

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

SEWER USE ORDINANCE

ORDINANCE 09-02

**AN ORDINANCE REGULATING THE USE
OF PUBLIC AND PRIVATE SEWERS, AND ESTABLISHING
RULES AND REGULATIONS FOR SERVICE AND SERVICES
RENDERED BY SOUTH PLACER MUNICIPAL UTILITY
DISTRICT BE IT ENACTED BY THE BOARD OF DIRECTORS
OF SOUTH PLACER MUNICIPAL UTILITY DISTRICT.**

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD
OF DIRECTORS OF SOUTH PLACER MUNICIPAL UTILITY DISTRICT
ON THIS 2nd DAY OF JULY, 2009 BY VOTE.**

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ORDINANCE NO. 09-02**

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS,
AND ESTABLISHING RULES AND REGULATIONS FOR SERVICE AND SERVICES
RENDERED BY SOUTH PLACER MUNICIPAL UTILITY DISTRICT

BE IT ENACTED BY THE BOARD OF DIRECTORS OF SOUTH PLACER MUNICIPAL
UTILITY DISTRICT AS FOLLOWS:

This Ordinance shall be known as, and may be cited as, the District's "Sewer Use
Ordinance".

SECTION 1: DEFINITIONS

Section 1.01 Terms Defined:

Unless the context specifically indicates otherwise, the following terms, as used
in this Ordinance, shall have the meanings as defined in this section:

- A. "District" means the SOUTH PLACER MUNICIPAL UTILITY DISTRICT (SPMUD).
- B. "Board" means the Board of Directors of the District.
- C. "Board of Directors" means, respectively, President, Vice President and Directors of the District.
- D. "General Manager" means the General Manager of the District appointed pursuant to the provisions of Section 11926 of the Public Utilities Code.
- E. "Shall" is mandatory; "May" is permissive.
- F. "B.O.D." (Biochemical Oxygen Demand) shall mean the quantity of Oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- G. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer two (2) feet outside the outer face of the building wall.

- H. "Building Sewer" shall mean a pipeline connecting a building drain to a public sewer, consisting of an upper lateral and a lower lateral.
- I. "Collector Sewer" shall mean the public sanitary sewer main to which various building or private sewers are connected, owned and operated by the District.
- J. "District Specifications" shall mean the *Standard Specifications and Improvement Standards for Sanitary Sewers* prepared and ordered effective by the General Manager pursuant to the provisions of Section 11937(e) of the Municipal Utility District Act, Division 6, of the Public Utilities Code, State of California. All work associated with wastewater systems shall be performed pursuant to and in compliance with this Ordinance and the District Specifications.
- K. "Domestic Wastewater" shall mean wastes originating in a residential facility or dwelling.
- L. "EDU" (Equivalent Dwelling Unit) shall mean the unit of measurement, used to determine design and fee requirements based on the typical average flow and strength of wastewater from a single family residential occupancy.
- M. "FOG" (Fats, oils, and grease) shall mean any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.
- N. "FSE" (Food Service Establishment) shall mean any commercial entity operating in a permanently constructed structure or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG.
- O. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- P. "Industrial Wastewater" shall mean the liquid wastes originating from industrial processing.
- Q. "Lower Lateral" shall mean that part of the building sewer running from the public right-of-way to the public sewer; gravity flow, privately owned, and District maintained.
- R. "Multiple Dwelling" shall mean any structure for residential occupancy consisting of more than one dwelling unit.
- S. "Non-residential Wastewater" shall mean wastewater originating from sources other than residential discharges.

- T. "Owner /Applicant" shall mean the record owner of the real property being served or to be served by the District's wastewater system, or his duly authorized agent. The record owner of such real property shall be billed and liable to the District for the payment of all authorized fees, rates, tolls, rentals or other charges.
- U. "Participation Charge", also known as a connection fee, shall mean the sum paid to the District in lawful money of the United States by any person, for the privilege of connecting to the District's facilities whether such connection is voluntary or mandatory. The District's facilities shall include local collection systems, trunk lines, treatment plants, and capacity.
- V. "Persons" shall mean any individual, firm, association, company, society, corporation or group.
- W. "pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- X. "P.L.C.O." (Property Line Cleanout) shall mean the District maintained facility installed on the building sewer at the public right-of-way.
- Y. "Private Sewer" shall mean any sewer facilities which remain under private ownership.
- Z. "Properly Shredded Garbage" shall mean wastes from the preparation, cooking and dispensing of food which have 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 0.5 inches in any dimension.
- AA. "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.
- BB. "Service Charge" shall mean the periodic charge assessed to the real property owner by the District for the capability of conveying, treating and disposing of wastewater.
- CC. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- DD. "SSO" (Sanitary Sewer Overflow) shall mean any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.
- EE. "Structure" shall mean a building or other constructed facility used for human occupancy, employment, recreation or other purpose.
- FF. "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids; and which is removable by laboratory filtering.

- GG. “UPC” (Uniform Plumbing Code) shall mean the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO).
- HH. “Upper Lateral” shall mean that part of the building sewer running from two (2) feet outside the outer face of the building wall to the public right-of-way; privately owned and maintained.
- II. “Wastewater” shall mean the used water and water-carried solids from a community that flow to a treatment plant. Storm water, surface water, and groundwater infiltration also may be included in the wastewater that enters a wastewater treatment plant.
- JJ. “Wastewater Collection System” shall mean the pipe system and appurtenances for collecting and carrying water and water-carried wastes from domestic, non-residential and industrial sources to a wastewater treatment plant.
- KK. “Wastewater System” shall mean all facilities for collecting, pumping, treating and disposing of wastewater.
- LL. “Wastewater Treatment Plant” shall mean an arrangement of pipes, equipment, devices, tanks and structures for treating wastewater and industrial wastes.
- MM. “Water Course” shall mean a natural or manmade channel in which a flow of water occurs, either continually or intermittently.

SECTION 2: USE OF PUBLIC SEWER

Section 2.01 Permission Required:

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining permission from the District and paying all fees and charges as established under the provisions of this Ordinance.

Section 2.02 Protect from Damage:

- A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which forms any part of the District's public sewer system or any private sewer facility which may directly or indirectly affect any of the District's public sewer system.
- B. Any person violating the provisions of this Section shall be responsible for any and all costs and damages caused to the District by such violations.

Section 2.03 Connection to the Public Sewer Required:

- A. When ordered by the District, or when and where the state, county, or city public health department determines a health hazard exists or is imminent, the owner of all structures, as defined within this Ordinance, situated within the limits of the District and abutting on any street, alley or right-of-way or in proximity thereto in which there is located a public sewer of the District, is hereby required at his expense to connect such structures directly with the proper public sewer in accordance with the provisions of this Ordinance, within 90 days after receipt of written, mailed notice to do so, provided said public sewer is within 300 feet of the nearest property line of the property containing such structures; unless otherwise waived by the General Manager upon exigent circumstances.
- B. In the event of a violation of this Section, the District may connect such structures to the public sewer and the owner or occupant of such structures shall be jointly and severally responsible to the District for the cost of such connection in addition to the regular participation charge, monthly service charge and any other reasonable and necessary charges imposed by the District and such costs shall become a lien on the real property pursuant to the applicable provisions of the Health & Safety Code of the State of California.

Section 2.04 Prohibited Discharges:

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, subsurface drainage, cooling water, refrigeration or air conditioner cooling water, swimming pool drainage or industrial process waters to any public sewer.

- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters, wastewaters or wastes to any public sewers:
1. Any liquid or vapor having a temperature higher than 150 degree F.
 2. Any water or waste which may contain more than 100 parts per million, by weight, of FOG.
 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 4. Any garbage that has not been properly shredded.
 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, fur, plastic, wood, paunch manure, or any other solid or viscous substances capable of causing obstruction to the flow in sewers and/or causing or with the potential to cause SSO's or other interference with the proper operation of the sewage works.
 6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any corrosive property capable of causing damage or hazard to the structures, equipment, and personnel of the sewage works.
 7. 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 humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
 8. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- C. The admission into the public sewers of any wastewater or wastes generated from any nonresidential type use shall conform to SPMUD Ordinance 88-3, the District's ordinance adopting Chapter 14.26 of the Municipal Code of the City of Roseville relating to industrial wastewater.
- D. Discharge from FSE's shall be in conformance with SPMUD Ordinance 09-01, the District's ordinance establishing requirements regarding Fats, Oils, and Grease.
- E. No provision of this Ordinance shall be construed to prohibit any special agreement or contract between the District and any non-residential user whereby waste of unusual strength, characteristic or quantity as determined by this Ordinance may be accepted for treatment, subject to payment therefore. Any agreement made in accordance with this section shall conform to provisions of this Ordinance and Ordinance 88-3.

Section 2.05 Preliminary Treatment:

- A. Where preliminary treatment facilities are provided for any wastewater or wastes, they shall be maintained continuously in satisfactory effective operation, by the owner at his expense.
- B. Grease, oil and sand interceptors, as required by the District, shall be provided for the proper handling of liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- C. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily accessible for cleaning and inspection.
- D. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation, at all times.

SECTION 3: CHARGES AND FEES

Section 3.01 Participation Charges – General:

- A. No person shall connect any building sewer, alter, or change the use of any commercial structure or equivalent dwelling unit or portion thereof, or enlarge any commercial structure until a participation charge for each connection, enlargement, alteration, or change of use has been paid to the District.
- B. The provisions of this Ordinance are enacted pursuant to the provisions of Article IV, Chapter 6, Sections 5400 et seq. of the Health and Safety Code. Pursuant to the provisions of Section 5474 of the Health and Safety Code all participation charges fixed herein for the privilege of connecting to the District's wastewater system shall be due and payable prior to such connection.
 - 1. Notwithstanding the preceding, payment of participation fees due the District from non-residential users may, at the District's discretion, be deferred and made payable over a period of time under such terms and conditions as may be imposed by the Board in accordance with Resolution 97-9 or any amendments thereto.
- C. In the event a structure is altered to produce more than a single EDU, an additional participation charge shall be due for each additional EDU or portion thereof produced. Payment of such fees and charges shall be the responsibility of the real property owner.
- D. In the event additional participation charges become due from a structure previously connected to District's wastewater system, such charges shall become due immediately upon completion of the enlargement or alteration which results in additional participation charges and in the event such charges are not paid when due, the amount of such charges shall constitute a lien against the respective lots or parcels of land to which the facilities are connected. Prior to making such fees or charges a lien, the District shall give notice to the owners of the lots or parcels of land affected pursuant to the provisions of Section 5474 of the Health and Safety Code.
- E. In the event a connection, change in use or alteration of any commercial structure, enlargement of any commercial structure, or change in number of equivalent dwelling units within a structure has been made in violation of the provisions of this Section, the real property owner where such connection, alteration, change, or enlargement has occurred shall be responsible to the District for the payment of participation charges, and, in addition, may be required to disconnect the building sewer from the public sewer and reconnect to the public sewer under the District's supervision and shall be required to pay, in addition to such participation charge a reconnection charge in accordance with the District's Fee Schedule Resolution, together with all actual costs and expenses incurred by the District in making such reconnection.

- F. A basic participation charge for each equivalent dwelling unit shall be fixed and established by ordinance, and may be changed from time to time by the Board of Directors in accordance with provisions of Sections 12809 and 14401 of the Public Utilities Code.

Section 3.02 Participation Charges – Commercial/Industrial:

Determination of Commercial or Industrial Equivalent Dwelling Units. For purposes of this Ordinance, commercial or industrial EDU's shall be determined as follows:

A. General Regulations

1. Not Less than 1 EDU per building.
2. Prescribed participation charges apply only to the particular uses listed herein. Where multiple uses, and/or tenants within the meaning of this Ordinance, are contained or can be contained in the same structure, the General Manager, based on building permit data, applicable zoning, and plans of the developer, will allocate the respective square footage for the various uses and/or tenants, and determine a composite participation charge composed of the respective participation charges for each such use and/or tenant. Subsequent modifications to any structure may result in reclassification and the assessment of additional incremental participation charges.
3. No refunding of previously paid participation charges will be made where modifications are made to any structure which places it in a classification with a lower participation charge rate.
4. The real property owner shall be responsible for payment of any and all additional charges.

B. Low Strength-Low Quantity Commercial or Industrial Users-

For commercial or industrial units having wastewater strength of less than 200 mg/1 B.O.D. and/or suspended solids, and a quantity of less than 25,000 gpd, an EDU shall be determined as follows:

- | | |
|-------------------------------------|-------------------------------------|
| 1. Low Occupancy User | NOT Less than 1 EDU |
| a) Parking Garage | per every 5 Employees |
| b) Regional Distribution Facilities | |
| c) Storage Buildings | |
| 2. Low-Density Users | $\frac{1}{6}$ EDU per 1,000 sq. ft. |
| a) Church (w/o Kitchen) | |

3. Medium Density User 1/3 EDU per 1,000 sq. ft.
- a) Church (w/ Kitchen and Meeting Hall)
 - b) School (w/o Cafeterias or Gymnasiums w/ Showers)
 - c) Bowling/Entertainment Center (w/o Showers)
 - d) Day Care Center (w/o Kitchen and/or Disposal Facilities)
 - e) Sports/Fitness Center (w/o Showers)
 - f) Retail Store
 - g) Bank/Offices (Other than Medical/Dental)
 - h) Chiropractor's Office
 - i) Theatres
 - j) Auditorium/Halls/Lodges
4. High Density User 2/3 EDU per 1,000 sq. ft.
- a) Barber/Beauty Shop
 - b) School (w/ Cafeterias or Gymnasiums w/ Showers)
 - c) Bowling/Entertainment Center (w/ Kitchen)
 - d) Day Care Center (w/ Kitchen and/or Disposal Facilities)
 - e) Sports/Fitness Center (w/ Showers)
 - f) Medical/Dental Office
 - g) Service Station
 - h) Pet Grooming Center
 - i) Veterinary Clinic
 - j) Bars
5. Special Commercial User
- a) Car Wash (per Automatic Wash Stall) 8 EDU per Unit
 - b) Car Wash (per Self-service Wash Stall) 2 EDU per Unit
 - c) Laundromat 2/3 EDU per Washer

d) Market/Mini-market (w/o Disposal)	2/3	EDU per 1,000 sq. ft.
e) Market/Mini-market (w/ Disposal)	2	EDU per 1,000 sq. ft.
f) FSE (FOG producing establishment)	2	EDU per 1,000 sq. ft.
g) FSE (Non FOG Producing Establishment, with limited food preparation)	1	EDU per 1,000 sq. ft.
h) FSE Outside/Overflow Dining Area		
1) w/ Covered Area	2	EDU per 1,000 sq. ft.
2) w/o Covered Area, but fenced	1	EDU per 1,000 sq. ft.
i) Mortuaries	2	EDU per 1,000 sq. ft.
j) Hospital	1/2	EDU per Licensed Bed
k) Rest Home/Convalescent Hospital	1/3	EDU per Licensed Bed
l) Camping/Recreational Vehicle Site	1/2	EDU per Site
m) Recreational Vehicle Dump Site	1	EDU per Site
n) Hotel/Motel Unit (w/ Kitchen)	1	EDU per Unit
o) Hotel/Motel Unit (w/o Kitchen)	1/2	EDU per Unit
6. Other Commercial/Industrial Users not listed		**Based on a Study done by the General Manager**

C. High Strength-High Quantity Commercial or Industrial Users
For commercial or industrial users having wastewater strength of greater than 200 mg/1 B.O.D. and/or suspended solids, and/or a quantity of greater than or equal to 25,000 gpd, and/or requiring either special handling or treatment, an EDU shall be determined as follows:

$$1. \text{ EDU's} = \frac{\text{gpd}}{200} \left[0.61 + \frac{\text{B.O.D. mg/L}}{300} (0.22) + \frac{\text{suspended solids mg/L}}{200} (0.17) \right] *$$

**[Not less than a multiplier of one (1)]*

2. In addition, special treatment and/or handling costs may be added as determined by the General Manager.

D. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Ordinance shall be charged participation charges and fees as determined by the General Manager.

Section 3.03 Participation Charges – Residential:

- A. Determination of Residential Equivalent Dwelling Units. For purposes of this Ordinance, Residential EDU's shall be determined as follows: Dwelling units, including, but not limited to single family homes, duplexes, condominiums, mobile homes, secondary living units, and apartments shall be one (1) EDU per living unit.
- B. There shall be no participation charge for a central recreation building or washroom in a residential mobile home park, condominium or apartment complex so long as the use thereof is restricted to occupants of the mobile home park, condominium or apartments. The real property owner shall substantiate the private, restricted use of said facilities in writing to the District.

Section 3.04 Monthly Service Charges – General:

- A. A monthly service charge for each equivalent dwelling unit shall be fixed and established by ordinance, and may be changed from time to time by the Board of Directors in accordance with provisions of Sections 12809 and 14401 of the Public Utilities Code. The monthly service charge for multiple dwelling units shall be the basic EDU rate multiplied by the number of equivalent dwelling units.
- B. In the event a structure is altered to produce more than a single EDU, an additional monthly service charge shall be due for each additional EDU or portion thereof produced. Payment of such charges shall be the responsibility of the real property owner.
- C. The real property owner shall remain liable for the monthly service charge as long as the building sewer is connected to the public sewer system, regardless of vacancy. Before an owner can be removed from billing for monthly service charges, the building sewer shall be physically disconnected from the public system at the property line cleanout or point of connection with the public system in accordance with the District Specifications. Reconnection shall be made under the direction of the District. All work and costs shall be the responsibility of the owner and shall be inspected and approved by the District. In cases of vacancy where the property is not physically disconnected, the service charge shall be based on the classification of the last occupant(s) of the structure.

Section 3.05 Monthly Service Charges – Commercial/Industrial:

The Determination of Monthly Service Charges for Commercial or Industrial EDU's shall be as follows:

- A. For purposes of this Ordinance, the monthly service charge, which is billed quarterly, for Low Strength-Low Quantity commercial or industrial EDU's shall be determined in accordance with the classifications set forth in Section 3.02 B. for sewer participation charges.

- B. The monthly service charge, which is billed quarterly, for High Strength-High Quantity commercial or industrial EDU's shall be determined in accordance with the formula set forth in Section 3.02 C. for sewer participation charges.
 - 1. In addition, special treatment and/or handling costs may be added as determined by the General Manager.
- C. In no case shall the monthly service charge for a structure be less than one (1) EDU per business. Quarterly service charge billings shall be in the name of and be the responsibility of the real property owner.
- D. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Ordinance shall be charged monthly service charges and fees as determined by the General Manager.

Section 3.06 Monthly Service Charges – Residential:

The Determination of Monthly Service Charges for Residential EDU's shall be as follows:

- A. For purposes of this Ordinance the monthly service charge, which is billed quarterly, for residential EDU's shall be determined as follows: Dwelling units, including, but not limited to single family homes, duplexes, condominiums, mobile homes, secondary living units and apartments shall be one (1) EDU per living unit.
- B. In no case shall the monthly service charge for a residential structure be less than one (1) EDU per dwelling unit. Quarterly service charge billings shall be in the name of and be the responsibility of the real property owner.

Section 3.07 Charges and Fees – Other Regulations:

- A. Pursuant to the provisions of Section 12811 of the Public Utilities Code, all fees, tolls, rates, rentals or other charges established by the provisions of this Ordinance may be collected by any lawful means including an action at law and all remedies for the collection and enforcement thereof are cumulative and may be pursued alternatively or consecutively.
- B. Pursuant to the provisions of Section 12811.1 of the Public Utilities Code, the owner of record of real property within the District is required to pay the fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or other occupant of the property and those fees, tolls, rates, rentals and other charges that have become delinquent together with interest and penalties thereon, will constitute a lien on the property when a certificate is filed in the Office of the County Recorder and such lien has the force, effect, and priority of a judgment lien.
- C. Any fees, rates, or charges imposed or established by the provisions of this (all) Ordinances(s) shall not exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

SECTION 4: APPLICATION PERMITS

Section 4.01 Compliance with District Regulations:

- A. Any application to connect to the District's sewer system shall comply with all District specifications, ordinances, rules, and regulations.
- B. All multiple residential complexes, commercial establishments and other non-residential type use shall include a completed Declaration of Density form provided by the District. The Declaration of Density shall be completed by the real property owner at the time that sewer service is applied for.

Section 4.02 Classes of Applications

There shall be three (3) classes of sewer applications as follows:

- A. For residential service.
- B. For commercial service.
- C. For service to establishments producing industrial wastes.

Section 4.03 Application for Permit:

- A. In cases where connection is required to an existing lower lateral, the owner/applicant shall make application on the Participation Application form provided by the District and pay the applicable inspection fees in accordance with the District's Fee Schedule Resolution.
- B. In the case of subdivisions and/or construction of public sewer facilities to be dedicated to the District, no application shall be accepted by the District until said facilities have been constructed and accepted by the District, unless otherwise authorized by the General Manager.
- C. The plan check and inspection fees for construction of such public sewer facilities shall be paid in accordance with the District's Fee Schedule Resolution.
- D. In cases where the owner/applicant must construct an individual building sewer to an existing collector sewer, all procedures and work shall conform to applicable sections of the District Specifications. The owner/applicant shall be responsible for all fees and costs in accordance with the District's Fee Schedule Resolution.
- E. The Participation Application shall be supplemented by any other information considered pertinent by the General Manager.
- F. All participation charges shall be paid at the time of application for service.
- G. No application for sewer service will be accepted without a copy of a valid building permit.

SECTION 5: SEWER DESIGN AND CONSTRUCTION REQUIREMENTS

Section 5.01 General:

The design and construction of building sewers, private sewers, and public sewers shall be in conformance with this Ordinance and the District Specifications.

Section 5.02 Building Sewers:

- A. All costs and expenses incidental to the installation and connection of any building sewer to the District's facilities shall be borne jointly and severally by the owner/applicant thereof and said owner/applicant shall indemnify the District from loss or damage that may directly or indirectly be occasioned to any party by the installation of the building sewer.
- B. A separate and independent building sewer shall be provided for every structure on a parcel; provided, however, that the provisions of this Section may be waived by the General Manager.
 - 1. If waived by the General Manager, two or more structures on a single parcel under one ownership may be served by the same common building sewer if it is unlikely, under local agency zoning and general plans, that the parcel can be subdivided in the future.
 - 2. If for any reason, the property is subsequently divided, each building is required to then be separately and independently connected to the public sewer. It shall be unlawful for the owner(s) of the subdivided property to thereafter continue to use in common the same building sewer.
 - 3. No additional structure(s) on a single parcel shall connect to or be served through any other structure's building drain.
 - 4. Any additional structure(s) on a single parcel where the wastewater must be lifted by artificial means for discharge shall be separately and independently connected to a collector sewer.
- C. No backfill shall be placed until the work has been inspected by the District, and in the event of a violation of this requirement, the sewer facilities must be uncovered at the owner/applicant's expense, and the District shall have the right to disconnect said property from the District sewer system until such violation is corrected. The owner of said property shall pay to the District a reconnection charge in accordance with the District's Fee Schedule Resolution prior to the reconnection, together with all costs and expenses incurred by the District in making such reconnection.
- D. Existing building sewers may be used in connection with new structures only when they are found, after examination and test, to meet all of the requirements of the District Specifications. All examinations and testing shall be done by the real property owner under District inspection. Said owner

shall be responsible for all associated costs for such examinations and testing, and shall be responsible to correct all deficiencies at his/her expense prior to making connection; provided however, that in cases when the building sewer lower lateral has previously been in service with the District, the District may opt to perform repairs on the lower lateral at its expense.

- E. Any damage to the District sewer facilities caused as a result of the installation of a building sewer shall be the responsibility of the owner/applicant, and the owner/applicant shall be responsible for all costs incurred by the District.

Section 5.03 Private Sewers:

- A. All private sewer systems shall be designed and constructed in accordance with applicable sections of this Ordinance and District Specifications.
- B. The District shall have the right to inspect the installation and/or repair of all private in-tract laterals, mains and appurtenances, and the owner/applicant or operator shall be obligated to pay to the District applicable fees and costs in accordance with the District's Fee Schedule Resolution.
- C. In the case of mobile home parks, as with all private sewer systems, all in-tract laterals, mains, and appurtenances shall be and remain the property of the mobile home park owners, and the District shall have no obligation to operate, maintain, repair or replace any private facilities.

Section 5.04 Public Sewers – Main Extensions:

- A. Main Extensions. Each property owner is responsible for the installation of a collector sewer across the property frontage or through the property, as the case may be, to serve additional land in the natural drainage or shed area.
- B. There shall be on file in the District's office a Master Plan showing the District's existing and proposed trunk sewer system.
 - 1. In the event that the connection of a structure or property to the District's sewer system involves a main extension which forms a part of the District's existing or proposed trunk system as shown in the aforesaid Master Plan, the District may participate in the cost of installation of said main extension to the extent that the amount or size of pipe and appurtenances involved constitute a benefit to the District generally and the cost of such main extension and appurtenances benefiting only the owner/applicant or developer of the property or structure shall be borne by such owner/applicant or developer.
 - 2. In the event that the connection of a structure or property to the District sewer system does not involve an extension to the District trunk system as shown by the aforesaid Master Plan, said installation shall be made at the sole cost of the owner/applicant or developer.

- C. In the event the District requires that an owner/applicant or developer construct or reconstruct sewers of a size larger than would normally be required to serve the real property owner/applicant or developer, the District may agree in writing to participate in the cost of the oversizing of such facilities.
- D. The District may, in its discretion, negotiate and enter into refund agreements with the owner of lands in cases where such lands are being improved and the owner has or will install facilities which can be used for the benefit of property not participating in the original cost of construction.
 - 1. In no event shall the obligation assumed by the District pursuant to any refund agreement extend beyond the term of 10 years from the date of such agreement.
- E. All public sewer main extensions and/or installations shall be within public rights of way or properly granted/dedicated easements to the District.
- F. District funds representing basic participation charges shall not be used for the purpose of financing or in any way participating in the cost of wastewater collection systems required by the District to be built by others.

SECTION 6: VIOLATIONS

Section 6.01 Public Nuisance:

A violation of this Ordinance shall constitute a public nuisance and may be abated by legal action.

Section 6.02 Notice to Correct:

Any violation of this Ordinance must be corrected by the record owner of the real property immediately upon notification by the General Manager to do so, and in the event such violation is not corrected within five (5) days after such notification, the District may pursue any remedy available to it under the law, including a declaration that such violation constitutes a public nuisance.

Section 6.03 Costs and Expenses:

Any costs and expenses incurred by the District in correcting violations and/or pursuing any remedy available to it under the law shall be the responsibility of the record owner of the real property.

Section 6.04 Civil and Criminal Penalties:

Any person violating the provisions of this Ordinance shall be subject to any and all existing criminal and civil penalties provided for under the laws of the State of California, and in addition thereto, shall be responsible to the District for any and all damages caused to the District by such violations.

SECTION 7: MISCELLANEOUS PROVISIONS

Section 7.01 Conflicts:

In the event of a conflict between any provision of this Ordinance and the provisions of any other ordinance, rule or regulation promulgated by any California city or county or by any federal or state agency, the provisions of this Ordinance shall prevail except in cases where Federal or California law provide otherwise.

Section 7.02 Appeals Procedure:

Any person aggrieved by a decision of the General Manager in the application of any provision of this Ordinance may appeal said decision to the Board of Directors pursuant to the following procedure:

- A. Within 20 calendar days after receipt of written notice of the decision of the General Manager, the aggrieved party may file a written Notice of Appeal setting forth in detail the reasons for said appeal. In the event no written Notice of Appeal is filed within the aforesaid 20 calendar day period, the decision of the General Manager shall become final.
- B. Immediately upon receipt of any Notice of Appeal filed within the said 20 calendar day period, the Secretary shall mail copies thereof to each member of the Board of Directors.
- C. At the next regular meeting following the filing of said Notice of Appeal, the Board can either hear the appeal or set a time convenient to the Board of the hearing of such appeal.
- D. The aggrieved or appealing party, or his authorized representative, shall be personally present at the hearing of such appeal and failure of said aggrieved party or his authorized representative to appear at said hearing shall constitute sufficient grounds to affirm the decision of the General Manager.

Section 7.03 Severability:

It is hereby declared that in the event any provision or section of this Ordinance is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Ordinance shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Ordinance irrespective of any provision which may be declared null and void.

Section 7.04 Vested Contractual Rights Not Affected:

No provision of this Ordinance shall be construed as altering or affecting any vested contractual rights between the District and any person, firm, or corporation with whom a valid contract exists as of the effective date of this Ordinance.

Section 7.05 Prior Ordinance Repealed:

Ordinance 01-01 of South Placer Municipal Utility District is hereby repealed.

Section 7.06 Introduction/Publication/Effect:

- A. This Ordinance was introduced at a regular meeting of the Board of Directors on the 4th day of June, **2009**.
- B. Upon final passage, this Ordinance or a summary of this Ordinance shall be published once a week for two successive weeks in a newspaper of general circulation within the District, pursuant to the provisions of Sections 11534 and 11910 of the Public Utilities Code.
- C. Ordinance to take effect upon final passage, retroactive to July 1, 2009.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of South Placer Municipal Utility District on this 2nd day of July, **2009** by the following vote:

AYES: Directors Murdock, Markey, Mitchell, Dickinson

NOES: None

ABSTAIN: None

ABSENT: None

SOUTH PLACER MUNICIPAL UTILITY DISTRICT:

By: _____

Gerald P. Mitchell, President

ATTEST:

By: _____

Carol J. Bean, Secretary to the Board