

ORDINANCE NO. 15

SUNNYSLOPE COUNTY WATER DISTRICT

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, THE INSTALLATION OF SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, PROVIDING FOR THE EMPLOYMENT OF A SANITARY INSPECTOR, PROVIDING PERMITS AND FIXING FEES FOR THE INSTALLATION OF SANITARY SEWER LATERALS AND REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE SUNNYSLOPE COUNTY WATER DISTRICT

BE IT ORDAINED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, as follows:

ARTICLE I. DEFINITIONS

Section 1.1. Definitions. For the purpose of this Ordinance the terms used herein are defined as follows:

Section 1.2. District is the Sunnyslope County Water District.

Section 1.3. Board is the Board of Directors of said District.

Section 1.4. Secretary is the Secretary of the Board.

Section 1.5. County is the County of San Benito.

Section 1.6. Engineer is the Engineer appointed by and acting for the Board and shall be a Registered Civil Engineer.

Section 1.7. District Inspector is the Inspector acting for the Board and may be a member of the Board, the Manager, the District Engineer or Inspector appointed by the Board.

Section 1.8. Person is any human being, individual, firm, company, partnership, association, and private or public or municipal corporation, the United States of America, the State of California, district and any political subdivisions, governmental agencies and mandatories thereof.

Section 1.9. Permit is any written authorization required pursuant to this or any other rule, regulation or ordinance of District for the installation of any sewage works.

Section 1.10. Building is any structure used for human habitation or a place of business, recreation or other purposes and containing sanitary facilities.

Section 1.11. Applicant is the person making application for a permit 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.

Section 1.12. Contractor is an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be the owner or his agent.

Section 1.13. Street is any public highway, road, street, avenue, alley, way, easement or right of way.

Section 1.14. Sewage Works are all facilities for collection, pumping, treating and disposing of sewage.

Section 1.15. Sewage is a combination of water-carried wastes from buildings and industrial establishments connected to sewage works of District or from any private sewer.

Section 1.16. Industrial Wastes are the liquid wastes from industrial processes as distinct from sewage.

Section 1.17. Sewer is a pipe or conduit which carries sewage and/or industrial wastes to which storm, surface and ground waters are not intentionally admitted.

Section 1.18. Public Sewer is a sewer lying within a street and which is controlled by or under the jurisdiction of the District.

Section 1.19. Side Sewer is the part of the horizontal piping beginning at the foundation wall of any building and terminating in the main sewer, or septic tank.

Section 1.20. House Sewer is any sewer or drain beginning at the plumbing or drainage outlets of any buildings and running to the property line.

Section 1.21. Lateral Sewer is the portion of the side sewer within a public street.

Section 1.22. Outside Sewer is a private sewer beyond the limits of the District.

Section 1.23. Private Sewer is one which has an independent sewage disposal not connected with a public sewer and which accommodates one or more houses.

Section 1.24. Plumbing System includes all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewage pipes within the property lines of the premises.

Section 1.25. Garbage is solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 1.26. Single Family Unit is the place of residence for a single family. Property improved for multi-family purposes shall constitute the number of units that the facilities thereon provide in number facilities for single family units. When such improvements are for other than residential purposes, the number of units shall be determined by dividing the total number of persons regularly using or occupying said premises by three. When said property is unimproved, a single lot shall be such unit. When such property is unsubdivided, it shall be deemed to have five (5) lots to the acre, unless the District, in its discretion, specially fixes some other number of lots therefor.

Section 1.27. Fixture is any facility which contains a collection device for wastewater connected directly or indirectly to a sanitary sewerage system, including, but not limited to, a toilet, urinal, shower, tub, sink, basin, lavatory, floor drain, automatic washing machine and other similar devices.

Section 1.28. Additional Definitions. For the purpose of this ordinance additional terms shall have the meaning indicated in the Uniform Plumbing Code adopted herein.

ARTICLE II. GENERAL PROVISIONS

Section 2.1. Rules and Regulations. The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of said District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Section 2.2. Purpose. This ordinance is intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in sanitary sewage facilities in lateral sewers hereafter installed, altered or repaired. This ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

Section 2.3. Short Title. This ordinance shall be known as the Sunnyslope County Water District Sewer Regulation Ordinance.

Section 2.4. Violation Unlawful. Following the effective date of this ordinance it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said District except by connection to the public sewer in the manner as in this ordinance provided.

Section 2.5. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

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

Section 2.6. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Section 2.7. Plumbing, Inspection, Compensation. The Board of said District shall employ the District Engineer or such other person as may be designated by the Board to perform the duties of inspecting the installation, connection, maintenance and use of all lateral sewers and plumbing, sewerage, sanitary drainage work and facilities in connector therewith in said District, to be known as the Sanitary Inspector. He shall receive as compensation for his services for making inspections required to be made by the ordinances and orders and regulations from time to time enacted and ordered by said Board, a sum to be fixed by the Board. He shall serve at the pleasure of the Board.

Section 2.8. Permits and Fees. No public sewer, side sewer, plumbing system or other sewerage facilities shall be installed, altered or repaired within the District until a permit for the work has been obtained from the District and all fees have been paid in accordance with the requirements of Article IX of this ordinance.

ARTICLE III. USE OF PUBLIC SEWERS REQUIRED

Section 3.1. Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in an insanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

Section 3.2. Treatment of Wastes Required. It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been pro-

vided in accordance with provisions of this ordinance.

Section 3.3. Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

Section 3.4. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the Owner of the premises has complied with all rules and regulations of District.

Section 3.5. Sewer Required. The Owner of any building situated within the District requiring sewage disposal and abutting on any right of way or easement in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so; provided that said public sewer is within three hundred (300) feet of the nearest point of the building.

ARTICLE IV. PRIVATE SEWAGE DISPOSAL

Section 4.1. Sewer Not Available. Where a public sewer is not available under the provisions of Section 3.5, the building sewer shall be connected to a private sewage disposal system complying with the rules, regulations and ordinances of the District.

Section 4.2. Permit Required. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the District Inspector. The application for such permit shall be made on a form furnished by the District, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the District. A permit and inspection fee shall be paid to the District at the time application is filed in accordance with the provisions of Article IX of this ordinance.

Section 4.3. Inspection Required. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the District Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the District Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours, Sundays and Holidays excluded, of the receipt of the notice by the District Inspector.

Section 4.4. Design Requirements. The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California and the Health Officer and Building Department of the County. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is determined to be inadequate by the Board of District. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or water course.

Section 4.5. Abandonment of Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3.5, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the District Inspector.

Section 4.6. Cost of Maintenance by Owner. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

Section 4.7. Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Officer or Building Inspector of the County.

ARTICLE V. UNIFORM PLUMBING CODE

Section 5.1. Uniform Plumbing Code Adopted. All that certain plumbing code, entitled "International Association of Plumbing and Mechanical Officials Uniform Plumbing Code 1970 Edition", adopted in September, 1969, copies of which are on file in the office of the District for use and examination by the public, except such sections therein as are shown to be omitted, amended, or added thereto, in said copies, is hereby adopted as the UNIFORM PLUMBING CODE OF THE SUNNYSLOPE COUNTY WATER DISTRICT, to which reference is hereby made and is hereby adopted by reference as if set forth in full herein.

Section 5.2. Administrative Authority. Wherever the term "Administrative Authority" is used in the Uniform Plumbing Code it shall be construed to mean only those persons duly authorized by the District Board to administer the code as follows:

Administration of the code and enforcement of regulations thereof shall be under the direction of the District Secretary.

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

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

ARTICLE VI. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Section 6.1. Permit Required. In accordance with Article XI 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 herein and as required in the Sunnyslope County Water District Sewer Service Charge Ordinance.

Section 6.2. Construction Requirements. Construction and inspection of building sewers and lateral sewers shall be in accordance with the requirements of the District and shall satisfy all requirements of the County. All construction shall be in accordance with the "Uniform Plumbing Code of the Sunnyslope County Water District".

Section 6.3. Sewer Materials. The building sewer shall be of materials approved by said Uniform Plumbing Code or other suitable material approved by the Board of Directors of District. All joints shall be tight and waterproofed.

Section 6.4. Building Drain. Whenever possible the building drain shall be brought to the building at an elevation below the basement floor or ground floor, whichever is lower. No building drain shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building drain shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

Section 6.5. Joints and Connections. All excavations required for the installation of a building drain shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with the Uniform Plumbing Code of the Sunnyslope County Water District, except that no backfill shall be placed until the work has been inspected. All backfill must be free from rocks and clods of dirt.

Section 6.6. Connection to Public Sewer. The connection of the house sewer into the public sewer shall be made at the lateral if possible, by placing a cleanout "Y" on its back with the cleanout looking up at the property line. Where no properly located lateral or where there is no lateral sewer available, a neat hole may be cut into the top half of the public sewer to receive the lateral sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°). A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the public sewer shall be made in accordance with the regulations of the District and shall be made in the presence of the District Inspector and under his supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District Inspector. When a lateral sewer is constructed by an applicant the applicant must first deposit with the District Inspector all necessary fees and charges and obtain a permit for construction of the lateral sewer. A cleanout "Y" shall be placed on its back with the cleanout looking up at the property line when a lateral is constructed by an applicant.

Section 6.7. Separate Sewers. No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said lot the portion not directly connected with such public sewer shall be separately so connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

Section 6.8. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirements of District.

Section 6.9. Cleanouts. Cleanouts in building sewers subject to the jurisdiction of the District shall be provided in accordance with the Uniform Plumbing Code of the Sunnyslope County Water District. Cleanouts shall be the same diameter as the building sewer. All cleanouts shall be maintained watertight and shall be constructed in accordance with the regulations of the District.

Section 6.10. Sewer Too Low. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the District Inspector, and discharged to the public sewer at the expense of the owner.

Section 6.11. Protection of Excavation. All excavations for side sewer installation shall be adequately guarded 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 and the County or any other person having jurisdiction thereover.

Section 6.12. Maintenance of Side Sewer. Side sewers shall be maintained by the Owner of the property served thereby.

ARTICLE VII. PUBLIC SEWER CONSTRUCTION

Section 7.1. Permit Required. In accordance with Article IX of this ordinance, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. 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.

Section 7.2. Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, 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 District Engineer who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the District Engineer, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

Section 7.3. Subdivisions. The requirements of Sections 7.1 and 7.2 of this ordinance shall be fully complied with before any final subdivision map shall be approved by the Board. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

Section 7.4. Easements or Rights of Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Board a proper easement or grant of right of way sufficient in law to allow the laying and maintenance of such extension or connection.

Section 7.5. Persons Authorized to Perform Work. Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to side sewers installed concurrently with public sewer construction.

Section 7.6. Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

Section 7.7. 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, lighting and protecting of trenches, backfilling and repaving thereof, and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Section 7.8. Protection of Excavation. The applicant shall maintain such barriers, lights, and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and the County or any other person having jurisdiction thereover.

Section 7.9. 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, regulations and within the SPECIFICATIONS FOR SEWER CONSTRUCTION heretofore or hereafter adopted by District, copies of which are on file in the District office. The District or the District Engineer may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings showing the actual location of all mains, structures, Ys, Ts, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Section 7.10. Public Sewer Construction - Reimbursement or Credit. Where the cost of public sewer main construction has been paid or deposited by the person obtaining the public sewer main extension permit pursuant to the provisions of this ordinance, the District may, thereafter, but for no longer than ten (10) years from the date of acceptance of such extension by the District, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the District, as required by any special main extension agreement and as authorized by the provisions of Section 9.7(c) of this ordinance. Such sums as are actually received by the District shall be paid by the District to the person originally making such extension. In the absence of any special agreement as provided herein, District shall permit a credit to the connection fee provided in Sec. 9.7(b) hereof of up to One Hundred Dollars (\$100.00) against the connection charge or charges otherwise due from the person making the main extension. District shall in no way be obligated to assure the person entering into such agreement or making such extension is paid or credited the total cost of the main extension, nor to initiate any action nor incur any expense to collect any sum to be paid such person.

Where more than one person contributes toward the cost of the public main extension such sums shall be refunded or such credits shall be allowed to the persons making the main extension pro rata according to the amount which they individually and severally contributed toward the cost of the public sewer extension. Any reimbursement agreement must be entered into prior to the issuing of a permit for the work.

ARTICLE VIII. USE OF PUBLIC SEWERS

Section 8.1. Drainage Into Sanitary Sewers Prohibited. No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or subsurface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Section 8.2. Types of Wastes Prohibited. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150° F.
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (d) Any garbage that has not been properly shredded. Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes having a ^hp lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (h) Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (j) Any septic tank sludge.

Section 8.3. Interceptors Required. Grease, oil and sand interceptors shall be provided when, in the opinion of the District Inspector, 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 District Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 8.4. Maintenance of Interceptors. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 8.5. 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 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 8.2, or (d) having an average daily flow greater than two per cent (2%) of the average daily sewage flow of the District, shall be subject to the review and approval of the District Inspector. Where necessary in the opinion of the District Inspector, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 8.2, or (c) 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 District Inspector and of the Water Pollution Control Board of the State of California and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 8.6. Maintenance of Pretreatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8.7. Control Manholes. When required by the District the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 8.8. Measurement and Tests. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 8.2 and 8.5 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 8.7, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

Section 8.9. Special Agreements. No statement contained in this

Article shall be construed as preventing any special agreement or arrangement between the District, the County of San Benito, or any other public corporation or entity, whereby the District undertakes to provide for the construction, acceptance, maintenance or operation of facilities for the collection, pumping or other means of transmission of sewage from the public agencies pursuant to any appropriate legal authorization or pursuant to cooperation, joint powers, or other similar agreement. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by District.

Section 8.10. Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer, without first giving notice to and receiving written permission from the District Inspector.

ARTICLE IX PERMITS AND FEES

Section 9.1 Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any sewer or drainage system without first obtaining a written permit from the District.

Section 9.2. 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. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The District may require plans, specifications or drawings and such other information as may be deemed necessary.

If the District 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, it shall issue the permit applied for upon payment of the required fees as hereinafter fixed.

Section 9.3. Compliance with permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the District Inspector or other authorized representative.

Section 9.4. Agreement. The applicant's signature on an application for any permit as set forth in Section 9.5 hereof, shall constitute an agreement to comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Section 9.5. Classes of Permits. There shall be six classes of permits, as follows:

- (a) Single family residential building sewer permit;
- (b) Trailer court and multiple dwelling permit;

(c) Commercial, industrial, church, school and other public user sewer permit;

(d) Public sewer construction permit;

(e) Private sewage disposal permit; and

(f) Force main connection permit.

Section 9.6. Fees - Annexation Charges. The owner or owners of lands within areas proposed to be annexed to the District shall deposit with the Secretary of the District, prior to commencement of proceedings by the Board of Directors of District on the proposed annexation, a sum to be fixed by the Secretary. The sum to be fixed shall be the estimated cost of engineering, legal and publication costs and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the District the excess shall be refunded to the owner or owners making the deposit following the conclusion of the final hearing on the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the District, said owner or owners shall advance such additional sums as may be necessary to pay said costs prior to the conclusion of the final hearing on the proposed annexation.

Section 9.7. Fees - Connection Charges. All connection charges, fees and other charges in the District and in areas annexed thereto, as set forth in the ordinances, rules and regulations of the District as heretofore or hereafter fixed, shall be paid and complied with in the manner provided in said ordinances, rules and regulations. In addition to any other charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to connection to the sanitary sewerage system of the District, special connection charges, as follows:

(a) Assessment Connection Charge: For any parcel, unit or lot, or part of said property, lying within the present boundaries of said District or hereafter annexed to said District, which abuts on or can be directly served by any existing sewer main or sanitary sewerage facilities of said District, construction pursuant to special assessment proceedings, additional connection charges to be paid prior to the issuance of a permit for sewer connection in any such areas, are hereby established as follows:

(i) Where said facilities constructed pursuant to special assessment proceedings consist of collection mains, together with major interceptor mains and/or any other sanitary sewerage facilities, an additional connection charge shall be collected, in a sum to be computed by the District Engineer, as said property's share of the cost of the existing sewerage facilities of the District to be used by said property. Said sum shall be the equivalent of the cost to similar properties within the District which have paid for said facilities so to be used. Said sum shall include all costs incident to the installation of such facilities, together with interest charges thereon. Said sum shall not include any amounts for which bonds of the District are then outstanding and to which said property is or shall become subject.

(b) Connection Charge for Any Parcel, Unit or Lot, or Part of Said Property: A connection charge of One Hundred Dollars (\$100.00) per single family unit of property within the boundaries of said District shall be paid by the owner or other persons

desiring the connection of any such property to any sanitary sewerage system or proposed system of the District, or to any sanitary sewerage system of other persons within such area which may connect with or be proposed to be connected to any sanitary sewerage system or proposed system of said District. Said charge shall be payable for connections made from and after July 1, 1972.

(c) Special Connection Charge: For any parcel, unit or lot, or part of said property which abuts on or can be directly served by any existing sewer main or sanitary sewerage facilities of said District constructed pursuant to special agreement, wherein the District has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said main or facilities, special connection charges in addition to any other charges established by the District, which must be paid prior to the issuance of a permit for sewer connection, are hereby established, as follows:

(i) Where said facilities constructed pursuant to special agreement consist of collection mains together with trunk mains and/or any other sanitary sewerage facility, an additional special connection charge shall be collected in a sum to be computed by the District Engineer as said property's share of the cost of the sewer mains and other sanitary sewerage facilities of the District, constructed pursuant to special agreement, to be used by said property. Said sum shall be equivalent to the pro rata share of the cost of the installation made pursuant to the special agreement which would have been paid by said property for the facilities so to be used if said property had contributed its equitable share to the original cost of construction. Said sum shall include all costs incident to the installation of such mains and facilities.

(d) Special Connection Charge - Annexed Areas: An additional special connection charge of Fifty Dollars (\$50.00) per single family unit of property within areas hereafter annexed to said District shall be paid by the owner or other persons desiring the connection of any such property to any sanitary sewerage system or proposed system of the District.

Section 9.8. Special Connection Charges. In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of District, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein.

Section 9.9. Sewer Permit and Inspection Charges. Permit and inspection charges are hereby established as follows:

(a) Single Family Residence: A fee of Ten Dollars (\$10.00) shall be paid to the District for issuing a permit and inspecting each single family residential building sewer installation.

(b) Trailer Courts and Multiple Dwellings: A fee of One Dollar (\$ 1.00) shall be paid to the District for the issuance of a permit and inspecting building sewers for each space in a Trailer Court and each residential unit in a multiple dwelling, with a minimum fee of Ten Dollars (\$10.00).

(c) Commercial, Industrial, Church, School, Public and Other Users: A fee of Five Dollars (\$5.00) per one hundred (100) lineal feet of sewer shall be paid to the District for the issuance of a permit and inspecting each building sewer installation serving commercial,

industrial, church, school, public and other users, with a minimum of Ten Dollars (\$10.00). Where such property is to be developed for commercial and industrial uses such as, in the opinion of the District Secretary will necessitate the conduct of special analyses of the effect of the installation on the sewage effluent, the person seeking a permit for such installation shall provide the District with any such analyses as the District may require at the sole cost and expense of the person seeking such permit.

(d) Public Sewer Construction Permit: A fee of not less than Ten Dollars (\$10.00) plus a fee of Five Dollars (\$5.00) per one hundred (100) lineal feet of sewer shall be paid to the District for the issuance of a permit and inspecting the installation of public sewer mains consisting of extensions of the existing public sewerage facilities of the District.

(e) Alteration of Existing Sewer Installation: A fee of Ten Dollars (\$10.00) shall be paid to the District for issuing a permit and inspecting any work adding to, altering, or extending any existing building sewer installation.

(f) Private Sewage Disposal Permit: A fee of Thirty Dollars (\$30.00) per single family unit shall be paid to the District for issuing a permit and inspecting the installation of a private sewage disposal system.

(g) Connection to Force Main: A fee of not less than Ten Dollars (\$10.00) together with a fee of Five Dollars (\$5.00) per one hundred (100) lineal feet of sewer shall be paid to the District for issuing a permit and inspecting any work which includes connection of the sewer to a force main under the jurisdiction of the District.

Section 9.10. Bond - Single Family Residential Building Sewer. A deposit of an amount of One Hundred Dollars (\$100.00) shall be made with said District to guarantee faithful performance of the provisions herein with reference to the construction of a lateral sewer, the whole of which shall be returned upon the completion of the work, when the work is done other than by said District. When said work is done by said District only the balance above the cost thereof shall be returned.

Section 9.11. Bond - Trailer Court, Multiple Dwelling, Commercial, Industrial, Church, School and other Public User Sewer Connection.

(a) The applicant for a trailer court, multiple dwelling, commercial, industrial, church, school or other public user sewer connection permit shall, in addition to all other fees and charges payable pursuant to the rules, regulations and ordinances of the District, pay all engineering, inspection and other costs deemed by the District to be necessary, if any, to insure compliance with the terms of the permit and the rules, regulations and ordinances of the District.

(b) A deposit of Five Hundred Dollars (\$500.00) shall be made with said District to guarantee faithful performance of the provisions hereof with reference to the construction of a lateral sewer, the whole of which shall be returned upon the completion of the work, when the work is done other than by said District. When the District Engineer is of the opinion that said deposit may be insufficient he may recommend that the deposit be increased to a sum which is deemed to be sufficient. When the work is done by the District only the balance above the cost thereof shall be returned.

Section 9.12. Fees and Bond - Public Sewer Construction.

(a) A fee in an amount deemed necessary by the District to pay all

engineering, inspection and other costs required to insure compliance with the terms of the permit and with the rules, regulations and ordinances of the District shall be paid to the District prior to the time the permit is issued, for reviewing plans and specifications, issuing a permit and inspecting the installation of public sewer mains, laterals and all appurtenances thereto. If the fee fixed by the District is in excess of the actual cost to the District, any surplus over the cost shall be refunded to the person obtaining the permit. If the fee fixed by the District is less than the actual cost to the District, then the person obtaining the permit shall be liable for the excess cost to the District.

(b) Prior to the issuance of a permit for public sewer construction the applicant shall furnish to the District a faithful performance bond or cash in the amount of the total estimated cost of the work. Said bond to be secured by a surety or sureties satisfactory to the District. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

Section 9.13. Fees - Private Sewage Disposal. A fee of Twenty-five Dollars (\$25.00) shall be paid to the District for reviewing the plans and specifications.

Section 9.14. Fees - Sewer Service Charges. Any property connected to the sewerage facilities of the District which is not paying sewer service charges fixed by the sewer service charge ordinance of the District shall pay sewer service charges in accordance with the rates established in such ordinance pursuant to separate agreement between the District and the person owning or operating the sewerage facilities so served, and where connections are made after the establishment of the charges for any fiscal year sewer service charges for the unexpired portion of such year, computed at the rates established in said sewer service charge ordinance, shall be paid to the District Inspector at the same time as the permit and inspection fees provided herein, and shall be in addition to any and all fees and charges established pursuant to the ordinances, rules and regulations of District.

Section 9.15. Disposition of Fees. All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

Section 9.16. All Work to be Inspected. All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the District Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Section 9.17 Notification. It shall be the duty of the person doing the work authorized by permit to notify the office 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.

Section 9.18. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion

given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Section 9.19. All Costs Paid by Owner. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Section 9.20. Permits for Outside Sewers. Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District unless a permit therefor is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith and drainage in connection therewith, and also shall agree to pay in advance all fees required for securing the permit and a monthly or annual fee in the amount set by the District for the privilege of using such sewer.

Section 9.21. Permit Optional. The granting of such permission in any event shall be optional with the Board.

Section 9.22. Special Outside Agreements. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District.

Section 9.23. 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 in a public street for the purpose of installing sewers or making sewer connections.

Section 9.24. Liability. The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Section 9.25. Time Limit on Permits. If work under a permit be not commenced within six (6) months from the date of issuance or if after partial completion, the work be discontinued for a period of one 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.

ARTICLE X. ENFORCEMENT

Section 10.1 Investigation Powers. The officers, inspectors, managers, and any duly authorized employees of District shall carry evidence establishing his position as an authorized representative of District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or other-

wise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

Section 10.2 Violation. Any person found to be violating any provision of this or any other ordinance, rule or regulation of District, except Section 11.1 hereof, shall be served by the Inspector or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Inspector of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

Section 10.3 Public Nuisance. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of District is hereby declared to be a public nuisance. District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

Section 10.4 Disconnection. As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of District, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection the Inspector shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 10.5. Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to District a reasonable attorney's fee and cost of suit arising in said action.

Section 10.6 Water Cut Off At such time as District operates a public water system, as an alternative remedy for such violations, District may cause District water service to said premises to be discontinued during the period of violation.

Section 10.7. Means of Enforcement Only. District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

Section 10.8. Liability for Violation. Any person violating any of the provisions of the ordinances, rules or regulations of District shall become liable to District for any expense, loss or damage occasioned by District by reason of such violation.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 11.1. Protection from Damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equip-

ment which is a part of the District's sewage works. Any person violating this provision shall be subject to the penalties provided by law.

Section 11.2. Separability. If any section, sub-section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

ARTICLE XII. TIME OF TAKING EFFECT

Section 12.1. This ordinance shall take effect immediately upon passage.

ATTEST:

Debra Bengard
Secretary

(SEAL)

* * * * *

PASSED and ADOPTED at a regular meeting of the Board of Directors of the Sunnyslope County Water District, San Benito County, California, duly held on the 10th day of August, 1972, by the following vote:

AYES, and in favor thereof, Directors: Churchill, Hassler,
Loofbourrow, ~~Porteur~~, Renz

NOES, Directors: None

ABSENT, Directors: ~~None~~ Porteur

Archie W. Bengard
Secretary

Archie W. Bengard
President of the Board of Directors
of Sunnyslope County Water District
Pro tem