

ORDINANCE 36

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE
COMMUNITY SERVICES DISTRICT RESCINDING ORDINANCES 1 THROUGH
35 AND REPLACING THEM WITH A UNIFIED SET OF RULES AND
REGULATIONS

WHEREAS, the District desires to simplify its operational rules,
proceedures and charges into a cohesive code;

NOW, THEREFORE, the Board of Directors of the McKinleyville
Community Services District does hereby ordain as follows:

1. Ordinances 1 through 35 are hereby rescinded; and
2. The attached set of Rules and Regulations are adopted and
incorporated into this ordinance


PASSED AND ADOPTED by the Board of Directors of the McKinleyville
Community Services District on this 13th Day of June, 1990, by the
following polled vote:

AYES: ESTES, HARLING, RAMEY, SHEPHERD, WALUND

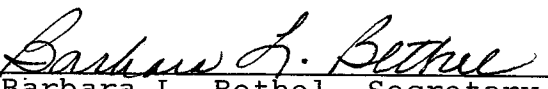
NOES: NONE

ABSTAIN: NONE

ATTEST:



Joe Walund, President
Board of Directors



Barbara L. Bethel, Secretary
to the Board of Directors

000108

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

RULES AND REGULATIONS

ORDINANCE NO. 36 JUNE 1990

MCKINLEYVILLE COMMUNITY
SERVICES DISTRICT
P.O. BOX 2037
MCKINLEYVILLE, CA 95521

000109

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

RULES AND REGULATIONS

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ARTICLE I - DEFINITIONS

REGULATION 1. - DEFINITIONS

Rule 1.01. ADDITIONAL DEFINITIONS. For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "Uniform Plumbing Code," copies of which are on file in the District.

Rule 1.02. APPLICANT shall mean the person making application for a permit for wastewater discharge or for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

Rule 1.03. BENEFICIAL USES shall mean the uses of waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

Rule 1.04. BIOCHEMICAL OXYGEN DEMAND (denoted BOD) shall mean quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory conditions in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

Rule 1.05. BOARD means the Board of Directors of McKinleyville Community Services District.

Rule 1.06. BUILDING shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Rule 1.07. 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 wastewater disposal system.

Rule 1.08. COMBINED SEWER shall mean any sewer receiving

both surface runoff and wastewater.

Rule 1.09. COMMUNITY SEWER shall mean a sewer owned and operated by the District.

Rule 1.10. COMPATIBLE POLLUTANT shall mean BOD, SS, pH and fecal coliform bacteria, plus additional pollutants identified in the Authority's National Pollutant Discharge Elimination System (NPDES) Permit if the District's treatment works were designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree.

Rule 1.11. CONNECTION means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Rule 1.12. CONNECTION CHARGES shall mean any fee or charges made by the District for the privilege of connecting to the sanitary sewer system.

Rule 1.13. CONTAMINATION shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Rule 1.14. CONTRACTOR shall mean any 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 and shall be responsible to the owner or their agent.

Rule 1.15. COST means the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

Rule 1.16. CROSS-CONNECTIONS means any physical connection between the piping system from the District service and that of any other water supply that may be forced or drawn into the District distribution mains.

Rule 1.17. CUSTOMER means, the water user, the tenant, or the owner.

Rule 1.18. DISTRICT means the McKinleyville Community Services District, McKinleyville, California.

Rule 1.19. DOMESTIC WASTEWATER shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like.

Rule 1.20. FEDERAL ACT shall mean the Federal Water Pollution Control Act, P. L. 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

Rule 1.21. FIXTURE shall mean any sink, tub, shower, receptor, water closet or other facility connected by a drain to the sewer.

Rule 1.22. GARBAGE shall mean the solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Rule 1.23. HOLDING TANK WASTES shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Rule 1.24. INCOMPATIBLE POLLUTANT shall mean any pollutant which is not a "compatible pollutant" as defined in Rule 1.10.

Rule 1.25 INDUSTRIAL WASTEWATER shall mean the wastewater in which the liquid wastes from industrial and manufacturing processes, laboratory, trade or business predominate as distinct from domestic wastewater (Rule 1.19).

Rule 1.26. LATERAL SEWER shall mean the portion of a sewer lying within a public street connecting a building sewer to the community sewer.

Rule 1.27. LIVING UNIT shall mean any residence, trailer, mobile home, habitation or other structure customarily occupied by a person or family containing bath and kitchen facilities.

Rule 1.28 MAIN means a water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Rule 1.29. MAJOR CONTRIBUTING INDUSTRY shall mean any wastewater contributor identified by the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed for the period of use); or (2) has a flow or pollutant loading greater than five percent of the design capacity of the elements of the District's treatment works which serve the wastewater contributor; or (3) has in its wastes toxic pollutants in toxic

amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) is found by the Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

Rule 1.30. MANAGER shall mean the District Manager or appointed representative.

Rule 1.31. PERSON shall mean any individual, firm, company, partnership, association, and private, public, and municipal corporation's responsible corporate officer, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Rule 1.32 MASS EMISSION RATE shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Rule 1.33 NUISANCE shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Rule 1.34. OWNER means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

Rule 1.35 OUTLET means any properties of a sewer system to which a fixture may be connected.

Rule 1.36. OUTSIDE SEWER shall mean any private sewer beyond the limits of the District.

Rule 1.37. PERMIT shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of, connection

to, or use of any water or wastewater works.

Rule 1.38. PH shall mean the reciprocal of the negative logarithm of the hydrogen ion concentration in moles per liter of solution.

Rule 1.39. POLLUTION shall mean alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for the beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

Rule 1.40. PREMISES means a lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed separate premises. Apartment houses, trailer courts and office buildings may be classified as single premises.

Rule 1.41. 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 therefore.

Rule 1.42. 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 house service connections and appurtenances thereto.

Rule 1.43. REGULAR WATER SERVICE means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.

Rule 1.44. REPORT means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

Rule 1.45. SANITARY SEWER shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Rule 1.46. SEWER shall mean any pipe or conduit for carrying wastewater.

Rule 1.47. SEWER SERVICE CHARGES means fees, rates or other charges for service or the ability to provide service furnished by District in connection with its sanitation or sewerage system.

Rule 1.48. SHALL is mandatory; "May" is permissive.

Rule 1.49. SIDE SEWER shall mean the sewer line beginning at the foundation wall of any building and terminating at the community sewer and includes the building sewer and lateral sewer together.

Rule 1.50. STORM SEWER or STORM DRAIN shall mean a conduit which carries storm and surface or ground waters and drainage, but excludes domestic and industrial wastewater.

Rule 1.51. STREET shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Rule 1.52 SUSPENDED SOLIDS (denoted SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering, and are referred to as nonfilterable residue in the laboratory test described in "Standard Methods for the Examination of Water and Wastewater."

Rule 1.53. TEMPORARY WATER SERVICE means water service and facilities rendered for construction work and other uses of limited duration and the water available therefore.

Rule 1.54. TREATMENT WORKS shall mean any devices and systems used in the storage, treatment, recycling, and reclamation of domestic or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Rule 1.55. UNPOLLUTED WATER shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages

or directly to surface waters.

Rule 1.56. USER shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

Rule 1.57. USER CLASSIFICATION shall mean the classification of users based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

Rule 1.58. WASTE shall include wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.

Rule 1.59. WASTEWATER shall mean any waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Rule 1.60. WASTEWATER CONSTITUENTS AND CHARACTERISTICS shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Rule 1.61. WASTEWATER DISCHARGE PERMIT shall mean the permit issued by the District to control the discharge of industrial wastewater to the treatment works.

Rule 1.62. WASTEWATER WORKS shall mean the system of building sewers, lateral sewers, community sewers, and treatment works designed for collection, conveyance, treatment, and disposal of wastewater.

Rule 1.63. WATER DEPARTMENT means the Board of Directors performing functions related to the District water service, together with the Manager and other duly authorized representatives.

Rule 1.64. WATERS OF THE STATE shall mean any water, surface or underground, including saline waters within the boundaries of the State.

ARTICLE II - WATER SERVICE

REGULATION 2. - GENERAL PROVISIONS

Rule 2.01. WORDS AND PHRASES. For the purpose of this article all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Rule 2.02. WATER SYSTEM. The District will furnish a system, plant works and undertaking used for and useful in obtaining, conserving and distributing of water for public and private uses, including all parts of the Enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

Rule 2.03. SEPARABILITY. If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Rule 2.04. 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 distributing 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.

Rule 2.05. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS. The District shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs, etc. Consumers dependent upon a continuous supply should supply emergency storage.

Rule 2.06. TAMPERING WITH DISTRICT PROPERTY. No one except an employee or representative of the Water Department shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the District's system; or interfere with

meters or their connections, street mains or other parts of the water system.

Rule 2.07. PENALTY FOR VIOLATION. For the failure of the customer to comply with all or any part of this article, and any ordinance, resolution or order fixing rates and charges of the District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District.

Rule 2.08. RULING FINAL. All rulings of the Manager shall be final unless appealed in writing to the Board of Directors within (5) days. When appealed, the Directors' ruling shall be final.

REGULATION 3. - NOTICES

Rule 3.01. NOTICES TO CUSTOMERS. Notices from the District to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

Rule 3.02. NOTICES FROM CUSTOMERS. Notice from the customer to the District may be given by him or his authorized representative in writing at the District's operating office.

REGULATION 4. - WATER DEPARTMENT

Rule 4.01. CREATION. A Water Department is hereby created comprising the Board of Directors, a Manager, and a Billing Clerk.

Rule 4.02. MANAGER. The position of Manager is hereby created. He shall regularly inspect and maintain all physical facilities related to the District water system, to see that they

are in good repair and proper working order, and to note violations of any water regulations. He shall report directly to the Board of Directors.

Rule 4.03. ID. - DUTIES. The Manager shall have, subject to approval of the Board of Directors, full charge and control of the maintenance, operation and construction of the water works and system; authority to employ and discharge all employees and assistants; fix and alter the compensation of employees and assistants subject to approval by the Board; and shall have charge of all employees and assistants. He shall perform such other duties as are imposed from time to time, and shall report to the Board of Directors in accordance with the rules and regulations as adopted by the Board.

Rule 4.04. ID. - VIOLATION, REPAIRS. He shall promptly report any violation or disrepair to the Board of Directors. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers.

Rule 4.05. ID. - SUPERVISION. He shall supervise all repair of construction work authorized by the Board and perform any other duties prescribed elsewhere in this ordinance or which shall be hereafter prescribed by the Board.

Rule 4.06. BILLING CLERK. The position of the Billing Clerk is hereby created. He shall have charge of the office of the Water Department and of the billing for and collecting the charges herein provided. He shall perform such other duties as shall be determined by the Manager and Board.

Rule 4.07. ID. - DUTIES. The Billing Clerk shall compute, prepare and mail bills as hereinafter prescribed, make collections, maintain proper books of account, collect account for and refund deposits, do whatever else is necessary or directed by the Board to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

Rule 4.08. PERFORMANCE OF DUTIES. The foregoing duties of Manager and Billing Clerk may be performed by an additional employee or employees.

REGULATION 5 - APPLICATION FOR REGULAR WATER SERVICE

Rule 5.01. A property owner or his agent may make application for regular water service on the following application form or by letter giving the same information:

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
APPLICATION FOR WATER SERVICE INSTALLATION

Name _____ Location of premises to be
served _____
Mailing _____ Date Service
Address _____ Required _____
Size of Meter _____

By signing this application, the applicant agrees to observe any District regulation now or hereafter adopted related to the water service and to pay water bills promptly.

Owner _____
Agent _____
Title _____

Rule 5.02. UNDERTAKING OF APPLICANT. Such application will signify the customers' willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for water service required.

Rule 5.03. PAYMENT FOR PREVIOUS SERVICE. An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

Rule 5.04. INSTALLATION CHARGES. Services and meters shall be installed without charge for all applications for water service received prior to or during the initial construction of the District's water system. The charges below will apply to applications received after the District's Contractor has progressed with the work beyond their property frontage. Such

services and meters will be installed without charge only to areas having an existing need providing the owner guarantees to pay at least the minimum each month (whether used or not) for at least a one year period.

Where service is installed without charge for a vacant lot the owner must guarantee to pay at least the minimum each month (whether used or not) for at least a two year period.

Where a regular charge has been fixed for the type of service connection desired, such regular charge shall be paid in advance by the applicant in accordance with the table listed below. Where there is no regular charge, such as for large meters, the District reserves the right to require the applicant to deposit an amount equal to the estimated cost plus 10 percent of such service connection. The schedule of regular service connection charges is as follows:

5/8 x 3/4" Meter	\$280.00
3/4" Meter	310.00
1" Meter	330.00
1 1/2" Meter	649.00
2" Meter and Larger	Cost + 10%

Rule 5.05. INSTALLATION OF SERVICE. Regular water services will be installed as desired by the applicant of the size determined by the Water Department. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as hereby provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

Rule 5.06. 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.

Rule 5.07. SIZE AND LOCATION. The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's pipe line to the meter should

not be done until the location of the service connection has been approved by the District.

Rule 5.08. CURB COCK. Every service connection installed by the District shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

Rule 5.09. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION. It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a) SEPARATE BUILDING. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses on the same lot shall have separate services if the houses could legally be sold separately. Two or more houses under one ownership and on the same lot or parcel of land may (with specific Board approval, based on hardship) or extenuating circumstances be supplied through the same service connection; provided, that for each house under a separate roof an additional minimum will be applied to the single meter serving said houses. The District reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

(b) SEPARATE PROPERTY. A service connection shall not be used to supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this ordinance.

(c) DIVIDED PROPERTY. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Rule 5.10. SERVICE CONNECTIONS. The service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

REGULATION 6 - COMMUNITY WATER FACILITIES CONSTRUCTION

Rule 6.01. PERMIT REQUIRED. No person shall construct, extend or connect to any community water facilities without first obtaining a written approval from the District and paying all fees and furnishing bonds as required therein.

Rule 6.02. PLANS, PROFILES AND SPECIFICATIONS. The application for community water line construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District prepared by a Registered Civil Engineer showing all details for 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 Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, and approval by the Board of Directors, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 6.03. EXTENSION CHARGES GENERAL. In general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, or as allowed by District Ordinance. Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed. The applicant may provide for the construction in accordance with District specifications. If the work is to be accomplished by District forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to the use of the main extension.

Rule 6.04. ALTERNATE CHARGES. Notwithstanding the provisions of Section 102 above, the Board of Directors may approve alternate

methods for funding main extensions where they determine it is in the interest of the general public's health, safety and welfare.

Rule 6.05. PUBLIC WATER CONSTRUCTION PERMIT. An amount equal to 3% of the estimated construction cost shall be deposited by the applicant prior to commencement of construction. Actual cost will be charged prior to commencement of construction. Actual cost will be charged when the project is approved and accepted by the District.

Rule 6.06. PLAN CHECK FEES. A plan check fee in the amount of 2% of the estimated construction cost for main extensions and the engineering review of subdivisions will be charged when an application for service is filed with the District. Actual cost will be charged when the application is approved by the Board of Directors.

Rule 6.07. ACTIVITIES PROHIBITED. No person shall uncover, make a connection with or opening into, use, alter, extend, or disturb any public water facilities or perform any work without first obtaining a written permit from the District.

Rule 6.08. APPLICATION FOR PERMIT. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They 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 Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

Rule 6.09. SUBDIVISIONS. The requirements of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which community water lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing water facilities to serve the tract is not completed within the time limit allowed in the permit, the Manager 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.

Rule 6.10. EASEMENTS OR RIGHTS OF WAY. In the event that an easement is required for the extension of the community water or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 6.11. PERSONS AUTHORIZED TO PERFORM WORK. Only properly licensed contractors shall be authorized to perform the work of community water construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor.

Rule 6.12. GRADE STAKES. Grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community water facilities construction.

Rule 6.13. COMPLIANCE WITH LOCAL REGULATION. Any person constructing water facilities within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting 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.

Rule 6.14. 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 water line facility is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction thereover.

Rule 6.15. DESIGN AND CONSTRUCTION STANDARDS. Minimum standards for the design and construction of water facilities within the District shall be in accordance with the applicable provisions of the ordinances, rules and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. 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, and appurtenances shall be filed with the District before final acceptance of the work.

Rule 6.16. MAIN EXTENSION. The District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager. Normally the main shall be extended the same size as terminated or as a minimum six (6) inch unless a waiver for short dead-end line is allowed by the Manager, in which case a four (4) inch will be the minimum size required. In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicants frontage. The District will share in the cost of construction only where it is the Manager's opinion, the applicant cannot reasonably expect a refund as provided in Section 116 of this Ordinance. The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost, or One Thousand Two Hundred and Fifty Dollars (1,250.00), whichever is less. The District will determine the fair and reasonable value for construction of said facilities. The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and accepted by the District. The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor. The cost sharing provisions of this section do not apply to subdivisions.

Rule 6.17. ADVANCE COSTS AND REFUNDS. When a person applies to connect their property to a main extension previously paid for by others as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of

the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally. When a person applies for an additional or enlarged service to property that fronts on a main extension paid for by others subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the applicant who paid for the main extension originally. Refund provisions do not apply to subdivision lots.

Rule 6.18. COMPLETION OF WATER FACILITIES REQUIRED. Before acceptance of any facilities by the District and prior to the commencement of water service, the facilities shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager. When completed in accordance with District specifications, the Directors shall act to accept the facilities into the District's maintained system.

REGULATION 7 - GENERAL USE REGULATION

Rule 7.01. NUMBER OF SERVICES PER PREMISES. The applicant may apply for as many services as may be reasonably required for his premises provided that the pipe line system from each service be independent of the others and that they not be interconnected.

Rule 7.02. WATER WASTE. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

Rule 7.03. 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, replaced or repaired by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by District for placing or maintaining said facilities on private property.

Rule 7.04. DAMAGE TO WATER SYSTEM FACILITIES. The customer shall be liable for any damage to the 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.

Rule 7.05. GROUND-WIRE ATTACHMENTS. All individuals or business organizations 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. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Rule 7.06. CONTROL VALVE ON THE CUSTOMER PROPERTY. The customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, 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.

Rule 7.07. CROSS-CONNECTIONS. The customer must comply with State and Federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Water Department. Plans for installation of back flow protective devices must be approved by the Water Department prior to installation.

Rule 7.08. ID. - SPECIAL CASES. In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the District may

require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back flow preventive devices.

Rule 7.09. RELIEF VALVES. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Rule 7.10. BACK FLOW DEVICE. Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines.

Rule 7.11. ID. - INSPECTION. The double check valve or other better approved back flow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by customer.

Rule 7.12. ID. - DISCONTINUED SERVICE. The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

Rule 7.13. INTERRUPTIONS IN SERVICE. The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department.

Rule 7.14. INGRESS AND EGRESS. Representatives from the Water Department shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

REGULATION 8. - METERS

Rule 8.01. METER INSTALLATIONS. Meters will be installed in the sidewalk area, and shall be owned by the District and installed and removed at its expense. No rent or other charge will be paid by the District for a meter or other facilities, including connections. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

Rule 8.02. CHANGE IN LOCATION OF METERS. Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet (8') he will be required to pay for new service at the desired location.

Rule 8.03. METER TESTS - DEPOSIT. All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If a customer desires to have the meter serving his premises tested, he shall first deposit Five Dollars (\$5.00) for meters up to one inch (1") in size and Ten Dollars (\$10.00) for meters larger than one inch (1") in size and shall be present when the meter is tested in the meter shop of the Water Department, or other specified location. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast the deposit will be retained by the Water Department.

Rule 8.04. ADJUSTMENT FOR METER ERRORS - FAST METERS. If a meter tested at the request of a customer 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.

Rule 8.05. ADJUSTMENT FOR METER ERRORS - SLOW METERS. If a meter tested at the request of a customer is found to be more than twenty-five percent (25%) slow in the case of domestic services, or more than five percent (5%) slow for other than domestic services, 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.

Rule 8.06. NON-REGISTERING METERS. If a meter is found to be

not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the Water Department and its decision shall be final.

REGULATION 9. - BILLING

Rule 9.01. BILLING PERIOD. The regular billing period will be monthly or bi-monthly at the option of the District.

Rule 9.02. METER READING. Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be pro-rated.

Rule 9.03. OPENING AND CLOSING BILLS. Opening and closing bills for less than the normal billing period shall be pro-rated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Water Department for the final period as and expediency to permit the customer to pay the closing bill at the time service is discontinued.

Rule 9.04. WATER CHARGES. Water charges are due and payable at the office of the District on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent 15 days after the Post Office cancellation date. Service may be discontinued without further notice if payment is not made by the delinquent date.

Rule 9.05. PAYMENT OF BILLS. Bills for metered water service shall be rendered at the end of each billing period. Bills shall be payable on presentation. On each bill for water service rendered by the District shall be printed substantially the following: "If this bill is not paid within fifteen (15) days after the Post Office cancellation date, service may be discontinued. A reconnection charge and penalties will be made and collected prior to renewing service following a discontinuance."

Rule 9.06. BILLING OF SEPARATE METERS NOT COMBINED. Separate bills will be rendered for each meter installation except where the Water Department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter reading will be combined for billing purposes.

Rule 9.07. CONSUMER'S GUARANTEE. The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the District for any purpose whatever, the customer must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the District is notified in writing to discontinue service or to transfer the account to another party.

Prior to commencing service a deposit of \$20 (twenty dollars) will be required of all customers. Upon termination of service the deposit shall be refunded to renters, less any unpaid balance owed on the account.

After a six (6) month period deposit shall be refunded to property owners with good payment records as determined by the District.

Rule 9.08. WATER USED WITHOUT REGULATION APPLICATION BEING MADE. A person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Rule 9.09. DAMAGES THROUGH LEAKING PIPES AND FIXTURES. When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Water Department's jurisdiction and responsibility ends at the property line and the Board of Directors and/or District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property

line.

Rule 9.10. DAMAGE TO METERS. The District reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

REGULATION 10. - DISCONTINUANCE OF SERVICE

Rule 10.01. DISCONNECTION FOR NON-PAYMENT. Service may be discontinued for non-payment of bills the fifteenth day following the date of Post Office cancellation.

Rule 10.02. RECONNECTION. Failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the District in any court of competent jurisdiction for the amount thereof.

Rule 10.03. RECONNECTION CHARGE. A reconnection charge of Five Dollars (\$5.00) plus penalties will be made and collected prior to renewing service following a discontinuance.

Rule 10.04. UNSAFE APPARATUS. Water 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.

Rule 10.05. CROSS-CONNECTIONS. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

Rule 10.06. FRAUD OR ABUSE. Service may be discontinued if necessary to protect the District against fraud or abuse.

Rule 10.07. NON-COMPLIANCE WITH REGULATIONS. Service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

Rule 10.08. UPON VACATING PREMISES. Customers desiring to discontinue service should so notify the Water Department two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customers shall be liable for charges whether or not any water is used.

REGULATION 11. - COLLECTION BY SUIT.

Rule 11.01. PENALTY. Water rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of two percent (2%) per month on the first day of each month following.

Rule 11.02. SUIT. All unpaid water rates and charges and penalties herein provided may be collected by suit.

Rule 11.03. COSTS. Defendant shall pay all costs of suit in any judgement rendered in favor of District.

REGULATION 12. - PUBLIC FIRE PROTECTION

Rule 12.01. 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 written permission from the Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law. (Note: do not use hydrant valve for flow control, water truck loading, ect., as it undermines hydrant through relief valve at base).

Rule 12.02. HYDRANT RENTAL. A charge, to be determined by contract between the District and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

Rule 12.03. MOVING OF FIRE HYDRANTS. When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

REGULATION 13. - PRIVATE FIRE PROTECTION SERVICE

Rule 13.01. PAYMENT OF COST. The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the District. The District may agree to install the connection and meter at cost plus ten percent (10%).

Rule 13.02. NO CONNECTION TO OTHER SYSTEM. There shall be no connections between this fire protection system and any other water distribution system on the premises.

Rule 13.03. USE. There shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment.

Rule 13.04. METER RATES. Any consumption recorded on the meter will be charged for at 5 times the regular service rates except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.

Rule 13.05. MONTHLY RATES. The monthly rates for private fire protection lines shall be five dollars (\$5.00) times the diameter/inch.

Rule 13.06. WATER FOR FIRE STORAGE TANKS. Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

Rule 13.07. VIOLATION OF AGREEMENT. If water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

Rule 13.08. WATER PRESSURE AND SUPPLY. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

Rule 13.09. FIRE SERVICES. The following rules shall apply to fire service connections:

(a) Valve. When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.

(b) Meter. If the District has not required a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.

(c) Additional Service. The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board of Directors shall also have the right to determine the proportion of the installation cost properly chargeable to each service connection, if such segregation of costs shall become necessary.

(d) Check Valve. The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a by-pass meter at the expense of the owner of the property.

REGULATION 14. - TEMPORARY SERVICE

Rule 14.01. DURATION OF SERVICE. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the District.

Rule 14.02. DEPOSIT. The applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvagable material. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant will be charged in

accordance with the following rate schedule:

Deposit per meter:	\$250.00
Flat charge per connection, for both installation and removal of service facilities:	15.00
Each additional move of facilities to another location:	15.00

Rule 14.03. INSTALLATION AND OPERATION. All facilities for temporary service to the customer connection shall be made by the Water Department and shall be operated in accordance with its instructions.

Rule 14.04. RESPONSIBILITY FOR METERS AND INSTALLATIONS. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours notice in writing has been given to the District that the contractor or any other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer or deducted from the amount of the deposit.

Rule 14.05. SUPPLY FROM FIRE HYDRANT. An applicant for temporary use of water from a fire hydrant must secure a permit therefor from the District and pay the regular fee charged for the installation and removal of a meter to be installed on said hydrant; the applicant shall provide a valve for shutoff control, and a hydrant wrench necessary to operate such hydrant, or pay the District Five Dollars (\$5.00) for the loan of such equipment, and pay for the water used in accordance with the meter readings, at the rates prescribed by the District.

Rule 14.06. UNAUTHORIZED USE OF HYDRANTS. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law.

Rule 14.07. CREDIT. The applicant shall pay the estimated cost of service in advance.

REGULATION 15. - GENERAL PROVISIONS

Rule 15.01. 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's facilities and if other consumers are not inconvenienced thereby.

Rule 15.02. RESPONSIBILITY FOR EQUIPMENT. The customer shall, at his 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.

Rule 15.03. SERVICE OUTSIDE DISTRICT. Where possible, potential customers outside the District shall annex before service is allowed if their property is contiguous to the District boundary or if the Board considers it to be in the best interest of the District. In addition to all other costs for providing service, the applicant shall be charged for the annexation proceedings. Where in the opinion of the Board, annexation is not feasible or desirable immediately upon application, the Board may elect to provide service outside of the District. The terms and conditions of service shall be the same as in District except charges for water shall be 150% of the rates specified in Article 17 of this Ordinance. In addition, the applicant, his heirs or assigns must agree not to protest annexation if initiated at a later time.

REGULATION. 16 - RATES

Rule 16.01. RATE SCHEDULE. Rates for water service are hereby established as follows: In the event of bi-monthly

billings, the minimum charges shall be doubled and the quantity of water consumed shall be averaged:

MINIMUM CHARGES PER MONTH. (Includes water consumed to dollar amount listed, at consumption rates below):

<u>METER SIZE</u>	<u>MONTHLY RATE</u>
5/8 x 3/4" meter	\$ 6.75
3/4" meter	7.65
1" meter	13.05
1-1/2"meter	30.60
2" meter	51.75
3" meter	92.25
4" meter	142.05
6" meter	192.15
8" meter	242.25

CONSUMPTION CHARGE RATES PER MONTH.

0 - 500 cubic feet	\$ 6.75
next 1500 cubic feet	.90 per 100 cubic feet
next 8000 cubic feet	.45 per 100 cubic feet
all over 10,000 cubic feet	.30 per 100 cubic feet

The District may approve from year to year a summer rate for three (3) months (July, August, September) providing up to an added 500 cubic feet to the minimum allowed each month per meter at no increase in cost.

ARTICLE III - PUBLIC SEWER

REGULATION 17. - GENERAL PROVISIONS - SEWER

Rule 17.01. PURPOSE AND POLICY. This wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables 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 any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Authority and District systems. This Ordinance provides a means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Rule 17.02. VIOLATION UNLAWFUL. It shall be unlawful for any person whose building is required to be connected to a public sewer under this Ordinance to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this Ordinance provided.

Rule 17.03. 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 their premises, they may make written application to the Board of Directors, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their 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.

Rule 17.04. 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 circumstance, or any part thereof.

Rule 17.05. DISTRICT INSPECTOR. The Manager may personally perform or 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, and facilities in connection therewith in the District, to be known as the District Inspector.

Rule 17.06. SEWER PERMITS AND FEES. No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this Ordinance, and any other ordinance adopted by the Board of Directors.

REGULATION 18. - USE OF PUBLIC SEWERS REQUIRED.

Rule 18.01. TREATMENT OF WASTEWATERS REQUIRED. It shall be unlawful to discharge to any stream or watercourse any domestic or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Rule 18.02 UNLAWFUL DISPOSAL. Except as hereinafter 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 wastewater.

Rule 18.03. SEWER REQUIRED. The owner of any proposed building to be situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required to connect, at their expense, said building directly with the proper

public sewer in accordance with the provisions of this Ordinance provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

The owner of any existing building, provided with a lateral connection resulting from the Special Assessment proceedings or otherwise, shall connect to the public sewer within ninety (90) days after date of official notice to do so.

Rule 18.04. PRIVATE WASTEWATER DISPOSAL SYSTEMS. Where a public sewer is not available under the provisions of Section 3.03, or as determined by the Board of Directors, the building sewer shall be connected to a private wastewater disposal system complying with public health Ordinances of the County of Humboldt and applicable regulations of the California Regional Water Quality Control Board, North Coast Region.

DETERMINATION. Where in the opinion of the Board, public sewer service is not available in accordance with this Ordinance, due to lack of treatment facilities capacity available to the District, approval may be given for the interim use of private Wastewater disposal systems.

APPLICATION. When regular application is made for sewer service, and it is determined that treatment capacity is not available to provide service to the property, the owner must enter into an agreement with the District to provide for the following:

(a) Apply for and secure a private wastewater disposal permit from the Humboldt-Del Norte County Health Department, and/or California Regional Water Quality Control Board.

(b) Pay all applicable costs for the installation of a sanitary sewer connection.

(c) Construct the building sewer within three (3) feet of the final connection point of the building.

(d) Agree to abandon the private wastewater disposal system and make a final connection to the sanitary sewer within ninety (90) days of notice from the District that public sewer is available.

Rule 18.05. 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 the

District.

Rule 18.06. ABANDONED SEWAGE DISPOSAL SYSTEMS. Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

REGULATION 19 - PERMITS AND FEES

Rule 19.01. PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any community sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the District and paying to the District the applicable permit fee.

Rule 19.02. APPLICATION FOR PERMIT. There shall be five (5) classes of permits:

- (a) Single Family Residence.
- (b) Multiple Dwellings.
- (c) Commercial, Industrial, School, Public and Other User Permit.
- (d) Public Sewer Construction Permit.
- (e) Sewer Alternation Permit and Trailer Court.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They 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 Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

If the Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees. The issuance of wastewater discharge permits

to establishments producing industrial wastes shall be governed by the provisions of Regulation 26 of this Ordinance.

Rule 19.03. SEWER PERMITS. There shall be five (5) classes of permits requiring various fees, as follows:

- (a) Single Family Residence \$20.00
- (b) Multiple Dwellings \$20.00 plus \$2.00
per living unit
up to 50 units-
all over at \$1.00
per unit.

The fees charged for (a) and (b) above allows for one on site inspection. Any follow-up inspections required will be charged to the applicant at cost.

- (c) Commercial, Industrial, School,
Public and Other User Permit \$20.00 plus \$.25
per ft. over 100
feet of building
sewer length.

- (d) Public Sewer Construction Permit
\$20.00 plus
an amount equal to 5% of the estimated
Construction Cost shall be deposited prior
to Commencement of Construction. Actual
cost will be charged when the project is
approved by the District.

- (e) Sewer Alteration Permit and Trailer Court.
\$20.00 - ONE CALL
ONLY

Rule 19.04. PLAN CHECK FEES. A plan check fee in the amount of 2% of the estimated construction cost for main extensions and engineering review of subdivisions will be charged when an application for service is filed with the District. Actual Cost will be charged when the application is approved by the Board of Directors.

Rule 19.05. 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 Manager or other authorized representatives.

Rule 19.06. 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 filed with their 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.

Rule 19.07. 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 community sewer until the work covered by the permit has been completed, inspected and approved by the Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Rule 19.08. NOTIFICATION. It shall be the duty of the person doing the work authorized by permit to notify the Manager of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours 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.

Rule 19.09. CONDEMNED WORK. When any work has been inspected and the work condemned and no certification of satisfactory completion given, the owner of the premises, or the agent of such owner, shall repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Rule 19.10. 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. Such costs shall include the costs expended by the District for the

installation of lateral sewers. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Rule 19.11. STREET EXCAVATION PERMIT. A separate permit must be secured from the State, County or any other person having jurisdiction thereover by owners or contractors intending to excavate a public street for the purpose of installing sewers or making sewer connections.

Rule 19.12. LIABILITY. The District and its officer, 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.

Rule 19.13. TIME LIMIT IN PERMITS. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

REGULATION 20 - EXTENSION CHARGES

Rule 20.01. GENERAL. In general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, all as allowed by District Ordinance.

Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by

District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed.

The District shall use, as a guide for the cost of such services, the average cost of initial installation for the District system modified by inflation, depth, paving, and ground conditions as determined by the Manager. If the work is to be accomplished by District forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to use of the main extension.

REGULATION 21. - CONNECTION CHARGES

Rule 21.01. GENERAL. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing sewer mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such sewer mains and facilities.

"Non-assessed properties" include, but are not limited to, portions of larger parcels which, at the time of assessment levy, were expected to continue in residential use by a single family but which are thereafter divided or segregated for separate residential use, either alone or in combination with other property, and may include properties which at the time of assessment levy, were owned by a government entity but which thereafter become privately owned. "Non-assessed properties" also include acreage whose later parceling or subdivision results in a larger number of direct connections to the system than was originally anticipated at the time of assessment, or may also be the result of any "more intensive" use than was contemplated by the original assessment levy.

Rule 21.02. CONNECTION CHARGE. The connection charge

provided by this Ordinance shall be computed by the Manager based upon "what the share of the cost of said sewer main and facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment." The basis of the original assessment levy is as follows:

- (a) General area charge (all land within 600 feet of sewer main) = \$180.00 per acre.
- (b) Local area charge (all land within 200 feet of a sewer main = \$540.00 per acre.

(c) Unit Charge

- 1. Lateral Charge - 4 inch = \$405.00
Lateral Charge - 6 inch = \$625.00
- 2. Local Sewer Availability - 4 inch = \$405.00
Local Sewer Availability - 6 inch = \$625.00

- (d) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land = \$225.00 per unit.

Example: For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:

General area charge - \$180.00 x .5 acre	= \$	90.00
\$540.00 x .5 acre	=	270.00
4 inch lateral	=	405.00
<u>Sewer availability</u>	<u>=</u>	<u>405.00</u>
Subtotal	=	1170.00

(e) The connection charge for the addition of a secondary dwelling as defined by Humboldt County Ordinance No. 1633, Chapter 6.1 shall be the same as the local sewer availability charge for four - inch laterals as specified in subsection (c)-2) above. If an additional lateral is required the full charge rate shall apply.

Rule 21.03. DEVELOPMENT CREDIT. For subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the availability charge of \$405.00 per unit or the intense land

development charge of \$225.00 per excess unit. The actual construction costs shall be the general connection charge or an estimate thereof as approved by the Manager. The total credit, however, shall never be more than actual or estimated cost as approved by the Manager.

REGULATION 22. - BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Rule 22.01. PERMIT REQUIRED. In accordance with Regulation 21 of this Ordinance, no person shall construct a building sewer, 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.

Rule 22.02. DESIGN AND CONSTRUCTION REQUIREMENTS. Design and construction of building sewers and lateral sewers shall be in accordance with the rules, regulations and ordinances of the District.

Rule 22.03. MINIMUM SIZE AND SLOPE. The size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the diameter be less than three (3) inches. The slope of such 3-inch pipe shall not be less than one-fourth ($1/4$) inch per foot, except where the grade may require a slope of $1/8$ -inch per foot, which may be installed only with District approval.

Rule 22.04. BUILDING DRAIN. Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe fittings, with clean-outs at each 45 degree bend or more, and in general conformance with the "Uniform Plumbing Code."

Rule 22.05. SEPARATE SEWERS. No two adjacent buildings fronting on the same street (or corner) shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a community sewer if such community sewer exists in the street

upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such community sewer shall be separately so connected with a community sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

Rule 22.06. 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 Manager, to meet all requirements of the District.

Rule 22.07. CLEANOUTS. Cleanouts in building sewers shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be maintained watertight. Cleanouts shall comply with the Uniform Plumbing Code.

Rule 22.08. SEWER TOO LOW. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the community sewer, sanitary wastewater carried by such building sewer shall be lifted by artificial means, approved by the Manager, and discharged to the community sewer at the expense of the owner.

Rule 22.09. JOINTS AND CONNECTIONS. All excavations required for the installation of a side sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

Rule 22.10. CONNECTION TO PUBLIC SEWER. The connection of the building sewer into the community sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the community sewer. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community sewer shall be made in accordance with the rules, regulations and ordinances of the District. Any work on community sewers and any work on lateral

sewers done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District.

Rule 22.11. PROTECTION OF EXCAVATION. All excavations for side sewer installation shall be adequately guarded by the applicant with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other person having jurisdiction thereover.

Rule 22.12. MAINTENANCE OF BUILDING SEWER. Building sewers shall be maintained by the owner of the property served thereby. In the event of stoppage, the owner shall be responsible for rodding the entire side sewer. The District will perform all other lateral maintenance.

Rule 22.13. TESTING. All building sewers and lateral sewers shall be tested in strict accordance with rules, regulations and ordinances of the District.

REGULATION 23. - COMMUNITY SEWER CONSTRUCTION

Rule 23.01. PERMIT REQUIRED. In accordance with Article IV of this Ordinance, no person shall construct, extend or connect to any community sewer without first obtaining a written permit from the District and paying all fees and furnishing bonds as required therein. The provisions 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.

Rule 23.02. PLANS, PROFILES AND SPECIFICATIONS. The application for a permit for community sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules 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 examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 23.03. SUBDIVISIONS. The requirements of Rule 23.01 and 23.02 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which community 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 Manager 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.

Rule 23.04. EASEMENTS OR RIGHTS OF WAY. In the event that an easement is required for the extension of the community sewer or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 23.05. PERSONS AUTHORIZED TO PERFORM WORK. Only properly licensed contractors shall be authorized to perform the work of community sewer construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to side sewers installed concurrently with community sewer construction.

Rule 23.06. GRADE STAKES. Grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community sewer construction. The contractor shall be responsible for accurately transferring grades to sewer invert.

Rule 23.07. COMPLIANCE WITH LOCAL REGULATIONS. 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, safety, lighting and protecting 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.

Rule 23.08. 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. The applicant shall also 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 County and District and any other person having jurisdiction thereover.

Rule 23.09. DESIGN AND CONSTRUCTION STANDARDS. Minimum standards for the design and construction of sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. 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, T's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Rule 23.10. MAIN EXTENSION. The District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager.

Normally the main shall be extended the same size as terminated or as a minimum eight (8) inch unless a waiver for short dead-end lines is allowed by the Manager, in which case a six (6) inch will be the minimum size required.

In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicants frontage. The District will share in the cost of construction only where it is the Manager's opinion the applicant can not reasonably expect a refund as provided in Rule 23 of this Ordinance.

The maximum District contribution toward construction costs will be fifty per-cent (50%) of the total construction cost, or One Thousand Two Hundred and Fifty Dollars (\$1,250.00), whichever is less.

The District will determine the fair and reasonable value for construction of said facilities.

The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and acceptance by the District.

The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor.

The provisions of this section do not apply to Rule 6.03 of this Ordinance.

Rule 23.10.1. When a person applies to connect their property to a main extension previously paid for by another person as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally.

Rule 23.10.2. When a person applies for an additional or enlarged lateral to property that fronts on a main extension paid for by another owner subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years

of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension originally.

Rule 23.11. COMPLETION OF SEWER REQUIRED. Before acceptance of any sewer line by the District and prior to the admission of any wastewater into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager.

REGULATION 24 - USE OF THE PUBLIC SEWERS

Rule 24.01. PROHIBITIONS ON DISCHARGES. No person shall discharge wastes to a community sewer which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- (a) a fire or explosion;
- (b) obstruction of flow or injury to the treatment works;
- (c) danger to life or safety of personnel;
- (d) a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;
- (e) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- (f) interference with the wastewater treatment process;
- (g) the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation or treatment process;
- (h) a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District.
- (i) discoloration or any other condition in the quality of the District's treatment works effluent such that receiving water quality requirements established by law cannot be met;
- (j) conditions at or near the District's treatment works which violate any statute or any rule, regulation, or

ordinance of any public agency or State or Federal regulatory body;

- (k) the District collection system's treatment works to be overloaded or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities.

Rule 24.02. PROHIBITIONS ON STORM DRAINAGE AND GROUND WATER. Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer.

Rule 24.03. PROHIBITIONS ON UNPOLLUTED WATER. Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer.

Rule 24.04. LIMITATIONS ON RADIOACTIVE WASTES. No person shall discharge or cause to be discharged, any radioactive waste into a community sewer except;

- (a) when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- (b) when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and
- (c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

Rule 24.05. LIMITATIONS ON THE USE OF GARBAGE GRINDERS. Waste from garbage grinders shall not be discharged into a community sewer except:

- (a) Wastes generated in preparation of food normally consumed on the premises, or
- (b) where the user has obtained a permit for that specific use from District, and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the charges and fees based on the waste constituents and characteristics.

Such grinders must shred (normally 3/8 inches minimum) the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer.

Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse, that subsequently enters the sewer.

Rule 24.06. LIMITATIONS ON POINT OF DISCHARGE. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he has been issued a permit by the District. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Rule 24.07. HOLDING TANK WASTE. No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the District. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational vehicles holding tanks provided that such discharges are made into a District approved facility designed to receive such wastes.

Rule 24.08. LIMITATIONS ON WASTEWATER STRENGTH.

Rule 24.08.1. No person shall discharge wastewater containing in excess of:

- 0.1 mg/l arsenic
- 0.2 mg/l cadmium
- 2.0 mg/l copper
- 1.0 mg/l cyanide
- 1.0 mg/l lead
- 0.01 mg/l mercury
- 1.0 mg/l nickel
- 0.2 mg/l silver

0.5 mg/l total chromium

3.0 mg/l zinc

All analyses shall be performed in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, by a State Certified Laboratory.

Rule 24.08.2. No person shall discharge any wastewater:

- (a) Having a temperature higher than 150 F (65.5 C).
- (b) Containing more than 300 mg/l of oil or grease of animal or vegetable origin.
- (c) Containing more than 100 mg/l of oil or grease of mineral or petroleum origin.
- (d) Having a pH lower than 6.0 or higher than 9.0.
- (e) Containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons which cannot be removed by the Authority's wastewater treatment process.
- (f) Containing in excess of 1.0 mg/l phenolic compounds which cannot be removed by the Authority's wastewater treatment process.

Rule 24.08.3. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Ordinance. Under Section 307 (b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines issued under Section 304 (b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt the best practicable control technology currently available, as defined by the Administrator pursuant to Section 304 (b) of the Act. Where the District's treatment works was designed to and does achieve substantial removal of pollutants other than the four pollutants listed in the definition for compatible pollutants in Section 1.11 (BOD, SS, pH, and fecal coliform bacteria), the District may, at its discretion, not require the user to achieve best practicable control technology currently available, since this may lead to an uneconomical duplication of treatment facilities. The term "substantial removal" contemplates removals in the order of 80 percent or

greater. Minor incidental removals in the order of 10 to 30 percent are not considered "substantial."

Rule 24.08.4. The District Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in industrial or wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

Limitations on wastewater strength in Rule 24.08.1 and Rule 24.08.2 of this Ordinance may be supplemented with more stringent limitations pursuant to Rule 26.02.4.

- (a) If the District determines that the limitations in Rules 24.08.1 and 24.08.2 may not be sufficient to protect the operation of the District's treatment works, or
- (b) If the Authority determines that the limitations in Rule 24.08.1 and 24.08.2 may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's National Pollutant Discharge Elimination System (NPDES) permit.

Rule 24.09. DISPOSAL OF UNACCEPTABLE WASTE. Waste not permitted to be discharged into the community sewer must be transported to a State approved disposal site. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger.

Rule 24.10. INTERCEPTORS REQUIRED. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and 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 Manager and shall be so located as to be readily and easily accessible for cleaning and inspection.

All such grease, oil and sand interceptors shall be maintained by the Owner, at their expense, in continuous efficient operation at all times.

Rule 24.11. PRELIMINARY TREATMENT OF WASTES. The admission into the public sewers of any waters or wastes having (a) a

5 - day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing any quantity of substance having the characteristics described in Rule 24.08, or (d) having an average daily flow greater than two percent of the average daily flow of the District, shall be subject to the review and approval of the Manager. Where necessary in the opinion of the Manager, the owner shall provide, at their expense, such preliminary treatment as may be necessary to (i) reduce the Biochemical Oxygen Demand to 300 milligrams per liter, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in Rule 24.08, or (iii) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Rule 24.12. MAINTENANCE OF PRETREATMENT FACILITIES. Where required by the District, preliminary treatment facilities for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner at their expense and to the satisfaction of District.

Rule 24.13. AVAILABILITY OF DISTRICT FACILITIES. If sewerage capacity is not available, the District may require the discharger to restrict their discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where wastewater of their proposed quantity and quality can be received by available sewerage facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of wastewater is unacceptable in the available collection facility.

Rule 25.01. METERED WATER SUPPLY. When charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged into a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

Rule 25.02. METERED WASTEWATER VOLUME AND METERED DIVERSIONS. When charges and fees are based upon water usage and where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the District, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Manager.

Wastewater meters and vaults shall be approved by the District. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, measurement or waste character and strength.

Rule 25.03. ESTIMATED WASTEWATER VOLUME.

Rule 25.03.1. For users where, in the opinion of the District, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the District. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such determinations of water use necessary to estimate the wastewater

volume discharged.

Rule 25.03.2 For users who, in the opinion of the District, divert a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the District provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

REGULATION 26 - DISCHARGE REPORT, WASTEWATER DISCHARGE PERMITS,
AND ADMINISTRATION

Rule 26.01. DISCHARGE REPORTS. The District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports.

Rule 26.02. WASTEWATER DISCHARGE PERMITS.

Rule 26.02.1. Each "major contributing industry" as defined in Rule 17.22 or other users with a discharge equivalent to that of a major contributing industry, if not connected to a community sewer, must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Rule 26.02.2. The District may issue a Wastewater Discharge Permit to any user, upon application, in accordance with the terms

of this Section in the following categories:

- (a) A user who requests charges and fees to be based on an estimate of wastewater flow, or
- (b) Any user whose wastewater strength is less than the normal range for the user classification to which he is assigned because of pretreatment, process changes or other reasons.
- (c) Any industrial user.

Rule 26.02.3. Applicants for a Wastewater Discharge Permit shall complete an application, in the form prescribed by the District. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and SIC number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Rules 24.08.1, 24.08.2 and 24.08.3 as determined by a laboratory approved by the District;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount, and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) Any other information as may be deemed by the District to be necessary to evaluate the permit application.

Following approval, the District shall forward the application form and appurtenant plans and data to the Authority for review and approval. The District may require additional information on the characteristics of the wastewater discharge beyond that required on the application form.

Upon receipt of all required information, the application shall be processed and, upon approval, copies shall be filed with the District and one copy shall be returned to the applicant. When properly signed, the application shall constitute a valid Wastewater Discharge Permit. The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the District all requested information and if the Manager determines that there is adequate capacity in the District's facilities to convey, treat, and dispose of the wastewaters.

Rule 26.02.4.

- (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Pre-treatment requirements;
- (f) Specifications for monitoring programs which may include locations, frequency and method of sampling, metering, number, types and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the District and affording the District access thereto;
- (i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by Section 1.19) are proposed or are present in the user's wastewater discharge.
- (j) Other conditions as deemed appropriate by the District to insure compliance with this Ordinance.

Rule 26.02.5. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified

by the District 30 days prior to the expiration of the Permit, the Permit shall be extended one additional year. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit as limitations or requirements as identified in Rule 24.08 are modified and changed. The user shall be informed of any proposed changes in his Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the District at least forty-five (45) days prior to the proposed change or connection.

Rule 26.02.6. Wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Rule 26.02.7. Any user who violates the conditions of the Wastewater Discharge Permit, any provisions of this Ordinance, applicable State and Federal regulations, or any of the following, is subject to having his permit revoked:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or,
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

Rule 26.03. MONITORING FACILITIES. Users who propose to discharge, or who in the judgement of the District could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise (see Section 10.04 herein) will be required to install a monitoring facility. When more than one user can discharge into a common building sewer, the District may require installation of a separate monitoring facility for each user. Also when, in the judgement of the District, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the District may require that separate monitoring facilities be

installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the District, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The District may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

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

When constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local agency construction standards and specifications.

When, in the judgment of the District, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following written notification unless a time extension is otherwise granted by the District.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the District and/or other duly authorized employees of the District may reasonably require, including installation, use, and maintenance of monitoring equipment and records to the District. Such records shall be made available upon request by the District and to other Agencies having jurisdiction over discharges to the receiving waters.

Rule 26.04. INSPECTION AND SAMPLING. The District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Rule 26.05. PRETREATMENT. Users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the District.

Rule 26.06. PROTECTION FROM ACCIDENTAL DISCHARGE. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

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

Rule 26.07. CONFIDENTIAL INFORMATION. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate, to the satisfaction of the District, that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

Rule 26.08. SPECIAL AGREEMENTS. Special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions.

REGULATION 27 - WASTEWATER CHARGES AND FEES

Rule 27.01. CLASSIFICATION OF USERS. All users are to be classified either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater

discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the District's cost.

Rule 27.02. TYPES OF CHARGES AND FEES. The charges and fees established in the District's schedules of charges and fees, may include, but not be limited to:

- (a) user classification charges;
- (b) fees for monitoring;
- (c) fees for permit applications;
- (d) appeal fees;
- (e) connection fees or assessments;
- (f) service charges;
- (g) penalties or special cost recovery charges;
- (h) charges and fees based on wastewater constituents flows and characteristics to include industrial cost recovery provisions of the Federal Act;

Rule 27.03. BASIS FOR DETERMINATION OF CHARGES. Charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents and characteristics of the wastewater discharge of each user or user classification, which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of the characteristics of wastewater from a domestic premise and relative difficulty to transport and treat.

Rule 27.04. RATE SCHEDULE. Sewer service charges are hereby prescribed as follows:

Schedule of Charges

<u>User Classification</u>	<u>Monthly Charge</u>
Single Family Residence	\$ 11.00
Apartment or Multiple Living Units	\$ 11.00 per living unit
Mobile Home	\$ 11.00
Barber & Beauty Shops	\$ 11.00
Office Building (to 2000 sq. ft.) with	
less than 7 people	\$ 11.00
Halls	\$ 11.00

Churches	\$ 11.00
Church Rectory	\$ 11.00
Mobile Home Parks (per space)	\$ 11.00
Restaurants, Taverns and Bakeries	\$ 11.00 plus \$2.50/ 100 ft ³ of water over 440 ft ³
Motels, Convalescent Homes, Hotels and Rooming Homes	\$ 11.00 plus \$1.45/ 100 ft ³ of water over 759 ft ³
Bowling Alley, Service Stations and Garages	\$ 11.00 plus \$1.40/ 100 ft ³ of water over 786 ft ³
Laundromats	\$ 11.00 plus \$1.31/ 100 ft ³ of water over 840 ft ³
Schools, Retails Establishments, Banks Theatres and All Others	\$ 11.00 plus \$1.43/ 100 ft ³ of water over 769 ft ³
Industrial Wastewater or Major Contributing Industries	To be calculated for each case on application
Septage Delivered to the Wastewater Management Plant Headworks	\$ 45.00 plus \$33.66/ 100 ft ³ of septage amounts over 133.67 ft ³ per dump

Rule 27.05. EXTRAORDINARY CHARGES. The Board of Directors reserves the right to set special sewer service charges where, in the opinion of the Manager, a waste discharge strength and loading does not fit into existing rate schedules.

Rule 27.06. RELIEF FROM UNJUST RATES. The owner or occupants of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to their premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for sewer services to their premises. If such application be approved,

the Board may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable rates for such premises during the period of such special circumstances, or any part thereof.

Rule 27.07. WAIVER OF SEWER SERVICE CHARGES. If a living unit is to be totally unoccupied for a minimum period of thirty (30) days and water service is terminated, the sewer charge may be waived for that living unit for such period if the Manager determines that the sewer will not be used for such period.

REGULATION 28 - BILLING AND COLLECTING

Rule 28.01. BILLING. The regular billing period will be for each calendar month, or bi-monthly, as determined by the Board.

Rule 28.02. OPENING AND CLOSING BILLS. Opening and closing bills for less than the normal billing period shall be prorated on a daily use or water used basis.

Rule 28.03. BILLING TIME. Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Rule 28.04. LIABILITY OF OWNER AND RENTAL AGENT. Every owner or rental agent of property is liable for sewer service charges for any premises they have rented in the event any tenant thereof does not pay the sewer service bill.

Rule 28.05. COLLECTION BY SUIT. As an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall also have judgement for the cost of suit and reasonable attorney's fees.

Rule 28.06. OTHER UTILITY CHARGES. The District will provide for the collection of its sewer service charges with the rates for the services of the water system or other utility service furnished. The sewer service charges shall be itemized, billed

upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 28.07. DISCONTINUING SERVICE. If all or any part of the bill on which any sewer service charge is collected is not paid, the District may discontinue its water or utility service until such bill is paid.

Rule 28.08. BILLING AND COLLECTING DELINQUENCIES ON TAX ROLL. The District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law therefore.

Rule 28.09. OTHER REMEDIES. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternately or collectively as the District determines.

Rule 28.10. PROCEDURE. When the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent sewer service charges, proceedings therefore shall be had as now or hereafter provided therefore in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

Rule 28.11. ALTERNATIVE. The powers authorized by this Article shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board thereof for the collection of such charges.

Rule 28.12. REPORT. A written report shall be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this Ordinance.

Rule 28.13. NOTICE. The clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges

for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on said roll or as known to the clerk.

Rule 28.14. HEARING. At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

Rule 28.15. FINAL DETERMINATION OF CHARGES. Upon the conclusion of the hearing on the report, the Board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

Rule 28.16. FILING OF REPORT WITH COUNTY AUDITOR. On or before the 10th day of August in each year following the final determination of the Board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over the Clerk's signature that it has been finally adopted by the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

Rule 28.17. PARCELS OUTSIDE THE DISTRICT. Where any such parcels are outside the boundries of the District, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

Rule 28.18. PARCELS NOT ON ROLL. If the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

Rule 28.19. LIEN. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Rule 28.20. TAX BILL. Thereafter, the amount of the charges

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

Rule 28.21. COLLECTION. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

Rule 28.22. COMPENSATION OF COUNTY. The tax collector may, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the District. The compensation shall not exceed one percent (1%) of all money collected. The compensation shall be paid into the County fund.

Rule 28.23. USE OF REVENUES. Revenues derived under this Ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance and operation of sanitation or sewerage facilities of the District and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Rule 28.24. DISCONNECTION. As an alternative method of collecting such charges, the District may disconnect any premises from the water and sewer system if the user fails to pay the service charges for their premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system.

In the event such arrearages are paid and the premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Rule 28.25. ABATEMENT. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

Rule 28.26. DEPOSITS. Prior to commencing service a deposit of \$25 (twenty-five dollars) will be required of all customers. Upon termination of service the deposit shall be refunded to non-property owners, less any unpaid balance owed on the account.

After a six (6) month period the deposit shall be refunded to property owners with good payment records as determined by the District.

REGULATION 29 - ENFORCEMENT

Rule 29.01. ACCIDENTAL DISCHARGES.

Rule 29.01.1. Users shall notify the District immediately upon accidentally discharging wastes in violations of this Ordinance to enable countermeasures to be taken by the District to minimize damage to the community sewer, treatment facility, treatment processes, the receiving waters, and the public in general.

The notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

Rule 29.01.2. In order that employees of users be informed

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

Rule 29.01.3. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system would be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

Rule 29.02. ISSUANCE OF CEASE AND DESIST ORDERS. When the District finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the District may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the Authority or the District;
- (c) Take appropriate remedial or preventative action in the event of a threatened violation;
- (d) Terminate all wastewater flow.

Rule 29.03. SUBMISSION OF TIME SCHEDULE. When the District finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the District may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

Rule 29.04. APPEALS. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including

Cease and Desist Orders, made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the Manager is unsatisfactory to the person requesting reconsideration, they may, within (10) days after notification of the District action, file a written appeal to the Board. The written appeal shall be heard by the governing body within thirty (30) days from the date of filing. The District's governing body shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

REGULATION 30 - ABATEMENT

Rule 30.01. PUBLIC NUISANCE. Discharges of Wastewater in any manner in violation of this Ordinance or of any order issued by the Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

Rule 30.02. INJUNCTION. Whenever a discharge of wastewater is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

Rule 30.03. DAMAGE TO FACILITIES. When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

Rule 30.04. CORRECTION OF VIOLATIONS; COLLECTION OF COSTS;

INJUNCTION. In order to enforce the provisions of this ordinance, the District may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

Rule 30.05. CIVIL LIABILITIES AND PENALTIES. Any person who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to liabilities imposed by the District against which the violation occurs. Said civil liability may be in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

The District may petition the Municipal or Superior Court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

Rule 30.06. FALSIFYING OF INFORMATION. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the Authority or the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is hereby declared to be in violation of this Ordinance, and subject to the Civil Liabilities imposed under Rule 30.05 of this Ordinance, or subject to prosecution and punishment under Rule 30.04 of this Ordinance.

Rule 30.07. TERMINATION OF SERVICE. In order to affect its powers, the District may enter upon private property for the

purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation or this Ordinance is found to exist.

Prior to termination of service, however, the District shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the District shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten (10) days subsequent to the giving of notice as herein required.

ARTICLE IV - RECREATION

REGULATION 40 - RECREATION ADVISORY COMMITTEE

Rule 40.01. MEMBERSHIP. The McKinleyville Community Services District Parks and Recreation Committee shall consist of seven (7) regular and three (3) alternate members who shall serve without compensation selected as follows:

a. Two (2) regular and one (1) alternate members shall be selected from the McKinleyville Community Services District Board of Directors by the McKinleyville Community Services District Board of Directors.

b. Two (2) regular and one (1) alternate members shall be members of the McKinleyville Area Fund Board of Directors. The McKinleyville Area Fund Board of Directors may recommend members for consideration and approval by the District Board of Directors. Final selection shall be made by the District Board of Directors.

c. The District Board of Directors shall select three (3) at-large members and one (1) alternate at-large member. Recommendations for appointment may be made by the then current members of the Advisory Committee.

Rule 40.02. APPOINTMENT. The Commission members shall be appointed as follows:

The Board of Directors shall announce each vacancy and shall state that they are seeking applicants, setting forth the qualifications required, if any. The Board of Directors shall interview each applicant, after which a majority of the Board of Directors may select the most qualified to fill the vacancy.

Rule 40.03. MEMBER QUALIFICATIONS. All members shall be resident electors of McKinleyville Community Services District.

Rule 40.04. TERMS OF OFFICE. Appointment to the Committee shall be for a term of four (4) years, staggered so that the terms of no more than three (3) Committee members expire during a given year. The annual expiration date of appointment shall be December 31st.

Rule 40.05. REMOVAL. Members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 40.06. ABSENCES. If any member of the Committee is absent without prior Chairperson approval for three (3) regular consecutive meetings, the Chairperson shall certify that fact to the Board of Directors and the Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position by appointment. If any regular member of the Advisory Committee is absent from any committee meeting, the alternate member selected from the same constituency as the absent member shall serve in place of the regular member during the meeting.

Rule 40.07. ELECTION OF OFFICERS. The Committee, shall, as soon as practicable, after the time of the annual appointment of a member or members to such Committee, elect its officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 40.08. OFFICERS. The Committee shall elect a Chairperson and Vice-Chairperson from among its members.

Rule 40.09. MEETINGS. The Committee shall hold regularly scheduled meetings in the Board of Directors Chambers of the District Office, or at such other place within the District as may be designated by the Committee, and may hold such additional meetings as it may deem necessary or expedient. All meetings must be noticed at least twenty-four (24) hours in advance and open to the public.

Rule 40.10. TIME OF MEETINGS. The time of the regular meetings shall be as established from time to time by the Advisory Committee.

Rule 40.11. QUORUM. A majority of the Committee shall constitute a quorum for the purpose of transacting business of the Committee.

Rule 40.12. RECORDS. Written records of all the proceedings, findings, determinations and transactions of the Committee shall be kept, which record shall be a public record and a copy of which record shall be filed with the District Secretary.

Rule 40.13. POWERS AND DUTIES. The Parks and Recreation Advisory Committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the Board of

Directors and the District Manager in all matters pertaining to public recreation, public parks, squares and grounds;

(b) To make recommendations to the Board of Directors and the District Manager with respect to the provisions of the annual budget for recreation and park purposes;

(c) To recommend to the Board of Directors acceptance or rejection of offers of donations of money, personal property and real property to be used for recreation and park purposes;

(d) To recommend to the Board of Directors a comprehensive recreation and park program for the inhabitants of the District, to promote and stimulate public interest therein, and to solicit to the fullest possible extent the cooperation of school authorities and other public and private agencies interested therein;

(e) To prepare and recommend for adoption by the Board of Directors rules and regulations for the use and improvement of the public parks and recreation areas, squares and grounds in the District, including playgrounds, concessions and recreational facilities and programs installed and maintained therein;

(f) To prepare and recommend to the Board of Directors and the District Manager policies for the acquisition, development and improvement of parks and recreation areas; and

(g) To perform such other duties relating to recreation and park matters as may be prescribed by the Board of Directors.

ARTICLE V. - GENERAL PROVISIONS

REGULATION 50. - JUDICIAL REVIEW

Rule 50.01. JUDICIAL REVIEW. Judicial review pursuant to Code of Civil Procedure 1094.5 of any decision made by the Board of Directors of the McKinleyville Community Services District or any commission, officer or agent thereof, may be had only if the petition for writ of mandate pursuant to C.C.P. 1094.5 is filed within the time limit specified in California Code of Civil Procedure 1094.6.

REGULATION 51. - BOARD MEETINGS

Rule 51.01. REGULAR MEETINGS. The regular meetings of the Board of Directors of the McKinleyville Community Services District shall hereafter be held on the second Thursday of each and every calendar month at the hour of 7:30 o'clock P.M.

All meetings of the Board of Directors shall be held at the office of the District, unless they shall adjourn to or fix another place of meeting in a notice to be given thereof, or unless prevented and established at 1656 Sutter Road, McKinleyville, California.

Rule 51.02. MAILING ADDRESS. The official mailing address of said District is hereby established as Post Office Box 2037, McKinleyville, California 95521.

REGULATION 52. - SEVERABILITY

Rule 52.01. SEVERABILITY. If any provision of these Rules and Regulations or the application of these Rules and Regulations to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these Rules and Regulations, and to this end, the provisions of these Rules and Regulations are severable.

CLIFFORD B. MITCHELL
R. C. DEDEKAM
RONALD F. ANGELL
DALE A. REINHOLTSEN
NANCY K. DELANEY
WALTER J. CARTER
PAUL A. BRISSE
JOHN M. VRIEZE
DEBORAH A. BOYD
OF COUNSEL
EMERY F. MITCHELL

MITCHELL, DEDEKAM & ANGELL

ATTORNEYS AT LAW
814 SEVENTH STREET
EUREKA, CALIFORNIA 95501

June 4, 1990

RECEIVED

JUN 05 1990

McK. C.S.D.

Mr. Bruce Buel
District Manager
McKinleyville Community Services District
P. O. Box 2037
McKinleyville, California 95521

RE: Review of Ordinance No. 36
Our File No. 78-129-DD

Dear Bruce:

I generally reviewed your draft of Ordinance No. 36, and I found it to be an excellent compilation of the District's existing ordinances. I have very few comments as a result.

My only specific recommendation for a change is in connection with Rule 1.01. I think the language "additional terms" in the second line of the rule is a little bit vague. I think you intend to incorporate technical and other terminology relating to plumbing facilities, improvements, and the like as described in the Uniform Building Code, but I think the language should be made a little bit more clear to make sure that we all know what is meant by the phrase "additional terms." Perhaps you could simply say something along the following lines:

"In addition to the following definitions, the definitions set forth in Chapter 1 of the current Uniform Building Code shall apply with respect to any matters described in this ordinance."

I reviewed the ordinance to make sure that due process issues were covered with respect to termination of water service, and I think you have that adequately covered. (See Section 30.07.) In addition, I wanted to make sure you had a provision regarding severability, and you have this at Regulation 52.01.

000191

Mr. Bruce Buel
June 4, 1990
Page 2

Regulation 21 regarding sewer connection charges will have to be changed when we get into the business about increasing the connection fees to cover improvements to the system.

In short, this ordinance should be a very useful tool for keeping all the District's "rules of the road" in one comprehensive document.

Very truly yours,

MITCHELL, DEDEKAM & ANGELL

A handwritten signature in cursive script, appearing to read "Ron", written in dark ink.

Ronald F. Angell

RFA/bmh

000192