

ORDINANCE NO. 50

(AS AMENDED BY ORDINANCES NO'S: 54, 74, 88, 105, 109, 116, 119, 120, 124, 131, 133, 140, 144, 162, 163, 166, 182)

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE INSTALLATION OF SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, PROVIDING FOR EMPLOYMENT OF A MANAGER AND DISTRICT INSPECTOR, PROVIDING PERMITS AND FIXING FEES FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF

BE IT ENACTED by the Board of Directors of the Bodega Bay Public Utility District, Sonoma County, California, as follows:

ARTICLE I – DEFINITIONS

Sec. 101. District shall mean Bodega Bay Public Utility District.

Sec. 102. County shall mean the County of Sonoma, California.

Sec. 103. Board shall mean the Board of Directors of said District.

Sec. 104. Manager shall mean the person or persons appointed by the Board to administer and enforce the rules and regulations of the District.

Sec. 105. District Engineer or Engineer shall mean the Engineer appointed by and acting for the Board and shall be a Registered Civil Engineer.

Sec. 106. District Inspector shall mean the Inspector acting for the Board and may be a member of the Board, the Manger, the District Engineer or Inspector appointed by the Board.

Sec. 107. Person shall mean 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.

Sec. 108. Permit shall mean any written authorization required pursuant to this or any other rule, regulation, or ordinance of District for the installation of any sewage works.

Sec. 109. Building shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Sec. 110. Applicant shall mean the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

Sec. 111. Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

Sec. 112. Street shall mean any public highway, road, street, avenue, alley, way, public place, public easement, sewer line easement, or right-of-way.

Sec. 113. Wastewater Facilities (also referred to as sewage works) shall mean all facilities for collecting, pumping, treating and disposing of wastewater (sewage).

Sec. 114. Wastewater or sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, and excludes all uncontaminated water and industrial wastes.

Sec. 115. Sewer shall mean a pipe of conduit for carrying sewage or industrial wastes, or both.

Sec. 116. Public Sewer shall mean a sewer lying within a street and which is controlled by or under the jurisdiction of the District.

Sec. 117. Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from wastewater (sewage) and uncontaminated water.

Sec. 118. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sec. 119. 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.

Sec. 120. Main Sewer (trunk sewer) shall mean a public sewer designed to accommodate more than one lateral sewer.

Sec. 121. Lateral Sewer shall mean the portion of a sewer lying within a public street connecting a building sewer to the main sewer. No sewer located in a street and running longitudinally with such street, or running parallel or generally parallel with the right-of-way center line of said street, shall be considered to be a lateral sewer; it shall be considered a main sewer.

Sec. 122. 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.

Sec. 123. Side 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.

Sec. 124. 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.

Sec. 125. Outside Sewer shall mean a sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of District.

Sec. 126. Plumbing System shall mean all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three (3) feet outside the building wall.

Sec. 127. Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater (sewage).

Sec. 128. Garbage shall mean solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

Sec. 129. Fixture Units shall mean fixture unit load values for drainage piping and shall be computed from Tables 1 and 2 of Chapter 4 of the Uniform Plumbing Code adopted herein.

Sec. 130. Additional Definitions. For the purpose of this ordinance additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted herein.

ARTICLE II – GENERAL PROVISIONS

Sec. 201. Rules and Regulations. The following rules and regulations respecting sewer construction and disposal or sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Sec. 202. Purpose. The purpose of this Ordinance is to provide for and regulate the disposal of sewage into the wastewater system of the District in such manner and to such extent as is reasonably necessary to prevent waste discharges from adversely affecting the District's wastewater facilities, the operation of District's wastewater treatment plant or the quality of the effluent therefrom; to protect the District and its personnel, and preserve and protect the health, safety and comfort of the public. This Ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

Sec. 203. Short Title. This Ordinance shall be known as the “Bodega Bay Public Utility District Sanitary Code.”

Sec. 204. (Reserved)

Sec. 205. Violation Unlawful. Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said District except by connection to a public or private sewer in the manner as in this Ordinance provided.

Sec. 206. Relief on Application. When any person by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

Sec. 207. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Sec. 208. District Inspector, Compensation. The Board of District shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, private sewers and facilities in connection therewith in said District, to be known as the District Inspector. The person so employed shall receive as compensation for his services for making inspections required to be made by the ordinances, and orders and regulations from time to time enacted and ordered by the Board, a sum to be fixed by the Board. He shall serve during the pleasure of the Board and may be another official of District.

Sec. 209. Permits and Fees. No public sewer, side sewer, or other sewer facility shall be installed, altered or repaired; nor shall any plumbing system be installed, altered or repaired which will cause additional fixture units to be added to an existing connection to the District’s wastewater facilities; nor shall any connection be made to a public sewer, until a permit for the work has been obtained from the District and all fees paid in accordance with the requirements of Article IX of this Ordinance.

ARTICLE III – USE OF PUBLIC SEWERS REQUIRED

Sec. 301. Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in an 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.

Sec. 302. Treatment of Wastes Required. It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Ordinance.

Sec. 303. 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.

Sec. 304. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the Owner of the premises has complied with all rules and regulations of District.

Sec. 305. Sewer Required. The owner of any residential building situated within the District and abutting on any street in which there is now located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the lot or parcel upon which the building is located. Non-residential buildings shall be required to connect to the District sewer system upon notice, within the time set forth in said notice.

ARTICLE IV – PRIVATE SEWAGE DISPOSAL

Sec. 401. Sewer Not Available. Where a public sewer is not available under the provisions of Section 305, or notice to connect is not given pursuant to said Section 305, the building sewer shall be connected to a private sewage disposal system complying with the rules, regulations and ordinances of the County Building and Health Department.

Sec. 402. Design Requirements. The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California and the Sonoma County Health Officer and Building Department. No septic tank or cesspool shall be permitted to discharge to any public sewer, road or any stream or watercourse.

Sec. 403. 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 305, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools and similar

private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the District Inspector.

Sec. 404. Cost of Maintenance by Owner. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

Sec. 405. Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rules or regulation or by the Health Officer or Building Inspector of the County.

Sec. 406. Inspection of Operation. The District Inspector shall have the right to inspect any private sewage disposal system to determine whether said system is maintained or operated in a manner endangering the public health or creating a public nuisance. The owner shall forthwith take the remedial measures as directed by the District Inspector if said Inspector determines such measures are necessary to protect the public health or to avoid a public nuisance.

Sec. 407. Permit Required. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the District. The application for such permit shall be made on a form furnished by the District, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the District Engineer. A permit and inspection fee shall be paid to the District at the time application is filed in accordance with the provision of Article IX of this Ordinance. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Building and Health Department.

ARTICLE V – UNIFORM PLUMBING CODE

Sec. 501. Uniform Plumbing Code Adopted. All that certain current issue of the plumbing code, entitled “International Association of Plumbing and Mechanical Officials Uniform Plumbing Code”, as adopted by the International Association of Plumbing and Mechanical Officials, copies of which are on file in the office of the District for use and examination by the public, except such sections therein as are shown to be omitted, amended, or added thereto, in said copies, is hereby adopted as the Uniform Plumbing Code of the Bodega Bay Public Utility District, to which reference is hereby made and is hereby adopted by reference as if set forth in full herein.

Sec. 502. Administrative Authority. Wherever the term “Administrative Authority” is used in the Uniform Plumbing Code it shall be construed to mean only those persons duly authorized by the District Board to administer the code as follows:

Administration of the code and enforcement or regulations thereof shall be under the direction of the Manager.

Building or house sewers, mains and laterals outside of the building plumbing and drainage system shall be inspected by the District Inspector.

The interpretation of technical provisions of this Ordinance, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of this Ordinance shall be made by the District Engineer.

ARTICLE VI – BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Sec. 601. Permit Required. No person shall construct a building sewer, lateral sewer, make alterations to any plumbing system which will cause additional fixture units to be added to any existing side sewer connection, 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.

Sec. 602. Construction Requirements. Construction of building sewers and lateral sewers shall be in accordance with the requirements and specifications of the District and shall satisfy all requirements of the County. All construction shall be in accordance with the “Uniform Plumbing Code of the Bodega Bay Public Utility District.”

Sec. 603. Minimum Size and Slope of Side Sewers. Pipe for side sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects and in any case the minimum diameter shall be 4 inches. Where more than 150 fixture units are to be connected, the side sewer shall have a 6-inch minimum diameter. When more than one building sewer is allowed to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than 6-inch diameter.

The minimum slope for 4-inch diameter side sewers shall be two feet per 100 feet (2 percent) provided, however, that where unusual conditions exist making it impractical to obtain this slope, a 4-inch diameter side sewer may have a slope of not less than one foot per 100 feet. (1.0 percent) when specifically approved by the District Engineer. The minimum slope for side sewers greater than 4 inches in diameter shall be one-half foot per 100 feet (0.5 percent).

Sec. 604. Separate Side Sewers. Each separate building shall be connected to the main sewer with a separate side sewer, except that one or more buildings located on property owned by the same person may be served by the same side sewer if the District Engineer determines that it is unlikely that the ownership of said property can or will be divided in the future. However, if for any reason, the ownership of said property is subsequently divided, each building under separate ownership shall be provided with a separate side sewer, and it shall be unlawful for the owner thereof to continue to use or

maintain such common side sewer. Condominium conversions will be considered on an individual basis for conformance to this Section.

Notwithstanding the provisions hereof, single family residential units with common walls, condominium, stock cooperative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the District Engineer, be permitted to maintain a common side sewer or sewers.

Sec. 605. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirements of District.

Sec. 606. Cleanouts. Cleanouts in building sewers shall be provided in accordance with the Uniform Plumbing Code. Cleanouts shall be the same diameter as the building sewer. All cleanouts shall be maintained watertight.

Sec. 607. Sewer Too Low. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the Engineer, and discharged to the public sewer at the expense of the Owner.

Sec. 608. Connection to Public Sewer. The connection of the building sewer into public sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building or lateral sewer, with entry in the downstream direction at an angle of about forty-five degrees (45%). A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. The connection to the public sewer shall be made at the applicant's expense, in the presence of the District Inspector, and under his supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District Inspector.

Sec. 609. Protection of Excavation - Compliance with Regulations. All excavations for a side sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection 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. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County or any other person having jurisdiction thereover.

Sec. 610. Maintenance of Side Sewer. Side sewers shall be maintained by the owner of the property served thereby. Where a side sewer provides service to more than one single family residential unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the side sewer shall be in the homeowner's association or other entity responsible for the maintenance of the property and facilities owned in common.

Sec. 611. Backwater Prevention Devices – Maintenance. Where a side sewer serves plumbing fixtures that are located less than one (1) foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from backflow of sewage by installing a backwater prevention device of a type and in the manner prescribed by the Engineer. Any such backflow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant. The maintenance of the backflow device shall be the sole obligation of the permittee or his successor in interest. The District shall be under no obligation to ascertain that the backflow device continues in operating condition.

Sec. 612. Building Drain. Whenever possible the building drain shall be brought to the building at an elevation below the basement floor. No building drain shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall; be sufficient to afford protection from frost. The building drain shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curbed pipe and fittings.

Sec. 613. Joints and Connections. All excavations required for the installation of a sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with the Uniform Plumbing Code of District, except that no backfill shall be placed until the work has been inspected. All backfill must be free from rocks and clods of dirt.

Sec. 614. Testing. All building sewers and lateral sewers, upon completion of construction or modification, shall be tested in the presence of the District Inspector by either an approved compressed air test or by filling the line with water and inspecting for excessive leakage. Fittings, plugs, compressor, water and labor for testing shall be furnished by the person constructing the sewer at his own cost. All lines showing excessive leakage shall be repaired or replaced at the expense of the person doing the work and shall be done at the direction and to the satisfaction of the District Inspector.

ARTICLE VII – PUBLIC SEWER CONSTRUCTION

Sec. 701. Permit Required. No person shall construct, extend, or connect or reconnect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein.

Sec. 702. Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances and regulations of District, prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be directed to the District Engineer for preliminary examination. After examination by such Engineer, the application, plans, profiles, specifications and any written recommendations of the District Engineer shall be submitted to the Board for consideration and action. After such consideration by the Board, the Board may (1) in its discretion deny the permit application if it determines that it is in the best interest of the District to deny such permit application, or (2) grant such permit application conditioned upon the payment of all connection charges and fees and the furnishing of an agreement in form to be approved by the District that the applicant will construct the facilities in strict accordance with the approved plans and specifications, the faithful performance of which agreement shall be secured by a faithful performance bond in an amount and with sureties satisfactory to the District. The granting of such permit application may be made upon such additional conditions as the Board deems necessary in the public interest.

Sec. 703. Subdivisions. All fees and connection charges required under Article IX hereof, excepting the permit and inspection fees required under Section 910 (a) through (d), shall be paid, before any final subdivision map shall be approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewers are to be constructed.

Sec. 704. Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, 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.

Sec. 705. 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 sewers installed concurrently with public sewer construction.

Sec. 706. Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to batter boards and sewer invert.

Sec. 707. Compliance with 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 protection 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. Any person requesting a permit shall also comply with all applicable guidelines, including the Local Guidelines of District, adopted pursuant to the Environmental Quality Act of 1970, and shall make all deposits required and pay all fees which may be established by the District in the event the District determines to process the application to comply with said Act.

Sec. 708. Protection of Excavation. The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and the County or any other person having jurisdiction thereover.

Sec. 709. Design and Construction Standards. Minimum standards for the design and construction of sewers with the District shall be in accordance with the SPECIFICATIONS FOR SEWER CONSTRUCTION heretofore or hereafter adopted by the District, copies of which are on file in the District Office. The District may permit modifications or may require higher standards where unusual conditions are encountered.

“As-built” drawings showing the actual location of all mains, structures, Y’s, laterals and cleanouts shall be filed with the District before acceptance of the work.

Sec. 710. Completion of Sewer Required. Before any acceptance of any sewer line by the District and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the SPECIFICATIONS FOR SEWER CONSTRUCTION and to the satisfaction of the District Engineer. If the work of constructing public sewerage facilities is not completed within the time limit specified in the permit, the District Board may extend said time limit or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to Section 711 of this Ordinance.

Sec. 711. Improvement Security. Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the District a faithful performance bond, cash, or other improvement security acceptable to the District Board, in the amount of the total estimated cost of the work as determined by the District Engineer. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the permit and, unless more stringent requirements are otherwise specified by the District Board, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year

from and after the date of acceptance of the work by the District Board. The applicant shall also furnish to the District a labor and material bond, or other security acceptable to the District Board, in the amount of the total estimated cost of the work.

Sec. 712. Financing – General. The extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner, although the District reserved the right to perform the work and bill the owner for the cost thereof, to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewerage facilities shall be as required by the District.

Sec. 713. Special Reimbursement Agreements. Where special conditions exist in the opinion of the Board, it may, either in addition to or in lieu of any of the provisions of this Article, authorize a special reimbursement contract between the District and the person or persons constructing public sewerage facilities. Said Special Reimbursement Agreement shall be made and entered into prior to the issuance of a permit for the work by the District.

Where the cost of public sewerage facilities has been paid or deposited by the person obtaining the public sewer construction permit pursuant to the provisions of this Ordinance, the District may, thereafter, but for no longer than ten (10) years from the date of acceptance of such facilities by the District, collect from any person connecting to such facilities, that fraction of the cost of such facilities, as approved by the District, as required by any special reimbursement agreement and as authorized by the provisions of Section 908 (a) of this Ordinance. Such sums as are actually received by the District shall be paid by the District to the person originally constructing such facilities. District shall in no way be obligated to assure that the person entering into such agreement or constructing such facilities is paid the total cost thereof, nor to initiate any action nor incur any expense to collect any sum to be paid such person. Where more than one person contributes toward the cost thereof, such sums shall be refunded to those persons pro rata according to the amount which they individually and severally contributed toward the cost of the public sewerage facilities. Any reimbursement agreement must be entered into prior to the issuing of a permit for the work.

Sec. 714. District Participation. The District may, in its sole discretion, pay that portion of the costs of extending its trunk sewer system or constructing sewage pumping or treatment facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility that the District requires under its long range master plan when all of the following conditions are present:

- (a) The facility to be constructed replaces a presently inadequate facility.
- (b) The facility to be constructed is part of a currently planned capital improvement program of the District, and
- (c) The District Board has determined that it is within the District's financial ability to finance its share of the improvement.

ARTICLE VIII – USE OF PUBLIC SEWERS

Sec. 801. 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 sub-surface drainage, rain water, storm water, seepage, cooling water (including that from air conditioning units) or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Sec. 802. Types of Waste Prohibited. No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5, or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalts, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, et., either whole or ground by garbage grinders.

Sec. 803. Objectionable Wastes. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the District Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the District Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, material of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree or treatability of wastes in the sewage treatment plant, and other pertinent factors. In forming his opinion, the District Engineer shall also consider any Federal or State pretreatment standards which have been promulgated for specific users; such pretreatment standards shall be enforced by District. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°) F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) F (0 and 65°) C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Engineer.
- (d) Any waters or wastes containing strong acid metallic pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, heavy metals, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Engineer for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting “slugs; as defined herein.

- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Septic tank pumpings.

Sec. 804. Control of Objectionable Wastes. If any waters or wastes are discharged or wasted or are proposed to be discharged or wasted, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 803 of this Article, and which in the judgment of the Engineer, may have a deleterious effect upon the wastewater facilities, processes, or equipment, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer shall recommend that the Board do one or more of the following:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 810 of the Article.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer and any agencies having jurisdiction thereover, and subject to the requirements of all applicable codes, ordinances and laws. The District shall enforce applicable Federal and State pretreatment requirements.

Sec. 805. Grease Traps And Oil And Sand Interceptors: All non-domestic users, including restaurants, gas stations, and auto repair establishments with floor drains located in service areas and auto on vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the users own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the District, present the possibility of causing or contributing

to the fouling of, or the blockage of, or other damage to the District sewerage system. Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other appropriate sampling structure as specified by the District, shall be installed and located immediately downstream of the user's oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations. Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substance concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors. Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the District so as to assure that the interceptor will operate as designed at all times. The use of chemicals to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer. Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager or the County of Sonoma Environmental Health Department."

Sec. 806. Administration Of Interceptor Program. The District shall administer an interceptor program which is intended to prevent grease, sand, flammable liquids, and other substances which are likely to block or create a hazard within the sewerage system from entering the system through use of interceptors or traps. The District may require any non-domestic user to install an interceptor or trap according to the guidelines set forth in the District's Standard Specifications or other program, prior to connection to the District; or at any time after connection to the District if the District discovers or determines subsequent to the connection that the building, facility, or operation of that user produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Ordinance. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the entity which applies for the connection or industrial permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for an interceptor or traps. The District shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, factors such as those listed hereunder:

- A. The type of facility (restaurant, bakery, cheese factory, yogurt shop, gas station, lube facility, etc.).

- B. The volume of the users business or operation (such as number of meals served, number of seats, hours of operation).
- C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.
- D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).
- E. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the users facility.
- F. The overall potential for grease-laden, flammable, or sand-laden discharges.
- G. The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil or other flammable liquids from entering the sewer system.

The design, location, and procedures for operation of a required interceptor or trap shall be approved by the District. Such approval shall be obtained prior to the user's connection of the facility to the District's sewerage system, in the event of new construction or remodeling. In instances where a user has already connected and the District determines that an interceptor or trap must be installed, the user shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the District), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap as required by this Ordinance on an existing user facility shall occur within reasonable time not to exceed one hundred (100) days after the user has been provided notice of the requirement that an interceptor or trap be installed. This one hundred (100) day limit may only be extended by written agreement of the District. Any users who are required to install or have in operation an interceptor or trap pursuant to this Ordinance, shall be required to have a written plan of operation or program for their facility which is intended to insure that the interceptor or trap operates as designed to prevent grease, oil, sand, or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage which ultimately enters the facility's drains and floor traps and/or other such procedures as may be required for the proper operation of the interceptors.

Sec. 806.(a) Enforcement. Failure of any user who is required to maintain an interceptor or trap pursuant to this Ordinance and/or pursuant to lawful District direction, shall be subject to each of the enforcement provisions set forth in this Ordinance. The enforcement provisions of this Ordinance shall also apply to the failure to instruct personnel, or to maintain, pump, and/or institute a proper grease or flammable substance reduction program.”

Sec. 807. 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 his expense.

Sec. 808. Control Manholes. When required by the District, the owner of any property served by a side sewer carrying waste which the District has cause to believe to be an actual or potential source of prohibited or objectionable waste as defined in Sections 802 and 803 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 Bodega Bay Public Utility District Standard Nos. 148 and 149 contained in Exhibit A, cited in Section 805, above. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 809. Sewer Waste Discharge Control and Prevention.

- (a) Measurements and Tests. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 802 and 803 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 808, 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 the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.
- (b) Testing Authority and Cost Recovery. The District shall have the right to require the testing and analysis of waste from any side sewer which the District has cause to believe to be an actual or potential source of prohibited or objectionable waste as defined in Sections 802 and 803. Furthermore, the District may require the establishment of a program to monitor the flow of any side sewer in order to reduce the potential of testing, analysis and monitoring for prohibited and objectionable waste, whether performed by the District or others, shall be performed at the expense of the respective property owner.

Sec. 810. Special Agreements. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by District.

Sec. 811. Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

Sec. 812. Car Washes. The District may require that the applicant for any permit which includes a car wash within the facilities to be covered by said permit provide facilities for reclamation and reuse of all or a portion of the water used in the car wash process and the submittal of plans and specifications for the installation of such reclamation and reuse facilities acceptable to the District Engineer.

Sec. 813. Enforcement of Federal and State Requirements. The wastewater discharge regulations set forth in this Article are intended to impose uniform requirements for discharges into the District's wastewater facilities and enable the District to comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by state or federal law, and to enable the maximum public benefit by regulating the quality and quantity of wastewater discharged into the District wastewater facilities. The regulations herein are intended to provide a means for determining wastewater volumes, constituents and characteristics, of users in order that said Federal and State laws, regulations, requirements and standards are enforced. Revenues derived from the application of these regulations shall be used to defray the District's cost of operating and maintaining adequate wastewater facilities and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

ARTICLE IX – PERMITS AND FEES

Sec. 900. Permit Required. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance; or construct or perform any work on any lateral or building sewer; or install, alter or repair any plumbing system which will cause additional fixture units to be added to an existing connection; without first obtaining a written permit from the District.

Sec. 901. Connection Permit – Eligibility.

- (a) The District's wastewater facilities in existence at the time of the adoption of this Ordinance have been acquired and constructed with a designed service capacity to provide permanent sewage service connection to (1) certain lots and parcels located within Revenue Improvement District No. 1 of the District, which lots and parcels are referred to herein as "Parcel A", and (2) only lots and parcels, and portions of lots and parcels, specially benefited and specially assessed for such benefits in Special Assessment District proceedings conducted pursuant to Resolution of Intention A-227 of the District adopted June 6, 1975, which lots and parcels and portions of lots and parcels are referred to herein as "Parcel B." The designed permanent sewage service capacity of such wastewater facilities is so limited that District cannot undertake to provide permanent sewage service connections to lots and

parcels in the District other than Parcels A and Parcels B until such wastewater facilities are enlarged and expanded so as to provide permanent sewage service capacity for lots and parcels other than Parcels A and Parcels B.

- (b) Accordingly, a lot or parcel in the District, other than Parcels A and Parcels B, may not apply for or obtain a permanent sewage service connection permit under this Ordinance (1) until such time as the permanent sewage service capacity of District's wastewater facilities has, by construction, been further expanded in an amount sufficient to provide a permanent sewage service connection to such lot or parcel, or (2) until such lot or parcel, through statutory proceedings conducted, has acquired a right to connect to District's wastewater facilities. District will entertain, consider, and pass upon any and all petitions petitioning the District to conduct statutory proceedings allowed by law, including, but no limited to, proceedings to form new Improvement Districts with the District, to form new Special Assessment Districts with the District, to annex property to an existing Improvement District within the District, and to change and modify existing Special Assessment District proceedings.
- (c) The Board has adopted a District Master Sewer Plan. This plan calls for improvements to be made to the District's wastewater facilities sufficient to serve full buildout of the area within the urban area boundary as defined by Phase 1 of the 1981 Sonoma County Costal Plan. The Board has adopted sewer service connection fees which are adjusted from time to time to enable the funding of such improvements. Accordingly, notwithstanding Subsection (b), above, a lot or parcel in the District, other than Parcels A and Parcels B, may apply for and obtain a permanent sewage service connection permit under this Ordinance, provided that the Board has determined that the District's wastewater facility sewage service capacity is either currently adequate to serve the lot or parcel, or that such capacity will be available as a result of the construction of additional facilities which the District will be permitted and financially able to acquire or construct in order to serve such lot or parcel without jeopardizing service to Parcels A or Parcels B. The Board may establish conditions for such service in conjunction with its determination with respect to such capacity.

Sec. 902. Permit Application, Issuance, Non-Transferability.

- (a) Application. Any person entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. He 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, In the case of an application for other than a public sewer permit, the Manager may require plans, specifications or drawings and such other information as he may deem necessary. In the case of an application for a public sewer permit such plans or specifications shall be required and the provisions of Section 702 hereof shall be applicable.

The application, as well as a set of the plans, specifications, and other information shall be filed in the District office.

As a condition to the issuance of any permit, the applicant shall pay all engineering, legal, administrative and other expenses incurred by the District In its processing of the permit application, said payment to be made prior to the issuance of the permit.

- (b) Issuance. If the Manager determines that the application is for other than a public sewer permit, and that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances and regulations of the District, and that the applicant is entitled to a permit under said ordinances and regulations, he may, in his discretion, issue the permit applied for upon payment of the fees and charges hereinafter fixed in this Article, or refer the application to the Board for consideration and action. In this later event, after such consideration by the Board, the Board may (1) in its discretion deny the permit application if it determines that it is in the best interests of the District to deny such permit application, or (2) grant such permit application conditioned upon payment of said fees and charges. The application conditioned upon payment of said fees and charges. The granting of such permit application by the Board may be made upon such additional conditions as the Board deems necessary in the public interest.

If the Manager determines that the application is for a public sewer permit, the application shall be processed in accordance with Section 702 hereof.

- (c) Non-Transferability. A permit is non-transferable to another person or another parcel.
- (d) Permit Application Fee. The applicant shall, upon making application for a permit, pay to the District Thirty Five Dollars (\$35.00) as a permit application fee. Said fee shall be applied toward the District's applicable permit and inspection charges provided that the sewer permit is obtained by the applicant within 30 days after the date the application is approved. If the permit is not obtained within said 30 days, the credit shall not be allowed against the permit and inspection charges,

the application shall be void, and a new application fee shall be required upon subsequent application.

Sec. 903. 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 District Inspector or other authorized representatives.

Sec. 904. Agreement. The applicant's signature on an application for any permit as set forth in Section 905 hereof, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Sec. 905. Classes of Permits. These shall be six (6) classes of permits, as follows:

- (a) Single family residential dwelling sewer permit. A single family residential dwelling sewer permit means a permit to connect to the District's wastewater facilities a single family residential dwelling requiring the installation of sewer facilities other than a public sewer.
- (b) Multiple family residential dwelling sewer permit. A multiple family residential dwelling sewer permit means a permit to connect to the District's wastewater facilities a trailer park, mobile home park, or other multiple family residential dwelling requiring the installation of sewer facilities other than a public sewer.
- (c) Non-residential building sewer permit. A non-residential building sewer permit means a permit to connect to the District's wastewater facilities a church, school, commercial, industrial or other non-residential building requiring the installation of sewer facilities other than a public sewer.
- (d) Public sewer permit. A public sewer permit means a permit to construct a public sewer. The words "public sewer", as used in this Section 905, do not include lateral sewer as defined in Article I hereof.

Article VII applies to all permits in this class.

Where the connection of any building would require the construction of a public sewer, the applicant shall apply for a permit under Class (a), (b), or (c) above, as appropriate, as well as a public sewer permit under this Class (d).

- (e) Private sewage disposal permit.

(f) Permit for alteration or repair of an existing side sewer or plumbing system.

Sec. 906. Connection Charges. In addition to any other fees or charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to the issuance of a building sewer permit, connection charges.

Sec. 907. Basic Connection Charges (Facilities Use Charges).

(a) “Single Family Residential” Defined. “Single Family Residential” means any premises designed for use exclusively by one family unit.

(b) Connection Charge.

(iii) General. Payment of the connection charge shall be made prior to the issuance of a connection permit and shall be in addition to all other fees and charges required to be paid under District rules and regulations.

(ii) Effective Date. The connection charges set forth in this section are effective on July 1, 2018.

(iii) Amount. A connection charge for connection of a premises presently within the boundaries of the District is hereby established as follows:

Single Family Residential	\$14,872	
All other uses		
Meter Size	Meter Ratio ¹	
¾” and smaller	1.00	\$14,872
1”	1.67	\$24,787
1.5	3.33	\$49,573
2”	5.33	\$79,317
3”	10.67	\$158,684

¹ Based on American Water Works Association Standard Meter Capacities.

(c) Reserved.

(d) Prepayment – Subdivisions. A prepayment of the connection charges required under this Section shall be paid to the District before any final subdivision map is approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. An exception to the requirement for said prepayment, at the time of subdivision may be made by the District Board when, in its judgment, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate connection charges. In the event said exception is made by the Board, the charges which have been deferred shall be paid prior to the issuance of individual building sewer connection permits at the rates in existence at the time of issuance of said individual connection permits.

For purposes of this Ordinance, a subdivision shall be defined as improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

(e) Alteration of Use. The connection charges herein established are applicable to the use proposed to be made of the building and sewer facilities at the time the connection permit is issued. In the event of alteration of the building or of additional use of the sewer facilities for which the connection charge was originally established, additional charges shall be paid, prior to such alteration or addition, for the added family units as herein defined, at the connection charge rate in effect at the time such alterations or additions are made.

(f) Credit for Advance Payments. Whenever the connection charges established in this section have been advanced or prepaid, in full or in part, a person obtaining a permit for a new connection shall be entitled to a credit, equal to the amount previously advanced or prepaid toward that connection, against the connection charges provided herein. The credit shall be computed on the same basis and rate of that used at the time of the advance or prepayment, but, in no case, shall the amount of such credit exceed the amount of connection charges required to be paid under Section 907 (b) of this Ordinance.

Sec. 908. Additional Connection Charges.

(a) Connection to Facilities Subject to Reimbursement. For any parcel, unit or lot, or portion of said property lying within the present boundaries of the District or hereafter annexed to District, which abuts on or can be directly served by any sanitary sewerage facilities of said District constructed pursuant to special agreement, wherein the District has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said main or facilities, an additional connection charge must be paid prior to the issuance of a permit for sewer connection in such area. The connection charge shall be collected in a sum to be computed by the District Engineer as said property's share of the cost of the sanitary sewerage facilities of the District constructed pursuant to special agreement

to be used by said property. Said sum shall be equivalent to the pro rata share of the cost of the installation made pursuant to the special agreement which would have been paid by said property for the facilities so to be used if said property had contributed its equitable share to the original cost of construction. Said sum shall include all costs incident to the installation of such facilities.

- (b) Connection of Non-Assessed Property to Facilities Financed by Special Assessment. For any parcel, unit or lot, or portion of said property lying within the present boundaries of the District or hereafter annexed to the District, which abuts on or can be directly served by any existing sewer main or sanitary sewerage facilities of said District constructed pursuant to special assessment or portion thereof, an additional connection charge must be paid prior to the issuance of a permit for sewer connection in such area. The additional connection charges shall be property's share of the cost of the existing sewerage facilities of the District to be used by said property. Said sum shall be the equivalent of the cost to similar properties within the District which have paid for said facilities so to be used. Said sum shall include all costs incident to the installation of such facilities, together with interest charges thereon. Said sum shall not include any amounts for which bonds of the District are then outstanding and to which said property is or shall become subject.

Sec. 909. Special Connection Charges. In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of District, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein in order to establish conditions of equality between those parcels, or portions thereof, benefiting from but not participating in the cost of said facilities. Special connection charges within Revenue Improvement District No. 1 shall be collected in the time, manner and amount provided in an agreement between District and Transcentury Properties, Inc., dated February 26, 1976, entitled "Second Supplemental Agreement to Agreement of February 17, 1971."

Sec. 910. Fees – Sewer Permit Application and Inspection Fees. Permit and inspection charges are hereby established as follows:

- (a) Single Family Dwellings. A fee of Thirty Five Dollars (\$35.00) shall be paid for issuance of a permit and inspection of each single family dwelling building and/or lateral sewer installation.
- (b) Trailer Courts and Multiple Dwellings. A fee of Thirty Five Dollars (\$35.00) shall be paid for issuance of a permit and inspection of building and/or lateral sewers serving up to 2 ½ residential unit equivalents in a multiple dwelling, motel, cabin complex, travel trailer court, recreational vehicle park or campground; a fee based upon actual District cost, with a Seventy Dollar (\$70.00) minimum, shall be paid when the building and/or lateral sewers serve in excess of 2 ½ residential units. A deposit, based upon the estimated actual cost shall be made at the time the permit is issued, to be adjusted upon completion of construction.

- (c) Commercial, Industrial, Church, School, and Other Non-Residential Users. A fee of Thirty Five Dollars (\$35.00) shall be paid for issuance of a permit and inspection of each building and/or lateral sewer installation serving up to 2 ½ residential unit equivalents in commercial, industrial, church, school, and other non-residential users; a fee based upon actual District cost, with a Seventy Dollar (\$70.00) minimum, shall be paid when the building and/or lateral sewers serve in excess of 2 ½ residential units. A deposit based upon the estimated actual cost shall be made at the time the permit is issued, to be adjusted upon completion of construction.
- (d) Alteration or Repair of Existing Side Sewers. A fee of * Dollars (\$0.00) shall be paid for issuance of a permit and inspection of any work adding to or extending an existing side sewer. A fee of no Dollars (\$0.00) shall be paid for issuance of a permit and inspection of any repair work done on an existing side sewer.
- (e) Saddle or Manhole Connections. In addition to other permit and inspection fees required herein, a fee of * Dollars (\$0.00) shall be paid for the inspection of a saddle, wye or tee connection to an existing main sewer or the connection of a lateral sewer to an existing manhole.
- (f) Public Sewers. A fee of * percent (%) of the amount estimated by the District Engineer to be the cost of construction of public sewers, including laterals, and other public sewerage facilities shall be paid to the District for reviewing plans and specifications, issuing a permit, and inspecting the installation of said facilities.

A plan review fee of Ten Dollars (\$10.00) per estimated number of residential units shall be paid when plans are presented to the District for review. Said fee shall be credited against the fees hereinabove provided upon issuance of a permit for public sewer construction. In the event that a permit is not issued, the fee shall be retained by the District to reimburse its plan review costs.

- (g) Overtime Inspections. Persons requesting inspections at any time other than the regular working hours of the District shall make such request at least 24 hours in advance and shall pay an additional inspection fee of * Dollars (\$____) for each hour or portion thereof that the District Inspector is required to stay on the job. The minimum fee for this service shall be * Dollars (\$____).
- (h) Renewal or Extension of Permit. Whenever a permit for sewer installation expires, as provided in Section 924 of this Ordinance, a new permit application fee shall be paid for the issuance of a new permit for said installation. In the event that an extension of time is granted to complete work under a public sewer extension permit, an additional fee of * Dollars (\$____) shall be paid for the renewal of extension of said public sewer permit.

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- (i) Connection to Force Main. A fee of not less than * Dollars (\$____) together

with a fee of * Dollars (\$) per one hundred (100) lineal feet of sewer shall be paid to the District for issuing a permit and inspecting any work which includes connection of the sewer to a force main under the jurisdiction of the District.

- (j) Re-Inspection Charges. The fees set forth in this section are based upon an initial and final inspection of each permitted sewer installation. Should it be necessary to perform more than one initial or final inspection of a sewer installation site, for any reason not the fault of the District, a Twenty Dollar (\$20.00) charge shall be levied for each such re-inspection.

Sec. 911. Fees – Private Sewage Disposal. A fee of * Dollars (\$) per single family unit shall be paid to the District for reviewing plans and specifications, issuing a permit and inspecting the installation of a private sewage disposal system.

- * Fee to be based upon District cost. A deposit, based upon the estimated District cost shall be made at the time the permit is issued, to be adjusted upon completion of the construction

Sec. 912. Charges – Annexation Charges. The owner or owners of land within areas proposed to be annexed to the District shall deposit with the District, prior to the commencement of proceedings by the District Board on the proposed annexation, a sum to be fixed by the Board. The sum to be fixed by the Board shall be in a sum estimated to 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. Should the amount of the deposit exceed the costs incurred by the District the excess shall be refunded to the owner or owners making the deposit following the conclusion of the final hearing on the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the District, said owner or owners shall advance such additional sums as may be necessary to pay said costs prior to the conclusion of the final hearing on the proposed annexation.

Sec. 913. Fees and Deposits – Environmental Quality Act. Where District is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with District the estimated cost of District preparation of materials, reports and the making of evaluations of the proposed project as estimated by the District Engineer. Should the amount of deposit be inadequate to meet the District's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, District shall, prior to completion of the District's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with District. Should there be a surplus remaining in the deposit following completion of the District's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

Sec. 914. Disposition of Fees. All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

Sec. 915. All Work to be Inspected. All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the District Inspector. Fittings, plugs, water and labor for testing shall be furnished by the person requesting the inspection. All sewers shall be tested for leakage in the presence of the District Inspector and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Sec. 916. 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 before 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.

Sec. 917. 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.

Sec. 918. 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.

Sec. 919. (Reserved)

Sec. 920. (Reserved)

Sec. 921. (Reserved)

Sec. 922. Street Excavation Permit. A separate permit must be secured from the County or any other person having jurisdiction thereover by Owners or Contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Sec. 923. 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 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.

Sec. 924. Time Limit on Permits. If work under a permit be not commenced within one hundred eighty (180) days from date of issuance, (three years from date of issuance if connection charge paid pursuant to Section 907(d), 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 application fee shall be paid upon the issuance of said new permit. If the connection charge applicable at the time of the new permit is greater than that paid at the time of the permit last issued, the difference shall also be paid. Work is defined for the purpose of this section as the rough plumbing through, but not necessarily above, the foundation and connection to the District main sewer. If, pursuant to this Section, a permit becomes void, the connection fee shall be refunded upon application therefore.

ARTICLE X – ENFORCEMENT

Sec. 1001. Violation. Any person found to be violating any provisions of this or any other ordinance, rule or regulation of the District, except Sections 710 and 1101 hereof, shall be served with written notice (or in the case of a critical or hazardous situation, verbal notice followed up by written notice) by the Manager or other authorized person, stating the nature of the violation, the corrective action required and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

Sec. 1002. Public Nuisance. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

Sec. 1003. Disconnection. As an alternative method of collecting sewer service charges, the District may disconnect any premises from the District's wastewater system if the user fails to pay the charges for the premises after the charges have become delinquent. The Manager shall estimate the cost of disconnection of the premises from the wastewater system and the cost of reconnecting the premises thereto, and the user shall deposit the cost as estimated of disconnection and reconnection before the premises are re-connected to the wastewater system. In the event the arrearages are paid and the

premises are reconnected to the wastewater system, the Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Sec. 1004. Disconnection – 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 for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

Sec. 1005. Water Cutoff. As an alternative remedy for such violations, District may cause District water service to said premises to be discontinued during the period of violation.

Sec. 1006. 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.

Sec. 1007. Liability for Violation. Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

ARTICLE XI – MISCELLANEOUS PROVISIONS

Sec. 1101. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewage works. Any person violating this provision shall be subject to the penalties provided by law.

Sec. 1102. Compliance with Safety Rules and Regulations. Notwithstanding any other provision of this Ordinance to the contrary, any person doing any work in public streets, or any other area through which a publicly or privately owned sewer main, lateral or extension thereof is placed shall comply with all safety regulations pertaining to both workmen's safety rules and safety rules pertaining to general safety of the public.

Sec. 1103. Separability. If any section, sub-section, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

ARTICLE XII – TIME OF TAKING EFFECT

Sec. 1201. Effective date. This Ordinance shall take effect thirty (30) days after its adoption, and at least one week before the expiration of said 30 days copies shall be posted by the Clerk at three public places in the District. There is no newspaper of general circulation printed and published in the District.

Signed by O.W. Henninger
President of the Board of Directors
Bodega Bay Public Utility District

ATTEST:
Signed by Margaret Mantua
Clerk of the Bodega Bay Public
Utility District and ex officio
Secretary of the Board of Directors
of said District

