

South Placer Municipal Utility District Code

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CHAPTER 2 SEWER USE

CHAPTER 2.00 GENERAL

- A. This chapter in whole or in part is based on excerpts from Ordinance 09-02 adopted by the Board of Directors on July 2, 2009, and shall govern the use of public and private sewers and shall establish the rules and regulations for service and services rendered by the District.

CHAPTER 2.01 DEFINITIONS

- A. Appendix A of this Code, titled "Definitions" shall give meaning to the words and phrases as used in this Code, or any Chapter of this Code.

CHAPTER 2.02 PUBLIC SEWER

2.02.010 Permission Required

- A. 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 Code.

2.02.020 Protect from Damage

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

2.02.030 System Accessibility

- A. It is the customer's responsibility to ensure the Property Line Clean Out (PLCO) is readily accessible at all times. When a PLCO cannot be accessed by the District, the owner will be notified and shall correct the condition(s). If the issue is not rectified within thirty (30) days after notification, District staff will make the correction(s) and the customer will be responsible for actual costs incurred.

- B. Representatives of the District shall have the right of ingress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of sewer service.

2.020.040 Connection to the Public Sewer Required

- A. It is unlawful for the owner, occupant, or lessee of any lot or parcel of land situated within the District, which lot or parcel has thereon a building equipped with any plumbing fixture, to neglect or refuse to have any such buildings connected with the District wastewater collection system so that the drainage from each and every such plumbing fixture shall flow into the sewer; provided, that there is such a sewer in the street, alley or right-of-way near such lot or parcel of land and not more than 300 feet distant from such building. Domestic plumbing systems that incorporate nonpotable water reuse systems, such as gray water reuse systems, shall be exempt from this section provided that they are installed and constructed in accordance with local municipal ordinances or codes, the then-current provisions of California Plumbing Code, Chapter 16 - Alternate Water Sources For Nonpotable Applications and Chapter 16A - Nonpotable Water Reuse Systems, governing the construction, alteration, discharge, use, and repair of gray water systems.
- B. 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 Code, 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 their expense to connect such structures directly with the proper public sewer in accordance with the provisions of this Code, within ninety (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.
- C. In the event of a violation of this Chapter, 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 Capacity 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.

2.02.050 Prohibited Discharges

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, refrigeration, or air conditioner cooling water, swimming pool drainage from single-family residences 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 degrees F.
 2. Any water or waste that 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.
 5. Any discharge of wastes from recreational vehicles (RV) outside of permitted RV dump sites or camping sites.
 6. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, non-dispersible items, including wipes and "flushable wipes," 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.
 7. Any water or waste 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.
 8. Any water or waste 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.
 9. 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.
 10. 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 FSEs shall be in conformance with Chapter 3 of this Code, establishing requirements regarding Fats, Oils and Grease (FOG).
- E. No provision of this Code 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 Code may be accepted for treatment, subject to payment, therefore. Any agreement made in accordance with this section shall conform to the provisions of this Code and Ordinance 88-3.

2.02.060 Preliminary Treatment

- A. Where preliminary treatment facilities are provided for any wastewater or waste, they shall be maintained continuously in satisfactory effective operation, by the owner at their expense.
- B. Grease control devices and sand oil separators, 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 devices shall not be required for private living quarters or dwelling units.
- C. All devices 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 control devices and sand and oil separators shall be maintained by the owner, at their expense, in continuously efficient operation, at all times.

CHAPTER 2.03 CHARGES AND FEES

2.03.010 Capacity 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 Capacity Charge for each connection, enlargement, alteration, or change of use has been paid to the District as provided in this Code.
- B. The provisions of this Chapter are enacted pursuant to the provisions of Article IV, Chapter 6, Sections 5400 et seq. of the Health and Safety Code and Section 66000 of the Government 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.
- C. Notwithstanding the preceding, payment of Capacity Charges 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 District Policy 3350 – Deferred Capacity Charges or any amendments thereto.

- D. In the event a structure is altered to produce more than a single EDU, an additional Capacity 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. Alterations of an existing residential structure to construct an ADU or JADU within the meaning of California Government Code Section 66313, as amended, shall not be charged an additional Capacity Charge, except as otherwise permitted by state statute and as provided in this Code.
- E. In the event additional Capacity 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 Capacity 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.
- F. 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 Capacity 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 Capacity Charge, a reconnection charge in accordance with the District's Fee Schedule, together with all actual costs and expenses incurred by the District in making such reconnection. A basic Capacity Charge for each equivalent dwelling unit shall be fixed and established by ordinance/code 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 and Section 66000 of the Government Code.

2.03.020 Capacity Charges – Commercial / Industrial

- A. Determination of Commercial or Industrial Equivalent Dwelling Units. For purposes of this Code, commercial or industrial EDU's shall be determined as follows:
 - 1. General Regulations
 - a. Not less than one (1) EDU per building.
 - b. Prescribed Capacity Charges apply only to the particular uses listed herein. Where multiple uses, and/or tenants within the meaning of this Code, 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 Capacity Charge composed of the respective Capacity Charges for each such use and/or tenant. Subsequent modifications to any structure may result in reclassification and the assessment of additional incremental Capacity Charges.

- c. No refunding of previously paid Capacity Charges will be made where modifications are made to any structure that places it in a classification with a lower Capacity Charge rate.
- d. The real property owner shall be responsible for payment of any and all additional charges.

2. 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	
a) Parking Garage	per every 5 employees (NOT less than 1 EDU)
b) Regional Distribution Facilities	
c) Storage Buildings	
2. Low-Density Users	
a) Church (w/o kitchen)	1/6 EDU per 1,000 sq. ft.
b) Warehouse / Commercial Storage	
3. Medium Density User	
a) Church (w/ kitchen & meeting hall)	1/3 EDU per 1,000 sq. ft.
b) School (w/o cafeterias or gymnasiums w/ showers)	
c) Bowling / Entertainment Center (w/o kitchen)	
d) Day Care Center (w/o kitchen)	
e) Sports / Fitness Center (w/o showers)	
f) Retail Store	
g) Bank / Offices (other than medical / dental)	
h) Chiropractor / Counseling Office (w/ limited medical services)	
i) Theaters (theaters that provide dining services shall be considered FOG-producing FSE)	
j) Auditorium / Halls / Lodges	

4. High Density User	
a) Barber / Beauty Shop / Nail Salon	
b) School (w/ cafeterias or gymnasiums w/ showers)	
c) Bowling / Entertainment Center (w/ kitchen)	
d) Day Care Center (w/ kitchen)	
e) Sports / Fitness Center (w/ showers)	
f) Medical / Dental Facility	2/3 EDU per 1,000 sq. ft.
g) Service Station / Mechanic Shop	
h) Pet Grooming Center	
i) Veterinary Clinic	
j) Bars	
k) Coffee / Tea Shops / Kiosks (w/ limited food preparation)	
l) Ice Cream / Frozen Yogurt / Shaved Ice	
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 (low-FOG producing establishment w/ limited food preparation)	1 EDU per 1,000 sq. ft.
h) FSE Outside / Overflow Dining Area (w/covered area)	2 EDU per 1,000 sq. ft.
i) FSE Outside / Overflow Dining Area (w/o covered area, but fenced)	1 EDU per 1,000 sq. ft.
j) Mortuaries	2 EDU per 1,000 sq. ft.
k) Hospital	1/2 EDU per licensed bed
l) Rest Home / Convalescent Hospital / Memory Care / Assisted Living	1/3 EDU per licensed bed
m) Camping / Recreational Vehicle Site	1/2 EDU per site
n) Recreational Vehicle Dump Site	1 EDU per site
o) Hotel / Motel Unit (w/ kitchen)	1 EDU per unit
p) Hotel / Motel Unit (w/o kitchen)	1/2 EDU per unit
6. Other Commercial / Industrial Users Not Listed	based on a study authorized by the General Manager

2.03.030 Capacity Charges – High Strength-High Quantity Commercial / Industrial Users

- A. For commercial or industrial users having wastewater strength of greater than 300 mg/l BOD or COD and 50mg/l suspended solids, and/or a quantity of greater than or equal to 25,000 gallons per day (gpd), and/or requiring either special handling

or treatment, an EDU shall be determined as follows:

$$\text{EDU's} = \frac{\text{gpd}}{175} \left(0.61 + \frac{\text{BOD or COD}^{\text{mg/L}}}{300} (0.22) + \frac{\text{suspended solids}^{\text{mg/L}}}{500} (0.17) \right)$$

1. In addition, special treatment and/or handling costs may be added as determined by the General Manager.
2. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Code shall be charged Capacity Charges and fees as determined by the General Manager.

2.03.040 Capacity Charges – Residential

A. For purposes of this Code, Residential Equivalent Dwelling Units (EDUs) shall be determined as follows:

1. All dwelling units, including but not limited to single-family homes, duplexes, condominiums, mobile homes, and apartments shall be one (1) EDU per living unit, except for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

B. ADU - As defined in California Government Code Section 66313:

Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit (as defined in California Health & Safety Code Section 17958.1.)

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. An ADU shall not be considered a Residential EDU for the purposes of the assessment of a Capacity Charge, and shall not be assessed a Capacity Charge, provided the following conditions are met as specified in Government Code Section 66313 and the ADU complies with all requirements of the local agency having jurisdiction over the permitting and construction of the ADU in the District service area where it is located:
 - a. The ADU is not intended for sale separate from the primary residence and may be rented. If the ADU is built on a portion of the lot or parcel of land that is subsequently split from the primary residential parcel, the ADU shall be considered a separate Residential EDU for the purposes of the assessment of a Capacity

Charge.

- b. The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot or parcel of land as the existing dwelling.
- c. The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- d. The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.

C. JADU - As defined in California Government Code Section 66313:

Junior Accessory Dwelling Unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

- 1. A JADU shall not be considered a Residential EDU for the purposes of the assessment of a Capacity Charge, and shall not be assessed a Capacity Charge, provided the following conditions are met as specified in Government Code Section 66313 and the JADU complies with all requirements of the local agency having jurisdiction over the permitting and construction of the JADU in the District service area where it is located. A local agency JADU ordinance:
 - a. Limits the number of junior accessory dwelling units to one per residential lot or parcel of land zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot or parcel of land.
 - b. Requires owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - c. Requires the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency and submitted to the District, and shall include both of the following:
 - i. Prohibits the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including

a statement that the deed restriction may be enforced against future purchasers.

- ii. Restricts the size and attributes of the junior accessory dwelling unit that conforms with this section.
 - d. Requires a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.
 - e. Requires a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - f. Requires the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
 - i. A cooking facility with appliance(s) as defined by the International Building Code, latest edition.
 - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- D. Any other living unit that is not an ADU or JADU shall be considered a Residential EDU and shall pay the appropriate Capacity Charge as authorized by this code.

ADUs and JADUs shall be assessed one (1) EDU for the purposes of Monthly Service Charges.

- 1. There shall be no Capacity 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 property owner shall substantiate the private, restricted use of said facilities in writing to the District.

2.03.050 Monthly Service Charges – General

- A. A monthly service charge for each equivalent dwelling unit shall be fixed and established by ordinance/code 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,

including the addition of an ADU or JADU on the property, 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 property owner.

- C. The 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.

2.03.060 Monthly Service Charges – Commercial / Industrial

- A. The Determination of Monthly Service Charges for Commercial or Industrial EDUs shall be as follows:
 - 1. For purposes of this Code, the monthly service charge, which is billed quarterly, for Low Strength-Low Quantity commercial or industrial EDUs shall be determined in accordance with the classifications set forth in 2.03.020 of this Code.
 - 2. The monthly service charge, which is billed quarterly, for High Strength-High Quantity commercial or industrial EDUs shall be determined in accordance with the formula set forth in 2.03.030 of this Code.
 - a. In addition, special treatment and/or handling costs may be added as determined by the General Manager.
 - 3. 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.
 - 4. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Code shall be charged monthly service charges and fees as determined by the General Manager.
- B. Unoccupied Use – In cases of vacancy where commercial property is not physically disconnected from the sewer, the service charge shall be based on the classification of the last occupant(s) of the structure unless the owner makes written application for a change in use from “occupied” to “unoccupied”. A commercial property owner is, under certain conditions, eligible for a reduction in

monthly service charges for a building/space when a “change in use” from “occupied” to “unoccupied” occurs.

1. The building/space shall have been unoccupied for a continuous three-month (3 month) period immediately preceding the request for a change in use. Waiver or reduction in the ongoing service charge applicable for the last occupied use will not be made for this three-month or prior periods.
2. The property owner shall apply (on a form to be provided by the District) for the change in use from occupied to unoccupied for the reduction in the monthly service charge. Reapplication for the reduction in the monthly service charge shall be made by the owner on a quarterly basis. The Application for an ongoing unoccupied use shall be received by the District between the 15th and 21st day of the end month of the applicable billing quarter (i.e. March, June, September, December).
3. In the event a building/space remains unoccupied, and the owner does not reapply, the monthly service charge shall revert to the last occupied use.
4. The minimum charge for the unoccupied use shall be calculated at 1/3 EDU per 1,000 square feet (sq. ft.), (but not less than one (1) EDU per building/space when the square footage is less than 3,000 sq. ft).
5. The property owner shall promptly notify the District when re-occupancy occurs. This application terminates upon re-occupancy.
6. The property/customer account must be current (no past due balances) for the application to be considered.
7. The District shall be notified of any change in property ownership. Any Application and the terms and conditions in effect at the time of a transfer or sale of the property will be binding on the successor.

2.03.070 Monthly Service Charges – Residential

- A. The Determination of Monthly Service Charges for Residential EDUs shall be as follows:
 1. For purposes of this Code the monthly service charge, which is billed quarterly, for residential EDUs shall be determined as follows: Dwelling units, including, but not limited to single-family homes, duplexes, condominiums, mobile homes, secondary living units, ADU, JADU, and apartments shall be one (1) EDU per living unit.
 2. 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.

2.03.080 Lifeline Low-Income Rate Assistance Program

- A. Every qualified household shall receive a discount of \$5.00 per month on utility rates.
 - 1. The program will be limited on an annual basis to the first 500 households who apply to participate in the program and qualify under the income eligibility requirements. Staff shall establish a process to accept and select qualifying households. The process shall include a provision that should more than 500 households apply and qualify and additional District resources from delinquent fees are prudently available for use as determined by District staff such that additional eligible households may participate, the additional eligible households shall be selected by random lottery.
- B. Qualified Households – Only an owner-occupant of residential property who is currently billed as a customer of the District is eligible to apply. To qualify, the total combined gross annual income (based on the number of household members) of all persons residing in a dwelling unit must be at or below the amount currently in use by the Pacific Gas & Electric Company California Alternative Rates for Energy (CARE) program available for residential single-family occupants.
 - 1. Applicants must submit to the Administrative Services Department of the District proof of their eligibility in the CARE program to qualify.
 - 2. The total income of all adult residents in the household, who actually occupy the dwelling unit, must meet the income requirements for the CARE Program.
- C. Each household shall be required to re-qualify on an annual basis and shall submit the updated proof of PG&E CARE program eligibility to the District as part of the requalification.

2.03.090 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 Code may be collected by any lawful means including an action of 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) Code(s) shall not exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

2.03.100 Government Code 66013

- A. Capacity Charges or other similar fees may be imposed by the District pursuant to the provisions of Government Code 66013, as is current or as may be amended in the future.

CHAPTER 2.04 APPLICATION PERMITS

2.04.010 Compliance with District Regulations

- A. Any application to connect to the District's sewer system shall comply with all District specifications, codes, 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.

2.04.20 Classes of Applications

- A. There shall be three (3) classes of sewer applications as follows:
 - 1. For residential service.
 - 2. For commercial service.
 - 3. For service to establishments producing industrial waste.

2.04.030 Application for Permit

- A. In cases where connection is required to an existing lower lateral, the owner/applicant shall make application on the Sewer Permit form provided by the District and pay the applicable inspection fees in accordance with the District's Fee Schedule.
- 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.
- 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.
- E. The Sewer Permit shall be supplemented by any other information considered pertinent by the General Manager.
- F. All Capacity 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.

CHAPTER 2.05 SEWER DESIGN AND CONSTRUCTION REQUIREMENTS

2.05.010 General

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

2.05.020 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 unless otherwise approved by the District.
- 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 testing, 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 for correcting all deficiencies at their 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.

2.05.030 Private Sewers

- A. All private sewer systems shall be designed and constructed in accordance with applicable sections of this Code and District Specifications.
 1. The District shall have the right to inspect the installation and/or repair of all private 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.
 2. 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.

2.05.040 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. Said installation shall be made at the sole cost of the owner/applicant or developer of the property or property frontage.

- B. There shall be on file in the District's office a Master Plan or System Evaluation and Capacity Assurance Plan (SECAP) showing the District's existing and proposed trunk sewer system (Trunk Sewer Mains and Major Facilities) to accommodate future growth.
 - 1. In the event that the connection of a structure or property to the District's sewer system involves a main extension that forms a part of the District's existing or proposed trunk system (Trunk Sewer Mains or Major Facilities) as shown in the aforesaid Master Plan or SECAP, 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 or SECAP, 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.
 - 1. In no event shall the District be obligated to participate in the cost of oversizing such facilities that have already been constructed and accepted by the District.
- D. The District may, at its discretion, negotiate and enter into a Credit or Reimbursement Agreement under the terms of Chapter 4 of this Code, whereby a property owner or developer may obtain credits in lieu of payment of Capacity Charges for the construction of Trunk Sewer Mains and Major Facilities (as defined in Appendix A of this Code) and/or seek reimbursement for the costs of construction of Trunk Sewer Mains and/or Major Facilities under the eligibility criteria set forth herein.
 - 1. In no event shall the District be obligated to consider, negotiate or enter into any Credit or Reimbursement Agreement for facilities that have already been constructed and accepted by the District.
- E. The District may, at 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 that can be used for the benefit of property adjacent to but not participating in the original cost of construction. The amount of the refund agreement shall be computed solely upon the quantity of sewer actually installed using a Schedule of Values for Pipeline Construction Costs adopted by Board Resolution,

1. In no event shall the District be obligated to consider, negotiate or enter into any refund agreement for facilities that have already been constructed and accepted by the District.
 2. In no event shall the obligation assumed by the District pursuant to any refund agreement extend beyond the term of ten (10) years from the date of such agreement.
- F. All public sewer main extensions and/or installations shall be within public rights of way or properly granted/dedicated easements to the District.
- G. The District is to have permanent easements for all sewer facilities located outside the public right-of-way. This may require the conveyance of permanent easements at the time of property development or entitlement and will require a separate conveyance document. The widths of the required easement shall be in compliance with District specifications in effect at the time of development. Any existing substandard easements, within the limits of a proposed project shall be upgraded to current standards before approval of improvement plans, issuance of sewer permit, change of use, or other entitlement request.
- H. District funds representing basic Capacity 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.

CHAPTER 2.06 VIOLATIONS

2.06.010 Public Nuisance

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

2.06.020 Notice to Correct

- A. Any violation of this Code 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. Such remedies include, but are not limited to, the following:

1. Issuance of Notices to Correct, Warnings of Non-Compliance, Notice of Violation, and Cease and Desist Orders. When the District finds that a discharge of wastewater is taking place or threatening to take place in violation of prohibitions or limits of this Sewer Code or wastewater source control requirements or the provisions of a wastewater discharge permit, the General Manager or their designated representative, may issue Notices to Correct, Warnings of Non-Compliance, Notice of Violation, and Cease and Desist Orders and direct that those persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith, (2) comply in accordance with a time schedule set by the General Manager or their designated representative, or (3) in the event of a threatened violation, take appropriate remedial or preventative action.
2. Requiring Discharger to Submit Schedule of Remedial or Preventive Measures. When the General Manager or their designated representative, finds that a discharge of wastewater is taking place or threatening to take place that violates or will violate prohibitions or limits prescribed by this Sewer Code or wastewater source control requirements or the provisions of a wastewater discharge permit, the General Manager or their designated representative, may require the discharger to submit for approval of the District, with such modifications as he deems necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.
3. Damage or Theft or Vandalism to Facilities. When the discharge of wastewater causes an obstruction, damage, or other impairment to District facilities, the District may recover costs from the discharger to correct the problem caused by the discharger. District facilities include, but are not limited to, pipes and appurtenances, manholes, cleanouts, lift stations, fences, gates, and access roads.
4. Termination of Service. The District may terminate or cause to be terminated wastewater disposal or wastewater service to any premises if a violation of any provision of this Sewer Code pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this Sewer Code. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

2.06.030 Costs and Expenses

- A. Any costs and expenses incurred by the District in correcting violations and/or

pursuing any remedy available to it under the law, including all attorneys' fees, expert witness fees, laboratory testing fees, and all other related expenses, shall be the responsibility of the record owner of the real property.

2.06.040 Civil and Criminal Penalties

- A. Any person violating the provisions of this Code 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. These include the following:
1. **Civil Liability Penalties.** Civil liability may be imposed by the District in the manner provided in this Section as follows:
 - a. In an amount that does not exceed \$1,000 for each day for knowingly or willfully failing or refusing to furnish technical or monitoring reports.
 - b. In an amount that does not exceed \$5,000 for each day of intentionally or negligently discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, knowingly falsifying any information provided in any furnished technical or monitoring report.
 - c. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any of the District's cease and desist or other orders, or prohibitions issued, reissued, or adopted by the District.
 - d. In an amount that covers the costs of staff time and equipment and material costs.
 - e. For specific violations, the District may adopt a schedule of fines for appropriate offences that shall be adopted and updated by Resolution.
 2. **Criminal Penalties.** Civil liability may be imposed by the District in the manner provided in this Section as follows:
 - a. Any person who intentionally discharges wastewater in any manner, in violation of any order issued by the General Manager or their designee, which results in contamination, pollution, or a nuisance, as defined in this Ordinance, is guilty of a misdemeanor and may be subject to criminal penalties of not more than \$1,000 per day for each such violation, including, but not limited to, any violation of pretreatment standards or requirements.

- b. Any person who knowingly makes any false statement or representation in any record, report, plan, or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the District, shall be punished by a fine of not more than \$25,000 or by imprisonment in the county jail for not more than six (6) months, or by both.
- 3. Civil Enforcement Remedies
 - a. The District may pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this Sewer Code.
- 4. Civil Enforcement Penalties
 - a. Any person who fails to comply with any order issued by the District, including orders related to pretreatment standards or requirements, shall be subject to a civil penalty not to exceed \$10,000 for each day in which the discharge, violation, or refusal occurs.
 - b. Any person who intentionally or negligently violates any Notice to Correct issued by the District for violation of rules regulating or prohibiting discharge of wastewater which causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this article, may be liable civilly in a sum not to exceed \$25,000 for each day in which the violation occurs. The District's legal counsel, upon request of the District's Board of Directors, shall petition the Superior Court to impose, assess, and recover such sums.
 - c. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this Ordinance, including but not limited to violation of a pretreatment standard or requirement, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or whenever non-discharge violations occur including failure to submit a required report or failure to allow the District's inspectors access to an industrial facility, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such violations.

B. Appeals

- 1. In accordance with Chapter 1.15.010 of this Code, any permit applicant, permit holder, or discharger affected by any action denying a permit

application, modifying a permit, or issuing an issue Warnings of Non-Compliance, Notice of Violation and Cease and Desist Orders or any other order made by the General Manager or their designated representative in implementing the provisions of this Sewer Code, may file with the District a written request for reconsideration or appeal of the General Manager's decision to the Board of Directors.

CHAPTER 2.07 MISCELLANEOUS PROVISIONS

2.07.010 Conflicts

- A. In the event of a conflict between any provision of this Code 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 Code shall prevail except in cases where Federal or California law provide otherwise.

2.07.020 Severability

- A. It is hereby declared that in the event any provision or section of this Code is declared void or invalid by any Court of competent jurisdiction, the remaining sections of the Code 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 Code irrespective of any provision which may be declared null and void.

2.07.030 Vested Contractual Rights Not Affected

- A. No provision of this Code 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 Code.

2.07.040 Prior Ordinance Repealed

- A. Prior Ordinances of South Placer Municipal Utility District affecting items in this Code are hereby repealed as of the date of adoption of this Code by the Board.