I. **Landfill** shall mean a solid waste disposal site that meets all applicable federal, state and local requirements where it is located and has in effect all required licenses, permits or other required approvals. Subject to the approval of the Township, any such landfill may be required to meet all the design criteria established for a newly constructed landfill, including the entire site having been constructed with bottom liners, leachate controls, monitoring systems, etc. as required by said Subpart D. The Contractor shall not use a Landfill that the Township has not approved based on evidence from the Contractor, demonstrating to the reasonable satisfaction of the Township that the Landfill complies with the requirements of this subsection.

J. **Occupied Dwelling** shall mean any residence, abode or structure inhabited, used, possessed, or controlled by any person, provided, however, that the term "occupied dwelling" shall exclude any structure used exclusively for the operation of a business for which a business license is required under the County of Mendocino or Willits Municipal Code. Every separate residence, dwelling, living unit, or mobile home within any duplex, apartment complex, condominium or mobile home park shall constitute a separate occupied dwelling as defined herein.

K. **Person** shall mean any individual, partnership, corporation, receiver, trust entity, firm, business, special district, school district, tribal government, association and any group or coordinator acting as a unit.

L. **Recycling Processing Facility/Transfer Station or RPF** means any facility granted an exclusive contract by the Township to receive, recycle, salvage and dispose of garbage, refuse and rubbish delivered by licensed collectors, and solid waste haulers or self-haul residents of the County.

M. **Refuse** means and includes all matter and materials which are rejected by owners or producers thereof as offensive or useless and which by their presence or accumulation may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire.

N. **Rubbish** means all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, straw, combustible waste pulp, and other paper or wood products.

O. **Solid Waste** shall mean all non-hazardous solid waste and all garbage, refuse and rubbish, excluding garden clippings.

P. **Uncovered** means having garbage, rubbish or refuse that is not placed inside a container or otherwise covered in some manner.

6-100.020. Department Authorized. The power is granted the Board of Directors to create at any time by resolution a Solid Waste division of the Township Utilities Department, and to collect, remove and dispose of all garbage, rubbish and refuse as a sanitary measure and as a benefit to the public health and safety of the water supply.

6-100.030. Accumulation Prohibited. It is unlawful for any person to deposit, keep, accumulate, or permit, cause or suffer any garbage, rubbish or refuse to be deposited, kept or accumulated upon any lot or parcel of land, or on any public or private place, street, lane, alley or drive, unless the same is kept, deposited or allowed to accumulate as provided in this chapter.

6-100.040. Collection: Contract Exclusivity.

A. At such time as there is in force a contract entered into by the Township with any contractor for the collection of garbage, refuse or rubbish in the Township, it is unlawful for any person, other than the persons in the employ of the Contractor having such contract, to collect or transport any garbage, refuse, or rubbish within the Township except as provided in this chapter.

B. Notwithstanding the above, the Contractor shall not have the exclusive right to collect and dispose of the following types of rubbish:

1. Garden trimmings, when removed by gardening service;
2. Rubbish and refuse accumulated as the result of a new construction, structure demolition or modification when the building/demolition/modification contractor operates the equipment necessary to remove the demolished rubbish or refuse, which must be removed only

as incident to the infrequent clearing of a premises.

C. Notwithstanding the above, the provisions of this Chapter shall not apply to that area of the district which lies within the boundaries of the Spring Creek subdivision (Maintenance District 1976-1) and the boundaries of the Sylvandale subdivision (Parcel Map P1-73).

6-100.041. Collection: Owner Obligations.

A. Every owner of an occupied dwelling within the Township may subscribe with the Contractor at a rate for minimum garbage service as shall be set and defined from time to time by resolution of the Board of Directors. The subscriber shall provide a container(s) for deposit of garbage, rubbish, and refuse. The location and specifications of the container(s) shall be in accordance with this Chapter and all rules, regulations and specifications adopted by the Board of Directors from time to time.

B. Nothing in this section is intended to prevent any arrangement, or the continuance of an existing arrangement, under which payments for garbage collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the owner's obligation as provided herein.

6-100.050. Collection: Contract Contents.

A. For the collection and disposal of refuse, garbage and rubbish, a contract for a period not to exceed twenty-five (25) years may be entered into by the Township in accordance with and subject to the terms and conditions of this chapter.

B. Such contract shall provide that the Contractor shall collect and dispose of the refuse, garbage, and rubbish in the Township in the manner provided in this chapter and shall not charge any amounts in excess of the rates specified in this chapter. The Contractor shall be required to furnish a cash surety bond to the Township in the minimum amount of twenty-five Thousand Dollars (\$25,000.00) conditioned upon the faithful performance of the contract and the provisions of this chapter. Such Contractor shall have the sole and exclusive right, except as otherwise provided in this chapter, to collect all refuse, garbage, and rubbish in the Township, and transport the same through the streets and public ways of the Township. Such contract shall also require that the Contractor carry public liability insurance in the amount of One Million Dollars (\$1,000,000.00) for the death or injury of one person, Two Million Dollars (\$2,000,000.00) for the death or injury of more than one person, and property damage insurance in the amount of Twenty-Five Thousand Dollars (\$25,000.00) upon each of the trucks or other vehicles used by him/her in carrying out the work called for in the contract. The Board of Directors, by resolution, shall have the power to provide for the inclusion in such contract of such other terms as it deems necessary to protect the interest of the Township.

C. Before such contract is entered into, sealed bids may be called for at the direction of the Board of Directors, on notice by publication in a newspaper of general circulation in the Township, not less than one time, and the contract awarded to the highest responsible bidder. Each proposal or bid shall be accompanied by a certified check payable to the Township in the sum of Five Hundred Dollars (\$500.00), which sum shall be forfeited to the Township if the bidder to whom the contract is awarded fails or refuses to enter into the contract within fifteen days after the date of mailing to the successful bidder of the Township's "Notice to Award Contract." The Board of Directors shall reserve the right to reject any and all bids, and the Board of Directors shall not be required to award such contract to the highest bidder, if, in the opinion of the Board of Directors, a lower bid presents a more satisfactory plan of handling such garbage, refuse and rubbish.

D. The consideration upon which the bids shall be based is as follows:

1. Based on a percentage of the gross proceeds of the entire business to be awarded under the proposed contract;

2. A flat monthly payment by the Contractor to the Township. The bidders shall bid on either or both of these alternate plans.

E. Such contract shall also provide that the Contractor shall be given the right to dispose of all garbage, refuse or rubbish at an approved landfill or other Landfill or Recycling Processing Facility location designated by the Township. The books and business of the Contractor shall be subject to audit and checking at any reasonable time by the Township, and the payments to the Township by the Contractor shall be due and payable in accordance with the terms and conditions of any contracts entered into by the Township under this Chapter.

6-100.070. Collection: Fees. Any person or business from whom garbage, rubbish or refuse is collected under the provisions of this chapter shall pay to the Contractor or other persons designated by the Board of Directors to receive the same, such fee as may be set by the Board of

Directors by resolution from time to time for said services.

6-100.080. Collection: Interference Prohibited. It is unlawful for any person in any manner to interfere with the collection and disposal of refuse, garbage or rubbish by any person authorized by the Board of Directors by license or contract to collect and dispose of same.

6-100.090. Garbage: Burning. It is unlawful for any person to burn or cause to be burned in the Township any garbage, rubbish or refuse except in accordance with Section 6-100.130 of this chapter.

6-100.100. Garbage: Burying.

A. It is unlawful for any person to bury garbage or refuse at any place within the Township.

B. Nothing in this section shall prohibit any person from maintaining two compost piles at their place of business or residency within the Township; provided the compost is used as a soil amendment or fertilizer for planting lawns, flowers, gardens, shrubs, and trees.

C. The Board of Directors shall have the authority to adopt by resolution such regulations as it sees fit governing the creation, operation, maintenance, and discontinuance of composting piles within the Township.

D. All persons operating or maintaining a compost pile within the Township shall comply with all regulations adopted by the Board of Directors under Subsection C of this section and shall maintain such compost piles in a safe and secure manner. All such compost piles shall be placed, located and constructed so as not to be a public nuisance or in any degree offensive to neighbors or the public at large.

6-100.110. Garbage, Refuse and Rubbish Receptacles. It is unlawful for any person to keep, accumulate or permit to be accumulated any garbage, refuse or rubbish upon any lot or parcel of land, or on any public or private lane, place, street, alley or drive within the Township, unless the same is in a container which shall be kept closed at all times, except when necessarily opened to permit garbage, refuse or rubbish to be taken therefrom or deposited therein or in the case of garden clippings as set forth in this section. Every person desiring to dispose of garbage, refuse or rubbish shall prepare and place said garbage, refuse or rubbish for collection as follows:

A. All garden clippings shall be placed in an approved thirty-five (35) gallon domestic container. The total weight of each container shall not exceed seventy (70) pounds in weight and shall contain no garbage.

B. All containers, except commercial or other suitable containers provided by the Contractor containing garbage, refuse and rubbish shall be placed at the curbside, not earlier than 6:00 p.m. the night before and not later than 6:00 a.m. on the day scheduled for pickup. Such containers shall be removed prior to 6:00 p.m. of the day of collection. All commercial bins or other suitable containers shall be placed at locations approved by the Contractor and General Manager or his/her designee.

C. All containers shall meet the specifications set forth in this chapter or by subsequent resolution of the Board of Directors from time to time.

6-100.120. Garbage Collection: Exclusive Commercial Right. It is unlawful for any person other than any designated garbage collector or contractor agent to commercially collect or convey throughout the Township solid waste as such term is defined in Public Resources Code section 40191(a).

6-100.130. Garden or Yard Waste Burning. Garden or yard waste clippings may be burned subject to obtaining a burn permit from the Township, Air Quality Management District or other responsible agency requiring said permit.

6-100.140. Rubbish: Resident Disposal Authorized. Nothing contained in this chapter shall be construed to prevent or prohibit any resident of the Township or any business located in the Township from taking, hauling, transporting or disposing of any garbage, refuse or rubbish created by the resident or his/her household, or by a business in the conduct of its own business on premises occupied by it within the Township, provided the same is kept, hauled and disposed of under the rules and regulations prescribed in this chapter and all applicable laws.

6-100.150. Transportation. No garbage, refuse or rubbish shall be removed and carried on or along the streets and alleys of the Township except that the same is carried, conveyed, or hauled in vehicles or conveyances or constructed and so arranged as not to permit dust or other matter to

sift through or fall upon the streets, alleys, or ground. The contents of such vehicles or conveyances must also be appropriately covered so as to prevent the same from being blown or to otherwise fall upon the streets, alleys, or ground. In addition, no person shall transport any hazardous material within the Township except in accordance with the terms and conditions provided by federal, state, and local laws.

6-100.170. Vehicle Maintenance. Every truck used in the collection of garbage and rubbish shall be kept well-painted and clean inside and out.

6-100.180. Emergency Removal. Nothing in this chapter shall be deemed to prohibit the removal and hauling by an unlicensed person of materials considered by the County Health Officer or the Fire Chief to constitute a health menace. The County Health Officer or any authorized personnel of the Township Fire Department shall have the authority to issue orders requiring the immediate removal of such material when, in the discretion of any one of the foregoing, said removal is necessary to protect public health or safety.

6-100.190. Deposit in Public Place Prohibited. It is unlawful for any person in the Township to throw or deposit any garbage, rubbish, or refuse or to cause the same to be thrown or deposited upon any street, public or private land, alley, gutter, drain facilities, park, creek, or any public place, or throw or deposit the same in or upon any vacant lot or backyard or to store or keep the same, except as expressly authorized by this chapter.

6-100.200. Billing Charges.

A. All billing for waste collection shall be made by the Contractor or the Contractor's agent. All charges for garbage service shall become delinquent within thirty (30) days after the initial billing date.

B. If the bill remains unpaid after the date of delinquency, the garbage collector or his/her collection agent shall be entitled to recover a delinquency fee, the amount of the fee to be established from time to time by resolution of the Board of Directors. However, said delinquency fee shall not be assessed until ten (10) days after notification of the delinquency to the owner of an occupied dwelling within the Township and the recipient of garbage services. The form and content of the delinquency notice sent by the garbage collector or its authorized agent shall be approved by the General Manager or his/her designee.

6-100.210. Federal Agreement Controlling. The provisions of this chapter shall be subject to changes made in any government contract entered into by the federal government concerning garbage, refuse and rubbish disposal in and from public housing units within the Township limits.

ARTICLE 2. RECYCLING AND ANTI-SCAVENGING

6-201.010. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings as set forth hereinafter unless the context appears otherwise:

A. **Authorized Recycling Agent** means a person, partnership, joint venture, or corporation authorized by contract with the Township to collect recyclable materials pursuant to this chapter.

B. **Charitable Entity** means any organization or other entity maintained for community service, education or the public good, including service clubs, scouting organizations, religious and education organizations, and recognized charities.

C. **Collect** means to take physical possession of materials at any commercial location, institutional location, multi-residential complex, or residential unit of another.

D. **Commercial Entity** means any business, retail, office, professional or industrial premises or site including but not limited to motels, hotels, and automobile lots. Such definition excludes nonprofit activities such as churches, synagogues, charitable organizations, fraternal, service, and social clubs.

E. **Commercial Location** means the premises or site of a commercial entity.

F. **Curbside** means as near but in no event more than five (5) feet, from the property line that abuts a paved public street or in the event the property does not abut a paved public street, where

the property abuts a public street, alley, right of way or easement and in the case of a commercial location the service alley of a commercial or institutional entity.

G. Designated Collection Location means the place where an authorized recycling agent is to pick up segregated, recyclable materials. The location is identified by contract between the authorized recycling agent and the Township and will customarily be the curbside or a residential neighborhood or the service alley of a commercial or institutional entity.

H. Garden Clippings means all plant and vegetable matter cut, trimmed, or pruned from any premises within the boundaries of the Township, including grass, garden plants, flowers and tree and shrubbery trimmings.

I. Institutional Entity means any location operated by a government entity, including Township, county, state or federal buildings, public schools, colleges, and public recreational sites.

J. Institutional Location means the premises or site of an institutional entity.

K. Large Appliances means any kitchen stove, oven, dishwasher, refrigerator, freezer, hot water heater, garbage compactor, clothes washer, clothes dryer, and other large appliance items.

L. Multi-Residential Complex means any residential building, boardinghouse, apartment building, condominium complex, stock cooperative complex, or flats consisting of more than three independent dwelling units. "Multi-residential complex" does not include motel, hotel or automobile lot.

M. Person shall mean any individual, partnership, corporation, receiver, trust entity, firm, business, special district, school district, tribal government, association and any group or coordinator acting as a unit.

N. Recycle or Recycling means the process of sorting, composting and/or transporting to market for sale or reuse, all recyclables.

O. Occupied Dwelling shall mean any residence, abode or structure inhabited, used, possessed, or controlled by any person, provided, however, that the term "occupied dwelling" shall exclude any structure used exclusively for the operation of a business for which a business license is required under the Willits Municipal Code. Every separate residence, dwelling, living unit, or mobile home within any duplex, apartment complex, condominium or mobile home park shall constitute a separate occupied dwelling as defined herein.

P. Segregated Recyclable Materials means those recyclable materials that have been separated:

1. By the person from whom they are being collected;
2. From garbage, rubbish and refuse, as defined in Chapter 6-100 of this Code; and,
3. From all other recyclable materials to form one readily identifiable category or materials as set for the in Subsection K of this section that is salable without further sorting.

6-201.020. Recyclable Material Disposal: General Requirements. It is unlawful for any person subscribing or voluntarily participating in the recyclable materials collection service program established herein to keep, deposit, bury or dispose of any recyclable materials, except as in this chapter provided, in or upon any private or public property, street, alley, sidewalk, gutter, park or upon the banks of any stream or creek in the Township, or in or upon any of the waters thereof; and every person in the Township who disposes of recyclable materials shall dispose of same only in the manner provided in this chapter.

6-201.030. Collection Service.

A. A recyclable materials collection service program is established and shall be available to all persons, residences, businesses, and institutions in the Township for the purpose of providing for the orderly and regular collection of recyclable materials within the Township under this program. Creation and operation of a collection program does not preclude the operation of certified recycling centers created pursuant to Division 12.1 of the California Public Resources Code and/or charitable entity recycling programs.

B. Recyclable materials for donation, sale, or collection by or to any person or entity other than the authorized recycling agent, may not be stored or transferred by use of the recycling receptacles described in this chapter, or any other containers used for recycling provided by the authorized recycling agent. Storage of recyclable materials at the designated collection location other than for pickup by the authorized recycling agent as defined in this chapter, is prohibited.

6-201.040. Collection Contract.

A. The Board of Directors may, with or without having invited bids, enter into an exclusive contract or contracts with any responsible individual, association, firm, organization, or other business entity, whether or not said entity is operated for profit, for the collection of all curbside recyclable materials within the Township. Where such a contract or contracts has heretofore or hereafter been entered into between the Township and a contractor(s) for the collection of all curbside recyclable materials or herein provided, said contractor or contractors shall be an authorized recycling agent for the Township as to those recyclable materials covered by the contract.

B. If in the determination of the Board of Directors said contractor or contractors shall have satisfactorily performed such contract or contracts, the Board of Directors, without inviting bids or proposals therefore and without giving notice of its intention to do so, may, either prior to or after the expiration of any such contract, extend or renew the same for such a period and on such terms and conditions as the Board of Directors shall deem necessary and appropriate.

6-201.050. Authorized Recycling Agent Duties. The Township's official authorized recycling agent or agents must offer curbside recyclable materials collection service to all persons, residences, businesses, and institutions within the Township limits which request such services pursuant to the terms and conditions of any exclusive contract for such service. The Board of Directors may establish by resolution standard regulations for the methods of collection of recyclable materials, collection service charges, frequency of pickup, and the civil and/or criminal remedies available for enforcing this chapter.

6-201.060. Provisions Declared Minimum Standards. The provisions of this chapter shall be the minimum requirements for the protection of the public health, safety, convenience, and general welfare.

6-201.070. Separation of Recyclables and Placement for Removal.

A. All persons who subscribe or voluntarily participate in the recyclable material collection program established by this chapter shall prepare and separate those recyclable materials and garden clippings that the Township has contracted for curbside pickup by the authorized recycling agent from other garbage, rubbish and refuse as required by this chapter or any collection contract entered into by the Township, and thereafter have the segregated recyclable materials and garden clippings placed within receptacles as required by this chapter, or within the designated collection location, which shall be collected by the authorized recycling agent.

B. Receptacles containing recyclable materials and garden clippings for residential units shall be placed at curbside for collection by the authorized recycling agent; but shall not be placed at curbside earlier than 6:00 p.m. the night before and not later than 6:00 a.m. on the day scheduled for collection, nor left remaining at curbside later than 6:00 p.m. following the date and time for scheduled collection.

C. Receptacles containing recyclable materials for a multi-residential complex, commercial and/or institutional locations shall be of a size and serviceability as designated in the contract entered into by the Township under this chapter.

6-201.080. Receptacle Specifications.

A. Pursuant to the terms and conditions of any exclusive contract between the Township and any authorized recycling agent, each residential unit shall be provided with suitable and sufficient receptacles to store segregated curbside recyclable materials to be made available for curbside pickup. The subscriber shall provide the approved domestic container for garden clippings. The color, style and markings of such receptacles shall be mutually agreed upon between the Township and the authorized recycling agent or agents.

B. All such residential receptacles shall be and remain in the property of the authorized recycling agent and shall not be used for any purpose other than the segregation and curbside placement of recyclable materials. Persons relocating out of the Township shall notify the appropriate authorized agent of such fact and arrange to have the agent pickup the receptacles prior to moving.

C. It is the duty of every person to maintain receptacles in a reasonable safe and secure manner; and all such receptacles shall be so placed and kept at the designated collection location so as to be readily accessible for removal and collection therefrom and placed such that they will not be a public nuisance or any degree be offensive.

6-201.090. Insurance Required of Agent. The Township's official authorized recycling agent contracted with, in accordance with this chapter, shall be considered as and shall be an independent contractor and shall act under its own directions as to the manner of performing its work; and it shall keep itself and all of its employees insured against all liability under California workers and employees insurance, compensation and safety laws and against public liability and property damage, including all such liability for use or operation of motor vehicles used in the performance of work hereunder. Such public liability insurance shall be to the minimum extent of one million dollars or an amount as may be set from time to time by the Board of Directors by resolution for each incident of death or injury to persons and/or property. Evidence of such insurance to the satisfaction of the Township Attorney shall be filed with the Township upon request.

6-201.100. Rights under Contract. An award of any contract to collect recyclable materials and garden clippings at the curbside shall confer upon the entity or entities to whom the contract is awarded the exclusive right as the Township's official authorized recycling agent hereunder, during the term of the contract, to collect, transport, sell and dispose of all recyclable materials and garden clipping placed at the curbside and collected within the Township as provided herein, and all provisions of this chapter applicable to the authorized recycling agent shall constitute and be part of any contract awarded thereunder.

6-201.110. Receipt of Charges. A charge shall be collected by the Township's official authorized recycling agent from persons of an occupied dwelling unit, as well as for each multi-residential, commercial and/or institutional entity situated within the Township limits that subscribed to said service, at rates to be established from time to time by resolution of the Board of Directors.

6-201.120. Private Disposal of Recyclable Materials.

A. Nothing contained in this chapter shall preclude any persons, business or other entity from disposing of segregated recyclable materials without utilizing the Township's official authorized recycling agent, provided that the recyclable materials are disposed of by such persons individually or by his or her relatives, employee or employees to an authorized recyclable materials collection site or station that has been duly approved and authorized as such by appropriate governmental authority or other appropriate authority.

B. Nothing herein contained shall prevent any persons, business, or other entity from allowing recyclable materials to be picked up, dropped off, or otherwise donated to any charitable entity.

C. The use of receptacles or other containers provided by the authorized recycling agent for the pickup of such recyclable materials at the curbside or from any designated collection location is prohibited by anyone other than the authorized recycling agent.

D. Nothing herein contained shall inhibit, regulate, or restrict any recycling center, nonprofit drop-off program or recycling processor as permitted by the Solid Waste Management Resource and Recovery Act of 1972 or the California Beverage Container Recycling and Litter Reduction Act of 1966 and as subsequently amended.

6-201.130. Collection by Unauthorized Persons Prohibited.

A. It is unlawful for any person, business, or other entity, not otherwise excepted by the provisions of this chapter, or by state or federal law, to collect curbside recyclable materials and garden clippings in the Township.

B. From the time of placement of recyclable materials and garden clippings at curbside, or other appropriate designated collection locations or in any container used for recycling provided by the authorized recycling agent, said recyclable materials shall be and become the property of the authorized recycling agent.

C. It shall be a violation of this chapter for any person unauthorized by the Board of Directors to collect or pickup or cause to be collected or picked up any recyclable material, except to the extent such matter has been discarded as litter on the public streets within the Township. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

D. As an alternative to criminal enforcement, both the Township and the authorized recycling agent have the independent authority to civilly enforce any provisions of this chapter, to and including the authority to seek treble damages pursuant to California Government Code Section 66764. The General Manager may invoke these remedies, or any of them, whenever he or she seems it appropriate.

E. Enforcement of this chapter shall be made then only after the violator has been given one written warning that he or she has violated this chapter and the penalties for further violations.

This Ordinance shall become effective thirty (30) days after its adoption. Within fifteen days after its adoption, the District Secretary shall post copies of this Ordinance on the bulletin board in three places within the District as follows: the District Office, the Community Center, and the Golf Pro Shop.

****END OF ORD 76 CHAPTERS****

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or code adopted herein is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of this ordinance or code shall remain in full force and effect.

Section 3. Ordinance Nos. 34, 35, 44, 47, 58, 59, and 73, Resolution No. 1981-23 and any other ordinances, resolutions, or policies of the District in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective thirty (30) days after its adoption. Within fifteen days after its adoption, the District Secretary shall post copies of this ordinance on the bulletin board in three places within the District as follows: the District Office, the Community Center, and the Golf Pro Shop.

INTRODUCED on the 9th day of August, 1990, at a regular meeting of the Board of Directors of the Brooktrails Community Services District.

ADOPTED this 23rd day of August, 1990, at a regular meeting of the Board of Directors of the Brooktrails Community Services District by the following vote:

AYES: Edmondson, Horrick, Shamoan, Bothwell, Stephens

NOES: None

ABSENT: None

Signed by: Marie J. Stephens, Board President

ATTEST:

Signed by:

Michael L. Phelan, Secretary