

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

ORDINANCE NO. 01-01

AN ORDINANCE AMENDING, REPEALING, AND  
RE-ENACTING SECTIONS OF  
ORDINANCE NUMBERS 96-2, 97-2, AND 98-01,  
ESTABLISHING RULES AND REGULATIONS FOR SERVICE  
RENDERED BY SOUTH PLACER MUNICIPAL UTILITY DISTRICT

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

SECTION 1: "District" shall mean the SOUTH PLACER MUNICIPAL UTILITY DISTRICT.

SECTION 2: "Board" shall mean the Board of Directors of the District.

SECTION 3: "President" and "Director" shall mean, respectively, President and Director of the Board of Directors of the District.

SECTION 4: "General Manager" shall mean the General Manager of the District appointed pursuant to the provisions of Section 11926 of the Public Utilities Code.

SECTION 5: "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 6: "Sewage" also known as "Wastewater" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present, and any waste discharged into the District sewage system which contains human or animal excreta, offal, or any feculent matter.

SECTION 7: "Sewer" shall mean a pipe or conduit for carrying sewage, or which carries domestic sewage or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

SECTION 8: "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

SECTION 9: "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 10: "Industrial Wastes" shall mean the wastes from industrial processes as distinct from domestic sewage.

SECTION 11: "Domestic Sewage" shall mean all normal wastewater from private residences and commercial establishments exclusive of industrial wastes.

SECTION 12: "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

SECTION 13: "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.

SECTION 14: "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.

SECTION 15: "Building Sewer" shall mean the extension of the building drain, running from the building or structure to the service sewer; installed on private property and being privately owned and maintained.

SECTION 16: "Private Sewer" shall mean any on-site sewer facilities which remain under private ownership, including, but not limited to building sewers.

SECTION 17: "Service Sewer" shall mean the sewer running from the public main to the property line, or to and including a property line cleanout; District owned and maintained, installed in a public R/W or District easement.

SECTION 18: "Lateral Sewer" also known as "Collector Sewer" shall mean the public sewer main to which various service sewers are connected, owned and operated by the District.

SECTION 19: "Property Line Cleanout" referred to as P.L.C.O. shall mean the District owned and operated facility installed at the connection point of the service sewer and building sewer.

SECTION 20: "B.O.D." known as Biochemical Oxygen Demand shall mean the quantity of Oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C. expressed in milliliters per liter by weight.

SECTION 21: "pH" shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution.

SECTION 22: "Suspended Solids" shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

SECTION 23: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 24: "Water Course" shall mean a channel in which a flow of water occurs, either continually or intermittently.

SECTION 25: "Persons" shall mean any individual, firm, association, company, society, corporation or group.

SECTION 26: "Applicant" and/or "owner" 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 liable to the District for the payment of all fees, rates, tolls, rentals or other charges fixed by Ordinance.

SECTION 27: "Shall" is mandatory; "May" is permissive.

SECTION 28: "Participation Charge" shall mean the sum paid to the District in lawful money of the United States by any person, for the privilege of connecting a private sewer to the public sewer whether such connection be voluntary or mandatory. The District's facilities shall include local collection systems, trunk lines, and treatment plant capacity.

SECTION 29: "Service Charge" or "Sewer Service Charge" shall mean the periodic charge assessed to any person or premises by the District for the capability of conveying, treating and disposing of sewage.

SECTION 30: "Equivalent Dwelling Unit" referred to as EDU shall mean any residence, premise or structure designed to house one or more persons, whether such structure is a single unit or part of another structure.

SECTION 31: "Multiple Dwelling" shall mean any premise or structure consisting of more than one equivalent dwelling unit.

SECTION 32: "Standard Specifications and Improvement Standards" shall mean the District Specifications 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 the wastewater system shall be performed pursuant to and in compliance with this Ordinance and the District Specifications.

SECTION 33: When and where the state, county, or city public health department determines a health hazard exists or is imminent, the owner of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, situated within the limits of the District and abutting on any street, alley or right-of-way in which there is located a public domestic sewer of the District, is hereby required at his expense to connect such houses, buildings or 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 100 feet of such buildings or structures, used for human occupancy.

In the event of a violation of this Section, the District may connect such buildings or structures to the sewer system and the owner or occupant of such buildings or structures shall be jointly and severally responsible to the District for the cost of such hook-up 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 34: 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 35: All costs and expenses incidental to the installation and connection of any building sewer and/or service sewer to the District's facilities shall be borne jointly and severally by the applicant thereof and said 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.

SECTION 36: A separate and independent building sewer and service sewer shall be provided for every building or structure; provided, however, that the provisions of this Section may be waived by the General Manager.

SECTION 37: Existing building sewers and/or service sewers may be used in connection with new buildings only when they are found, after examination and test, to meet all of the requirements of this Ordinance. All examinations and testing shall be done by the record owner of the real property under District inspection. Said owner shall be responsible for all associated costs for such examinations and testing.

SECTION 38: The building sewer shall be cast iron or ductile iron pipe cement mortar lined per ASTM Designation A746, vitrified clay pipe ASTM Designation C700, or that plastic material known as A.B.S. Schedule 40 ASTM Designation D2661 or equal. All joints shall be gas tight and waterproof. No paint, varnish or other coating materials shall be permitted on the joints until after the joint has been tested and approved. If the building sewer is installed on unstable ground, it shall be ductile iron laid on crushed bedding which meets the approval of the District.

SECTION 39: The size and slope of a residential building sewer shall be subject to the approval of the District, but in no event shall the diameter of pipe be less than four inches (4") nor shall the slope of any residential building sewer be less than 1/8 inch per foot. In the case of a commercial building sewer, the diameter of pipe shall be six inches (6") unless otherwise approved by District and the slope shall not be less than 1/16-inch per foot.

SECTION 40: Wherever possible, the building sewer shall be brought to the building at an elevation below the basement floor, if any. No building sewer shall be laid parallel to or within three feet (3') of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction or grade shall be made only with properly curved pipefittings. Cleanouts shall be required at the property line and shall be installed at the sole cost of the applicant. Cleanouts shall be of a type approved by the District. All cleanouts shall be extended to finished grade and be readily accessible for the purpose intended. See Standard Drawing No. 12 of the District Specifications.

SECTION 41: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by artificial means and discharged to the building sewer or public sewer. Such artificial means and discharge facility shall be approved by the District. No discharge facility shall be located within 5 feet of any exterior wall or structure.

SECTION 42: All excavation required for the installation of a building sewer and/or service sewer shall be open trench work unless otherwise approved by the District. All excavations shall be in conformance with all applicable rules, regulations, and laws of any city, county, state, or federal agency having jurisdiction. Pipe laying and backfill shall be performed in a good and workmanlike manner, and no backfill shall be placed until the work has been inspected by the District. In the event of a violation of this Section, the sewer facilities must be uncovered at the applicant's expense and at no cost to the District, and the District shall have the right to disconnect said property from the District sewer system until such violation is corrected, and the owner of said property shall pay to the District a \$100.00 reconnection charge prior to the reconnection, together with any actual costs and expenses incurred by the District in making such reconnection. The applicant shall notify Underground Service Alert (USA) prior to any excavation and/or construction of any sewer facilities in order for existing utilities to be located. Repair of any damage to the District's sewer facilities caused by failure to contact USA shall be the responsibility of the

applicant. The District may opt to make such repairs with its own forces, in which case, the applicant shall be responsible for all costs incurred by the District.

SECTION 43: All excavations for sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, utilities, and other public property disturbed in the course of work shall be restored to the satisfaction of the District and to the satisfaction of the governing body of the entity in which the public property affected may be situated. All costs associated with said excavations, barricading, lighting, and restoration shall be the responsibility of the applicant.

SECTION 44: 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:

- a. Any liquid or vapor having a temperature higher than 150 degree 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, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- d. Any garbage that has not been properly shredded.
- e. 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 or other interference with the proper operation of the sewage works.
- f. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any corrosive property capable of causing damage or hazard to the 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 humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- h. 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.
- i. Any noxious or malodorous gas or substance capable of creating a public nuisance. Any violation of this Section 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 law, including a declaration that such violation constitutes a public nuisance. Any costs and expenses incurred by the District in correcting such violation and/or pursuing any remedy available to it under the law shall be the responsibility of said record owner.

SECTION 45: 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. Any violation of this Section 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. Any costs and expenses incurred by the District in correcting such violation and/or pursuing any remedy available to it under the law shall be the responsibility of said record owner.

SECTION 46: Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. 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. All interceptors shall be designed in conformance with the Uniform Plumbing Code, latest edition.

SECTION 47: Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation, at all times. A violation of this Section shall constitute a public nuisance and may be abated by legal action.

SECTION 48: The admission into the public sewers of any wastewater or wastes generated from any nonresidential type use shall conform to S/PMUD Ordinance 88-3.

SECTION 49: Where preliminary treatment facilities are provided for any wastewater or wastes, they shall be maintained continuously in satisfactory effective operation, by the owner/applicant at his expense.

SECTION 50: 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 therefor. 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. Any agreement made in accordance with this section shall conform to provisions of this Ordinance and Ordinance 88-03.

SECTION 51: No person shall connect any building sewer, change the use of any commercial building or equivalent dwelling unit or portion thereof, or enlarge any commercial building until a participation charge for each connection, enlargement, or change of use has been paid to the District. In the event a connection, change in use of any commercial building, enlargement of any commercial building, or change in number of equivalent dwelling units within a structure or upon a premise has been made in violation of the provisions of this Section, the record owner of the real property where such connection, 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 the sum of \$100.00, together with any actual costs and expenses incurred by the District in making such reconnection.

SECTION 52: 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 53: 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.

SECTION 54: Determination of Residential Equivalent Dwelling Units. For purposes of this Ordinance, Residential Equivalent Dwelling Units referred to as EDU 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) Equivalent Dwelling Unit per living unit.

SECTION 55: Determination of Commercial or Industrial Equivalent Dwelling Units.

For purposes of this Ordinance, commercial or industrial Equivalent Dwelling Units shall be determined as follows:

A. For commercial or industrial units having a 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 Equivalent Dwelling Unit shall be as provided in Section 56.

B. For commercial or industrial users having a wastewater strength of less than 200 mg/1 B.O.D. and/or suspended solids, but a quantity of greater than or equal to 25,000 gpd, an Equivalent Dwelling Unit shall be determined as provided in Section 57.

C. For commercial or industrial users having a wastewater strength of greater than 200 mg/1 B.O.D. and/or suspended solids, and/or requiring either special handling or treatment, an Equivalent Dwelling Units shall be determined as provided in Section 58.

SECTION 56: Low Strength-Low Quantity Commercial or Industrial Users.

A. For Commercial or industrial users described in Section 55A, Equivalent Dwelling Unit are as follows:

- |    |    |   |                      |
|----|----|---|----------------------|
| 1. | a. | parking garages                                     | 1 per 5 employees or |
|    | b. | warehouses  | fraction             |
|    |    | - regional distribution facilities                  |                      |
|    |    | - storage buildings                                 |                      |
| 2. |    | Low-density users                                   | 1/6 per 1,000 sq ft  |
|    | a. | churches (w/o kitchen)                              |                      |
| 3. |    | Medium-density users                                | 1/3 per 1,000 sq ft  |
|    | a. | churches (w/kitchen, meeting hall)                  |                      |
|    | b. | schools (w/o cafeterias or gymnasiums with showers) |                      |
|    | c. | bowling/entertainment centers (w/o kitchen)         |                      |
|    | d. | day care center (w/o kitchen, disposal facilities)  |                      |
|    | e. | sports/fitness centers (w/o showers)                |                      |
|    | f. | retail stores                                       |                      |
|    | g. | banks, offices (other than medical/dental)          |                      |

- h. chiropractor's office
  - i. theaters
  - j. auditoriums, halls, lodges
4. High-density users 2/3 per 1,000 sq ft
- a. barber/beauty shops
  - b. schools (w/cafeterias or gymnasiums w/showers)
  - c. bowling/entertainment center (w/kitchen)
  - d. day care center (w/kitchen, disposal facilities)
  - e. sports/fitness centers (w/showers)
  - f. restaurants, delicatessens/cafes (using disposable plates/utensils only and without dishwasher, disposal, grease trap; or take out only)
  - g. medical/dental offices
  - h. service stations
  - i. pet grooming center
  - j. veterinary clinic
  - k. bakery outlet (w/o food preparation or meal assembly)
  - l. bars
5. Special commercial users
- a. car washes (per automatic washing stall) 8 units
  - b. car washes (per self-service stall) 2 units
  - c. laundromats 2/3 per washer
  - d. markets/mini-market (w/o disposal) 2/3 per 1,000 sq ft
  - e. markets/mini-market (w/disposal) 2 per 1,000 sq ft
  - f. restaurants, bakeries, cafes,  
delicatessens 2 per 1,000 sq ft
  - g. mortuaries 2 per 1,000 sq ft
  - h. hospitals 1/2 per licensed bed
  - i. resthome/convalescent hospital 1/3 per licensed bed
  - j. camping and recreational vehicle site 1/2 per site
  - k. recreational vehicle dump site 1 per site
  - l. hotel/motel unit (w/kitchen) 1 per unit
  - m. hotel/motel unit (w/o kitchen) 1/2 per unit
6. Other commercial or industrial users Based on study by the  
General Manager  
not listed

B. General regulations

- 1. Not less than one connection 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 in the same structure, the General Manager, at his discretion, may 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.

3. Classification of shell buildings requiring future tenant improvements and/or modifications and having no use when connecting to the sewage system shall be determined based on the judgment of the General Manager based on building permit data, applicable zoning, and plans of the developer. If within one year of connecting to the sewage system, the building is 100 percent occupied and participation fees previously paid based on estimates exceed the actual classifications of full occupancy, a refund of said excess participation fees shall be considered by the District, upon request of the owner. Subsequent modifications to such buildings may result in reclassification and the assessment of additional incremental participation charges. 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, except as herein provided.

The owner of the real property shall be responsible for payment of any and all additional charges.

SECTION 57: Low Strength-High Quantity Commercial or Industrial Users.

For commercial or industrial users described in Section 55B sewer units shall be determined as follows:

A. Incremental discharges from 0 - 25,000 gpd:

$$\frac{\text{daily discharge (gpd)}}{250 \text{ gpd}} = \text{sewer units}$$

Plus B. Incremental discharges from 25,001 - 100,000 gpd:

$$\frac{\text{daily discharge (gpd)}}{325 \text{ gpd}} = \text{sewer units}$$

Plus C. Incremental discharges from 100,001 and up:

$$\frac{\text{daily discharge (gpd)}}{400 \text{ gpd}} = \text{sewer units}$$

Section 58: High Strength-Commercial or Industrial Users.

For commercial or industrial users described in Section 55C, sewer units shall be determined as follows:

$$\text{Sewer Units} = \frac{\text{gpd}}{250} \left[ 0.61 + \frac{\text{B.O.D. mg/l}}{200} (.22) + \frac{\text{suspended solids mg/l}}{200} (.17) \right]$$

In addition, special treatment and/or handling costs may be added as determined by the General Manager, in accordance with the provisions of Ordinance 88-3.

SECTION 59: Determination of Monthly Service Charge for Residential Equivalent Dwelling Units.

For purposes of this Ordinance the monthly service charge, which is billed quarterly, for residential Equivalent Dwelling Units 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) Equivalent Dwelling Unit per living unit.

SECTION 60: Determination of Monthly Service Charge for Commercial or Industrial Equivalent Dwelling Units.

For purposes of this Ordinance, the monthly service charge, which is billed quarterly, for low strength commercial or industrial dwelling units shall be determined in accordance with the classifications set forth in Sections 56, and 57 for sewer participation fees. The monthly service charge, which is billed quarterly, for high strength commercial or industrial dwelling units shall be determined as follows:

$$\text{Sewer Units} = \frac{\text{gpd}}{250} \left[ 0.34 + \frac{\text{B.O.D. mg/l}}{200} (.33) + \frac{\text{suspended solids mg/l}}{200} (.33) \right]$$

In addition, special treatment and/or handling costs may be added as determined by the General Manager, in accordance with the provisions of Ordinance 88-3.

In no case shall the monthly service charge for a premise be less than one (1) equivalent dwelling unit per business. Quarterly service charge billings shall be in the name of the legal real property owner.

SECTION 61: Pursuant to the provisions of Section 12811 of the Public Utilities Code, all fees, tolls, rates, rentals or other charges fixed 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.

SECTION 62: In the event an equivalent dwelling unit is altered to produce more than a single equivalent dwelling unit, an additional participation fee and a monthly service charge shall be due for each additional equivalent dwelling unit produced. Payment of such fees and charges shall be the responsibility of the owner of the real property.

SECTION 63: 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 judgement lien.

SECTION 64: 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. In the event additional participation charges become due from a premise 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.

SECTION 65: Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Ordinance shall be charged a participation fee and monthly service charge as may be determined from time to time by the Board of Directors.

SECTION 66: The owner of the real property 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 as directed by the District. The exposed ends of both the private and public sewers shall be capped. All work shall be the responsibility of the owner and shall be inspected and approved by the District. Reconnection shall be made under the direction and inspection of 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 of the premises unless the owner applies for a vacancy rate. There is hereby established a vacancy credit for cases where a commercial premise remains unoccupied and connected to the District sewer system. The purpose of the credit is to avoid unfairness where there is an extended vacancy of a commercial premise. In such cases, the General Manager is vested with broad discretion to determine whether an applicant qualifies for the vacancy credit according to the intent expressed herein. The General Manager shall evaluate each application on a case by case basis and may impose such terms and conditions as in the judgement of the General Manager are fair and equitable under the circumstances.

No application for a vacancy credit shall be filed within one quarterly billing cycle after the premise has become unoccupied and unavailable for occupancy. Where a credit is granted, it shall apply as of the date the premise became unoccupied.

An application for a vacancy credit will be made available to the owner of a commercial premise upon request. It shall contain such information as, in the judgement of the General Manager is reasonably necessary in administering the provisions set forth herein.

It shall be the responsibility of the owner to reapply for the vacancy credit. Upon the expiration of the vacancy credit the premise shall be charged at the rate applicable prior to the granting of a credit.

Where a vacancy credit is granted, the premise shall be charged at the rate of one (1) EDU during the term of the credit.

In the event a premise becomes occupied during the term of the vacancy credit, the credit shall automatically terminate and the appropriate service charge shall apply as of the date of the occupancy.

It shall be the responsibility of the owner to promptly notify the District whenever a premise subject to a vacancy credit becomes occupied.

SECTION 67: District funds representing basic participation charges shall not be used for the purpose of financing or in any way participating in the cost of street laterals or local collection facilities required to be built by others. District funds representing basic participation charges may,

at the discretion of the District, be used for the purpose of financing in whole or in part, any extension of the District's sewer system.

SECTION 68: There shall be no participation charge for a central recreation building or washroom in a mobile home park or apartment complex so long as the use thereof is restricted to occupants of the mobile home park or apartments. The owner of the real property shall substantiate the private, restricted use of said facilities in writing to the District.

SECTION 69: In the case of mobile home parks, as with all private sewer systems, all intract laterals, mains, and appurtenances shall be and remain the property of the mobile home park owners, and District shall have no obligation to operate, maintain, repair or replace any private facilities. The District shall have the right to inspect all intract laterals, mains and appurtenances, and the owner or operator shall be obligated to pay to the District applicable fees and costs incurred by the District. All private sewer systems shall be designed and constructed in accordance with applicable sections of this Ordinance and District Specifications.

SECTION 70: 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. Any person violating the provisions of this Section 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 71: 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. There shall be on file in the District's office a Master Plan Map showing the District's existing and proposed trunk sewer system. In the event that the connection of a premise 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 on the aforesaid map, 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 premise shall be borne by such owner, applicant or developer.

In the event that the connection of a premise or property to the District sewer system does not involve an extension to the District trunk system as shown by the aforesaid map, said installation shall be made at the sole cost of the owner, applicant or developer. In the event the District requires that an owner, applicant or developer construct or reconstruct laterals or mains of a size larger than would normally be required to serve the property owner, applicant, or developer, the District may agree in writing to participate in the cost of the oversizing of such facilities.

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. Such agreements shall provide that at such time as connections are made to the installed facilities by properties other than the property which is the subject of the refund agreement, the District will collect an in lieu of construction fee from the non-participating

properties. In no event shall the obligation assumed by the District pursuant to a refund agreement extend beyond the term of 10 years from the date of such agreement.

SECTION 72: No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the District and paying all fees and charges as required by the provision of this Ordinance. Any application to connect to the District sewer system shall be accompanied by complete plans and specifications as necessary to comply with all District ordinances, rules, and regulations. In addition to a signed application by the owner or his duly authorized agent, all apartment complexes, commercial establishments and other non-residential type use or multiple dwelling units shall include a Declaration of Density. Said Declaration of Density shall be completed by the owner or his duly authorized agent at the time that sewer service is applied for.

SECTION 73: There shall be three (3) classes of sewer applications: (a) for residential; (b) for commercial service; and (c) for service to establishments producing industrial wastes. In cases where connection is required to an existing service sewer, the owner or his agent shall make application on a form furnished by the District and pay the applicable \$65.00 inspection fee. Such fee may be adjusted by the Board of Directors from time to time to cover actual and reasonable costs. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the General Manager. All applicable participation charges shall be paid at the time of application for service. No application for sewer service will be accepted without a copy of a valid building permit.

In the case of subdivisions and/or construction of public sewer facilities to be dedicated to the District, no application shall be accepted by District until said facilities have been constructed and accepted by the District, unless otherwise authorized by the General Manager. The plan check and inspection fees for construction of such public sewer facilities shall be paid in conformance with District Standard Specifications. The District reserves the right to impose additional and reasonable charges in any case where, through no fault of the District, the District's staff is required to expend time and effort in plan checking and/or inspection activities, the actual cost of which exceeds the original fee amounts.

In cases where the applicant must construct an individual building sewer or service sewer to an existing sewer trunk or collector sewer, all procedures and work shall conform to applicable sections of the District Specifications. The District shall furnish and install the tee, wye, or piping required to connect to the District's facilities. Fees to cover District expenses are hereby established as follows: \$325.00 for a mainline tap; \$600.00 for a manhole tap. All permits, utility notifications, Underground Service Alert, excavation, backfill, testing and installation of the remainder of the sewer facilities shall be done by the contractor or owner.

SECTION 74: 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 for the affirmance of the decision of the General Manager.

SECTION 75: 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 76: 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 77: The provisions of all prior Ordinances of South Placer Municipal Utility District which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 78: Any fees, rates, or charges imposed by any of 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 79: This Ordinance was introduced at a regular meeting of the Board of Directors on the 5<sup>th</sup> of April, 2001.

SECTION 80: Upon final passage, 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.

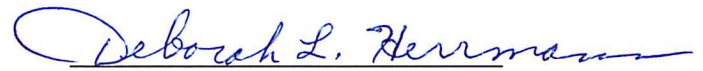
SECTION 81: Ordinance to take effect upon final passage.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of South Placer Municipal Utility District on this 3<sup>rd</sup> day in May, 2001 by the following vote:

AYES:	Directors Blackwell, Murdock, Herrmann, Scheible, Lemos
NOES:	None
ABSTAIN:	None

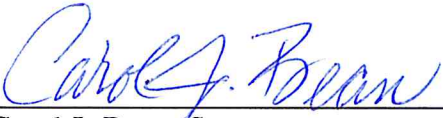
SOUTH PLACER MUNICIPAL UTILITY DISTRICT

By:



Deborah L. Herrmann, President

ATTEST:



Carol J. Bean, Secretary



## South Placer Municipal Utility District

P.O. Box 45 — 3671 Taylor Road

LOOMIS, CALIFORNIA 95650

Phone (916) 652-5877

March 2, 2001

South Placer M.U.D.  
Board of Directors  
P.O. Box 45  
Loomis, CA 95650

Attn: Carol Bean, Secretary to the Board of Directors

Re: Recommendations for Increases in Tap Fees and Inspection Fee

Directors:

Pursuant to the provisions of Section 14401 of the Public Utilities Code, and based on actual cost experience, it is my recommendation that the service sewer/building sewer inspection fee be fixed and established at \$65.00. I also recommend that fees to cover District expenses for service taps be fixed and established at \$325.00 for mainline connections and \$600.00 for manhole connections. The costs to the District to provide these services show that the proposed fees are reasonable.

Section 14401 of the Code requires the Board to hold a public hearing within 40 days of the filing of this Report and Recommendation, and that a Notice of the time and place of the hearing shall be published once a week for two successive weeks. A Notice of Hearing for this purpose should be prepared and published pursuant to Section 6066 of the Government Code.

Respectfully submitted,



G.T. Loscalzo  
General Manager

GTL:cjb

Cc: W.T. Sweigert