

# Montara Water and Sanitary District Code

## Table of Contents

	Page
<b>CHAPTER I. General</b>	<b>1</b>
<b>Section Article 1. Adoption of Code</b>	<b>1</b>
<b>1-1.100. Title; Reference to Code</b>	
<b>1-1.200. Effective Date</b>	
<b>1-1.300. Effect of Code on Past Actions and Obligations</b>	
<b>1-1.400. Reference to Specific Ordinances</b>	
<b>1-1.500. Severability</b>	
<b>1-1.600. Repeal of Ordinances</b>	
<b>1-1.700. Maintenance of Code</b>	
<b>1-1.800. Exclusions from Code</b>	
<b>Article 2. Rules of Construction</b>	<b>2</b>
<b>1-2.100. Scope of Article</b>	
<b>1-2.200. Provisions Construed As Restatements and Continuations</b>	
<b>1-2.300. References to Ordinances; Application to Amendments</b>	
<b>1-2.400. Headings of Sections</b>	
<b>1-2.500. References to Things, Acts or Omissions in the District</b>	
<b>1-2.600. Delegation of Powers and Duties</b>	
<b>1-2.700. Official Time</b>	
<b>1-2.800. Definitions</b>	
<b>Article 3. Enforcement</b>	<b>3</b>
<b>1-3.100. General Penalty</b>	
<b>Article 4. Availability of Records</b>	<b>4</b>
<b>1-4.100. Availability of Records</b>	

<b>Article 5. Non-payment of Fees and Charges</b>	<b>4</b>
1-5.100. Assessment of Late Charges	
1-5.200. Charge for Collection	
1-5.300. Discontinuance of Services	
1-5.400. Remedies for Collection and Enforcement	
1-5.500. Authorization of District Administrator	
1-5.600. Liability for Payment	
<b>Article 6. Board Meetings and Rules</b>	<b>5</b>
1-6.100. Board Meetings	
1-6.200. Rate of Compensation	
<b>Article 7. Funds</b>	<b>6</b>
1-7.100. Sewer Fund.	
1-7.200. Water Fund.	
<b>CHAPTER II.</b>	<b>7</b>
<b>Garbage, Rubbish , Waste Matter and Refuse and the Collection, Removal and Disposal Thereof</b>	
<b>Article 1. Definitions</b>	<b>7</b>
2-1.100. Definitions	
<b>Article 2. Prohibition Against Dumping, Accumulation and Burning</b>	<b>7</b>
2-2.100. Dumping	
2-2.200. Accumulation	
2-2.300. Burning	
<b>Article 3. Collection</b>	<b>8</b>
2-3.100. Receptacles	
2-3.200. Use and Location	
2-3.300. Collectors' Containers	
2-3.400. Tampering	
2-3.500. Periodic Service	
2-3.600. Regulations	
<b>Article 4. Disposal</b>	<b>10</b>

<b>2-4.100. Disposal Site</b>		
	<b>Article 5. Enforcement</b>	<b>10</b>
<b>2-5.100. Penalty</b>		
	<b>Article 6. Contracts</b>	<b>10</b>
<b>2-6.100. Contract</b>		
<b>2.6.200. Disposal and Fee</b>		
<b>2-6.300. Periodic Service</b>		
<b>2-6.400. Assignment</b>		
<b>2-6.500. Termination</b>		
<b>2-6.600. Notice</b>		
<b>2-6.700. Private Removal</b>		
<b>2-6.800. Payment of Rates</b>		
<b>2-6.900. Disputed Rates</b>		
	<b>Article 7. Fees and Charges</b>	<b>11</b>
<b>2-7.100. Fees and Charges.</b>		
<b>2-7.101. (Reserved)</b>		
<b>2-7.102. (Reserved)</b>		
<b>2-7.103. (Reserved)</b>		
<b>2-7.200. Alternative Provision for Collection of Charges</b>		
	<b>CHAPTER III.</b>	<b>13</b>
	<b>Regulation of Public and Private Sewers and Drains; Installation and Connection of Building Sewers; Installation of Sewer Laterals and Public Sewer Main Extensions; Permits and Fees for Installation and Connection of Sanitary Sewers; Charges for Subdivisions; Regulating the Discharge of Waters and Wastes into Public Sewer System; Penalties</b>	
	<b>Article 1. Definitions</b>	<b>13</b>
<b>3-1.100. Definitions</b>		
	<b>Article 2. General Provisions</b>	<b>15</b>
<b>3-2.100. Rules and Regulations</b>		
<b>3-2.200. Purpose</b>		
<b>3-2.300. Violation Unlawful</b>		
<b>3-2.400. Relief on Application</b>		
<b>3-2.500. Relief on Own Motion</b>		

- 3-2.600. Permits and Fees**
- 3-2.700. Plumbing and Sewers on Private Property**

**Article 3. Use of Public Sewers Required**

**16**

- 3-3.100. Disposal of Wastes**
- 3-3.200. Treatment of Wastes Required**
- 3-3.300. Unlawful Disposal**
- 3-3.400. Occupancy Prohibited**
- 3-3.500. Sewer Required**
- 3-3.600. Water Service**

**Article 4. Private Sewage Disposal**

**18**

- 3-4.100. Sewer Not Available**
- 3-4.200. Permit Required**
- 3-4.300. Conditions**
- 3-4.400. Term**
- 3-4.500. Non-assignability**
- 3-4.600. Inspection Required**
- 3-4.700. Design Requirements**
- 3-4.800. Discontinuance; Abandonment**
- 3-4.900. Cost of Maintenance**
- 3-4.1000. Additional Requirements**
- 3-4.1100. Inspections**
- 3-4.1200 Drinking Water Source Protection Zones**

**Article 5. Building Sewers, Lateral Sewers and Connections**

**21**

- 3-5.100. Permit Required**
- 3-5.200. Construction Requirements**
- 3-5.300. Minimum Size and Slope**
- 3-5.400. Separate Side Sewers**
- 3-5.500. Old Building Sewers**
- 3-5.600. Cleanouts**
- 3-5.700. Sewer Too Low**
- 3-5.800. Backflow Prevention Device**
- 3-5.900. Connection to Public Sewer**
- 3-5.1000. Protection of Excavation**
- 3-5.1100. Maintenance of Side Sewers**
- 3-5.1200. Testing**
- 3-5.1300. Dedication of Easements**

**Article 6. Public Sewer Construction**

**23**

- 3-6.100. Permit Required**
- 3-6.200. Public Sewer Extension Required**
- 3-6.300. Plans, Profiles and Specifications Required**
- 3-6.400. Subdivisions**
- 3-6.500. Easements or Rights-of-Way**
- 3-6.600. Persons Authorized to Perform Work**
- 3-6.700. Grade Stakes**
- 3-6.800. Compliance With Local Regulations**
- 3-6.900. Protection of Excavation**
- 3-6.1000. Design and Construction Standards**
- 3-6.1100. Completion of Sewer Required**
- 3-6.1200. Major Facility Agreements**

**Article 7. Use of Public Sewers**

**27**

- 3-7.100. Drainage into Sanitary Sewers Prohibited**
- 3-7.200. Types of Waste Prohibited**
- 3-7.300. Objectionable Wastes**
- 3-7.400. Control of Objectionable Wastes**

**Article 8. Rate Schedule**

**29**

- 3-8.100. Service Charge**
- 3-8.200. Interceptors Required**
- 3-8.300. Maintenance of Interceptors**
- 3-8.400. Maintenance of Pretreatment Facilities**
- 3-8.500. Control Manholes**
- 3-8.600. Measurement and Tests**
- 3-8.700. Special Agreements**
- 3-8.800. Swimming Pools**

**Article 9. Permits and Fees**

**30**

- 3-9.100. Permit Required**
- 3-9.200. Permit Application, Application Fee, Voidable, Issuance and Non-Transferability**
- 3-9.300. Compliance with Permit**
- 3-9.400. Agreement**
- 3-9.500. Fees: Building Sewer Connection Charge**
- 3-9.600. Processing Fees, Charges and Related Provisions**
- 3-9.700. Bond: Public Sewer Construction**
- 3-9.800. Disposition of Fees**
- 3-9.900. All Work to Be Inspected**
- 3-9.1000. Notification**
- 3-9.1100. Condemned Work**

3-9.1200. All Costs Paid by Owner	
3-9.1300. Street Excavation Permit	
3-9.1400. Liability	
3-9.1500. Time Limit on Permits	
3-9.1600. Refundable Fees	
<b>Article 10. Second Dwelling Unit Regulations</b>	<b>36</b>
3-10.100. Permit Required	
3-10.200. Sewer Connection Fees	
3-10.300. Sewer Service Charges	
3-10.400. Application and Permit Issuance Procedure	
<b>Article 11. Enforcement</b>	<b>37</b>
3-11.100. Violation	
3-11.200. Public Nuisance	
3-11.300. Disconnection	
3-11.400. Public Nuisance, Abatement	
3-11.500. Means of Enforcement Only	
3-11.600. Liability for Violation	
<b>Article 12. Miscellaneous Provisions</b>	<b>39</b>
3-12.100. Protection From Damage	
3-12.200. Powers and Authorities of Inspectors	
<b>CHAPTER IV.</b>	<b>40</b>
<b>Sewer Service Charges</b>	
<b>Article 1. Rates and Charges for Sewage Disposal Services and Facilities and Providing Procedure and Penalties for Enforcement</b>	<b>40</b>
4-1.100. Short Title	
4-1.200. Definitions	
<b>Article 2. Sewer Service Charges</b>	<b>40</b>
4-2.100. Sewer Service Charges	
4-2.200. Relief From Unjust Rates	
4-2.300. Power to Inspect Premises	
4-2.400. Vacancy	
4-2.500. Refunds, Limitation	
4-2.600. Governmental or Public Premises	

**4-2.700. Immediate Service Charges: Mandatory Reserved Capacity Availability Charge**

**Article 3. Billing 44**

- 4-3.100. Billing**
- 4-3.200. Opening and Closing Bills**
- 4-3.300. Billing Time**
- 4-3.400. Penalties and Interest**
- 4-3.500. Collection by Suit**
- 4-3.600. Future Connections**

**Article 4. Collection With Other Utility Charges 45**

- 4-4.100. Other Utility Charges**
- 4-4.200. Penalties and Interest**
- 4-4.300. Discontinuing Service**
- 4-4.400. Compensation**
- 4-4.500. Billing and Collecting Delinquencies on Tax Roll**
- 4-4.600. Other Remedies**

**Article 5. Collection By Use Of Tax Roll 45**

- 4-5.100. Procedure**
- 4-5.200. Alternative**

**Article 6. Disconnection 46**

- 4-6.100. Disconnection**
- 4-6.200. Abatement**

**Article 7. Miscellaneous 46**

- 4-7.100. Authority**
- 4-7.200. Sewer Permit Administration**

	<b>Chapter V. Water System</b>	<b>47</b>
	<b>Article 1. Scope</b>	<b>47</b>
<b>5-1.100 Scope</b>		
	<b>Article 2. Definitions</b>	<b>47</b>
<b>5- 2.100 Definitions: General</b>		
<b>5-2.101 Active Service</b>		
<b>5-2.102 Applicant</b>		
<b>5-2.103 Commercial Service</b>		
<b>5-2.104 Connection Fees</b>		
<b>5-2.105 Customer</b>		
<b>5-2.106 Domestic Service</b>		
<b>5-2.107 Fire Protection Service</b>		
<b>5-2.108 Inactive Service</b>		
<b>5-2.109 Industrial Service</b>		
<b>5-2.110 Main Extension</b>		
<b>5-2.111 Master Fee Schedule</b>		
<b>5-2.112 Permit</b>		
<b>5-2.113 Person</b>		
<b>5-2.114 Premises</b>		
<b>5-2.115 Residential Service</b>		
<b>5-2.116 Sealed Service</b>		
<b>5-2.117 Service, Water Service or Potable Water Service</b>		
<b>5-2.118 Service Charges</b>		
<b>5-2.119 Service Connection</b>		
<b>5-2.120 Service Pipe</b>		
<b>5-2.121 Unit</b>		
	<b>Article 3. Commencement of Service</b>	<b>51</b>
	<b>Division 1. Application for Service</b>	<b>51</b>
<b>5-3.100 Commencement of Service: General</b>		
<b>5-3.101 Commencement of Service: Applications</b>		<b>51</b>
<b>5-3.102 Applicant’s Responsibility</b>		
<b>5-3.103 Required Connections</b>		
<b>5-3.104 Conversion of Private Well Water Sources to the District’s Water System</b>		<b>51</b>
	<b>Division 2. Fees and Deposits</b>	<b>52</b>
<b>5-3.200 Fees, Charges and Deposits – General</b>		



- 5-3.201 Existing Service Connection
- 5-3.202 New Service Connection on Existing Main
- 5-3.203 Service From New Main
- 5-3.204 Installation Fees – Existing Main
- 5-3.205 Construction Fees
- 5-3.206 Conservation Fees
- 5-3.207 Fees: Changes in Amount
- 5-3.208 Fees for Special Services: Fire Protection
- 5-3.209 Fees: Water System Improvements
- 5-3.210 Miscellaneous Fees
- 5-3.211 Deposits: Existing Service Connection
- 5-3.212 Deposits: Connection Fees
- 5-3.213 Deposits: Other
- 5-3.214 Credits: No Change in Existing Service
- 5-3.215 Delinquent Connection Fees
- 5-3.216 Assurances of Service

**Article 4. Conditions of Service** 59

**Division 1. General** 59

- 5-4.100 General
- 5-4.101 Areas Served
- 5-4.102 Main Frontage Required
- 5-4.103 Customers Without Frontage Presently Receiving Service
- 5-4.104 Locating and Sizing Service Connections
- 5-4.105 Multiple Service to One Property
- 5-4.106 Types of Service
- 5-4.107 Zones of Service
- 5-4.108 Pressure, Supply and Emergency Storage
- 5-4.109 System Pressure
- 5-4.110 Designated Pressure Areas
- 5-4.111 Fire Protection Service – Special Conditions
- 5-4.112 Continuation of Service Requirements

**Division 2. Extension of Facilities** 65

- 5-4.200 General
- 5-4.201 Types of Extensions

- 5-4.202 Special Contracts
- 5-4.203 Individual Main Extension: Privately Financed
- 5-4.204 Individual Main Extensions: Reimbursement Agreements
- 5-4.205 Subdivisions: Preliminary Design
- 5-4.206 Subdivisions: Final Design
- 5-4.207 Subdivisions: Installed by Subdivider
- 5-4.208 Subdivisions: Improvement Security Required
- 5-4.209 Subdivisions: Improvement Security: Corporate Surety Bonds
- 5-4.210 Subdivisions: Improvement Security: Cash or Negotiable Bonds
- 5-4.211 Subdivisions: Instruments of Credit
- 5-4.212 Subdivisions: Improvement Security: Coordination With Other Agencies
- 5-4.213 Subdivisions: System Dedicated
- 5-4.214 Subdivisions: Payments Prior to Construction
- 5-4.215 Subdivisions: Construction Water
- 5-4.216 Subdivisions: Service Charges: Developer Customers
- 5-4.217 Subdivisions: Service Charges: Individual
- 5-4.218 Subdivisions: Reimbursement Agreements
- 5-4.219 District Projects: General
- 5-4.220 District Projects: Side Frontage
- 5-4.221 Oversized and Major Facilities
- 5-4.222 Design Standards
- 5-4.223 Applicants Required to Provide Rights-of-Way
- 5-4.224 Relocation of Facilities
- 5-4.225 Ownership of Mains
- 5-4.226 Assessment Districts
- 5-4.227 Fire Hydrants
- 5-4.228 Size and Number of Water Connections
- 5-4.229 (Reserved)

**Article 5. Continuation of Service**

69

**Division 1. Rates: Time and Manner of Payment**

69

- 5-5.100 General
- 5-5.101 Water Pricing
- 5-5.102 Potable Water Bi-monthly Meter Service Charge
- 5-5.103 Potable Water Quantity Charges
- 5-5.104 Potable Water Rates for Public Schools
- 5-5.105 Potable Water Temporary Service Rates
- 5-5.106 Private Fire Protection Service
- 5-5.107 Service Outside of District Service Area
- 5-5.108 Billing Adjustments
- 5-5.109 Bills Due When Presented
- 5-5.110 Billing Frequency

- 5-5.111 Application of Deposits to Delinquent Accounts
- 5-5.112 Failure to Receive a Bill
- 5-5.113 Notice of Service Discontinuance Required
- 5-5.114 Multiple District Services
- 5-5.115 Multiple Water Service Connections
- 5-5.116 Proration of Charges for Odd Periods
- 5-5.117 Estimated Bills
- 5-5.118 Change of Customers Without Notice
- 5-5.119 Delinquent Customers at Same or New Address
- 5-5.120 Delinquent Tenants With Service in Owner's Name
- 5-5.121 Field Collections – Delinquent Accounts
- 5-5.122 Dishonored Checks

**Division 2. Usage** **73**

- 5-5.200 Use of Water – Supplying Another Person or Premises
- 5-5.201 Use of Water During Fire or Shortage
- 5-5.202 Unauthorized Use of Fire Hydrants
- 5-5.203 Operation of District Facilities Restricted
- 5-5.204 Damage to Property
- 5-5.205 Fraud

**Division 3. Protective Measures** **75**

- 5-5.300 Relief Valve Required
- 5-5.301 Isolation of Certain Service Connections Required
- 5-5.302 Meter Required
- 5-5.303 Cross Connections
- 5-5.304 Service Connection Shut-off Valves
- 5-5.305 Ownership of Service Connections
- 5-5.306 Customer Plumbing Appliances Subject to Approval

**Division 4. Water Conservation** **76**

- 5-5.400 General
- 5-5.401 Requirements
- 5-5.402 Recycled Water Use
- 5-5.403 Violations
- 5-5.404 Ultra Low-flow Toilet Rebates
- 5-5.405 Irrigation Practices

**Article 6. Cross Connection Control Program** **78**

**Division 1. Authority, Purpose** **78**

**5-6.100 Authority, Purpose**

**Division 2. Definitions**

**5-6.200 Definitions: General**

**5-6.201 Air-gap Separation**

**5-6.202 Approved Device**

**5-6.203 Auxiliary Water Supply**

**5-6.204 Backflow**

**5-6.205 Containment**

**5-6.206 Cross-connection**

**5-6.207 Device or Backflow Prevention Device**

**5-6.208 Double Check Valve Assembly**

**5-6.209 Fixture Outlet Device**

**5-6.210 Manager**

**5-6.211 Owner**

**5-6.212 Reduced Pressure Principle Backflow Prevention Device**

**5-6.213 State Regulations**

**5-6.214 Tag**

**5-6.215 Water Service Entrance**

**Division 3. Cross-connection Control**

**80**

**5-6.300 Backflow Prevention Devices Required**

**5-6.301 Evaluation of Hazard, Owner's Responsibility for Abatement**

**5-6.302 Determination of Approved Device**

**5-6.303 Installation**

**5-6.304 Permit Required**

**5-6.305 Inspection, Testing Program**

**Division 4. Fees and Charges**

**82**

**5-6.400 Fees and Charges Established**

**Division 5. Records and Reports**

**82**

**5-6.500 Maintenance of Records and Reports**

**Division 6. Enforcement**

**82**

**5-6.600 Manager**

**5-6.601 Cross-connections Prohibited, Unlawful**

**5-6.602 Cross-connections a Nuisance**

**5-6.603 Right of Entry**

**5-6.604 Termination of Service**  
**5-6.605 Costs Recoverable**  
**5-6.605 Remedies Cumulative**

**Article 7. Collection by Use of Tax Roll** **83**

**5-6.100 Procedure**  
**5-6.101 Alternative**

**Index of Amendments** **84**

**CHAPTER I.  
General**

**Article 1. Adoption of Code**

**1-1.100. Title, Reference to Code.** This Code shall be known as the "Montara Water and Sanitary District Code" and may be so cited. It is sufficient to designate any Ordinance adding to, amending or repealing this Code as an addition or amendment to, or a repeal of, the Montara Water and Sanitary District Code  
*(Amended 03/02/06 by Ord. 144)*

**1-1.200. Effective Date.** This Code shall take effect upon its adoption.

**1-1.300. Effect of Code on Past Actions and Obligations.** Neither the adoption of this Code nor the repeal thereby of any Ordinance of the District shall in any manner affect the prosecution for violations of Ordinances, which violations were committed prior to the effective date of the Code, nor be construed as a waiver of any fee or penalty at such effective date due and unpaid under such Ordinances, nor be construed as affecting any of the provisions of such Ordinances relating to the collection of any such fee or penalty or the penal provisions applicable to any violation thereof, nor affect the validity of any bond or cash deposit required to be posted.

**1-1.400. Reference to Specific Ordinances.** The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to or are otherwise connected by number or otherwise and which are included within this Code, but such references shall be construed to apply to the corresponding provisions contained in this Code.

**1-1.500. Severability of Parts of Code.** It is hereby declared to be the intention of the Board of Directors that the sections, paragraphs, sentences, clauses and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code is declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and chapters of this Code.

**1-1.600. Repeal of Ordinances.** All ordinances in conflict with the provisions of this Code are hereby repealed.

**1-1.700. Maintenance of Code.** At least three copies of this Code shall be filed for use and examination by the public in the office of the District Clerk. The Clerk shall maintain a copy, duly certified, as the official copy of the Code. Additional copies of the Code shall be distributed as prescribed by the District Administrator  
Upon the adoption of any amendment or addition to this Code, or upon the repeal of any of its provisions, the District Clerk shall make an appropriate notation in the official copy

of the Code, and shall make available copies of the Codes for examination by the public.

The District Clerk shall from time to time cause the loose-leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the Code number and date pursuant to which the change is effective, and distributed in order that loose-leaf copies of the Code, prepared for the use and convenience of the officers and employees of the District and the general public may be brought up to date.

**1-1.800. Exclusions from Code.** Rules and regulations relating to matters of a special or temporary nature only are excluded from this Code and are unaffected by its provisions.

## **Article 2. Rules of Construction**

**1-2.100. Scope of Article.** Unless specified otherwise, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

**1-2.200. Provisions Construed as Restatements and Continuations.** The provisions of this Code, insofar as they are substantially the same as existing Ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

**1-2.300. References to Ordinances; Application to Amendments.** Whenever a reference is made to an Ordinance, the reference shall apply to an Ordinance of the Montara Water and Sanitary District unless otherwise specifically provided. Whenever a reference is made to a Code, or any portion or part thereof, such reference shall mean the Montara Sanitary District Code, and all amendments and additions thereto, unless otherwise specifically stated.

**1-2.400. Headings of Sections.** The headings of the several sections of this Code are intended merely to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or reenacted.

**1-2.500. References to Things, Acts or Omissions in the District.** This Code shall refer only to those things and to those acts omitted or committed within the District.

**1-2.600. Delegation of Powers and Duties.** Whenever by the provisions of this Code a power or authority is given to, or any duty imposed upon, any public officer, it may be exercised or performed by any deputy or Person authorized by the public officer pursuant to law unless it is expressly provided that it shall be exercised in Person.

**1-2.700. Official Time.** Whenever certain hours are specified herein, they shall mean Pacific Standard Time or Daylight Time as may be in current use in the District.

**1-2.800. Definitions.** The following words and terms used in this Code, ordinances, resolutions and other official documents of the District shall have the definitions hereinafter respectively ascribed to them, unless use or construction thereof would be inconsistent with the manifest intent of the District Board or the context clearly requires otherwise:

- a) "Board" or "Board of Directors" means the Board of the Montara Water and Sanitary District.
- b) "Code" means the District Code of the Montara Water and Sanitary District.
- c) "County" means the County of San Mateo, California.
- d) "District" means the Montara Water and Sanitary District, County of San Mateo, State of California. The phrase, "in the District" means and includes all territory over which the District has or acquires jurisdiction for the exercise of its regulatory or proprietary powers, irrespective of the boundaries of the District.
- e) "District Manager" or "Manager" means the Person appointed by the Board to that office and who shall administer and enforce the rules and regulations of the District.
- f) "District Clerk" means the Clerk of the Montara Water and Sanitary District.
- g) "He" or "she," if appearing independently shall be deemed to include the opposite gender.
- h) "Industrial," "commercial" or "institutional" with reference to structures means buildings and appurtenances thereto including, but not limited to, shops, offices, warehouses, factories, theaters, churches, hospitals and schools constructed or used for those purposes.

*(amended 03/02/06 by Ord. 144)*

### **Article 3. Enforcement**

#### **1-3.100. General Penalty.**

**(a) Misdemeanor.** Whenever in this Code or in any other Ordinance of the District an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be unlawful or a misdemeanor, where no specific penalty is provided for, the violation of any such provision of this Code or any other Ordinance of the District shall be punishable as a misdemeanor.

**(b) Infraction.** Notwithstanding subdivision (a), above, whenever in this Code or in any other Ordinance of the District an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be an infraction, where no specific penalty is provided for, the violation of any such provision of this code or any other ordinance of the District so providing, shall be punished as an infraction, as follows:

1. a fine not exceeding \$100.00 for a first violation;
2. a fine not exceeding \$200.00 for a second violation of the same provision or Ordinance within one year;
3. a fine not exceeding \$500.00 for each additional violation of the same provision or Ordinance within one year.



**(c) Continuing Violations.** Each day a violation of a provision of this Code or any other Ordinance of the District continues constitutes a separate offense.

**(d) Violation a Nuisance.** Any condition existing on any property in violation of the Code shall be deemed a public nuisance.

#### **Article 4. Availability of Records**

**1-4.100. Availability of Records.** The names and addresses of customers or taxpayers or correspondents of this District shall not be publicly available except as required to fix annual assessments and to the extent required by law, and no mailing lists which have been compiled from records of the District shall be provided by this District or by any of its officers or employees.

#### **Article 5. Non-payment of Fees and Charges**

**1-5.100. Assessment of Late Charges.** Unless otherwise provided in the Code or on the face of the District's bill, a fee or charge set forth in the Code is due and payable at the District office or the post office box designated by the District, upon receipt of the District's bill, and shall become overdue and subject to a late charge if not paid within 30 days of the invoice date shown on the bill. At the time an account becomes overdue, a late charge of 1.5% of the overdue amount outstanding will be assessed (minimum late charge of \$1.00), which late charge shall be added to the fee or charge involved. An additional late charge of 1.5% of the amount outstanding (including all late charges) shall be assessed (minimum late charge of \$1.00) for each 30 day period during which the overdue bill remains unpaid. If the 30<sup>th</sup> day falls on a Saturday, Sunday or legal holiday, the final payment date is automatically extended to the next business day.

**1-5.200. Charge for Collection.** If the District determines that it is necessary to collect a fee or charge due to the District, a charge for collection, in addition to the amount outstanding (including all late charges), shall be assessed. A charge for collection includes reasonable attorney's fees necessary to collect over-due fees or charges.

**1-5.300. Discontinuance of Services.** If the amount outstanding (including all late charges) is not paid within 60 days from the date the fee or charge is due to the District, the District may discontinue any or all services or facilities for which a fee or charge has not been paid, or request the withholding of such services or facilities by the agency rendering or providing them. Services shall not be re-established until all conditions for reinstatement of services, as set forth in this code, are satisfied.

**1-5.400. Remedies for Collection and Enforcement.** Remedies for the collection and enforcement of fees or charges are cumulative and may be pursued alternatively or consecutively as determined by the District.

**1-5.500. Authorization of District Manager.** The District Manager is authorized to pursue all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code.

**1-5.600. Liability for Payment.** Owners, their tenants or other users of property with respect to which a service charge is delinquent are jointly and severally liable for payment.

## **Article 6. Board Meetings and Rules**

### **Section 1-6.100. Board Meetings**

**(a) Regular Board Meetings.** Regular meetings of the Board shall be held on the first and third Thursdays of each month, except when any such Thursday is a District holiday. Regularly scheduled meetings which fall on a holiday shall be held on the following Thursday or held on a day specified by the Board. Regular meetings of the Board shall be held at 7:30 P.M. in the Boardroom, District Administrative Offices, 8888 Cabrillo Highway, Montara, California

**(b) Special Meeting.** A special meeting of the Board may be called at any time by the president, or by a majority of the members of the Board, by delivering personally or by mail, written notice to each of the Board members and to each local newspaper of general circulation, radio or television station which has filed with the District Clerk a written request for such notice. The notice must be delivered personally or by mail at least 24 hours before the time of the meeting as specified in the notice. The notice shall specify the time, date and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting. The written notice may be dispensed with as to any member of the Board who, at or before the time the meeting convenes, files with the District Clerk a written waiver of notice. The waiver may be given by telegram or substantially equivalent documentary transmission. Written notice may also be dispensed with to any Board member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours before the special meeting in a location that is freely accessible to members of the public.

**(c) Adjourned Meeting.** The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time, date and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the District Clerk may declare the meeting adjourned to a stated time, date and place and shall cause a written notice of the adjournment to be given in the manner as provided for special meetings, unless such notice is waived as provided for special meetings. The copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the Boardroom or such other place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

**(d) Open Meeting Law.** All Board meetings shall be open to the public except for closed sessions permitted by law. Board meetings shall be conducted in accordance with the Ralph M. Brown Act (Government Code section 54950 and following).

**(e) Conduct of Meetings.** The Board may adopt a resolution that shall specify the procedures for the conduct of meetings.

*(Section 1-6.100a) amended 05/02/02 by Ord. 128)*

**1-6.200. Rate of Compensation.** Members of the Board shall receive compensation in the amount of \$75.00 for each regular or special meeting of the Board, and for each day's service rendered as a member of the Board at the request of the Board.

## **Article 7. Funds**

**1-7.100. Sewer Fund.** A special fund designated the Sewer Fund is hereby established. All revenues arising from the imposition of the fees and charges authorized under Chapter III of this Code or otherwise derived from, or obtained for the purpose of, the operation of the District's sewerage utility system, including revenues from the sale of bonds, notes, certificates of participation or other evidences of indebtedness, shall be deposited in the Sewer Fund. Such revenues shall be expended solely for the acquisition, construction, installation, reconstruction, replacement, repair, extension, expansion, enlargement, maintenance, management and operation of existing and new sewer transmission mains, collector mains, trunk lines, pumps, treatment facilities and appurtenances of or for the District's sewerage utility system; the payment of principal and interest or charges due on any bonds, notes, certificates of participation or other evidences of indebtedness, all or any portion of the proceeds of which are used for the aforesaid purposes; and for such other lawful purposes of the District as the Board may provide from time to time.

**1-7.200. Water Fund.** A special fund designated the Water Fund is hereby established. All revenues arising from the imposition of the fees and charges authorized under Chapter V of this Code or otherwise derived from, or obtained for the purpose of, the acquisition and operation of the District's water utility system, including revenues from the sale of bonds, notes, certificates of participation or other evidences of indebtedness, shall be deposited in the Water Fund. Such revenues shall be expended solely for the acquisition, construction, installation, reconstruction, replacement, repair, extension, expansion, enlargement, maintenance, management and operation of existing and new water transmission mains, trunk lines, pumps, treatment facilities, wells and appurtenances, and the acquisition of water rights, shares or other sources of water supply of or for the District's water utility system; the payment of principal and interest or charges due on any bonds, notes, certificates of participation or other evidences of indebtedness, all or any portion of the proceeds of which are used for the aforesaid purposes; and for such other lawful purposes of the District as the Board may provide from time to time.

*(Art. 7 added 10/17/02 by Ord. 130)*

**CHAPTER II.**  
**Garbage, Rubbish, Waste Matter and Refuse, and the Collection,  
Removal and Disposal Thereof**

**Article 1. Definitions**

**2-1.100. Definitions.** The following words and terms shall have the meanings respectively ascribed thereto for purposes of this ordinance:

- a) "Agricultural Premises" means any Parcel of real property comprised of three or more acres under single ownership, the primary use of which is the raising of crops, horticulture, viticulture, livestock farming, dairying, animal husbandry, or any similar such activity defined under the term "Agriculture" in the San Mateo County Zoning Regulations (Sections 6100 et seq. of said County's Ordinance Code) or as said definition may from time to time be amended.
- b) "Collector" means any Person to whom a contract or franchise shall have been let to collect and/or transport Refuse through the streets, alleys and public ways of the District.
- c) "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility. Compost includes vegetable, yard, and wood wastes that are not hazardous wastes.
- d) "Garbage" means and includes kitchen, table, counter, fountain or bar refuse, dead animals if not more than ten pounds each, offal, and animal, vegetable or other matters that attend the preparation, consumption, decay, dealing in, or storage of meats, fish, fowls, birds, fruits, vegetables and other matters for human food consumption.
- e) "Public Nuisance" means a violation of any of these Codes and is enforceable by any manner provided by law.
- f) "Person" means any human being, individual, firm, company, partnership, association, and private, public and municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and authorities thereof.
- g) "Recycling" means the process of sorting, cleansing, treating, Composting, and reconstituting Refuse or other discarded materials for the purpose of using the altered form.
- h) "Refuse" means and includes all types of waste materials defined herein under the headings of "Garbage", "Rubbish", and "Waste Matter".
- i) "Rubbish" means and includes pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes, trimmings from lawns, trees and flower gardens and similar combustible materials.
- j) "Tote-Box" means any container furnished by the Collector for receiving and holding Refuse. Tote-Boxes shall be compatible with collection and transportation equipment of the Collector, shall be watertight, provided with secure lids or covers, and shall have a capacity of not less than three-(3) cubic yards.
- k) "Waste Matter" means and includes crockery, bottles, tin cans, metal vessels, ashes, shells, plaster, brickbats and all other similar non-combustible materials.

**Article 2. Prohibition Against Dumping, Burning and Accumulation**

**2-2.100. Dumping or Burying.** No Person shall dump, place or bury in any lot, land or street or alley within the District, any Garbage or Rubbish or any deleterious or offensive substance under any circumstances whatsoever nor shall any Person dump, place or bury within the District any Waste Matter without first having obtained a Permit from the District to do so, except as allowed in Section 2-2.200 herein.

**2-2.200. Accumulation.** No Person owning or occupying any building, lot or premises within the District shall allow any Refuse or other deleterious or offensive substance to accumulate or remain in or upon said building, lot or premises, except during the period between the regular collections, and then only for the purpose of permitting its collection by Collector for disposal within a reasonable time and only in receptacles of the type required by Section 2-3.100 herein. Compost as herein defined is specifically exempt from this prohibition, except no Person shall create a Compost in such manner or by such means so as to create a public nuisance as herein defined. Materials to be recycled in accordance with the Collector's Recycling Policy in their Recycling Yard are specifically exempt from this prohibition, except a Person may allow Refuse or other deleterious or offensive substance to accumulate or remain in or upon said building, lot, or premises in an orderly and inoffensive manner, and then only for the purpose of permitting its transportation to the Collector's Recycling Yard for disposal within a reasonable time.

**2-2.300. Burning.** No Refuse or other deleterious or offensive substance shall be burned in the open air within the District without having first obtained a Permit to do so from any local governmental body or agency responsible for fire protection and having jurisdiction to issue same. Any such burning pursuant to Permit shall be done in accordance with any and all applicable Federal, State, County, District or other local laws, ordinances, rules and/or regulations, including, but not limited to, requirements of any entity or agency having jurisdiction over air pollution or public health and safety. No Person shall in any case burn Garbage or similar deleterious or offensive substances within the District.

### **Article 3. Collection**

**2-3.100. Receptacles.** Every occupant or tenant of any premises within the District shall provide upon said premises one or more Garbage cans or Refuse receptacles, for receiving and holding all Garbage, Rubbish, and Waste Matter created upon said premises between the times of collection and removal. Garbage cans shall be constructed of metal or an approved plastic material and type, be water-tight, be equipped with handles, and have tight fitting covers with handles and shall, at all times, be proof against access of flies to the contents thereof. Each such container shall have a capacity of not less than ten nor more than thirty gallons. Persons occupying multiple dwellings must plainly mark their receptacles so that the ownership thereof will be known.

Collector may, with the consent of the owner, occupant or tenant of any premises within the District provide Tote-Boxes for the use of occupants or tenants of premises classified as commercial, industrial or multiple dwelling.

**2-3.200. Use and Location.** Each container and its cover shall be kept clean, and the cover shall not be removed except to place Garbage, Rubbish or Waste Matter therein or empty it. No container shall be placed or kept in or on any public street, sidewalk, footpath or other public place whatsoever, but shall be placed on the premises of the Person requiring Refuse disposal so as to be readily accessible for removing and emptying by the Collector.

**2-3.300. Collectors' Containers.** Containers used by Collectors shall be cleaned daily with an approved disinfectant or by the application of live steam, except Tote-Boxes which shall be cleaned as often as is necessary to keep same in a clean and sanitary condition, but in any event not less than once every six (6) months.

**2-3.400. Tampering.** It shall be unlawful for any Person, other than the owner thereof or a Person authorized by contract, and other than the District sanitary inspector or the County Health Officer, or their Agents, to tamper with any container or any premises, or to collect, remove or dispose of the contents thereof.

**2-3.500. Periodic Service.** The Collector shall provide not less than weekly service to each owner, resident or tenant within the District, except for Agricultural Premises, and shall collect all Refuse as often as may be required by either District or any such owner, resident or tenant.

**2-3.600. Regulations.** It shall be unlawful for any Person to collect or carry Refuse through the streets of the District without first having obtained a Permit from the District so to do. The Collector shall not Permit any Refuse to fall or remain on any public street or private premises in the District; shall close all gates used by it in collection service, shall operate quietly; and shall not damage the container of any Person, and shall place it in the position where found after emptying it. It shall also abide by any and all laws of the State, ordinances of the County, regulations and orders of the County Health Department or officer, and Codes and general regulations of the District, now or hereafter adopted.

All Refuse collected in Montara Sanitary District shall be hauled in all-steel-bodied, water-tight motor trucks and taken to the place of disposal in such a manner as not to be needlessly offensive and filthy in relation to any Person, place, building, premises or highway. The truck bodies shall be constructed of steel of sufficient strength to withstand fire within, without endangering adjacent property. Each truck shall be equipped with a tarpaulin or other similar covering which shall be drawn over the load as completed to full depth. All Refuse in the truck shall be completely covered with said tarpaulin or other similar covering between points of collection and disposal.

The name of the Refuse Collector shall appear on the side of the vehicle in letters not less than six (6) inches high. There shall also be an identifying number on each vehicle.

The location of the disposal site intended to be used by the Collector in performing a contract must be approved by the County Health Officer of San Mateo County.

#### **Article 4. Disposal**

**2-4.100. Disposal Site.** No disposal site may be located within two miles of any City without its consent expressed by resolution of its City Council. No disposal site will be permitted within the boundary of the District without a Permit from said District. Said Permit will be granted upon application to the District by letter or other written documents describing the location, method of disposal, and general description of the proposed operation as to amount of Garbage estimated to be handled daily and the extent and duration of the operation, and approval by the District Manager and by the Board, provided, however, that disposal is to be by either Compost or incineration or a combination thereof. Provided further, that the Applicant must file with the District appropriate letters or Permits that said disposal site and the operation thereof has the approval of or is exempt or excepted from the Regional Water Quality Control Board of the San Francisco Bay Region and from the Bay Area Air Pollution Control District, which filings must be made prior to the granting of said Permit.

#### **Article 5. Enforcement**

**2-5.100. Penalty.** Pursuant to the provisions of Section 6532 of the Health and Safety Code of the State of California, a violation of any provision of this Code and any provision thereof as amended, revised, superseded, or replaced, shall be a misdemeanor punishable by imprisonment not to exceed thirty (30) days or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both; and each day upon which such violation shall continue shall be deemed a separate offense and shall be punishable as such.

#### **Article 6. Contracts**

**2-6.100. Contract.** The District is hereby authorized and empowered, through its governing Board, to enter into any contract, exclusive or otherwise, with any Person for the right and privilege of collecting Refuse and/or carrying out a program of Recycling within the District, upon such terms and conditions, consistent with this Code (as said Code may from time to time be amended), as the Board may deem for the best interests of the District, for a period of from 1 to 10 years at rates to be established by the Board, which contract shall incorporate by reference therein the provisions of this Code (as said Code may from time to time be amended).

**2-6.200. Disposal and Fee.** Any such contract shall provide that the Collector shall collect and dispose of all Refuse at the rates herein fixed and determined; that the Collector will dispose of said Refuse at such place or places and by such means or methods as the Board shall determine, and pursuant to this Code and all laws and ordinances of County applicable thereto; that the Collector shall pay to the District such fee annually as may be determined by the Board.

**2-6.300. Periodic Service.** The Collector shall provide not less than weekly service to each owner, resident or tenant within the District and shall collect all Refuse as often as may be required by the District or any owner, resident or tenant. Collector may terminate service to any owner, resident or tenant for nonpayment of the rates hereinafter established for a period of two months from and after the date such payment is due. Prior to termination of such service, Collector shall notify District, in writing, of the date of termination and the reason therefor. Such notice shall be given by Collector to District not less than ten days prior to the date of termination of service.

**2-6.400. Assignment.** Neither the agreement nor any part thereof shall be assigned either voluntarily or by operation of law except upon the consent of the District expressed by resolution of its Board.

**2-6.500. Termination.** Said contract shall provide that if the Collector fails, refuses or neglects to comply with the terms of the contract or of any laws, ordinances or regulations above referred to, for a period of thirty days after being notified in writing so to do on the order of the Board, then after hearing, upon ten days written notice to the Collector, the District is entitled to terminate the contract.

**2-6.600. Notice.** Any notices provided in the contract shall be given personally, or by mail to the business address of the addressee. If given by mail, time shall be computed from the date of deposit in a United States Post Office or box in the District.

**2-6.700. Private Removal.** It shall be unlawful for any Person to dispose of Refuse collected from or upon premises owned, leased, or otherwise occupied by such Person within the District other than by and through the District's Collector and subject to these regulations; except for the disposal of Waste Matter pursuant to a Permit issued by the District or for the disposal of Refuse on or from Agricultural Premises pursuant to approval of the method of such disposal by the County Health Officer. Materials to be recycled in accordance with the Collector's Recycling Policy in their Recycling Yard are specifically exempt from this prohibition.

**2-6.800. Payment of Rates.** It shall be unlawful for any Person to refuse to pay the rates herein fixed for the collection of Refuse.

**2-6.900. Disputed Rates.** In any case where a dispute shall arise as to the rate to be paid Collector, District shall have the power of final determination of such dispute, and both the Collector and owner, resident or tenant shall be bound thereby. In no event shall District be obligated in any way to Collector or any owner, resident or tenant for the collection of disputed accounts.

## **Article 7. Fees and Charges**

**2-7.100. Fees and Charges.** The fees and charges for the collection, removal, and disposal of Refuse for all occupied premises (except Agricultural Premises) and Recycling Services within the District shall be as set forth in the Master Fee Schedule.  
*(amended 04/05/07 by Ord. 149)*



**2-7.101. (Reserved)**  
*(Repealed 04/05/07 by Ord. 149)*

**2-7.102 (Reserved)**  
*(Repealed 04/05/07 by Ord. 149)*

**2-7.103 (Reserved)**  
*(Repealed 04/05/07 by Ord. 149)*

**2-7.200. Alternative Provision for Collection of Charges.** The District may elect to collect current or delinquent Garbage and Refuse collection charges on the tax roll pursuant to proceedings provided therefor in Article 4 (commencing with Section 5470), Chapter 6, Part 3, Division 5 of the Health and Safety Code of the State of California, as said provisions now exist or may from time to time be amended, revised, superseded or replaced. The power authorized by this section shall be alternative to all other powers of the District, and alternative to other procedures adopted by the Board for the collection of such charges.

## CHAPTER III.

### Regulation of Public and Private Sewers and Drains; Installation and Connection of Building Sewers; Installation of Sewer Laterals and Public Sewer Main Extensions; Permits and Fees for Installation and Connection of Sanitary Sewers; Charges for Subdivisions; Regulating the Discharge of Waters and Wastes into Public Sewer System; Penalties

#### Article 1. Definitions

##### 3-1.100. Definitions.

- a) "Agent or Authorized Agent" means a Person who acts for or in place of another by authority from such Person. *(Amended 06/29/98 by Ord. 111)*
- b) "Applicant" means the Person making application for a Permit for a Sewer or plumbing installation who shall be the owner or Authorized Agent of the owner of the premises to be served by the Sewer for which a Permit is requested. *[Amended 06/29/98 by Ord. 111]*
- c) "Building" means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.
- d) "Building Sewer" means that portion of any Sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a Private Sewer. *(Amended 06/29/98 by Ord. 111)*
- e) "Collection System Operations Manager" means the Person designated by and acting for the District in the operation and maintenance of the District Sewage Works.
- f) "Combined Sewer" means a Sewer receiving both surface runoff and Sewage.
- g) "Contractor" means an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the Permit.
- h) "District Engineer" means the Engineer appointed by and acting for the District who shall be a Registered Civil Engineer.
- i) "District Inspector" means the inspector acting for the District and shall be the Collection System Operations Manager or the Person appointed by him or her and approved by the Board. *(Amended 06/29/98 by Ord. 111)*
- j) "Fixture Unit" means service detailed in TABLE 10-1, "Equivalent Fixture Units" published in the 1991 Uniform Plumbing Code. For the purpose of this Code, when plumbing fixtures are not listed, the appropriate Fixture Units to be applied shall be determined by the District Engineer after application of generally accepted methods of calculating units of service.
- k) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- l) "Lateral Sewer" means the portion of a Sewer lying within a public street or Sewer right-of-way connecting a Building Sewer to the Main Sewer.
- m) "Main Sewer" means a Public Sewer designed to accommodate more than one Lateral Sewer.
- n) "Master Fee Schedule" means a schedule established by Ordinance duly adopted after noticed public hearing annually, or more frequently as the Board may determine,

setting forth those fees established pursuant to Sections 3-9.500 (Connection Fee), 3-9.600 (Permit Processing Fee), 3-10.200 (Granny Unit Connection Fee), 3-10.700 (Granny Unit Administrative Fees), 4-2.100 (Sewer Service Charges), 4-2.700 ((Immediate Service and Mandatory Reserve Capacity Standby Charges), provided, that if no such schedule is adopted, or if any fee is not included in any such schedule, the fee in effect prior to adoption of the schedule or adoption thereof omitting any fee shall remain in full force and effect as to such omitted fees or fee. *[Added 06/29/98 by Ord. 111]*

o) "Multiple Family Unit" means any residence, habitation or other structure comprised of two or more Single Family Units; provided, that each Single Family Unit thereof shall be deemed to have a separate, individual connection to the Public Sewer irrespective of the mode of connection thereto of the structure or structures consisting of the Multiple Family Unit.

p) "Other Use Unit" means all uses of the Public Sewer other than Multiple Family Units and Single Family Units, including but not limited to, commercial, industrial, institutional and public uses. *(Amended 06/29/98 by Ord. 111)*

q) "Outside Sewer" means a Sanitary Sewer beyond the limits of the Sanitary District not subject to the control or jurisdiction of District.

r) "Parcel" means a division of land that conforms to the California Subdivision Map Act and Ordinances implementive thereof.

s) "Permit," means any written authorization required pursuant to this or any other regulation of the District for the installation of any Sewage Works. *(Amended 06/29/98 by Ord. 111)*

t) "Person" means any individual, firm, partnership, corporation, association, public and municipal corporations, the State of California, the United States, districts and all political subdivisions, agencies and authorities of any such governmental entity. *(Added 06/29/98 by Ord. 111)*

u) "Plumbing System" means all plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all Sanitary Sewer pipes within a building and extending to the Building Sewer connection three (3) feet outside the building wall.

v) "Private Sewer" means a Sewer serving an independent Sewage disposal system not connected with a Public Sewer and which accommodates one or more buildings or industries.

w) "Public Sewer" means a Sewer lying within a street and which is connected by or under jurisdiction of the District.

x) "Sanitary Sewer" means a Sewer, which carries Sewage and to which storm, surface and ground waters are not intentionally admitted.

y) "Second Dwelling Unit - Attached" means a dwelling which shares a common wall with a Single Family Unit located on a Parcel, which dwelling conforms to the requirements of Chapter 22.5 (Second Dwelling Units') of the Zoning Regulations of the County of San Mateo, as said chapter may from time to time be amended, revised, or superseded, and which single family Unit is served by a properly functioning Side Sewer. *(Amended 04/01/99 by Ord. 115)*

z) "Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

aa) "Sewage Treatment Plant" means any arrangement of devices and structures used for treating Sewage.

- bb) "Sewage Works" means all facilities for collecting, pumping, treating and disposing of Sewage.
- cc) "Sewer" means a pipe or conduit for carrying Sewage.
- dd) "Side Sewer" means the Sewer line beginning at the foundation wall of any building and terminating at the Main Sewer and includes the Building Sewer and Lateral Sewer together.
- ee) "Single Family Unit" or "Dwelling Unit" means any residence, habitation, mobile home, trailer, recreation vehicle, or other structure or portion thereof (1) which is customarily occupied by a single Person or family, (2) the Plumbing System of which consists of twenty-five (25) or fewer Fixture Units, and (3) does not offer more than one (1) room for rent or offer to serve meals for more than two (2) tenants. *(Amended 06/29/98 by Ord. 111)*
- ff) "Storm Sewer" or "Storm Drain" means a Sewer, which carries storm and surface or ground waters and drainage, but excludes Sewage and polluted industrial wastes.
- gg) "Street" means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.
- hh) "Additional Definitions" For the purpose of this Code, additional terms have the meaning indicated in the 1991 edition of that certain plumbing code entitled "International Association of Plumbing and Mechanical Officials Uniform Plumbing Code" adopted by the International Association of Plumbing and Mechanical Officials, copies of which are on file in the office of the District.
- ii) "Second Dwelling Unit-Detached" means a dwelling not sharing a common wall with a Single Family Unit on a Parcel, which dwelling conforms to the requirements of Chapter 22.5 (Second Dwelling Units) of the Zoning Regulations of the County of San Mateo, as said chapter may from time to time be amended, revised or superseded; provided that a Second Dwelling Unit-Detached does not include any structure situated on a Parcel: (i) capable of being divided such that the structure may be converted into a Single Family Unit, or (ii) adjacent to the Parcel on which the existing main Single Family Unit is located and under common ownership with the latter parcel. *(Added 04/01/99 by Ord. 115)*

## **Article 2. General Provisions**

**3-2.100. Rules and Regulations.** The following rules and regulations respecting Sewer construction and disposal of Sewage and drainage of buildings and connection to the Sewage Works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

**3-2.200. Purpose.** This Code is intended to provide rules and regulations for the use and construction of Sanitary Sewer facilities hereafter installed, altered or repaired within the District. This Code shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

**3-2.300. Violation Unlawful.** Following the effective date of this Code it shall be unlawful for any Person to connect to, construct, install or provide, maintain and use any other means of Sewage disposal from any building in said District except by connection to a Public Sewer in the manner as in this Code provided.

**3-2.400. Relief on Application.** When any Person by reason of special circumstances, is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

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

**3-2.500. Relief on Own Motion.** The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Code should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

**3-2.600. Permits and Fees.** No Public Sewer, Side Sewer, Building Sewer or other Sewerage facility shall be installed, altered or repaired within the District until a Permit for the work has been obtained from the District and all fees paid in accordance with the requirements of this Code.

**3-2.700. Plumbing and Sewers on Private Property.** The installation, use, maintenance, repair and inspection of all plumbing and Sewers inside private property shall be subject to and be governed by the Plumbing Ordinance of the County, now existing or as hereafter amended.

### **Article 3. Use of Public Sewers Required**

**3-3.100. Disposal of Wastes.** It shall be unlawful for any Person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, Garbage, or other objectionable waste.

**3-3.200. Treatment of Wastes Required.** It shall be unlawful to discharge to any stream or watercourse any Sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Code.

**3-3.300. Unlawful Disposal.** Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of Sewage.

**3-3.400. Occupancy Prohibited.** No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District and/or applicable regulations of the County.

**3-3.500. Sewer Required.** The owner of any Parcel improved with buildings, structures, or other improvements (collectively, "improvements") thereon for human habitation or occupancy located within the District abutting any street or easement in which there is now located, or may in the future be located, a Public Sewer of the District capable of serving said improvements shall, at said owner's expense connect said improvements directly to the Public Sewer in accordance with the provisions of this Chapter. A Public Sewer shall be deemed "capable of serving said improvements" (as said term is used herein) if the Public Sewer is located two hundred fifty (250) feet or less measured at ground level from any point on the property line of the Parcel to be served by the Sewer. Connection to the Public Sewer shall be made within thirty (30) days after written notice thereof, given by the District to said owner; provided that, if in order to make such connection a Public Sewer (i.e., Main Sewer) extension is required pursuant to the provisions of Section 3-6.200, the connection shall be made within ninety (90) days of said notice.

For the purposes of this Section, Parcels located within the rural area delineated by the Urban/Rural Boundary on land use plan maps adopted by the Board of Supervisors of the County of San Mateo and approved by the California Coastal Commission as a part of the San Mateo County Local Coastal Program pursuant to the California Coastal Act of 1976, shall be deemed not capable of being served by a Public Sewer."

*(Amended 09/10/98 by Ordinance No. 112; amended 08/05/04 by Ordinance No. 140)*

**3-3.600. Water Service.**

**(a) Other Sources.** The owner of any Parcel located within the water service area of the District that is served by a private well for potable water and for which a permit has been issued to connect to a Public Sewer, or which Parcel is connected to a Public Sewer, shall apply to the District for a connection of said Parcel to the District's water system at such time as that water system is capable of serving the improvements upon the Parcel. The District's water system shall be deemed "capable of serving the improvements" if: (i) a water main, pipe or other facility (collectively, "water facility") of the District is located two hundred (200) feet or less measured perpendicularly from the nearest property line (or extended property line), taking into consideration that a water facility extension may be necessary to provide water service to the Parcel and (ii) the moratorium upon connections to the District's water system established pursuant to Section 5-4.229 of the District Code is no longer in effect. Connection to the District's water system shall be made within thirty (30) days after a water connection permit has been issued to said owner; provided that, if in order to make such connection a water facility extension is required, such connection shall be made within ninety (90) days of said issuance; provided, further, that the rules and regulations of the District shall govern such connection and extension, notwithstanding anything to the contrary herein.

Compliance with the provisions of this Section shall be a condition of permits issued pursuant to Section 3-9.200 d) of this Code. Said permits shall require that the Owner of a Parcel subject to the provisions of this Section shall execute a certificate, declaration, or agreement in form approved by the District setting forth the aforesaid compliance requirement and acknowledging that the District is not, and shall not be, responsible for providing water service to said Parcel upon the failure of the private well unless and

until the District's system is capable of providing such service. Said document shall be submitted to the Recorder of the County of San Mateo for recordation in the Official Records of the County.

**(b) Meters Required.** Permits issued pursuant to Section 3-9.200 d) of this Code for connection to a Public Sewer of a Parcel that is served by a private well for potable water that is not metered for the consumption of water shall be conditioned upon the installation of a water meter that, among other specifications established by the Manager, includes electronic or radio signal capabilities that conform to the District's technical requirements for reading the meters off-site of the Parcel. Consumption data obtained by the District shall be used for calculation of sewer service charges pursuant to Article 2 (commencing with Section 4-1.100) of Chapter IV of this Code.

*(Added 03/01/01 by Ord. 127; amended 03/06/08 by Ord. 154)*

#### **Article 4. Private Sewage Disposal**

**3-4.100. Sewer Not Available.** The owner of a Parcel improved with buildings, structures or other improvements (collectively, "improvements") for human habitation or occupancy not capable of receiving Sanitary Sewerage service by connection to a Public Sewer pursuant to the provisions of Section 3-3.500 may be permitted to dispose of Sewage emanating from said Parcel by use of a Private Sewer, subject to the requirements of this Article.

**3-4.200. Permit Required.** An application for a Private Sewer Permit shall be made on a form furnished by the District, and shall be accompanied by such plans, specifications and other information deemed necessary by the District fully to inform the District of compliance of the proposed Private Sewer with health, safety and sanitation requirements of the Department of Health Services, Office of Environmental Health, San Mateo County (hereinafter in this Article the duly authorized representative of said Department is referred to as the "County Health Official"). A non-refundable filing fee established in accordance with the provisions of Section 3-9.600 shall be paid concurrently with the filing of the application.

**3-4.300. Conditions.** Without limitation upon all other applicable requirements of this Code or other regulations of the District, no Permit for a Private Sewer with respect to any Parcel shall be issued unless:

- (1) The District shall have found that the construction, operation, maintenance and repair of such Private Sewer shall have no adverse effect upon the environment, as determined in accordance with the California Environmental Quality Act, the State Guidelines, and the District's regulations implementing same;
- (2) The Parcel owner has received all necessary Permits and approvals for the construction, operation, maintenance and repair of said Private Sewer from the County Health Official or other agencies or officers exercising jurisdiction over such matters;
- (3) The Parcel owner has entered into a written agreement with the District acknowledging and agreeing, among other matters, that said owner shall comply with the provisions of Section 3-3.500 requiring a direct connection of the improvements to a

Public Sewer when said improvements are capable of being so connected, including, without limitation, the requirements to construct a Public Sewer extension, if necessary;  
(4) The Parcel owner shall have waived objection to the formation of, and agree to participate in, any private sewer maintenance district, assessment district, on-site wastewater disposal zone, or other financing method to provide District services or other benefits to or for the operation, maintenance and repair of Private Sewers.

**3-4.400. Term.** A Private Sewer Permit shall be valid for twelve (12) months from the date of its issuance, whereupon its term shall expire; provided, that if the Private Sewer permitted to be constructed thereunder shall have been so constructed within said one (1)-year period, the Permit shall remain in full force and effect.

**3-4.500. Non-Assignability.** No Private Sewer Permit pertaining to one Parcel shall be assigned, conveyed, sold, or otherwise transferred with respect to another Parcel, nor shall any such Permit likewise be assigned, conveyed, sold, or transferred from one Person to another; provided, however, that such Permit may be transferred between successive owners of the Parcel with respect to which it was issued.

**3-4.600. Inspection Required.** A Permit for a Private Sewer issued hereunder shall not become effective until the installation of the Private Sewer has been inspected by, and completed to, the satisfaction of the County Health Official and the District Engineer

*(Amended 12/06/07 by Ord. 146)*

**3-4.700. Design Requirements.** The type, capacities, specifications and locations of a Private Sewer shall comply with requirements of the County Health Official, the District Engineer, the District's hydrologist or hydrogeologist, the Department of Public Health of the State of California and any other agency or officer having jurisdiction over such matters. No Private Sewer shall discharge, either directly or indirectly, into a Public Sewer, Storm Drain, road, or surface or subterranean pond, pool, stream, creek, river, or other watercourse or aquifer.

*(Amended 12/06/07 by Ord. 146)*

**3-4.800. Discontinuance; Abandonment.** Use of a Private Sewer shall be discontinued and said Sewer abandoned, as hereinafter provided, and the improvements upon the Parcel previously served thereby shall be connected to a Public Sewer in compliance with this Code and such other applicable ordinances, rules and regulations of the District, including, but not limited to, the requirement for the issuance of a sewer connection permit, and payment of all fees and charges pertaining thereto, upon any of the following circumstances:

- (1) At such time as said improvements are capable of being served by a Public Sewer as required under Section 3-3.500;
- (2) Upon a determination by the County Health Official or such other agency or officer exercising jurisdiction over such matters, that continued use of the Private Sewer constitutes a hazard or is detrimental to the public health, welfare and safety, or otherwise constitutes a nuisance;
- (3) Upon demolition of the existing improvements and construction of replacement improvements; or,



(4) Upon the remodeling, alteration, repair, reconstruction or other improvement to the existing improvements, when the value of said remodeling, alteration, repair, reconstruction, or improvement equals or exceeds fifty (50) percent of the value of the original improvements, as said value is determined by the Building Official or other agency or officer of the county of San Mateo authorized to issue the building permit for such work

Upon discontinued use of the Private Sewer as hereinabove provided, and Private Sewer shall be abandoned and any septic tanks, cesspools, or other disposal facilities which serve as the Private Sewer shall be filled with suitable materials specified by the District Engineer and said Private Sewer shall be safely secured in such manner as not to pose a threat or danger to the public health, welfare, or safety or to the environment.

*(Amended 09/10/98 by Ordinance No. 112)*

**3-4.900. Cost of Maintenance.** The owner of every Parcel served by a Private Sewer Permitted hereunder shall operate, maintain and repair said Private Sewer in a safe, efficient, and sanitary manner at all times, at no expense to the District.

**3-4.1000. Additional Requirements.** Nothing herein contained, not the issuance of a Permit hereunder, shall be deemed to relieve a Permittee from compliance with any and all other requirements of law, including, without limitation, any Code, resolution, order or other regulation of the District, or any ordinance, regulation, statute, rule, or other directive of the County of San Mateo, the State of California or any other agency or officer having jurisdiction over the construction, operation, maintenance and repair of Private Sewers or of any related matter.

**3-4.1100. Inspections.** The District Engineer is hereby authorized, and shall have the authority, to inspect any Private Sewer to determine whether said Sewer is maintained and operated in a manner endangering the public health, or sanitation, or safety, or creating a public nuisance. The owner of the Parcel upon which such Sewer is located shall, upon direction by the District Engineer, take all necessary remedial measures to protect the public health, sanitation and safety, and to avoid a public nuisance, or otherwise to comply with the requirements of this Article or of any Permit issued hereunder.

### **3-4.1200 Drinking Water Source Protection Zones.**

**(a) Definitions.** The following words and terms used in this Section have the meanings respectively ascribed thereto:

(1) DWSA – the Drinking Water Source Assessment prepared pursuant to Health and Safety Code Section 116762.60 and in compliance with the federal Safe Drinking Water Act (42 U.S.C. §300f et seq.) for each of the District’s Drinking Water Sources, copies of which are on file in the District’s Administrative Offices.

(2) Drinking Water Source – aquifers, springs, surface and subsurface streams or waterways and any other source of water for the District’s water system, including wells, treatment facilities and appurtenances thereto.

(3) Zone A – the zone so designated in a DWSA, which consists of the area within a circle, the center of which is the Drinking Water Source and the radius of which is

determined with reference to a two (2) year time of travel of potential sources of microbial or direct chemical contamination of the water supply.

**(b) Zones Established.** Drinking Water Source Protection Zones are hereby established for each of the District's Drinking Water Sources, which Zones shall and do correspond to Zone A identified in the DWSA for each such Drinking Water Source

**(c) Hydrogeological Study Required.** A hydrogeological study and evaluation shall be prepared, at the cost of the Applicant, by the District's hydrologist or hydrogeologist for any Private Sewer that is proposed to be located within a Drinking Water Source Protection Zone. The study shall provide, through empirical means, information and data that demonstrates the potential contaminative effect of the Private Sewer upon the District's Drinking Water Source. If the study indicates a potential contaminative effect, the study and evaluation shall include recommendations for measures that may be taken to prevent contamination including, without limitation, relocation of the proposed Private Sewer, alternative technology or design, construction techniques or other measures acceptable to the District.

**(d) Prohibited Construction.** No Private Sewer shall be constructed, installed or operated within a Drinking Water Source Protection Zone that has the potential for contaminating the District's Drinking Water Source or that does not conform to the recommendations for prevention of contamination contained in the study and evaluation required under subdivision c).

*(Added 12/06/07 by Ord. 146)*

## **Article 5. Building Sewers, Lateral Sewers and Connections**

**3-5.100. Permit Required.** In accordance with Chapter III of this Code, no Person shall construct a Building Sewer, Lateral Sewer or make a connection with any Public Sewer or add Fixture Units to, or within, any residence, building, or other structure or portion thereof without first obtaining a written Permit from the District and paying all required fees and connection charges. *[Amended 06/29/98 by Ord. 111]*

**3-5.200. Construction Requirements.** Construction of Building Sewers and Lateral Sewers shall be in accordance with the requirements of the County of San Mateo and the requirements of the District. In case of conflict the more stringent shall apply.

**3-5.300. Minimum Size and Slope.** The minimum size of a Building Sewer shall be four inches (4") in diameter. The minimum slope of a Building Sewer shall be one and one-half (1-1/2) feet per 100 feet (1.5%). Not more than 150 Fixture Units shall be connected to a four (4)-inch diameter Building or Side Sewer.

**3-5.400. Separate Side Sewers.** A separate Side Sewer shall be constructed for each Single Family Unit. In the event a building is to be constructed to serve other than residential purposes, a separate Side Sewer shall be constructed for each Single Family Unit equivalent therein.

**3-5.500. Old Building Sewers.** Old Building Sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirements of the District.

**3-5.600. Cleanouts.** Cleanouts in Building Sewers and Side Sewers shall be provided in accordance with the Code, rules and regulations of the District and reasonable requirements of the District Inspector.

**3-5.700. Sewer Too Low.** In all buildings in which any Building Sewer is too low to Permit gravity flow to the Public Sewer, sanitary Sewage carried by such Building Sewer shall be lifted by artificial means, approved by the District Inspector and discharged to the Public Sewer at the expense of the Owner.

**3-5.800. Backflow Prevention Device.** A backflow prevention device ("check valve") shall be located and installed in accordance with the requirements, specifications and standards of the District in such manner as to be accessible for inspection and repair at all times, and, unless such device is readily accessible within a building, structure, or other enclosed improvement, it shall be enclosed in a watertight masonry pit fitted with a removable cover. The owner of the Parcel with respect to which a backflow prevention device has been installed shall be responsible, at no cost to the District, for the operation, maintenance, repair and replacement of said device.

**3-5.900. Connection to Public Sewer.** All construction of Lateral Sewers and connections to Public Sewers shall be at the expense of the Applicant.

**3-5.1000. Protection of Excavation.** All excavations for a Side Sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County or any other Person having jurisdiction thereover.

**3-5.1100 Maintenance of Side Sewers.**

**(a) Maintenance.** The construction, installation, maintenance, repair and replacement of Side Sewers, Lateral Sewers, and Building Sewers shall be, and are, the responsibility, at no cost to the District, of the owner of the Parcel served thereby.

**(b) Inspection; Replacement.** When additions, alterations or repairs to an existing Building authorized by the County of San Mateo exceed fifty percent (50%) of the value of the Building as determined by the Building Official of said County or his or her designee, the Side Sewer, Lateral Sewer and Building Sewer for that Building shall, at the cost of the owner of the Parcel served thereby, be inspected by video equipment under the direction of the District Engineer. If, as a result of said inspection, the District Engineer determines that more than twenty-five percent (25%) of said Side Sewer, Lateral Sewer or Building Sewer is in a state of disrepair or deterioration or is constructed with material not meeting District standards, including, without limitation, a ceramic product, the Side Sewer, Lateral Sewer or Building Sewer shall, at the cost of the owner, be repaired or replaced as directed by the District Engineer. *[Amended 11/17/11 by Ord. 164]*

**3-5.1200. Testing.** All Side Sewers shall be tested in the presence of the District Inspector by filling the line with water and inspecting for excessive leakage. The Person

constructing the Sewer shall furnish fittings, plugs, water and labor for testing. All lines showing excessive leakage shall be repaired or replaced at the expense of the Person doing the work and shall be done at the direction and to the satisfaction of the District Inspector.

**3-5.1300. Dedication of Easements.** Whenever a connection Permit application is made for a Parcel for which an easement is required for an existing Sewer line of the District, dedication of the proper easement shall be a condition of the granting of a Sewer connection Permit.

## **Article 6. Public Sewer Construction**

**3-6.100. Permit Required.** In accordance with this Code, no Person shall construct, extend or connect to any Public Sewer without first obtaining a written Permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of this Article requiring Permits shall not be construed to apply to Contractors constructing Sewers and appurtenances under contracts awarded and entered into by the District.

**3-6.200. Public Sewer Extension Required.** A Public Sewer (Main Sewer) extension shall be required at the cost of the owner of the Parcel to be served thereby (unless otherwise provided pursuant to applicable ordinances, rules, or regulations of the District) whenever any of the following circumstances exist:

- (1) A Public Sewer is not available in a street or easement contiguous to a property line of a Parcel for which the connection Permit has been applied.
- (2) Where, in the opinion of District Engineer, the Parcel consists of more than one (1) buildable subdivided lot, the Public Sewer shall be contiguous to the lot on which the structure to be served is to be constructed; provided that, as an alternative to extending the Public Sewer, the Applicant may apply for construction of a single Side Sewer to serve the improvements on said Parcel; provided, further, that in such case, the Applicant shall provide evidence satisfactory to District Engineer that only one buildable lot exists, or that said Parcel has been, or shall be, comprised of a single lot by reason of lot merger under the California Subdivision map Act (Gov. Code Sec. 66410, et seq.) and local regulations implementive thereof.
- (3) When the Public Sewer contiguous to the Parcel is less than six (6) inches in diameter.
- (4) When the Sewer to be constructed will serve more than one structure.
- (5) When the use of a Private Sewer serving the Parcel has been discontinued under any of the circumstances specified in Subdivisions a) - d) of Section 3-4.800; or
- (6) When, in the judgment of the District Engineer, the existing Public Sewer has insufficient capacity to serve the proposed development.

(Amended 09/10/98 by Ordinance No. 112)

**3-6.300. Plans, Profiles and Specifications Required.** The application for a Permit for Public Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable Codes, rules and regulations of District, prepared by a Registered Civil Engineer showing all details of the proposed work based

on an accurate survey of the ground. The application, together with the plan, profiles and specifications shall be examined by the District Engineer who shall within thirty (30) days approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the District Engineer, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a Permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The Permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

**3-6.400. Subdivisions.** The requirements of Sections 3-6.100 and 3-6.200 of this Code shall be fully complied with before the Board shall approve any final subdivision map. The final subdivision map shall provide for the dedication for public use of streets, easements or rights of way in which Public Sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing Sewers to serve the tract is not completed within the time limit allowed in the Permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

**3-6.500. Easements or Rights-of-Way.** In the event that an easement is required for the extension of the Public Sewer or the making of connections, the Applicant shall procure and have accepted by the Board a proper easement or grant of right of way sufficient in law to allow the laying and maintenance of such extension or connection.

**3-6.600. Persons Authorized to Perform Work.** Only properly licensed Contractors shall be authorized to perform the work of Public Sewer construction within the District. Prior to commencement of work, Contractors shall file with the District such labor and material bonds, faithful performance bonds and certificates of insurance as the District may require. All terms and conditions of the Permit issued by the District to the Applicant shall be binding on the Contractor. The requirements of this section shall apply to Side Sewers installed concurrently with Public Sewer construction.

**3-6.700. Grade Stakes.** Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any Public Sewer construction. The Engineer shall submit two copies of cut sheets to the District Engineer prior to commencement of work. The Contractor shall be responsible for accurately transferring grades to grade bars and Sewer invert.

**3-6.800. Compliance with Local Regulations.** Any Person constructing a Sewer within a street shall comply with all State, County or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all Permits and pay all fees required by the department having jurisdiction prior to the issuance of a Permit by the District.

**3-6.900. Protection of Excavation.** The Applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a Sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the Sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and the County or any other Person having jurisdiction thereover.

**3-6.1000. Design and Construction Standards.** Minimum standards for the design and construction of Sewers within the District shall be in accordance with the Specifications for Sewer Construction heretofore or hereafter adopted by District, copies of which are or shall be filed in the District office. The District Engineer may permit modifications or may require higher standards where unusual conditions are encountered.

"As-Built" drawings showing the actual location of all mains, structures, Y's and laterals shall be filed with the District before final acceptance of the work.

**3-6.1100. Completion of Sewer Required.** Before any acceptance of any Sewer line by the District and prior to admission of any Sewage into the system, the Sewer line shall be tested and shall be completed in full compliance with all requirements of the Specifications for Sewer Construction and to the satisfaction of the District Engineer.

**3-6.1200. Major Facility Agreements.** The District may, in its discretion, enter into agreements with Applicants having a legal or equitable interest in real property in the District to provide for the financing, acquisition, and construction of major public sewerage system facilities (including, but not limited to, specialized or area-wide treatment facilities, pumping stations, transmission lines, mains, appurtenances thereto, and property interests necessary or appropriate therefore, and other capital improvements) to serve large development projects (as determined by the District) including, but not limited to, large undeveloped areas comprised of a single Parcel or multiple Parcels, a single Parcel with multiple connections to the District's Sewage Works, or development or use of a Parcel or Parcels which, irrespective of size or location, require special facilities, sizes or capacities of facilities, or improvements for connection to, or service by, the District's Sewage Works. Such agreements may provide for the financing of such improvements through payments in lieu of, or in addition to, connection fees payable under Article 8 of this Ordinance, issuance of Sewer Permits in accordance with Article 8, for the allocation of, and payment for, Sewer connection Permits or other Permits to serve the Parcel or Parcels described in said agreement, and financing provisions necessary to accomplish the purposes of the agreement. The District may, as it deems necessary or appropriate, participate in financing such improvements.

Such agreements may also provide for the joinder of other Persons having a legal or equitable interest in real property within the area to be served by such improvements pursuant to written notice of such terms and conditions as to which the original parties,

the later-joining parties, and the District may agree. Said agreements shall include a description of the Parcel or Parcels, or otherwise designated area to be served by the facilities to be constructed thereunder, the time or times by which such improvements shall be constructed, and such other terms and conditions as the District deems necessary or appropriate. To the extent the terms and conditions of any such agreement conflict with any provision of this Article 6 or Article 8 of this Ordinance, the terms and conditions of such agreement shall govern.

*(Added 06/29/98 by Ord. 111)*

## **Article 7. Use of Public Sewers**

**3-7.100. Drainage Into Sanitary Sewers Prohibited.** No leaders from roofs and no surface drains for rainwater shall be connected to any Sanitary Sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any Sanitary Sewer by any device or method whatsoever.

**3-7.200. Types of Waste Prohibited.** No Person shall discharge, or cause to be discharged, any of the following described waters or wastes to any Public Sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two (2) mg/l as Cn in the wastes as discharged to the Public Sewer.

(3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastics, wood, unground Garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.

**3-7.300. Objectionable Wastes.** No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Engineer that such wastes can harm either the Sewers, Sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of the Sewage treatment process, capacity of the Sewage Treatment Plant, degree or treatability of wastes in the Sewage Treatment Plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous

at temperatures between thirty-two degrees (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

(3) Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Engineer.

(4) Any waters or wastes containing strong acid metallic pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, heavy metals, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage treatment works exceeds the limits established by the Engineer for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite Sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH lower than 5.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewerage works.

(9) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate)

(ii) Excessive discoloration (such as dye wastes and vegetable tanning solutions).

(iii) Unusual biochemical oxygen demand (B.O.D.), or chlorine requirements in such quantities as to constitute a significant load on the Sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" where "slug" is defined as any discharge of water, Sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flow during normal operation.

(10) Water or wastes containing substances that are not amenable to treatment or reduction by the Sewage treatment processes employed, or are amenable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**3-7.400. Control of Objectionable Wastes.** If any waters or wastes are discharged or wasted or are proposed to be discharged or wasted, to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in Section 3-7.300 of this Article, and which in the judgment of the District Engineer, may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which



otherwise create a hazard to life or constitute a public nuisance, the District Engineer may:

- (1) Reject the wastes.
- (2) Require pretreatment to be acceptable for discharge to the Public Sewers.
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment of charges in accordance with the following schedule or by special agreement with the District to cover the added cost of handling and treating the wastes, which charges are in addition to all other applicable Sewer charges, fees, assessments or taxes for Sewer service.
- (5) If the District Engineer requires the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District Engineer, and subject to the requirements of all applicable codes, ordinances and laws.
- (6) Notice: Notice of violation of Section 3-7.300 shall be given by certified mail to the Person as shown on the last equalized assessment roll of the County of San Mateo, or as known to the Clerk, for the Parcel or Parcels discharging or causing to be discharged said objectionable waste. Said notice shall inform said Person of violation of said Section 3-7.300 and that they have fifteen (15) days from the date of such notice to contact the District to make arrangements satisfactory to the District Engineer evidencing the necessary remedial action taken or to be taken to prevent or control such violation. Failure to respond will result in the application of the rate schedule in subsection (d) from the date of such notice until the District Engineer determines compliance with this Code, as now hereafter amended.

## **Article 8. Rate Schedule**

**3-8.100. Service Charge.** All Persons discharging waste into the Sewer system in violation of Section 3-7.300 and pursuant to determination by the District Engineer under Section 3-7.400 and provided that no special agreement has been reached hereunder, shall pay a service charge to the District for the use of treatment facilities, which service charge shall be based on the Biochemical Oxygen Demand of the discharge, the demand placed on the system and the volume of such discharge and such charge shall be in accordance with the rate schedule as follows:

- |                               |                       |
|-------------------------------|-----------------------|
| (1) VOLUME: Monthly Charge to |                       |
| 10,000 gallons per month      | \$10.00               |
| Next 20,000 gals/month        | \$0.50 per 1000 gals. |
| all over 30,000 gals/month    | \$0.75 per 1000 gals. |
| (2) STRENGTH: Monthly charge  |                       |
| 0-300 p.p.m. of B.O.D.        | No charge             |
| 300-1000 p.p.m. of B.O.D.     | \$0.75 per 100#       |
| Over 1000 p.p.m. of B.O.D.    | \$1.00 per 100#       |

(3) SAMPLING: Provision of sampling of wastewater flow shall be provided at a readily accessible location near the connection to the Public Sewer.

(4) MONITORING OF DISCHARGE: The District or its Agent shall take not less than one sample per month for determination of analysis of waste to be paid for by the Person charged hereunder, and which shall show the strength and demand factors and other factors as may be determined by the District Engineer or its qualified Agent.

Additional samples will be taken upon request and payment therefor by the requesting Person.

(5) **SEWAGE CHARGE A LIEN; AUTHORITY TO DISCONNECT.** Each charge or rental levied by, or pursuant to this Code on property within the limits of the District, is hereby made a lien upon the corresponding premises served by a connection to the Sewage system. In the event of failure of payment of charge as provided herein for Sewage service for property located out of the District, the District Administrator, or other authorized representative of the District, is authorized and directed to disconnect such property from the Sewage system.

(6) **COLLECTION OF CHARGES.** In order to facilitate the payment of charges made in accordance with the rate schedule in Section 3-8.100, each and every Person being so charged shall be billed for Volume based on 80% of water consumption shown on their last water billing. If said water billing is for a greater or lesser period of time than the period being billed for Sewer service, the average daily water consumption for said water-billing period will be used to determine water consumption for the period of Sewer service.

**3-8.200. Interceptors Required.** Grease, oil and sand interceptors shall be provided when, in the opinion of the District Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the District Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. Failure to comply upon written request of the District shall be considered as a violation of Section 3-7.300 above and treated accordingly.

**3-8.300. Maintenance of Interceptors.** The owner, at his expense, shall maintain all grease, oil and sand interceptors in continuously efficient operation at all times.

**3-8.400. Maintenance of Pretreatment Facilities.** Where preliminary treatment facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.

**3-8.500. Control Manholes.** When required by the District, the owner of any property served by a Side Sewer carrying industrial or commercial wastes shall install a suitable control manhole in the Side Sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**3-8.600. Measurement and Tests.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 3-7.200 and 3-7.300 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 3-8.500, or upon suitable samples taken at said control manhole. In the event that no special manhole has been

required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Side Sewer is connected.

**3-8.700. Special Agreements.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by District.

**3-8.800. Swimming Pools.** It shall be unlawful for any Person to discharge the contents of a swimming pool into a Sanitary Sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If pumping discharges the water, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a Sanitary Sewer shall be equipped with an approved separator to preclude any possibility of a backflow of Sewage into the swimming pool or piping system.

## **Article 9. Permits and Fees**

**3-9.100. Permit Required.** No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or appurtenances, perform any work on any Lateral or Building Sewer , or add any Fixture Units to or within an existing building or other structure or any portion thereof; without obtaining a Permit from the District and paying all required fees and charges. *[Amended by Ord. 111, 06/29/98]*

**3-9.200. Permit Application, Application Fee, Voidable, Issuance and Non-Transferability.**

**(a) Application.** Applications required hereunder shall be made only by the owner of the Parcel of property for which such Permit is required, or his or her Agent authorized for such purpose in writing. Applications shall be made on forms provided by the District. Each application shall include a description of the work or service proposed to be authorized thereunder, the location, occupancy and use of the Parcel to which the application pertains, and the name of the owner thereof. The District shall require plans, specifications, drawings and/or such other information as it deems necessary to accomplish the purposes of the Permit.

**(b) Application, Inspection Fees.** A non-refundable application fee in an amount established pursuant to Section 3-9.600 shall be paid for each type of Permit application required by the District. An additional fee, likewise in an amount established pursuant to Section 3-9.600, shall be paid for all initial inspections with respect to the construction or other entitlement described in such Permit, except that said initial inspection fees shall not be charged for inspections pertaining to Main Sewer extensions. An inspection fee may be refunded in the event an inspection is not carried out as a result of non-use of the Permit or entitlement. Nothing herein contained shall be deemed a limitation upon the District to charge a fee for additional inspections.

**(c) Eligibility for Permit.** Prior to the issuance of any District Permit, an Applicant therefor shall have applied to the County of San Mateo, California, for all building Permits required by said County for the installation or construction of a structure or other improvements related to the work or service for which a District Permit is required. No Permit shall be issued by the District unless and until written notification has been provided by said County to the District of the County's approval, or issuance, of its Permits or other entitlements authorizing installation or construction of such improvements.

**(d) Issuance.** Upon determination by the District that the Applicant's plans, specifications, drawings, descriptions or other information required by the District comply with the District Code and the District's rules and regulations pertaining to said Permit, and upon payment of the fees likewise pertaining thereto, the District Manager shall issue the Permit. Each such Permit shall pertain solely to the entitlement and Parcel therein described, and shall be issued in the name of the owner thereof.

Each Permit shall be issued subject to such conditions as may be specified therein by the District Manager relating to particular circumstances affecting the Parcel to which the Permit pertains including, but not necessarily limited to: (i) conditions imposed by the California Regional Water Quality Control Board, San Francisco Bay Region, (ii) conditions expressly or impliedly imposed by Sewer Authority Mid-Coastside and (iii) a condition that, for connection of a Parcel to a Public Sewer that is located in an area found by the Board to be subject to erosion or other natural causes that pose a significant risk to the continuance of service from such Sewer, the owner shall acknowledge in writing that he or she has been so advised and that, upon failure of the Public Sewer due to such natural cause(s), the owner may be required to participate in financing replacement thereof or to bear extraordinary expenses to connect to such replacement in accordance with the provisions of law.

Each Permit shall be valid for twelve (12) months from the date of its issuance, whereupon its term shall expire; provided, however, that if the work or other entitlement Permitted thereunder shall have been performed or completed within said twelve (12)-month period, the Permit shall remain in full force and effect. Work shall have been deemed to have been performed under a Permit authorizing connection to the District's Sewage Works, if, within said twelve (12)-month period, construction of the Building Sewer providing connection to said Sewage Works shall have been completed and tested in compliance with the District's standards, and the framing of the structure or other improvements to be served by said Building Sewer shall have been completed and approved by the official of the County of San Mateo who has approval authority over construction of buildings and other structures authorized by said County. Failure to complete the foregoing requirements within said twelve (12)-month period automatically terminates the District's Permit."

**(e) Non-Transferability.** No Permit issued hereunder pertaining to one Parcel shall be assigned, conveyed, sold, or otherwise transferred with respect to another Parcel, nor shall any Permit issued hereunder be otherwise assigned, conveyed, sold, or transferred from one Person to another; provided, however, that such Permits may be transferred between successive owners of the Parcel with respect to which it was issued.

**3-9.300. Compliance with Permit.** After approval of the application, evidenced by the issuance of a Permit, no change shall be made in the location of the Sewer, the grade, materials, or other details from those described in the Permit or as shown on the plans and specifications for which the Permit was issued except with written permission from the Board, or its authorized representatives.

**3-9.400. Agreement.** The Applicant's signature on an application for any Permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with any plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the Applicant and may be altered only by the District upon the written request for the alteration from the Applicant

**3-9.500. Fees: Building Sewer Connection Charge.**

**(a) Connection Fee Established.** The fee for connection to the District's Sewage Works of a Single Family Unit, Multiple Family Unit, or Other Use Unit shall be set forth in the Master Fee Schedule. The fee chargeable for a Single Family Unit shall be established on the basis of a minimum amount for twenty-five (25) Fixture Units, irrespective of whether the number of Fixture Units proposed to be installed is less than twenty-five (25), plus an additional amount for each Fixture Unit over twenty-five (25). The fee chargeable for Multiple Family Units shall be calculated by aggregating the Single Family Unit charge for the Single Family Units within each Multiple Family Unit. The fee for Other Use Units shall be based upon a determination by the District Engineer of the equivalent number of Single Family Units represented by the Sewage flow and pollutant loading strength and characteristics of such Other Use Unit which number shall then be multiplied by the connection charge established for a Single Family Unit to determine the fee for the Other Use Unit.

The fee chargeable for the addition of Fixture Units to, or within, an existing building, structure, or portion thereof, shall be one half (1/2) of the Fixture Unit fee chargeable for a Single Family Unit times the number of such additional Fixture Units. The fee for each additional Fixture Unit shall be payable irrespective of the number of Fixture Units installed in the existing building, structure, or portion thereof pursuant to any prior Permit. The foregoing fractional fee shall not apply to additional Fixture Units included in the remodeling, alteration, repair, reconstruction or other improvement to an existing building, structure, or portion thereof, when the value of said remodeling, alteration, repair, reconstruction, or improvement equals or exceeds fifty (50) percent of the value of the original improvements, as said value is determined by the Building Official or other agency or officer of the County of San Mateo authorized to issue the building permit for such work. In such case the full amount of the fee for each such additional Fixture Unit shall be payable.

The fee for Second Dwelling Units-Attached and Second Dwelling Units-Detached shall be established pursuant to Section 3-10.200.

**(b) Line Subject to Reimbursement.** For connection of a Parcel to a Sewer line which is subject to a reimbursement agreement of the District, an additional charge, as established by said agreement, shall be paid as reimbursement to the Person entitled thereto and for administrative costs of the District.

**(c) Connection to Interceptor.** For direct connection of a Parcel to an interceptor line financed by the District without direct participation of abutting property owners, an additional charge shall be paid for each equivalent Single Family Unit which is connected to the interceptor. Said charge shall be the pro-rated share of the current value of the interceptor replacement costs, as determined by the District Engineer and approved by the Board.

*(Amended 06/29/98 by Ord. 111, 04/01/99 by Ord. 115, 03/03/16 by Ord. 180)*

### **3-9.600. Processing Fees, Charges and Related Provisions.**

**(a) Amount Established.** In addition to all other fees or charges required under this Code, an Applicant for a Permit required pursuant to this Chapter shall pay a fee for the processing and issuance of each such Permit. Said fee shall be sufficient to reimburse the District for all costs for administration, engineering, investigation, inspection, legal or other services necessarily required to process, review, evaluate and approve or disapprove an Applicant's application, plans, specifications and other submittals, and to monitor and inspect the construction and installation of the work, improvement, or other entitlement authorized by the Permit. Upon submittal of an application, the Manager shall calculate the estimated costs to the District for the aforesaid services, which amount shall be deposited by the Applicant in advance of processing the Permit or rendering other services by the District. Notwithstanding the foregoing, the minimum cost to the District for processing Permits pursuant to this Article shall be set forth in the Master Fee Schedule, which amount shall be non-refundable.

No application processing or other services shall be performed by the District, which would cause the District to incur costs in excess of the amount deposited. In the event a deposit is insufficient to cover the District's estimated additional expenses, the Applicant shall, within thirty (30) days after written demand by the District, deposit such additional funds as may be required to defray the additional costs. The failure of an Applicant to deposit such funds, or otherwise to provide for the payment of the funds so demanded, shall cause the District to suspend further processing of the Applicant's application or furnishing of other services until either a deposit or other provision acceptable to the District has been made. No work shall be performed pursuant to an application for a Permit, nor shall the District's facilities be used pursuant to a Permit, nor shall the District render any processing or services until such additional funds have been received.

Any balance remaining from a deposit that is not required to reimburse the District for its costs shall be refunded to the Applicant upon final inspection and approval of the work or improvement or final completion of services for which the deposit was made. Funds deposited with the District pursuant to this section shall not accrue interest. No Permit

shall be issued unless all charges and fees pertaining thereto including, but not limited to the charges payable pursuant to this section, shall have been paid.

**(b) General Provisions.** Notwithstanding the provisions of subdivision a), above, and in any instance for which charges or fees are not specifically established or provided, charges are hereby established in the amount equal to the cost to the District for performing, or contracting for the performance of, work or services for an approval or an entitlement or for other work attendant upon the use or cessation of use of the District's Sewage Works. It is the intent of this subdivision that all work and services rendered by or for the District for the benefit of identifiable Parcels of real property or for Persons relating to the use or cessation of use of the District's Sewage Works or otherwise relating to the enforcement and administration of this Chapter shall be compensated by the Person or Persons benefited thereby or who or which otherwise caused or gave rise to the expenditure by, or cost to, the District. All work or services not performed by District personnel shall be performed under contract with the District by consultants or other providers selected by the District, payment for which shall be borne by the Person or Persons benefited thereby or who or which otherwise caused or gave rise to the need for such services or work as hereinabove provided.

The charge established by this subdivision shall be determined by the Manager based upon the estimated cost of rendering the work or service for which such charge shall be imposed. Except in instances where, in furtherance of the public health, welfare, or safety, or in order to enforce a provision or provisions of this Code, it is necessary for the District to incur costs and expenses in advance of payment therefor, no work or service shall be performed by or for the District unless an amount equal to the estimated cost thereof has been deposited with the District.

If the amount deposited is insufficient to defray the costs incurred or to be incurred by the District, the District Manager shall recalculate said costs and shall make written demand for payment of the additional amount. The additional amount shall be paid within thirty (30) days from the date of the written demand. Failure to deposit the funds demanded, or otherwise to provide for their payment shall cause the District to suspend such work or services until either such deposit or other provision for payment acceptable to the District has been made. No work or service shall be performed by or for the District during such suspension.

Funds deposited with the District pursuant to this subdivision shall not accrue interest. No Permit or other entitlement shall be issued by the District unless all fees and charges pertaining thereto have been paid.

**(c) Special Provisions - Private Sewage Disposal Systems.** In addition to the fees or charges required pursuant to subdivisions a) and b) above, an advance connection fee in an amount equal to the fee established pursuant to Section 3-9.500, corresponding to the effective dates therein set forth, shall be paid for each Private Sewer permitted to be constructed and installed on any Parcel located within the urban area delineated by the Urban Rural Boundary on land use maps adopted by the Board of Supervisors of the County of San Mateo and approved by the California Coastal Commission as part of the

San Mateo County Local Coastal Program pursuant to the California Coastal Act of 1976, as amended. The fee so paid shall be deposited in a trust fund or account and credited toward the amount of the Sewer connection fee payable for connection of the buildings, structures or other improvements on such Parcel to the District's Sewer Works at such time as a Sewer connection Permit is issued for such purpose; provided, that if the term of the Private Sewer Permit expires and no Private Sewer has been constructed pursuant thereto and no Permit had been issued for connection to a Public Sewer, the advance connection fee hereunder shall be refunded to the Private Sewer Permittee upon expiration of the term of said Private Sewer Permit. *(Amended 06/29/98 by Ord. 111; Amended 03/02/06 by Ord. 144)*

**3-9.700. Bond - Public Sewer Construction.** Prior to the issuance of a Permit for Public Sewer construction, the Applicant shall furnish to the District a faithful performance bond or cash in the amount of the total estimated cost of the work. Said bond to be secured by a surety or sureties satisfactory to the District. This cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the Permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

**3-9.800. Disposition of Fees.** All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

**3-9.900. All Work To Be Inspected.** All Sewer construction work, Building Sewers, plumbing and drainage systems shall be inspected by an Inspector acting for the District to insure compliance with all requirements of the District. No Sewer shall be covered at any point until it has been inspected and passed for acceptance. No Sewer shall be connected to the District's Public Sewer until the work covered by the Permit has been completed, inspected and approved by the District Inspector. If the test proves satisfactory and the Sewer has been cleaned of all debris accumulated from construction operations the Inspector shall issue a certificate of satisfactory completion.

**3-9.1000. Notification.** It shall be the duty of the Person doing the work authorized by Permit to notify the District in writing that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected. It shall be the duty of the Person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

**3-9.1100. Condemned Work.** When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the Agent of such owner, to repair the Sewer or other work authorized by the Permit in accordance with the Codes, rules and regulations of the District.

**3-9.1200. All Costs Paid by Owner.** All costs and expenses incidental to the installation and connection of any Sewer or other work for which a Permit has been



issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

**3-9.1300. Street Excavation Permit.** A separate Permit must be secured from the County or any other Person having jurisdiction thereover by owners or Contractors intending to excavate in a public street for the purpose of installing Sewers or making Sewer connections.

**3-9.1400. Liability.** The District and its officers, Agents and employees shall not be answerable for any liability or injury or death to any Person or damage to any property arising during or growing out of the performance of any work by any such Applicant. The Applicant shall be answerable for, and shall save the District and its officers, Agents and employees harmless from any liability imposed by law upon the District or its officers, Agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure that may develop therein.

**3-9.1500. Time Limit on Permits.** If work under a Permit be not completed within twelve (12) months from date of issuance, the Permit shall thereupon become void and no further work shall be done until a new application for a Permit is made and a Permit shall have been issued. A Permit application fee based on the fee applicable at the date of the application shall be paid upon application for the new Permit, and a Sewer connection charge and Permit and inspection charge, based on the connection charge and the Permit and inspection charge applicable at the time of Permit approval, shall be paid as a condition to issuance of the new Permit. Work is defined for the purpose of this Section as the Side Sewer, rough plumbing, the foundation, building framing. Work shall be evidenced by acceptance of each work component by the County Building Inspector.

**3-9.1600. Refundable Fees.** The fees pursuant to this Code are refundable after a deduction is made for actual costs of the District for processing the application and Permit.

## **Article 10. Second Dwelling Unit Regulations**

*(New title added 04/01/99 by Ord. 115)*

**3-10.100. Permit Required.** Any Person heretofore issued a valid Permit for connection of an existing Single Family Unit to a main Sewer and who has constructed or desires to construct a Second Dwelling Unit shall apply for a Second Dwelling Unit Permit and pay the applicable fees. Permits which were issued for connection of the existing main Single Family Unit of the Parcel upon which the Second Dwelling Unit is to be constructed shall, for a Second Dwelling Unit-Attached, be amended to include the Fixture Units pertaining to the Second Dwelling Unit-Attached. The determination of whether a Second Dwelling Unit-Detached shall be connected to the District's Sewage Works by a Side Sewer separate and apart from the Side Sewer serving the existing Single Family Unit, or by connection thereto, shall be made by the District Engineer. In

addition to the provisions of Section 3-10.400, the provisions of Article V of this Chapter shall govern the issuance of a Permit for a Second Dwelling Unit-Detached.

**3-10.200. Sewer Connection Fees.** Sewer Connection Fees for Second Dwelling Units-Attached and Second Dwelling Units-Detached shall be set forth in the Master Fee Schedule. Said Schedule shall establish the fee for each Fixture Unit pertaining the Second Dwelling Unit, -Attached or -Detached, at an amount equal to one twenty-fifth (1/25<sup>th</sup>) of the fee chargeable for a Single Family Unit established pursuant to Section 3-9.500 a). The fee established pursuant to this section shall be chargeable irrespective of the number of Fixture Units installed in the existing main Single Family Unit on the Parcel upon which the Second Dwelling Unit is to be constructed.

**3-10.300. Sewer Service Charges.** Sewer Service Charges for Second Dwelling Units-Attached or -Detached shall be imposed and collected pursuant to the provisions of Chapter 4 of the District Code and applicable policies, rules, and regulations.

**3-10.400. Application and Permit Issuance Procedure.** Applications for connection of a Second Dwelling Unit-Attached or Second Dwelling Unit-Detached to the District's Sewage Works shall be made only by the owner of the Parcel for which such Permit is required, or his or her agent pursuant to written authorization. Application shall be made on forms provided by the District. The provisions of Article 9 of this chapter shall govern the issuance of Permits for Second Dwelling Units; provided, that with respect to Permits for Second Dwelling Units-Attached, the Permit issued for the connection of the existing main Single Family Unit shall be amended to include provision for the Second Dwelling Unit-Attached.

## **Article 11. Enforcement**

**3-11.100. Violation.** Any Person found to be violating any provision of this or any other Code, Ordinance, rule or regulation of the District, except Section 3-11.100 hereof, shall be served by the District Inspector or other authorized Person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All Persons shall be held strictly responsible for any and all acts of Agents or employees done under the provisions of this or any other Code, rule or regulation of the District. Upon being notified by the District Inspector of any defect arising in any Sewer or of any violations of this Code, the Person or Persons having charge of said work shall immediately correct the same.

**3-11.200. Public Nuisance.** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other Code, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

**3-11.300. Disconnection.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Board shall have the power to disconnect the user or subdivision system from the Sewer mains of the District.

**(a) Sufficient Cause for Disconnect.** The following shall constitute sufficient cause for District Engineer to initiate disconnection proceedings:

- (1) Failure of a property owner to request and complete inspection and acceptance of the Sewer lateral by District Inspector prior to either: 1) expiration of the applicable Sewer connection Permit; or 2) occupying of the structure served by the Sewer lateral.
- (2) Failure of a property owner to obtain the necessary Sewer connection Permits prior to construction of a Sewer lateral.
- (3) Confirmation by District Engineer that the user has constructed a Public Sewer across private property without necessary easements.
- (4) Evidence that the property is served by a Sewer lateral which is under common use by another property.
- (5) Sufficient evidence that a Sewer lateral was constructed which does not comply with District Codes, rules or regulations.
- (6) Discharging a waste into the Public Sewer that violates District or State waste discharge limitations.
- (7) Such other causes which, in the judgment of the District Engineer and the Collection System Operations Manager, constitute a public health or safety hazard.

**(b) Disconnection Procedures:**

(1) Notification. Upon discovery of any of the causes detailed above, District staff shall notify the property owner by certified mail.

The notification shall state the cause for initiating disconnection proceedings including the Code, Article, rule or regulation which has apparently been violated, request that evidence supporting the property owner's case be submitted in writing to the District Engineer within forty-five (45) calendar days from the date of the notice, state the action which the property owner must take to remedy the violation and terminate disconnection proceedings, and state that proceedings for physical disconnection may be undertaken by the Sanitary Board should sufficient evidence indicating that a violation has taken place, owner has not submitted any satisfactory cause for the violation in forty-five (45) calendar days or, alternatively, the violation be remedied within said forty-five (45) calendar days.

(2) Suspected Violation. If, after examination of the evidence presented by the property owner, District staff believes that a violation has occurred, District staff shall present such findings to the Board. Upon direction of the Board, the District's Attorney shall notify the property owner and any known tenant that a hearing will be held at the next regularly scheduled meeting of the Board. Said notification shall be by certified mail and shall state the alleged violation of the Code, the time and place of the hearing to consider the case, and the proposed action by the Board.

(3) Notice of Disconnection. Should the Board, after hearing evidence from District staff and the property owner, elect to enforce Disconnection Proceedings under Section 3-11.300, the Attorney for the District shall send, by certified mail, the Disconnection Notice. Such notice shall specify the violation of District Code, rule or regulation and the specific action taken by the Board. Additionally, this notice shall state that physical disconnection will take place within thirty (30) calendar days and the structure abated as a public nuisance as provided in Section 3-11.300. A copy of said notice shall be posted

on the site and shall be transmitted to the County Health Officer and any known tenant of the property. The District Engineer will prepare an estimate of the cost of disconnecting and of reconnecting said property from the Public Sewer. This cost will be required as a deposit prior to reconnection and the notice shall state this requirement.

(4) Disconnection of Property. Not less than fifteen (15) calendar days nor more than twenty-five (25) calendar days from the date of the Disconnection Notice, the District's Collection System Operations Manager shall post on the subject property a notice that disconnection will occur, stating the date that physical disconnection will occur, the deposit required for reconnection to the system, and the phone number of the District office. Thereafter, on the date specified, the Collection System Operations Manager shall cause the subject property to be disconnected from the Public Sewer and shall notify the County Health Officer of such action.

(5) Termination of Disconnection Proceedings. At any point the disconnection proceedings may be terminated, provided the property owner rectifies the violation to the satisfaction of the District Engineer.

**c) Reconnection Fees**. Upon disconnection, the Board shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Board shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

**3-11.400. Public Nuisance, Abatement**. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

**3-11.500. Means of Enforcement Only**. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its Codes, rules and regulations and not as a penalty.

**3-11.600. Liability for Violation**. Any Person violating any of the provisions of the Codes, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

## **Article 12. Miscellaneous Provisions**

**3-12.100. Protection from Damage**. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District Sewage Works. Any Person violating this provision shall be subject to the penalties provided by law.

**3-12.200. Powers and Authorities of Inspectors**. The officers, inspectors, District Administrator and any duly authorized employees of the District shall carry evidence establishing his position as an authorized representative of the District and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and

upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the Codes, rules and regulations of the District.

## **Chapter IV. Sewer Service Charges**

### **Article 1. Rates and Charges for Sewage Disposal Services and Facilities and Providing Procedure and Penalties for Enforcement**

**4-1.100. Short Title.** This Chapter may be cited as "Montara Water and Sanitary District Sewer Service Charge Code."

**4-1.200. Definitions.** Unless the context otherwise indicates, terms used herein have the following meanings:

(a) "Commercial" means any premises used for commercial or business purposes and discharging a quality and or quantity of Sewage essentially similar to that of a single-family dwelling.

(b) "Institutional" means any premises used for schools, churches, hospitals, convalescent homes, or other types of public facilities available for public use.

(c) "Premise" means any house, habitation, or other structure requiring Sewage disposal service.

(d) "Report" means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

(e) "Dwelling Unit" or "Single Family Unit" means any premises, (1) which is customarily occupied by a single Person or a family, (2) the Plumbing System of which consists of 25 or fewer Fixture Units as defined in Section 3-1.100(j) of this Code, and (3) does not offer more than one room for rent or offer to serve meals for more than two tenants.

(f) "Weighted Water Use" means the water use in hundreds of cubic feet (HCF) for the four month period between the months of November and February (inclusive) for residential users, and water use for the entire year normalized over a four month period for commercial users. The District Engineer shall determine the appropriate number of months of water records to be utilized for each commercial category

### **Article 2. Sewer Service Charges**

#### 4-2.100. Sewer Service Charges

**(a) Premises to Which Applicable.** Sewer Service Charges are hereby established for all Premises connected to the sanitation or Sewerage system of the District, and those Premises which are able to connect to said system but which are served by a Private Sewer as said term is defined in Chapter III of this Code. Determination of whether premises are able to connect into the sanitation or Sewerage system of the District shall be governed by the provisions of Section 3-3.500 of this Code. Premises which are unable to be connected to said sanitation or Sewerage system shall be exempt from the Sewer Service Charges hereinafter established; provided, that it shall be the sole responsibility of the owner thereof to notify the District of such inability and to request said exemption.

*(Amended 06/29/98 by Ord. 111)*

**(b) Multi-purpose Premises.** In the event that Premises are used for more than one purpose, there shall be an annual charge for each classification of use based on portions of said Premises used for each such purpose, and the annual Sewer Service Charges for said Premises shall be the aggregate of all such charges.

**(c) Basis for Charge.** Sewer Service Charges shall be based upon the cost of service to treat both the volume and strength of wastewater discharge for each user for the user categories hereinafter specified and shall be calculated in accordance with the factors set out in the second column ("Strength of Weighted Water Use Calculation") of the following formulae:

Sewer Service Charge Calculation

Strength of Weighted Water User Categories

User Categories Use Calculation ("Flow") x Constant = Amount

1. RESIDENTIAL (4 mo. Water Use)x(100%) X Residential Rate = Sewer Service Charge

2. COMMERCIAL

a. Restaurants (12 mo. Water Use) X (4/12) X (181.4%) X Residential Rate = Sewer Service Charge

b. Motel/Hotel (12mo. Water Use) X (4/12) X (107.5%) X Residential Rate = Sewer Service Charge

c. Offices (4 mo. Water Use) X (88.4%) X Residential Rate = Sewer Service Charge

d. Stores/Gen. (12 mo. Water Use) X ( 4/12) X (95.8%) X Residential Rate = Sewer Service Charge

e. All Other (12 mo. Water Use) X (4/12) X (104.2%) X Residential Rate = Sewer Service Charge

3. INSTITUTIONAL

a. Schools (4 mo. Water Use) X (90%) X Residential Rate = Sewer Service Charge

b. Hospitals or (4 mo. Water Use) X (100.6%) X Residential Rate = Sewer Service Charge

Convalescent Hospitals

c. ALL OTHERS

Institutional - Determined Individually

4. INDUSTRIAL Determined Individually

[See 1(a), (b), (c), (d), (e), (f), Ord. 108, 7\03\97]

**(d) Rate per Weighted Water Use.** Weighted Water Use for each user shall be determined from water consumption data supplied by the water utility serving each such user. In the event that no water consumption data is available for residential Premises connected to the District's Sewerage system, the average Weighted Water Use of all residential users shall be used to calculate the charge. In the event that no water consumption data is available for non-residential Premises, the District Administrator shall determine the appropriate Weighted Water Use to be used in computing the Sewer Service Charge for such premises.

**(e) Rates Established.** The annual Sewer Service Charge for each Premises, the use of which corresponds to the user categories specified in Subdivision (c), above, shall be established in accordance with the formulae set forth in the Master Fee Schedule by

Ordinance duly adopted after noticed public hearing, and thereafter collected on the tax roll for the ensuing fiscal year (July 1 - June 30). *[Amended 06/29/98 by Ord. 111]*

**(f) Minimum Charge.** A minimum annual Sewer Service Charge set forth in the Master Fee Schedule shall be imposed for all Premises for which the water consumption attributable thereto is less than 1,600 cubic feet per annum, and for residential Premises located within the Urban Area (hereinafter defined) not connected to the District's Sewerage System but for which Sewage treatment is provided by a Private Sewer pursuant to the Code. "Urban Area" means that area so delineated by the Urban/Rural Boundary on Land Use Plan Maps adopted by the Board of Supervisors of the County of San Mateo and approved by the California Coastal Commission as part of the San Mateo County Local Coastal Program pursuant to the California Coastal Act of 1976. *(Amended 06/29/98 by Ord. 111)*

The rate per hundred cubic feet for commercial, institutional and industrial users is based upon strength parameters established by the District in accordance with United States Environmental Protection Agency (EPA) requirements. These parameters, incorporated herein, are:

<u>USER</u>	<u>WASTEWATER STRENGTH CHARACTERISTICS</u>	
	BOD[mg/l]	SS[mg/l]
<u>RESIDENTIAL</u>	175	175
<u>COMMERCIAL</u>		
Restaurants	800	500
Motels/Hotels	310	120
Offices	130	80
Stores, General Commercial	150	150
All Other Commercial	200	200
<u>INSTITUTIONAL</u>		
Schools	130	100
Hospitals, Convalescent Hospitals	250	100

**4-2.200. Relief from Unjust Rates.** The owners or occupants of any Premises who by reason of special circumstances find that the foregoing charges are unjust or inequitable as applied to their Premises, may make written application to the Board, stating the circumstances and requesting a different basis or charges for Sewer services to the

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

**4-2.300. Power to Inspect Premises.** In order to effect the powers of this Code and pursuant to Section 6523.2 of the Health and Safety Code of the State of California, the District's Administrator and his authorized representatives are hereby given the power and authority to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such Premises, the type of activities carried on therein, and any other facts or information reasonably necessary to ascertain the applicability of any Sewer Service Charges to such Premises, or the amount of such charges. In particular, readings of water meters may be taken where the said charge is based upon the amount of water consumed or used in said Premises.

**4-2.400. Vacancy.** No credit, adjustment or refund will be made to any customer because the Premises or any part thereof are vacant unless said Premises are disconnected from the Sewer system.

**4-2.500. Refunds, Limitation.** When any refund becomes due and owing by virtue of action by the Board or by virtue of any error made in ascertaining the charge applicable to any premise, the District Administrator is hereby authorized to pay such refund from the specific fund established for the deposit of Sewer Service Charges. No payment of a refund shall be made unless a claim therefor has been filed with the District within four (4) years after payment of the charge sought to be refunded.

**4-2.600. Governmental or Public Premises.** The provisions of this Code shall apply to governmental or public premises as well as to premises that are not governmental or public premises. As used herein the terms "governmental or public premises" means and includes premises which are owned, controlled or used by (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, County, town, or city and County or any of their departments or agencies, (4) any school District, (5) any other governmental or public entity.

This section is merely explanatory and declaratory of the existing provisions of this Code.

**4-2.700. Immediate Service Charges: Mandatory Reserved Capacity Availability Charge**

**(a) Permit Issued.** An immediate service charge is hereby established for all premises with respect to which a Sewer connection Permit is issued in an amount equal to the minimum annual Sewer Service Charge established pursuant to Section 4-2.100 hereof for the user category applicable for the proposed use of the Premises for which such



Permit is issued. The immediate service charge shall be imposed and collected from and after the first day of the month in which a Sewer connection Permit is issued, prorated from the date of issuance, and shall be collected in the same manner as Sewer Service Charges established pursuant to Section 4-2.100 are collected; provided, however, that upon connection of the premises to the District's Sewerage system, said immediate service charge shall thereafter not be imposed and collected, and the Sewer Service Charge established pursuant to Section 4-2.100 shall be imposed and collected.

**(b) Mandatory Reserved Capacity.** An immediate availability or standby charge is hereby established for all Premises with respect to which the District is required to reserve Sanitary Sewerage treatment capacity ("Capacity") under the California Coastal Act of 1976 and the Local Coastal Program for San Mateo County as the same may be approved and adopted and amended, revised or superseded from time to time. For the purposes of this subdivision b), the District shall be deemed to be required to reserve capacity only for those premises specifically designated and identified in said Local Coastal Program for the reservation of such Capacity. The immediate availability charge established pursuant to this subdivision b) shall be, and is, in an amount equal to the minimum annual Sewer Service Charge established pursuant to Section 4-2.100 hereof for the user category applicable for the proposed use of the Premises to which the reserved Capacity applies. Said immediate availability charge shall be imposed and collected from and after the first day of the month next following the effective date of the designation of the Premises in the Local Coastal Program as entitled to reserved Capacity. The immediate availability charge established pursuant to this subdivision b) shall be collected in the same manner as the Sewer Service Charges established pursuant to Section 4-2.100 are collected. At such time as a Sewer Connection Permit shall have been issued with respect to Premises for which an immediate availability charge is imposed and collected pursuant to this subdivision (b), the provisions of subdivision (a) shall apply.

*(Amended 06/29/98 by Ord. 111)*

### **Article 3. Billing**

**4-3.100. Billing.** The regular billing period for said Sewer Service Charges will be for each calendar month, or bi-monthly, as determined by the Board. Schools and other public institutions shall pay semi-annually on bills rendered on the first days of January and July of each year for the next preceding semi-annual period.

**4-3.200. Opening and Closing Bills.** Opening and closing bills for less than the normal billing period shall be for not less than one month.

**4-3.300. Billing Time.** Bills for Sewer Service Charges shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

**4-3.400. Penalties and Interest.** All bills not paid within thirty (30) days after the date the bill was rendered shall be delinquent and a penalty of ten percent (10%) of the bill or amount due plus one percent (1%) per month from the first day of said month, shall

accrue for the period of said nonpayment and be collected as part of the principal amount thereof.

**4-3.500. Collection by Suit.** As an alternative to any of the other procedures herein provided, District may collect said unpaid charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorneys fees.

**4-3.600. Future Connections.** With respect to premises connected to the sanitation or Sewerage system of District subsequent to the effective date of this ordinance, the Sewer Service Charges established herein shall be effective immediately upon said connection.

#### **Article 4. Collection with Other Utility Charges**

**4-4.100. Other Utility Charges.** The Board may provide by contract for the collection of its Sewer Service Charges with the rates for the services, facilities and water of the water system or other utility services furnished by the District or the owner of such system. The Sewer Service Charges shall, in such event, be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

**4-4.200. Penalties and Interest.** All bills not paid within thirty (30) days after the date the bill was rendered shall be delinquent and a penalty of ten percent (10%) of the bill or amount due plus a penalty of not exceeding one percent (1%) per month shall accrue for the period of said non-payment and be collected as a part of the principal thereof.

**4-4.300. Discontinuing Service.** If all or any part of the bill of any privately owned public utility on which any Sewer Service Charge is collected is not paid, the District and the privately owned public utility may discontinue its utility service until such bill is paid.

**4-4.400. Compensation.** Provision may be made for the payment of a reasonable collection charge as an administration expense of operating the Sewer service.

**4-4.500. Billing and Collecting Delinquencies on Tax Roll.** As an alternative procedure, the District may provide for the collection of all delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll upon which District taxes are collected and in the same manner provided by law therefor.

**4-4.600. Other Remedies.** The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.

#### **Article 5. Collection By Use Of Tax Roll**

**4-5.100. Procedure.** When the District elects to use the tax roll on which general District taxes are collected for the taxation of current or delinquent Sewer Service Charges, proceedings therefor shall be had as now or hereafter provided therefor in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

**4-5.200. Alternative.** The powers authorized by this Article shall be alternative to all other powers of the District and alternatives to procedures adopted by the Board therefor for the collection thereof.

## **Article 6. Disconnection**

**4-6.100. Disconnection.** As an alternative method of collecting such charges, the District may disconnect any premises from the Sewer system if the user fails to pay the service charges for his premises after they shall have become delinquent. The Person in charge of the Sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the Sewer system. In the event such arrearages are paid and premises are reconnected to the Sewer system, the Person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

**4-6.200. Abatement.** During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District a reasonable attorney's fees and costs of suit arising in said situation.

## **Article 7. Miscellaneous**

**4-7.100 Authority.** This Chapter is adopted pursuant to Sections 5471 and 6520.5 of the Health and Safety Code of the State of California.

**4-7.200. Sewer Permit Administration.** A Sewer Connection Permit Administration Fee of \$100.00 per month shall be charged to all Permit holders for each month or portion thereof that the Permit holder is delinquent in completing the work authorized by the Permit. Work is defined for the purpose of this section as the Side Sewer, the rough plumbing, the foundation and the building structure framing. A Permit is considered delinquent when 180 days have passed between the date of issuance of the Sewer Connection Permit and completion of structure framing sign-off on the County Building Permit. Delinquent Permit holders will be billed monthly for said fee. Unpaid fees will be collected annually as a surcharge to the Sewer Service Charge.

## **Chapter V. Water System**

### **Article 1. Scope**

#### **5-1.100. Scope**

These regulations apply to the provision of potable water service by the District, fees and deposits to cover the costs thereof, provision for rates for water delivered, the time and manner of payment for services rendered, regulations regarding water usage, protection of the system from mechanical and health hazards, and rules and charges for extending mains and permitting connections to existing mains. This Chapter does not apply to recycled water service.

### **Article 2. Definitions**

#### **5- 2.100. Definitions: General**

The definitions in this Article shall be used to interpret this Chapter, unless otherwise apparent from the context.

#### **5-2.101. Active Service**

“Active Service” means the provision of water to Premises through a meter activated by the District for which fees, charges and deposits have been paid.

#### **5-2.102. Applicant**

“Applicant” means a Person applying for Water Service.

#### **5-2.103. Commercial Service**

“Commercial Service” means the provision of water for use by a commercial business enterprise, public agency or non-profit association or corporation.

**5-2.104. Connection Fees**

“Connection Fees” means the various fees levied or charged to cover the cost of constructing Potable Water System improvements, installing meters to serve new Customers and establishing corresponding new accounts.

**5-2.105. Customer**

“Customer” means a Person receiving Water Service.

**5-2.106. Domestic Service**

“Domestic Service” means the provision of water for human habitation, commercial, industrial and irrigation purposes, other than temporary Service or Fire Protection Service.

**5-2.107. Fire Protection Service**

“Fire Protection Service” refers to the delivery of water to facilities on Premises used solely for fire protection including, but not limited to, sprinkler systems and fire suppression water storage facilities.

**5-2.108. Inactive Service**

“Inactive Service” refers to water delivered to Premises served by a meter that has been disconnected or deactivated by the District but for which fees and deposits have been paid, but through which meter water is not delivered to the Premises.

**5-2.109. Industrial Service**

“Industrial Service” means the provision of water to Premises where the water is used primarily for manufacturing or industrial processing activities.

**5-2.110. Main Extension**

“Main Extension” means the extension of water distribution mains beyond existing facilities in accordance with this Chapter.

**5-2.111. Master Fee Schedule**

“Master Fee Schedule” means a schedule established by Ordinance duly adopted after noticed public hearing annually, or more frequently as the Board may determine, setting forth those fees or charges authorized or provided for under this Chapter; provided, that if no such schedule is adopted, or if any fee is not included in any such schedule, the fees in effect prior to adoption of the schedule or adoption thereof omitting any fee shall remain in full force and effect as to such omitted fees or fee.

**5-2.112. Permit**

“Permit” means any written authorization required pursuant to this Chapter or any other regulation of the District for connection to, or use of, the District’s water system.

**5-2.113. Person**

“Person” means any individual, firm, partnership, corporation, association, public and municipal corporations, the State of California, the United States, districts and all political subdivisions, agencies and authorities of any such governmental entity.

**5-2.114. Premises**

“Premises” means a parcel of land, or integral portion thereof, or improvements thereon, including, without limitation, a parcel of land that conforms to the California Subdivision Map Act and Ordinances implementive thereof, to which Water Service is, or is to be , provided.

**5-2.115 Residential Service**

“Residential Service” means the provision of water to Premises primarily for household purposes, including indoor habitation and outdoor uses such as washing vehicles and irrigation of lawns, shrubs and gardens.

**5-2.116. Sealed Service**

“Sealed Service” means the provision of water to a Service Connection for a Premises without a meter or with a meter for which the fees, charges and deposits are outstanding and to which Premises water is not, or shall not be, provided.

**5-2.117. Service, Water Service or Potable Water Service**

“Service”, or “Water Service” or “Potable Water Service” means the furnishing of water to a Customer.

**5-2.118. Service Charges**

“Service Charges” means those fees levied or charged to cover operation and maintenance of facilities to provide Water Service; including, without limitation, meter service charges, water quantity charges and pumping charges.

**5-2.119 Service Connection**

“Service Connection” means the piping and appurtenances necessary to conduct water from the District's water main to a Customer's Premises including the meter, meter box, valves and appurtenant equipment within the meter box.

**5-2.120. Service Pipe**

“Service Pipe” means the pipe connected to the District's Water Main and the Service Connection for a Premises, including fittings, valves or other appurtenances to said Pipe, title to which, and the responsibility for maintenance, repair and replacement thereof , is and shall be vested in the owner of the Premises served thereby.

**5-2.121. Unit**

“Unit” means one hundred cubic feet or 748 gallons.

## **Article 3. Commencement of Service**

### **Division 1. Application for Service**

#### **5-3.100. Commencement of Service: General**

(a) Each Person desiring to initiate Water Service or change an existing Water Service shall complete an application form, pay required fees and deposits and comply with the conditions set forth herein.

(b) Each single-family dwelling shall be served through at least one water meter of at least 5/8-3/4" size and such additional meters as the Premises owner may request.

(c) Each multi-family dwelling unit shall be served through at least one water meter of at least 5/8"-3/4" size and such additional meters as the Premises owner may request.

#### **5-3.101. Commencement of Service: Applications**

(a) The application form shall include an agreement to abide by the rules and regulations of the District and such information the District Manager may reasonably request. The application shall be for service to a particular and identified Premises. Service is not assignable or otherwise transferable from one Premises to another.

(b) If the application is for Premises not previously served by the District, the applicant shall also present evidence of compliance with local ordinances implementing the Water Conservation in Landscaping Act (Gov't. C. §65591 et seq.). Where the District is administering such ordinance on behalf of another governmental agency within the District, the application for service shall be treated as an application for concurrent review of a landscape plan.

(c) If the application is for a Commercial Service account in the name of a corporation or partnership, the applicant shall provide a personal guarantee from an owner or principal of the applying entity, regardless of the form of organization, as follows:

"I hereby certify that I am a principal/officer of the organization listed on the attached application. I accept full responsibility for all fees and charges related to water and sewer service for the organization."

(d) Notwithstanding the provisions of the last sentence of subdivision (a) of this Section, water service from and through an existing water meter may be provided to a structure that has been relocated from one Premises to an adjacent Premises if: (i) a new connection to the adjacent Premises is prohibited pursuant to the moratorium continued and established pursuant to Section 5-4.229; (ii) the structure was relocated prior to August 1, 2003 pursuant to an Emergency Coastal Development Permit issued by the County of San Mateo, California, based upon a determination that the structure was in danger of destruction from coastal bluff erosion; (iii) prior to the relocation the structure had been connected to the water system then operated by the privately-owned predecessor in interest of the District's system; and (iv) a duly authorized representative of the California Public Utilities Commission had determined that the water service to the relocated structure would not increase the demand upon the system in violation of said Commission's Order D.86-05-078. As a condition of permitting service pursuant to this subdivision (d), the owners of both adjacent Premises shall enter into an agreement with the District that, among other matters, acknowledges that a new permit shall be required pursuant to Section 5-3.103 for the Premises to which the structure was relocated at such time as the moratorium under Section 5-4.229 is repealed or

otherwise becomes ineffective by action of the Board. Said agreement or a memorandum thereof shall be submitted to the San Mateo County Clerk-Recorder for recordation in the County's Official Records.

(amended 04/21/05 by Ord. 141)

### **5-3.102. Applicant's Responsibility**

(a) The rendering of Service obligates the Applicant therefor to pay for a minimum of one month's Service.

(b) The Applicant is responsible for expenditures made by the District as a result of the submission of the application, notwithstanding that the Applicant may withdraw the application prior to completion of installation of the Service Connection.

(c) If an Applicant incorrectly describes the Premises or location where the Service Connection is desired, and as a result the Service Connection is installed at an incorrect location, the Applicant shall pay expenses incurred for corrections necessitated by such error.

(d) Two or more parties who join to apply for Service to a commonly owned Premises shall be jointly and severally liable for payment of all applicable Connection Fees and Service Charges and deposits for Water Service, but single periodic bills shall be sent to their designee.

### **5-3.103. Required Connections.**

Subject to the requirements of any moratorium upon Service Connections, water shortage emergency, drought or other conditions limiting the District's available water supply as determined by the Board, Premises located within the urban area (hereinafter defined), that are capable of being served by the District's water system shall be connected to that system for permanent Domestic Service. Irrespective of location within or outside of the urban area, Premises that are capable of being served by the District's water system shall be connected to that system for Fire Protection Service.

Premises shall be deemed "capable of being served by the District's water system" if a District water main is located two hundred fifty (250) feet or less measured at ground level from any point on the property line of the Parcel to be served by the main, taking into consideration that a main extension may be necessary to provide water service to the Premises. "Urban area" means the area or areas delineated as such by the Urban/Rural Boundary on land use plan maps adopted by the Board of Supervisors of the County of San Mateo and approved by the California Coastal Commission as a part of the San Mateo County Local Coastal Program pursuant to the California Coastal Act of 1976.

(Added 11/20/03 by Ord, 134; amended 08/04/05 by Ord. 140)

### **5-3.104. Conversion of Private Well Water Sources to the District's Water System.**

(a) Notwithstanding the provisions of Section 5-3.103, Premises located within the urban area (therein defined), that are capable of being served by the District's water system and that receive potable water for consumption from privately-owned wells located on or in the vicinity of such Premises, may be connected to the system pursuant to an agreement between the District and the owner(s) of record of the Premises providing for payment of the applicable Connection Fees, Service Charges and deposits



in installments. The terms and conditions of such agreements shall include, without limitation, that:

(1) the Connection Fees, Service Charges and deposits (collectively, "Costs") shall be payable in equal annual installments for a specified term, not to exceed ten (10) years;

(2) the Costs shall be subject to interest at the rate of two percent (2%) per annum; provided, that for such agreements executed by owner(s) on or after February 1, 2017 through December 31, 2017, no interest shall be charged;

(3) the balance due plus accrued interest may be paid at any time during the term of the agreement without surcharge or penalty;

(4) if a water main extension is necessary to provide service to the Premises, the costs associated therewith shall not be included in the installments, but shall be paid at the time of application for service pursuant to Section 5-3.203;

(5) upon commencement of service from the District's water system, the well or wells which provided water to the Premises shall be placed out of service, capped and secured in accordance with pertinent regulations of the County of San Mateo under the supervision of the County Health Officer;

(6) upon sale of the Premises or title to the Premises is otherwise transferred to another person or entity (including, without limitation, a corporation, limited liability company, partnership, association or other entity howsoever described), including transfers by operation of law, but excluding a transfer solely for the purpose of financing or refinancing a debt payable by the owner(s) of record secured by the Premises and pursuant to which the owner(s) retain(s) beneficial use of the Premises, any remaining balance of the Costs plus accrued interest shall be due and payable;

(7) the agreement shall be submitted to the San Mateo County Clerk-Recorder for recordation in the County's Official Records.

(b) The owner(s) of the Premises shall be the Applicant(s) for service pursuant to this Section and all provisions pertaining to applications for new service under this Chapter V shall govern the processing of the application except for payment of the Costs in installments pursuant to an agreement authorized hereunder. The District Manager is hereby authorized to execute such agreements for and on behalf of the District.

(c) The installments plus accrued interest may be collected on the tax roll pursuant to Section 5-7.100.

(d) This Section pertains only to Residential Service.

*(Added 01/19/17 by Ord. No. 184)*

## **Division 2. Fees and Deposits**

### **5-3.200. Fees, Charges and Deposits – General**

Service will be commenced after submittal of an application and upon payment to the District of the applicable Connection Fees, Service Charges and deposits described and authorized in this Chapter. In any instance for which charges or fees are not specifically established or provided, charges are hereby established in the amount equal to the cost to the District for performing, or contracting for the performance of, work or services for an approval or an entitlement or for other work attendant upon Water Service or cessation of Water Service. It is the intent of this section that all work and services rendered by or for the District for the benefit of identifiable Parcels of real property or for

Persons relating to the use or cessation of use of the District's water system or otherwise relating to the enforcement and administration of this Chapter shall be compensated by the Person or Persons benefited thereby or who or which otherwise caused or gave rise to the expenditure by, or cost to, the District. All work or services not performed by District personnel shall be performed under contract with the District by consultants or other providers selected by the District, payment for which shall be borne by the Person or Persons benefited thereby or who or which otherwise caused or gave rise to the need for such work or services as hereinabove provided.

The charge established by this section shall be determined by the District Manager based upon the estimated cost of rendering the work or services for which such charge shall be imposed. Except in instances where, in furtherance of the public health, welfare, or safety, or in order to enforce a provision or provisions of this Code, it is necessary for the District to incur costs and expenses in advance of payment therefor, no work or service shall be performed by or for the District unless an amount equal to the estimated cost thereof has been deposited with the District.

If the amount deposited is insufficient to defray the costs incurred or to be incurred by the District, the District Manager shall recalculate said costs and shall make written demand for payment of the additional amount. The additional amount shall be paid within thirty (30) days from the date of the written demand. Failure to deposit the additional funds, or otherwise to provide for their payment, shall cause the District to suspend such work or services until either such deposit or other provision for payment acceptable to the District has been made. No work or services shall be performed by or for the District during such suspension.

Funds deposited with the District pursuant to this subdivision shall not accrue interest. No Permit or other entitlement shall be issued by the District unless all fees and charges pertaining thereto have been paid.

*(Amended 03/02/06 by Ord. 144)*

### **5-3.201. Existing Service Connection**

If an Applicant's Premises can be served from an Inactive Service for which a Connection Fee has been paid, the Applicant shall not be required to pay an additional Connection Fee. If the Applicant requests a change in meter size, additional charges shall be assessed or credits allowed as set forth in the Master Fee Schedule or as determined by the District's water system engineer. If the Applicant requests that a Sealed Service be activated, the Applicant shall pay outstanding Connection Fees and Service Charges for the Service.

### **5-3.202. New Service Connection on Existing Main**

If the Applicant's Premises cannot be served from an existing Service Connection but can be served from an existing water main, the Applicant shall pay applicable Service Charges, Connection Fees and deposits and, if applicable, a pro rata share of the cost of the main in accordance with any pertinent Main Extension refund agreement.

### **5-3.203. Service From New Main**

**(a)** If the Applicant's Premises cannot be served from an existing main, the Applicant shall pay Connection Fees, security deposits and Service Charges, and the cost of improvements necessary to extend Service to the Applicant's Premises; provided, that:

(1) If the water system improvements are identified in an improvement plan for which bonds or other evidences of indebtedness have been issued and proceeds therefrom are available, the improvements shall be constructed by the District using such proceeds under uniform policies of the District for such expenditures.

(2) If the water system improvements are identified in a current water system capital improvement plan, the improvements shall be constructed by the District at such time as funds are available. Water system improvements are identified in a water system capital improvement plan if the improvements are described in the plan or if the improvements are approved by the Board as an addition to, or substitute for, the improvements described in the plan.

**(b)** If the Applicant pays for the cost of a Main Extension to serve the Applicant's Premises that also benefits other Premises, the Applicant may apply for a reimbursement agreement pursuant to the District's Reimbursement Agreement Ordinance.

### **5-3.204. Installation Fees – Existing Main**

**(a)** A Person applying to connect Premises to an existing District main shall pay the installation fees based on the size of meter required for the Service as set forth in the Master Fee Schedule. Such fee may be a component of the Connection Fee and not stated separately. If a pressure regulator or other special appurtenance is required, an additional charge shall be paid for the regulator or special appurtenance as set forth in the Master Fee Schedule or as determined by the District's water system engineer.

**(b)** The above fees shall be used to pay for the connection of the Premises to the District's water system. The fees shall be deposited in a separate account in the District's water fund for such purposes to avoid commingling of the fees with other revenues and funds of the District, except for temporary investments, and shall be expended solely for the purposes of connecting Premises to the District's water system and installing a water meter, including administrative costs and costs of construction and installation of all connection facilities, appurtenances and improvements.

**(c)** The above fees shall be transferred from the separate account to the general capital facilities account of the water fund when the connection work has been completed, inspected and approved by the District, or upon the issuance of a certificate of occupancy for the Premises for which the connection has been made, whichever last occurs.

### **5-3.205. Construction Fees**

**(a)** An Applicant for Water Service shall pay a construction fee based on the size of the water meter required for the Service as set forth in the Master Fee Schedule. Such fee may be a component of the Connection Fee and not stated separately.

**(b)** An Applicant requesting a larger Service for Premises connected to the District's water system for which a construction fee has been paid shall be credited with an amount equal to the then current construction fee for the size of meter to be replaced.

**(c)** Construction fees shall be used to pay for the cost of constructing water system improvements that are required to serve, or facilitate Service to, the Premises, including a share of the cost of improvements located throughout the District's Service area. The

fees shall be deposited in a separate capital facilities account for such purpose to avoid commingling of the fees with other revenue and funds of the District, except for temporary investments, and shall be expended solely for the purpose of planning, designing and constructing the facilities described in the District's water system capital improvement plan, including payment of debt service for bonds or other evidences of indebtedness issued for such purpose.

**(d)** Construction fees shall be transferred from the separate account to the general capital facilities account of the water fund when connection work has been completed, inspected and approved by the District, or upon the issuance of a certificate of occupancy for the Premises for which the connection has been made, whichever last occurs.

**(e)** Upon written request, the construction fees to be paid by a public school for Service to tax exempt Premises shall be reduced by the amount of the fee attributable to the cost of capital facilities.

### **5-3.206. Conservation Fees**

**(a)** An Applicant for water Service shall pay to the District a conservation fee based upon the size of water meter required for Service as set forth in the Master Fee Schedule. Such fee may be a component of the Connection Fee and not stated separately.

**(b)** An Applicant who requests a larger meter for Premises already served shall be credited by the then current conservation fee for the size of meter to be replaced.

**(c)** Conservation fees shall be used to pay for projects and programs to conserve water. The fees shall be deposited in a separate capital facilities account for such purpose to avoid commingling of the fees with other revenue and funds of the District, except for temporary investments, and shall be expended solely for the purpose of planning, designing, constructing recycled water facilities and implementing water conservation programs, including payment of debt service of bonds or other evidences of indebtedness issued for such purposes.

**(d)** Conservation fees shall be transferred from the separate account to the general capital facilities account of the water fund when connection work has been completed, inspected and approved by the District, or upon the issuance of a certificate of occupancy for the Premises for which the connection has been made, whichever last occurs.

### **5-3.207. Fees: Changes in Amount**

Connection Fees may be revised at any time. An Applicant shall pay the Connection Fee current when Service commences irrespective of when the Connection Fee is deposited or paid. Service commences when a request for Service has been made, water can first be delivered to the Applicant's Premises through District-owned facilities and the monthly water Service charges can be imposed. Service does not commence for the purpose of this section when construction water is provided through a temporary meter or prior to the acceptance by the District of the water system improvements serving the Applicant's Premises.

### **5-3.208. Fees for Special Services: Fire Protection**

**(a)** Applicants for private Fire Protection Service shall pay the entire cost of installation of such Service, including the costs of a suitable meter device from the District's distribution main to the Applicant's Premises.

**(b)** With the approval of the fire department having jurisdiction, temporary Fire Protection Service may be provided through an existing metered fire hydrant. When a fire hydrant is not available for temporary service, a connection may be made to an existing District main at a location approved by the District Manager. The Applicant for temporary Service is responsible for payment of Service Charges, including quantity charges, for water delivered through the temporary meter and for the return of the temporary meter to the District in the same condition as existed at the time of its delivery for installation. To insure such return, the Customer shall, before delivery of the temporary meter for installation, deposit with the District an amount equal to twice the current replacement cost of the temporary meter plus an amount sufficient to guarantee payment of the annual Fire Protection Service Charges, as estimated by the District Manager. The deposit shall be refunded, net of any costs incurred by the District in administering the deposit, plus interest calculated from the date of deposit.

**(c)** Where Fire Protection Service is provided through a Service Pipe 6 inches in diameter or larger that is supplied from a main within 1,000 feet from a 10 or 12-inch diameter main, the Fire Protection Service rate will be based upon the size of the main from which such connection is made.

### **5-3.209. Fees: Water System Improvements**

**(a)** An Applicant for water Service that requires construction of water system improvements shall pay costs incurred by the District for:

- (1) The preliminary and final design of such improvements,
- (2) Reviewing the plans and specifications prepared by the Applicant for such improvements and
- (3) Construction and inspection of the Improvements.

**(b)** Before work commences, the Applicant shall deposit an amount equal to the District Manager's estimate of the costs which will be incurred by the District for its services relating to its services.

**(c)** Costs incurred by the District include: the costs of consulting services, if any, to perform the tasks described above; 15% of the costs of consulting services to reflect administrative and overhead expenses; amounts paid by the District to employees working at an hourly rate; reasonable supervision costs; and transportation costs.

### **5-3.210. Miscellaneous Fees**

**(a)** If the District discontinues Services for failure to comply with these regulations, the Customer shall pay, in addition to other fees, the following Service charges:

- (1) The amount specified in the Master Fee Schedule for each trip to the Premises to deliver notice of disconnection of Service.
- (2) The amount specified in the Master Fee Schedule for each trip to the Premises to disconnect or reactivate water Service during regular business hours.
- (3) The amount specified in the Master Fee Schedule for each trip to the Premises to reactivate Service, at other than regular business hours, at the request of the Customer.

**(b)** Turning water Service on or off, other than for nonpayment, will be made during regular working hours by the District's field personnel at no charge. At any other time, the Customer shall pay a charge equal to the compensation paid to District personnel (including overtime pay) to perform such service and the cost of related equipment.

**(c)** Service connections are inspected prior to acceptance to assure they meet District specifications. A Person connecting to the Service connection must do so in an efficient manner so alignment of the facilities will not be changed. The District will not adjust Customer plumbing that is connected improperly. Meters will not be set by the District if, upon removal of the temporary spacer, the Customer's valve moves appreciably out of alignment, or if any part of the Service connection, including the meter box, has been moved or disturbed appreciably. In such cases, the District will leave the facilities where found, and will not return to set the meter until the Applicant has made corrections and paid a fee in the amount specified in the Master Fee Schedule per extra trip.

**(d)** A Person who receives water without prior authorization through a metered connection shall pay the amount specified in the Master Fee Schedule for each day's use.

**(e)** A Person who receives water without prior authorization through an un-metered connection shall pay the amount specified in the Master Fee Schedule for the first offense within one year, the amount specified in the Master Fee Schedule for the second offense within one year, and the amount specified in the Master Fee Schedule for each subsequent offense within one year.

**(f)** Upon the written request of a Customer and the deposit of the amount based upon meter size set forth in the Master Fee Schedule, the District will shop-test a Customer's water meter in the presence of the Customer. If upon testing, the meter registers no greater than 2% over the correct amount, the deposit shall be paid and water bills paid as presented. If the meter over-registers by more than 2%, the deposit shall be returned, a proportional reduction shall be made in the last six months' bills, and another meter shall be substituted for the inaccurate meter.

**(g)** When back-flow prevention is necessary, Premises receiving both Domestic Water Service and recycled water service shall have installed a reduced pressure principal backflow device and shall pay the charges for the purchase and installation of the device and administration of the account as set forth in the Master Fee Schedule. A credit of the amount specified in the Master Fee Schedule will be given for developer installation pursuant to a subdivision improvement agreement.

**(h)** When a backflow prevention device is required to protect against contamination by other than recycled water served by the District, the Customer shall pay an annual inspection fee in the amount specified in the Master Fee Schedule and a fee in the amount specified in the Master Fee Schedule each time the device is retested because of failure.

**(i)** If the District is required to review and approve a landscape plan under the Water Conservation in Landscaping Act (Gov't. C. §65591 et seq.) or a local ordinance enacted pursuant thereto and if the cost of such work is not reimbursed by the jurisdiction which adopted such ordinance, the Applicant shall deposit a landscape plan check fee in the amount specified in the Master Fee Schedule for projects with proposed landscaping of under one half acre; the amount specified in the Master Fee Schedule for projects between one half acre and one acre of proposed landscaping; and the amount specified in the Master Fee Schedule for projects of an acre or more of proposed landscaping.

**(j)** A charge of the amount specified in the Master Fee Schedule shall be paid to initiate Water Service.

**(k)** A late charge per billing period as set forth in the Master Fee Schedule shall be paid on past due balances; provided, that if no such charge is specified in the master Fee Schedule, the late charge specified in this Code shall govern.

### **5-3.211. Deposits: Existing Service Connection**

**(a)** If an Applicant for Residential Service from an existing connection has not promptly paid previous water bills or has a credit history indicating arrearages in payment, the Applicant shall make a cash deposit of the greater of twice the amount of the normal maximum bill for such Premises, or the amount specified in the Master Fee Schedule.

**(b)** If an Applicant for Commercial Service or Industrial Service from an existing connection does not have an acceptable credit history, the Applicant shall make a cash deposit of the greater of twice the amount of the normal maximum bill for such Service, or the amount specified in the Master Fee Schedule.

**(c)** If the Applicant for Commercial or Industrial Service is not the owner of the Premises where Service is requested through an existing connection, the Applicant shall make a cash deposit of the greater of twice the amount of the normal maximum bill for the Premises, or the amount specified in the Master Fee Schedule.

**(d)** If, after a deposit has been made, the Customer's normal maximum bills exceed the amount used to determine the deposit, the deposit may be increased to twice such normal maximum. The District Manager shall determine whether or not such increase shall be made, and the amount thereof.

**(e)** A deposit shall be required from Customers who receive a final payment notice 5 or more times within any two-year period, and from Customers whose Service is disconnected for nonpayment of water charges. The amount of the deposit shall be established by the District Manager.

**(f)** Deposits may be refunded to a Customer upon written application after 2 years of Service during which time no more than one final payment notice has been sent to the Customer. Refunds shall be made by a draft upon the District unless the Customer expressly requests the refund be made by crediting the amount of the deposit to the Customer's account. In the absence of a deposit refund application, the refund of deposits will be made upon discontinuance of Service and settlement of the closing bill.

**(g)** Public agencies and public utilities shall not be required to make the deposits.

**(h)** Each Applicant for potable water temporary service is responsible for the payment of billings for Water Service Charges for water delivered through the temporary meter, and for the return of the temporary meter to the District in the same condition as existed at the time of delivery or installation. To insure such return, the Customer shall deposit an amount equal to twice the current replacement cost of the temporary water applied for, plus an amount sufficient to guarantee the payment of the estimated annual water bills, as estimated by the District Manager. Such deposit will be refunded, net of any costs incurred by the District relative to the temporary meter, with interest calculated from the date of deposit.

### **5-3.212. Deposits: Connection Fees**

**(a)** A deposit toward a Connection Fees, equal to the fee in effect at the time of deposit, shall be made prior to the date of final inspection of water facilities or the date the certificate of occupancy is issued, whichever occurs first. If, prior to final inspection or issuance of the certificate of occupancy, the Board finds the fees are for improvements for which an account has been established and funds appropriated, or for which the District has made expenditures or has adopted a proposed construction schedule or plan, the fees shall be paid on demand. "Appropriated," means authorization by the Board to make expenditures and incur obligations for specific purposes. The fees shall be deposited on a lump sum basis for each dwelling in a residential Premises subdivision which contains more than one dwelling when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first. The Applicant shall execute a deposit agreement before the issuance of a statement of Service required for a building permit, if the fee is not fully deposited when the application is made or may not be fully deposited when Service commences.

**(b)** The District shall invest, account for and expend Connection Fees as follows:

(1) Except for temporary investments, the fees shall be deposited in separate accounts of the water fund to avoid commingling with other money.

(2) The fees shall be expended solely for the purpose for which the fee was collected.

(3) Interest earned by monies in the separate account shall be deposited in the account and expended only for the purpose for which the fee was originally collected.

(4) On or before September 1 of each year, the District shall make available to the public the beginning and ending balance in the separate account for the prior fiscal year, and the fee, interest and other income, the amount of expenditure and the amount of refunds. The Board shall review this information at the next regularly scheduled public meeting not less than 15 days after the information is available.

**(c)** The deposit shall be paid over to the capital facilities account of the water fund when facilities are constructed or the District makes a binding commitment to construct the facilities.

**(d)** The Board shall make findings at least once each fiscal year regarding any portion of the fee remaining unexpended or uncommitted in the separate account(s) five or more years after deposit of such fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection shall only be made for monies in the possession of the District and need not be made with respect to instruments of credit taken to secure payment of the fee at a future date.

**(e)** The District shall refund to the then current record owner or owners of lots or units of a development project or projects on a pro rated basis, the unexpended or uncommitted portion of the fee and interest accrued thereon for which a need cannot be demonstrated pursuant to this section; provided, if the administrative costs of refunding exceed the amount to be refunded, the fees shall be allocated for some other purpose which serves the project(s) for which the fee was originally imposed. If the fees are not refunded to the record owner, the Board shall conduct a duly noticed public hearing before expending the fees for another purpose.

**(f)** An Applicant who does not desire or is not required to make a cash deposit for Connection Fees, shall enter into a deposit agreement. The deposit agreement shall be recorded and constitutes a lien against the Premises for which Service is sought.



**5-3.213. Deposits: Other**

(a) Whenever a deposit is required, the District Manager shall establish the amount by estimating the cost of providing the materials, equipment or services for which the deposit is made. The deposit shall be tendered to the District before any work is undertaken. The amount of deposit may be increased if it appears the original estimate is inadequate. If the Applicant fails to increase the amount of deposit when requested in writing, then work on the project by the District shall cease. At the conclusion of the project, the District shall refund amounts deposited in excess of costs incurred.

(b) If the Applicant abandons the construction of the improvements, or the subdivision approval process for which installation and Connection Fees had been paid, such fees shall be refunded with interest upon the Applicant's written request. If the facilities necessary to serve the Applicant's Premises have been installed or direct expenses incurred by the District toward such Service installation, the refund shall be reduced by the amount of such expenditure and a reasonable amount for administrative costs incurred by the District in closing the Applicant's account..

**5-3.214. Credits: No Change in Existing Service**

(a) When Water Service is applied for through any ¾" or 1" Sealed Service, not installed at District expense, and which will adequately serve the Applicant's needs, the District will allow a credit of the amount specified in the Master Fee Schedule against the regular installation charge.

(b) Upon written application, the size of an existing meter will be reduced at no charge.

**5-3.215. Delinquent Connection Fees**

(a) The District may collect delinquent Connection Fees if a Customer owns and occupies the Premises for which Connection Fees are delinquent.

(b) The Customer shall be provided at least 15 days prior written notice of intention to collect the delinquent Connection Fees as a part of the Customer's water bill. The notice shall invite the Customer's comments, including opportunity to protest the existence or amount of the debt, the manner of payment and whether installment payments will be permitted.

(c) The District Manager shall consider the comments of the Customer and determine whether the Connection Fees should be collected as part of the water bill. The decision of the District Manager shall be presented to the Customer in writing at least 15 days prior to including delinquent Connection Fees as part of the water bill.

(d) Delinquent Connection Fees included on the water bill shall be treated the same as other water charges.

### **5-3.216. Assurances of Service**

When an Applicant desires assurances that Service will be provided by the District at a future date, such assurances will be given only if the Applicant agrees to be bound by District regulations, including regulations for the payment of Connection Fees, effective when Service commences and the Applicant makes financial arrangements to pay such Connection Fees in the future by depositing cash with the District and entering into a deposit agreement. An assurance of Service does not constitute a guaranty of Service, but means that the District shall endeavor to supply water dependably and safely in adequate quantities to meet the reasonable needs and requirements of the Applicant.

## **Article 4. Conditions of Service**

### **Division 1. General**

#### **5-4.100 GENERAL**

(a) Availability of water supplies shall be determined by the Board in conjunction with its approval of the Water System Master Plan. The Master Plan shall include data from which such availability may be determined in increments of one or more five (5) year periods. The availability of water supplies so determined shall not constitute, expressly or impliedly, a guarantee that a sufficient quantity of water will be available to serve Customers' demands continuously or at a given time or to serve Applicants' proposed demands. Likewise, the availability of water supplies so determined shall not constitute, expressly or impliedly, a guarantee that a water connection permit will be issued to any Person or Applicant. The Board may, at its discretion, establish by resolution priorities for the issuance of permits in furtherance of the public health, welfare and safety.

(b) Applicants and Customers shall accept such conditions of pressure and Service as are provided by the distribution system of the District at the location of their proposed Service Connection, and shall release and hold the District harmless from and for damage arising out of low or high pressure conditions or interruptions in Service. The

District shall endeavor, but cannot guarantee, to supply water dependably and safely in adequate quantities to meet the reasonable needs and requirements of its Customers.

#### **5-4.101. Areas Served**

(a) Lands lying within the boundaries of the District or that are otherwise within the Service area of the privately-owned water system acquired by the District effective August 1, 2003, are eligible to receive water Service from the District.

(b) Lands lying outside the District or outside the Service area of the privately-owned water system acquired by the District effective August 1, 2003, may receive surplus Water Service from the District under such reasonable provisions and conditions as may be established by the Board.

#### **5-4.102. Main Frontage Required**

Permanent Water Service shall not be provided unless a District water main of adequate size extends across the entire frontage of the Premises to be served or unless a limited Services agreement is approved by the District Manager.

#### **5-4.103. Customers Without Frontage Presently Receiving Service**

Premises presently receiving Service, but not immediately adjacent to a District water main, may continue to receive Service until such time as a District water main is installed immediately adjacent to such Premises. At that time, the District Manager will give written notice to connect and the Service Connection shall be relocated to the new main. Failure to connect plumbing to the new Service Connection will result in the discontinuance of Service to the Premises.

#### **5-4.104. Locating and Sizing Service Connections**

Service Connections will be installed as near as possible to the location desired by the Applicant, within the projection of side Premises lines, and shall meet the minimum size determined by the District's water system engineer. The maximum diameter of the Service Connection shall not be more than the diameter of the main to which the Service is connected. Service Connections shall be made only adjacent to the District's distribution mains, at locations readily accessible by public streets, alleys, or other rights-of-way capable of accommodating District vehicles and equipment.

#### **5-4.105. Multiple Service to One Property**

An Applicant may apply for as many Service Connections as reasonably required; provided, that the Applicant meets the requirements concerning potential cross-connections.

#### **5-4.106 Types of Service**

- (a) The District provides permanent, temporary, fire protection or surplus Water Service.
- (b) Permanent Service is Service to Premises meeting the frontage requirements of Section 5-4.102.
- (c) Except as provided by Section 5-4.103, temporary Service is Service for a period of less than 6 months; provided, that temporary Service includes interim Service to a subdivision during a construction phase.
- (d) Fire Protection Service is Service to a fire suppression system, such as a fire sprinkler system and on-or-off-Premises fire suppression storage for a discrete, identifiable Premise.
- (e) Surplus water Service is Service provided under contract for use of water in excess of the current requirements of the District to Premises outside the District's Service area.

#### **5-4.107. Zones of Service**

Water delivered by the District is classified by zones based upon hydraulic gradients corresponding to the maximum water elevation represented by the pressure in the water system or the maximum surface elevation of the water in the reservoirs serving the system within each zone and by pumping requirements for each zone. The zones and corresponding criteria and requirements are specified in engineering documents on file in the District's Administrative Offices.

#### **5-4.108. Pressure, Supply and Emergency Storage**

The District will exercise reasonable diligence and care to deliver a continuous and adequate supply of water to the Customer at a reasonable constant pressure and to avoid

shortage or interruption in delivery. The District offers water at its system pressure, and the Applicant must install adequate plumbing and protective devices in accordance with the Plumbing Code in effect in the jurisdiction of the public agency within which the Applicant's Premises is located and such pertinent standards as may be required by the District's water system engineer in order to use the available water at the such reasonable constant pressure as may be available in the system. The District is not responsible for the maintenance of pressure and reserves the right to discontinue Service while making repairs required for operation and maintenance of the water system. Customers depending upon a continuous supply should provide for their own emergency storage.

#### **5-4.109. System Pressure**

The District will endeavor to maintain normal operating pressures of not less than 40 pounds per square inch (psi) nor more than 125 psi at the Service connection, except that during periods of hourly maximum demand the pressure at the time of seasonal loads may not be less than 30 psi and that during periods of hourly minimum demand the pressure may not be more than 170 psi. Variation in pressure under normal operation will not exceed 50% of average operating pressure. (The average operating pressure will be determined by computing the arithmetical average of at least 24 consecutive hourly pressure readings.

#### **5-4.110. Designated Pressure Areas**

Within designated areas as shown or described on the District's Service area map, the District will endeavor to maintain normal minimum operating pressure between 25 psi and 40 psi with peak load pressure above 20 psi.

#### **5-4.111. Fire Protection Service – Special Conditions**

**(a)** The maximum diameter of the Service Connection for Fire Protection Service shall not be more than the diameter of the main to which the Service is to be connected.

**(b)** The Customer's installation of a Fire Protection Service shall effectively separate the fire protection system from the system(s) for all other Water Service to the Customer's Premises. As part of a sprinkler installation a detector check or similar device approved by the District shall be installed that indicates the use of the water in the system. Any unauthorized use shall be charged for at the quantity rates established in the Master Fee Schedule for general water use. Unauthorized use shall be grounds for discontinuance of Fire Protection Service without liability to the District.

**(c)** No cross-connections between the Fire Protection Service system and any other source of water to a Premises shall be allowed, except upon written approval of the District. Said approval shall require, as a minimum, the installation of a double check valve or other similar device approved by the District's water system engineer. Any unauthorized cross-connection shall be grounds for discontinuance of Fire Protection Service without liability to the District.

**(d)** The District shall supply water for Fire Protection Service only at such pressure as may be available from time-to-time under the normal operation of the District's water system.

#### **5-4.112. Continuation of Service Requirements**

The District has purchased a privately-owned water system effective August 1, 2003. Such rules, regulations or practices governing the provision of Water Service by said system to the Service area thereof that are consistent with, and implementive of, the provisions of this Chapter or the provisions of the Master Fee Schedule enacted pursuant to this Chapter shall govern the interpretation and administration of the provisions of this Chapter or said Fee Schedule.

## **Division 2. Extension of Facilities**

### **5-4.200. General**

If the Applicant's Premises cannot be served from an existing water main, the Applicant shall pay for an extension of the facilities necessary to provide such Service.

### **5-4.201. Types of Extensions**

An Applicant may provide for the extension of facilities by the following: (1) entering into a special contract; (2) construction of an individual Main Extension; (3) installing and dedicating a subdivision Main Extension; or (4) qualifying for the construction of the Main Extension by the District.

### **5-4.202. Special Contracts**

**(a)** When a District water main is not contiguous to the entire frontage of the Applicant's Premises, the District Manager may enter into a "Limited Service Agreement" in lieu of requiring a Main Extension.

**(b)** When existing facilities do not deliver sufficient water pressure to the Premises, the District Manager may enter into an "Elevation Agreement" in lieu of requiring the installation of the special facilities.

**(c)** If an Applicant is otherwise required to provide for the extension of District facilities but may obtain Service from facilities operated by another water purveyor, the District Manager may enter into a "Water Purveyor Agreement" with the other water purveyor to provide such Service.

**(d)** The "Limited Service Agreement," "Elevation Agreement" and "Water Purveyor Agreement" shall be in the forms approved by the Board.

### **5-4.203. Individual Main Extension: Privately Financed**

The Applicant shall pay the cost of the Main Extension necessary to satisfy the appropriate frontage requirements as follows:

(1) The Applicant may contract for the installation of the Main Extension by a private contractor. The design, construction, collection of fees and deposits, inspection and acceptance of the work shall be in the same amounts and in the same manner as for subdivision construction. If the Main Extension qualifies for a reimbursement agreement, the Applicant may apply for such agreement pursuant to the district's Reimbursement Agreement Ordinance.

(2) The Applicant may have the District install the Main Extension. Deposit for the construction of the Main Extension will be provided in accordance with the schedule of costs from time to time promulgated by the District Manager and available at the District office. The deposit schedule shall reflect the District's costs for the Main Extension, necessary appurtenances, administration, design, and surveying fees.

#### **5-4.204. Individual Main Extensions: Reimbursement Agreements**

Two methods are available for a Customer to obtain a partial refund of the cost of an individually financed Main Extension. The Applicant may apply for a reimbursement agreement pursuant to the District's Reimbursement Agreement Ordinance. Alternatively, and if the main is shown on an improvement plan of the District indicating its proposed installation within a reasonable period of years, an agreement to refund the cost of the presently required section of the main may be entered into by the District (at the District's discretion) to be paid at such time as the main is scheduled for installation but, in no event shall any such District refund be made more than 10 years after the District's acceptance of the main.

#### **5-4.205. Subdivisions: Preliminary Design**

(a) An application for Service to Premises to be subdivided shall not be acted upon until the completion of a preliminary design report at the Applicant's expense.

(b) The preliminary design report is the basis for the District Manager's recommendation to the Board as to the facilities required, and the estimated amount of District participation in the proposed water system.

(c) The District Manager shall also review the preliminary design to determine the feasibility of providing recycled water service to the proposed subdivision. The District Manager shall make his or her recommendations to the Board as to such feasibility when the preliminary design report for the subdivision is presented to the Board. To the extent feasible, the preliminary design shall use the criteria established for landscaping plans adopted by the city or county with jurisdiction by law under the Water Conservation in Landscaping Act (Gov't. C. §65591 et seq.). The preliminary design shall be at least as strict as the criteria established under said Act and may include additional water conservation requirements.

#### **5-4.206. Subdivisions: Final Design**

The Board shall consider the report and recommendation of the District Manager and the preliminary design report. The Board shall approve the final design report for the water system improvements for the subdivision.

#### **5-4.207. Subdivisions: Installed by Subdivider**

Subdividers shall install the water system shown in the final design report, including Service Connections to each lot. The timing of District construction shall be at the sole discretion of the Board.

#### **5-4.208. Subdivisions: Improvement Security Required**

(a) Before the District will certify that it will furnish water to subdivided lands, the subdivider shall provide the District with security sufficient to insure that the water improvements described in the final design report will be constructed. Such improvement security shall be subject to the approval of the District.

(b) Such security shall be equal to 100% of the total estimated cost of the improvements at the end of the period allowed for completion thereof plus such additional amount, if any, necessary to guarantee the work for a period of one year following completion of the improvements against any defects in workmanship, labor, or defective materials

furnished. The amount may be increased or decreased by the Board upon the recommendation of the District Manager.

**5-4.209. Subdivisions: Improvement Security: Corporate Surety Bonds**

When the subdivider provides a corporate surety bond, such bond shall be substantially the form required for improvement security bonds filed in connection with the Subdivision Map Act.

**5-4.210. Subdivisions: Improvement Security: Cash or Negotiable Bonds**

When the subdivider deposits cash or negotiable bonds as improvement security, such cash or bonds shall be deposited with the District or a responsible escrow agent or trust company, approved by the District Manager.

**5-4.211. Subdivisions: Instruments of Credit**

When the subdivider deposits an instrument of credit from one or more financial institutions pledging funds necessary to carry out the improvements, such instrument of credit shall be irrevocable and unconditional until the obligation is performed to the satisfaction of the District and shall not be subject to levy or attachment by creditors of the depositor or subdivider.

**5-4.212. Subdivisions: Improvement Security: Coordination With Other Agencies**

The Board may enter into written agreements with the local agency which administers the Subdivision Map Act to coordinate improvement security requirements and eliminate duplication as follows:

- (1) When the subdivider provides improvement security pursuant to the Subdivision Map Act, the improvement security required by the District may be reduced or eliminated if the agency which administers the Subdivision Map Act agrees the security will not be released until the water system improvements are approved by the District; or
- (2) When the subdivider provides improvement security to the District pursuant to this Chapter, the Board may agree that the security will not be released until the water system improvements are approved by the local agency which administers the Subdivision Map Act.

**5-4.213. Subdivisions: System Dedicated**

Subdivision distribution mains and Service Connections, including meters and other appurtenances, shall become and remain the property of the District and shall be dedicated to the District before the District will undertake Water Service to the subdivision. The total construction cost of the water system shall be certified to the District by the subdivider.

**5-4.214. Subdivisions: Payments Prior to Construction**

Prior to approval of water system plans, the subdivider shall execute a deposit agreement for a sufficient number of meters to serve each lot within the proposed subdivision. If additional meters are required prior to completion of construction; or if any lots require an increase in meter size, added fees and deposits shall be paid and revisions made in the deposit agreement. A credit will be allowed for excess deposits.

#### **5-4.215. Subdivisions: Construction Water**

(a) Construction water will be provided through a temporary Service Connection to the District's metered facilities through a main tap designed to accommodate the permanent water system required to service the subdivision for which such temporary water is requested. Fire hydrant meters may be used only at the discretion of the District Manager

(b) The subdivider may pay the Connection Fees for the size of such master meter in addition to the cost of the meter and installation, and obtain water at regular rates or pay only for the setting of the master meter and obtain water at temporary water rates.

(c) Temporary Service connections shall be discontinued and terminated within six months after installation, unless, an extension of time is granted in writing by the District Manager. Upon discontinuance of such temporary Service, a refund of the salvage value of the recovered meter will be made.

#### **5-4.216. Subdivisions: Service Charges: Developer Customers**

(a) Prior to the acceptance by the District of the water system, the subdivider shall pay the master meter charges and bi-monthly Service Charges for each parcel within the subdivision occupied or approved for occupancy by the local agency with jurisdiction by law.

(b) On acceptance by the District of the water system for a subdivision and payment of the final bill, the master meter charges shall cease and the subdivider shall be no longer responsible for the payment of bi-monthly Service Charges for parcels within the subdivision.

(c) On acceptance by the District of a portion of the water system for a subdivision, the subdivider shall no longer be responsible for the payment of bi-monthly Service Charges for the parcels within the portion of the subdivision receiving Service from the accepted portion of the water system. The District will establish and maintain meter reading routes for meters turned on in areas accepted by the Board. The total water passing through such meters will be subtracted from the subdivider's master meter reading, prior to the preparation of the master meter water bill.

#### **5-4.217. Subdivisions: Service Charges: Individual**

(a) A Person who occupies Premises prior to the acceptance or partial acceptance of the water system by the District serving the Premises is not a Customer of the District.

(b) On acceptance or partial acceptance of the water system serving a subdivision, Service to individual parcels receiving or capable of receiving Service from the accepted water system shall terminate unless application for Water Service is made and fees and deposits paid in accordance with these regulations and the Master Fee schedule.

#### **5-4.218. Subdivisions: Reimbursement Agreements**

Subdividers required to bear the cost of the design and construction of off-site and peripheral water pipelines may use either of the two refund methods provided under Section 5-4.204.



#### **5-4.219. District Projects: General**

(a) The District intends to install certain transmission and distribution mains, pumping plants, and tanks throughout the District and within improvement districts with the proceeds of bonds or other evidences of indebtedness as the need arises. The District may undertake the expansion of facilities that serve an Applicant's Premises if the facilities are shown on an improvement district plan or that provide general District benefit.

(b) Monies in the construction account of the Water Fund may be used to pay for the installation of facilities to accommodate new Customers and water demand. For facilities that satisfy system deficiencies including, but not limited to, deficiencies in the system that serves an Applicant's Premises, the District Manager may recommend to the Board that monies in the Water Fund be expended for such propose.

#### **5-4.220. District Projects: Side Frontage**

When there is an existing distribution main in the public street or right-of-way, from which corner Premises may receive Water Service from the District, and a Service Connection is requested (except by a subdivider, who shall be required to pay the entire expense of the necessary Main Extension) beyond the corner Premises on the other frontage of the public street and the requested Service Connection requires an additional Main Extension, the District may, at its discretion, install, at its expense, the necessary Main Extension for the width of the corner Premises or 150 feet, whichever is shorter. Distances shall be measured from the front line of the corner Premises, projected if necessary to eliminate property returns.

#### **5-4.221. Oversized and Major Facilities**

(a) If the District desires to install facilities in excess of the size or capacity of, or in addition to, those needed to meet an Applicant's Service and fire flow demands, the cost of said oversized or additional facilities shall be borne by the District.

(b) If an Applicant desires the installation of a water main or a Main Extension to meet specialized Service or Fire Protection Service requirements, the costs of the corresponding extra work shall be borne by the Applicant. In such case, the District will not participate in the cost of a Main Extension to provide Water Service to a corner Premises as provided in Section 5-4.220. However, in such case, the side frontage will be deducted from the total frontage in calculating the unit reimbursement amount for the frontage.

(c) Upon acceptance of a facility with excess capacity under a reimbursement agreement approved in accordance with the District's Reimbursement Agreement Ordinance, the District will, following such acceptance, require subsequent Applicants whose Premises front upon the facilities and derive benefit therefrom to pay to the District their pro rata share of the original cost of the facilities as a condition of providing Service. The District will refund such collections pursuant to the reimbursement agreement.

(d) The District may, in its discretion, enter into agreements with Applicants having a legal or equitable interest in real property to provide for the financing, acquisition, and construction of major public water system facilities (including, but not limited to, specialized or area-wide reservoirs or other storage facilities, treatment facilities, pumping stations, transmission mains, Main Extensions, wells and other capital improvements and appurtenances thereto, and property interests or water rights

necessary or appropriate therefor) to serve large subdivisions or other large development projects (as determined by the District) including, but not limited to, development of large areas comprised of a single parcel or multiple parcels and a single parcel with multiple connections to the District's water system, or to serve a subdivision, development or use of a parcel or parcels which, irrespective of size or location, require(s) special facilities, sizes or capacities of facilities or improvements for connection to, or Service by, the District's water system. Such agreements may provide for the financing of such improvements through payments in lieu of, or in addition to, Connection Fees established under this Chapter, for the issuance of Permits in accordance with this Chapter, for the allocation of, and payment for, Connection Permits or other permits to serve the parcel or parcels described in said agreement, and such financing provisions necessary to accomplish the purposes of the agreement. The District may, as it deems necessary or appropriate, participate in financing such improvements.

Such agreements may also provide for the joinder of other persons having a legal or equitable interest in real property within the area to be served by such improvements pursuant to written notice of the opportunity to join in such agreement and in accordance with such terms and conditions as to which the original parties, the later-joining parties, and the District may agree. Such agreements shall include a description of the parcel or parcels, or otherwise designate the area to be served by the facilities to be constructed thereunder, the time or times by which such facilities shall be constructed, and such other terms and conditions as the District deems necessary or appropriate. To the extent the terms and conditions of any such agreement conflict with any provision of this Chapter, the terms and conditions of such agreement shall govern.

*(Am. on 03/04/04 by Ord. No. 136,)*

#### **5-4.222. Design Standards**

The size, type and quality of materials and location of the lines and appurtenances thereto shall be specified by the District Manager in accordance with Standard District Specifications for water system construction and design standards, as adopted by the Board.

#### **5-4.223. Applicants Required to Provide Rights-of-Way**

An Applicant for Water Service or a Main Extension shall dedicate, or cause to be dedicated, to the District an easement or easements for the installation, maintenance and replacement of water system facilities to serve the Applicant's Premises.

#### **5-4.224. Relocation of Facilities**

District facilities relocated for the convenience of someone other than the District shall be moved at the sole expense of the Person requesting the relocation. If construction endangers the safety of a District facility, or causes a facility to become a hazard, the facility will be relocated by the District, and the Person causing the hazard shall pay for the full cost of the relocation.

#### **5-4.225. Ownership of Mains**

Mains and appurtenances connected to the District's distribution system shall become the property of the District, and shall be operated and maintained by the District. Dedication of such mains and appurtenances to the District shall be made, in a form acceptable for recording, prior to commencement of Service through the new system. Title to Service Pipes and appurtenances thereto shall be vested in the owner of the Premises served thereby. Said Owners shall be responsible, at their sole cost and expense, for the maintenance, repair and replacement of such Service Pipes

#### **5-4.226. Assessment Districts**

Multiple Applicants for Water Service to Premises along a street or right-of-way in which a main could be installed to satisfy frontage requirements, and who represent 60% or more of the owners of the frontage of such Premises may file an application to form an assessment district to finance the improvement. The cost of forming the assessment district shall be advanced by the Applicants, and prorated among the beneficiaries of the improvement on the successful completion of proceedings. A deposit in an amount determined by the District Manager shall be paid to cover the costs of the preliminary design prior to initiation of assessment proceedings instituted by the District. No refunds will be made of monies expended if the proceedings are terminated prior to completion.

#### **5-4.227. Fire Hydrants**

**(a)** Fire hydrants shall be installed by the District in accordance with water system design reports when requested by a property owner.

**(b)** If the fire hydrant is not located where the District may readily inspect for illegal connections or not constructed to District standards for public usage, a detector check valve shall be installed to detect unauthorized connections and water leaks. When a fire hydrant is constructed to District standards for public hydrants on a main constructed solely for this purpose and can be inspected for misuse from a public vantage point by District personnel, the requirement for a detector check valve may be waived. However, the requirement shall not be waived for privately-owned fire suppression sprinkler systems.

**(c)** The requirements for installation of a detector check valve may be waived when it is not possible to install the valve due to high water pressure. When the requirement for a detector check valve is waived for this reason, the Applicant shall provide the District with continuing access to the fire hydrant to make inspections to determine compliance with the District's rules and regulations and shall construct the hydrant in accordance with District standards for public fire hydrants. When both of these conditions cannot be met, the District Manager may authorize the installation of a single Service to provide both Domestic Service and Fire Protection Service complete with a pressure regulator and a compound meter to measure water delivered to the Premises. In this case, the main meter of the compound meter shall act as a detector check valve and the Applicant shall pay all fees and penalties pertaining thereto. The Applicant shall pay the District the actual cost of installing the necessary facilities.

**5-4.228. Size and Number of Water Connections** An Applicant who desires Commercial or Industrial Service shall apply for the number, size and types of Service Connections which will serve the projected highest water use configuration of the

Applicant's Premises. Before Service commences, the District Manager may require the Applicant obtain Service connections which differ in number, size or type from the Service Connections requested by the Applicant if the District Manager determines the application does not accurately portray the projected highest water use configuration. After Service commences, the District Manager may also refuse to change the number, size or type of Service Connections if the District Manager determines the Applicant negligently or intentionally failed to determine accurately the highest water use configuration. If the number, size or type of Service Connections is changed after Service commences, the Applicant shall pay for the changes at the rates prevailing at the time of the change.

**5-4.229. (Reserved)**

*(Repealed 03/03/11 by Ord. 161)*

**Article 5. Continuation of Service**

**Division 1. Rates: Time and Manner of Payment**

**5-5.100. General**

A Customer shall continue to receive Water Service from the District by compliance with the provisions of this Article.

**5-5.101. Water Pricing**

**(a)** Prior to the expiration of each fiscal year, the Board shall determine whether rates charged for water recover the reasonable cost of Water Service, including capital costs and operation and maintenance. The Board shall amend the rates annually or more frequently, if necessary, to satisfy the foregoing criteria.

**(b)** The District Manager shall initiate an increase or decrease in the rates for Water Service prior to the Board's annual review if operation and maintenance costs increase or decrease as the result of changes in the rates for water delivered to the District by the District's supplier. Such rate changes shall be initiated by the District Manager as follows:

(1) Notice of consideration by the Board of the proposed rate change shall be published and posted for at least ten days prior to the meeting at which the Board shall consider the change.

(2) A written report on the change shall be presented to the Board by the District Manager that shall substantiate that the proposed rate change will not exceed the amount of the rate change for water delivered to the District.

(3) The Board shall adopt or deny the proposed rate change in the exercise of its reasonable discretion.

**(c)** During the annual review of rates, the Board shall determine whether rate changes initiated by the District Manager satisfy the criteria set forth in subdivision (b), above. The Board shall adjust the rate changes made pursuant to said subdivision as necessary to satisfy said criteria.

#### **5-5.102. Potable Water Bi-monthly Meter Service Charge**

A Customer obtaining permanent Water Service shall pay the bi-monthly meter Service Fees set forth in the Master Fee Schedule corresponding to the size of the meter providing such Service.

#### **5-5.103. Potable Water Quantity Charges**

(a) In addition to the bi-monthly meter Service Fee described above, each District permanent water Customer shall pay a quantity charge based upon the amount of water delivered and the zone within which the Customer's Premises is located. Such quantity charge shall be as specified in the Master Fee Schedule for water delivered through each meter in a bi-monthly period.

(b) A meter serving one unit within a multiple family residential dwelling complex shall be treated as a meter serving a single-family dwelling unit for the purposes of calculating potable water quantity charges.

(c) In multiple family residential structures or complexes where there is more than one dwelling unit served through a single meter, the quantity charge for each dwelling unit shall be as specified in the Master Fee Schedule.

#### **5-5.104. Potable Water Rates for Public Schools**

(a) A public school receiving regular Potable Water Service shall pay the bi-monthly Service Charge based upon the size of the meter serving the Premises as specified in the Master Fee Schedule.

(b) In addition to the bi-monthly Service Charge as set forth above, each public school receiving regular Potable Water Service shall pay the bi-monthly quantity fee specified therefor in the Master Fee Schedule.

#### **5-5.105. Potable Water Temporary Service Rates**

(a) A Service Charge shall be paid for potable water temporary meters in the amount specified in the Master Fee Schedule per month per meter. This Service Charge shall be billed and paid on a monthly basis. The Service Charge does not include any water allowance.

(b) The quantity charge for water sold through temporary meters shall be specified in the Master Fee Schedule per water Unit. The commodity charge for potable water sold through temporary meters shall be billed and paid on a monthly basis.

#### **5-5.106. Private Fire Protection Service**

The bimonthly charge for private Fire Protection Service shall be in the amount specified in the Master Fee Schedule.

#### **5-5.107. Service Outside of District Service Area**

(a) The rate for surplus water shall be the same rate as the rate for water sold through temporary meters unless otherwise provided by an agreement for surplus water delivery approved by the Board.

(b) The rate for water used for Premises located both inside and outside the District shall be apportioned according to the place of use as determined by the District Manager.

### **5-5.108. Billing Adjustments**

For the purpose of computing water charges, each meter on a Premises will be computed separately. Readings of two or more meters will not be combined as equivalent to measurement through one meter, except in instances where the District, for its operating convenience, substitutes two or more meters of a smaller size in battery for a single larger meter on the same Service Connection. In such event the total equivalent capacity of the smaller meters shall be substituted for the size of a single meter of a similar capacity.

### **5-5.109. Bills Due When Presented**

Meters shall be read periodically and as soon after the meter reading date as practicable. The District shall mail or deliver a statement for the preceding period. Statements or charges otherwise imposed shall be due and payable at the District's Administrative Offices upon presentation.

### **5-5.110. Billing Frequency**

(a) Domestic Services will normally be billed bimonthly. Exceptions may be made at the discretion of the District Manager, if more frequent billing is warranted. Normally, temporary and large Services will be billed monthly.

(b) A Person proposing to use significant amounts of water during a 30 day period for nonrecurring purposes may request that the billing for the water delivered shall be spread over not more than twelve consecutive months next following the commencement of delivery of such water. The District Manager may grant or deny such request in the exercise of his reasonable discretion including, without limitation, consideration of the cash flow requirements of the District.

### **5-5.111. Application of Deposits to Delinquent Accounts**

A Customer's deposit shall be applied to delinquent bills and penalties. Service may be discontinued unless the deposit is restored and delinquencies and charges are paid.

### **5-5.112. Failure to Receive a Bill**

Failure to receive a bill does not relieve a Customer of liability for payment.

### **5-5.113. Notice of Service Discontinuance Required**

Customers desiring to discontinue Service shall notify the District in writing at least two days prior to the proposed discontinuance. Unless discontinuance is so noticed, the Customer shall be liable for bimonthly Service Charges, irrespective of whether any water is used.

### **5-5.114. Multiple District Services**

The rates and charges for services and facilities furnished by the District shall be included within the same bill for Service Charges. In the event of failure to pay the whole or any part of the bill, the District may discontinue any or all Service for which the bill is presented.

**5-5.115. Multiple Water Service Connections**

When water is furnished to one Customer through more than one Service Connection at the same or different locations or Premises, all services may be discontinued when a bill for any one location or Premises becomes delinquent.

**5-5.116. Proration of Charges for Odd Periods**

Proration of bills for Water Service for less than one month will not be made. Customers shall pay no less than the regular established Service Charge for the size and class of Service even if less than one month's Service is provided. Customers shall pay no less than the regular bimonthly Service Charge for any Service period of one month or longer but less than two months.

**5-5.117. Estimated Bills**

(a) If a meter in working condition cannot be read, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity. Should the succeeding reading indicate the estimate is materially in error, an adjustment shall be made in the succeeding bill.

(b) If a meter becomes inoperable, billing shall be based on the quantity used in a similar period, unless circumstances indicate clearly a material change in the rate of consumption, in which case the District Manager shall estimate the quantity used, considering pertinent factors, and render a bill accordingly.

**5-5.118. Change of Customers Without Notice**

A Person taking possession of Premises and using water from an active connection without having made application to the District for Water Service, shall be liable for the water delivered from the date of the last recorded reading. If application for Water Service is not made upon notification by the District, and if accumulated bills for Service and the fees are not paid immediately, the Service may be discontinued without further notice.

**5-5.119. Delinquent Customers at Same or New Address**

A Customer shall not again be furnished Service at the same or another location until all delinquent bills plus the fees and charges have been paid; and a deposit sufficient to cover future Services has been provided.

**5-5.120. Delinquent Tenants With Service in Owner's Name**

Service may be discontinued and not resumed while the Premises are in the same ownership until bills, plus accrued fees and deposits, have been paid or made.

**5-5.121. Field Collections – Delinquent Accounts**

An employee possessing an authorized order for the disconnection of Service for non-payment of Service Charges may accept the full amount of the Service Charges shown upon the disconnection order, plus fees specified. The entire amount due shall be paid, even if the payment has allegedly been mailed. On collection of the amounts, the Service shall be left connected or reconnected as the case may be. The employee shall not make rebates or adjust charges.

### **5-5.122. Dishonored Checks**

(a) Applicants or Customers who pay bills for Service Charges or other fees, deposits or penalties by check are responsible for the check being honored by the Bank upon which it is drawn. If a check is refused for payment by the Bank, the writer shall redeem the check in cash at the District's office within 24 hours and pay a redemption fee in the amount specified in the Master Fee Schedule or, in the absence thereof, as determined by the District Manager based upon administrative costs.

(b) Service shall not be undertaken until the Customer or Applicant complies with the requirements of this section. If the dishonored check relates to existing Service, the procedure for termination of Service shall be invoked if the Customer fails to redeem the dishonored check within the allotted time.

## **Division 2. Usage**

### **5-5.200. Use of Water – Supplying Another Person or Premises**

(a) Except as provided in this section, water shall not be supplied to Premises other than that described in the application for Service and no Customer shall deliver or provide water outside of the District's boundaries or the Service area of the privately-owned water system acquired by the District effective August 1, 2003 without the consent of the Board.

(b) A Customer may be issued a Permit to supply water to a contractor for construction of public or private improvements. Such Permit shall be denied to a Person indebted to the District or who has failed to comply with the rules and regulations of the District.

(c) Service of water shall not be made through a single meter to two or more separately-owned Premises. A temporary exception may be made to this rule upon approval of the District Manager, if there is no main contiguous to the Premises from which separate Service may be had, and if the Customer for whom the meter for such Service was installed guarantees payment for all water delivered. Such Service shall be charged as though separate meters existed for each separate use. Whenever a District main is installed from which separate Service can be rendered, the District Manager will notify the Persons concerned, and the common Service shall be subject to discontinuance upon expiration of the time specified in the notice.

### **5-5.201. Use of Water During Fire or Shortage**

(a) During the times of threatened or actual water shortage, the Board shall apportion the available water supply among Customers in the most equitable manner possible, with due regard to public health and safety.

(b) When requested by the District during a fire emergency, Customers shall shut off lawn sprinklers or any steady flow of water.

### **5-5.202. Unauthorized Use of Fire Hydrants**

(a) No Person shall use water from a fire hydrant for any purpose other than fire suppression or the uses permitted in this section.

(b) Temporary Service may be provided through a fire hydrant.

(c) Water may be used to maintain or test a fire sprinkler system. Authorization to use water through a Fire Protection Service connection for the purpose of maintaining or testing a fire sprinkler system will be granted when the request includes the maximum



flow intended and the estimated quantity of water to be used. The District Manager may restrict or prohibit non-emergency flows detrimental to the District's system.

**(d)** When a Fire Protection Service connection or a fire hydrant has been used for other than for suppression, or a single Service has exceeded the allowable capacity of the bypass meter (as determined by registration on the full flow main meter) the District may charge the amount specified in the Master Fee Schedule for the first, second, third and subsequent offenses.

**(e)** If the District Manager determines leakage has occurred, totaling less than .03 Units of water per period during 3 consecutive billing periods for a Customer's Fire Protection Service or fire hydrants, the District Manager shall notify the Customer of the leakage and encourage the Customer to repair the leak.

If the District Manager determines leakage has occurred, totaling less than 15 Units but more than .03 Units of water per billing period during 3 consecutive billing periods for the Customer's fire system or fire hydrant, the Customer shall present satisfactory evidence the leak has been repaired, or pay the amount specified in the Master Fee Schedule per billing period in addition to the regular charge described herein.

If the District Manager determines leakage has occurred, totaling more than 15 Units of water per billing period during three consecutive billing periods for the Customer's Fire Protection Service or fire hydrant, the Customer shall present satisfactory evidence that the leakage has been eliminated, or remove the detector check valve and purchase a water meter of the appropriate size. If the Customer chooses to purchase a water meter, the Customer shall pay the fees and charges normally associated with the purchase of such meter.

**(f)** If repeated unauthorized use of a Fire Protection Service or hydrant occurs, the District Manager shall notify the fire department that serves the Premises involved and the occupant of the Premises served by the Fire Protection Service or fire hydrant that within 10 days the Fire Protection Service or fire hydrant shall be disconnected until charges for each violation have been paid and assurances have been given that no further unauthorized use will occur.

#### **5-5.203. Operation of District Facilities Restricted**

No one except an employee or representative of the District shall operate service cocks or valves, main cocks, gates or valves of the District's system, or interfere with meters or their connections, water mains or other parts of the District's water system.

#### **5-5.204. Damage to Property**

**(a)** The District is not liable for damage from water running from opened or faulty fixtures, or from opened or damaged pipes on the Customer's side of the meter.

**(b)** The Customer shall be liable for damage to the District facilities from any act or omission of the Customer or the Customer's family, tenants, agents, employees, contractors, licensees, or permittees.

#### **5-5.205. Fraud**

Service may be discontinued to protect the District from fraud.

## **Division 3. Protective Measures**

### **5-5.300. Relief Valve Required**

A suitable pressure relief valve for protection of a Customer's plumbing system shall be installed and maintained by the Customer in accordance with the District's standards and specifications or as otherwise specified by the District's water system engineer.

### **5-5.301. Isolation of Certain Service Connections Required**

(a) There shall be no connection between a private Fire Protection Service and another water distribution system on a Premises.

(b) There shall be no connection between an irrigation service and another water system on a Premises.

### **5-5.302. Meter Required**

Water furnished by the District must pass through a meter. No by-pass or connection around a meter between the Customer's Service Pipe or other plumbing and the District's main shall be made or maintained.

### **5-5.303. Cross Connections**

(a) A cross-connection is an unprotected connection between any part of the District's potable water supply system and a source or system which potentially contains water or a substance not approved for human consumption.

(b) The requirements of the most current Uniform Plumbing Code and Sections 7583 through 7622 of Title 17 of the California Code of Regulations are hereby incorporated in this Code by reference.

(c) Water Service may be refused or discontinued to Premises where a cross-connection exists in violation of these requirements.

(c) Whenever back flow protection is necessary on a Service Pipe entering a Customer's Premises, or when more than one Domestic or Irrigation Service Connection supplies water to a single Premises, water supply lines from the District's mains entering such Premises, buildings or structures shall be protected by an approved back flow device, irrespective of the use of the additional water supply lines.

(d) Private Fire Protection Services are excluded from the requirements of this section except when required to meet regulations of the California Department of Health Services contained in Title 17, Sections 7583-7605 of the California Code of Regulations under "Regulations Relating to Cross Connections."

### **5-5.304. Service Connection Shut-off Valves**

(a) District shut-off valves are installed for the use of the District and will usually be found immediately adjacent to the street side on the influent and effluent side of the meter serving a Premises.

(b) A suitable shut off valve (House Valve) shall be installed and maintained by the Customer in accordance with the Uniform Plumbing Code to protect the Customer's plumbing system. This valve is for the Customer's use, and may be operated at the Customer's convenience.

### **5-5.305. Ownership of Service Connections**

Service Connections and water meters installed or accepted for use by the District are the property of the District. The expense of maintenance, repairs, and replacement of such devices due to normal wear and tear shall be borne by the District.

### **5-5.306. Customer Plumbing Appliances Subject to Approval**

Water Service may be refused or discontinued to Premises where apparatus or appliances unreasonably endanger District facilities.

## **Division 4. Water Conservation**

### **5-5.400. General**

The District will furnish Customers with water conservation information and make water-conserving fixtures and equipment available to the extent such information or fixtures are available to the District. The District will assist in the implementation of the Water Conservation in Landscaping Act (Gov't. C. §65591 et seq.). This Division sets forth water conservation measures to be followed by Customers.

### **5-5.401. Requirements**

**(a)** Customers shall conserve water supplied by the District by the prevention and elimination of waste or leakage.

**(b)** New plumbing fixtures installed within the District Service area must conform to the following requirements:

(1) Toilets shall use less than 1.6 gallons per flush.

(2) Showerheads shall flow at less than 2.5 gallons per minute.

(3) Non-residential lavatory faucets shall be metering or self-closing.

(4) Urinals shall use not more than 1.5 gallons per flush.

**(c)** Fixtures must be approved by the State Department of Housing and Community Development and toilets, urinals and showerheads must have a certification of volume by a reputable independent testing organization.

(1) Where requirements of this subsection would cause hardship or if suitable fixtures are not available, hot water recirculating systems or point of use hot water heaters may be substituted as water conserving measures for up to two toilet installations per single family dwelling.

(2) In commercial uses, developers may install fixtures using up to 3.5 gallons per flush when rest room facilities must meet applicable handicapped use requirements or when vandalism of tank style toilets is likely.

**(d)** Water conserving fixture installations shall be subject to compliance inspection, prior to issuance of final occupancy permits, by the agency responsible for issuing building permits. Inspection reports shall be supplied by the building inspector to the District.

**(e)** For the benefit of the public, and to further the cause of water conservation in landscaping, one home in each model home display must be landscaped with water efficient plant material and irrigated with appropriate water-conserving irrigation systems.

(1) The landscaping for the model shall be designed to be drought tolerant. The use of irrigation intensive plantings shall be discouraged.

(2) Turf areas shall be no more than 30% of the area landscaped.

(3) The model home display shall draw attention to the specific landscape materials and irrigation techniques utilized.

#### **5-5.402. Recycled Water Use**

To conserve the District's potable water supply, recycled water shall be used as follows:

(1) Where recycled water is available and appropriate, the use of potable water for irrigation purposes shall be considered a waste of potable water. On written notice from the District Manager, recycled water is available from a recycled water main contiguous to a Customer's Premises and acceptable to the California Department of Health Services and the San Francisco Bay Regional Water Quality Control Board. The Customer shall have 60 days to commence the use of recycled water. Thereafter, potable water delivered to the Premises for irrigation shall be charged at a rate of 150% of the potable water rate.

(2) Potable water shall not be used for construction activities such as compaction and dust control when the cost of recycled water, added to the cost of recycled water conveyance facilities, is less than, or equal to, the cost of an equivalent amount of potable water priced at 150 percent of regular potable water rates, plus the cost of necessary potable water conveyance facilities.

#### **5-5.403. Violations**

Violations of this Division may result in termination of Water Service if any violation is not corrected within five business days following written notice to the Customer allegedly in violation.

#### **5-5.404. Ultra Low-flow Toilet Rebates**

(a) Customers are encouraged to make the most efficient use of the potable and recycled water supplies. The district recognizes a significant amount of water may be saved by replacing high capacity toilets with ultra low-flow toilets requiring 1.6 gallons or less per flush. The district also recognizes there may not exist adequate incentive to replace an existing toilet.

(b) Subject to the availability of funds and upon establishment of an amount specified in the Master Fee Schedule, the District will pay each Customer such amount for each ultra low-flow toilet(s) the Customer installs which uses 1.6 gallons or less per flush and which replaces an existing toilet using more than 1.6 gallons per flush. Proof of purchase and installation must be presented with each request for reimbursement. District personnel may inspect any facility for which rebate is requested to confirm the installation of ultra-low-flow toilet(s).

(c) Monies rebated to Customers for retrofit installations of ultra-low flow toilets shall be paid from a special account therefor in the Water Fund.

#### **5-5.405. Irrigation Practices**

(a) The District shall promote water efficient irrigation practices by monitoring compliance with landscaping plans approved under the Water Conservation in Landscaping Act (Gov't. C. §65591 et seq.) and any ordinance enacted pursuant thereto. The District shall notify the agency with jurisdiction by law if a landscaping plan has been breached.

(b) The District may adopt temporary water conservation measures stricter than the landscaping plan if necessary to meet water shortage emergencies.

## **Article 6. Cross Connection Control Program**

### **Division 1. Authority, Purpose**

#### **5-6.100. Authority, Purpose**

This Article establishes a Cross Connection control program pursuant to Division 104, Part 12, Chapter 5, Article 2 (commencing with Section 116800) of the California Health and Safety Code and Title 17, Division I, Chapter 5, Subchapter 1, Group 4 (commencing with Section 7583) of the California Code of Regulations to protect the District's public potable water supply from contamination or pollution from other water sources which could Backflow or back-siphon into the District's water system.

### **Division 2. Definitions**

#### **5-6.200. Definitions: General**

The following definitions shall be used to interpret the provisions of this Article in addition to the definitions set forth in Article 2. Definitions that include reference to the California Code of Regulations ("CCR") are substantially equivalent to the definitions so referenced and shall be deemed to include amendments to those definitions.

#### **5-6.201. Air-gap Separation**

"Air-gap Separation" means a physical break between the water supply line and a receiving vessel. (17 CCR §7583(c))

#### **5-6.202. Approved Device**

"Approved Device" means a Backflow Prevention Device approved by the District.

#### **5-6.203. Auxiliary Water Supply**

"Auxiliary Water Supply" means any water supply other than that received from the District's water system.

#### **5-6.204. Backflow**

"Backflow" means the flow, seepage or other introduction of water or other liquids or mixtures of substances under positive or reduced pressure into the District's distribution pipes from any source other than the District's water system.

#### **5-6.205. Containment**

"Containment" means a method of Backflow prevention which requires the installation of a Backflow Prevention Device at the Water Service Entrance to an Owner's Premises.

#### **5-6.206. Cross-connection**

"Cross-connection" means an unprotected actual or potential connection between the District's water system and an Auxiliary Water Supply including, without limitation, any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which Backflow could occur, shall be considered to be cross-connections. (17 CCR §7583(e))

**5-6.207. Device or Backflow Prevention Device**

"Device or Backflow Prevention Device" means a device or methodology designed to prevent Backflow or back-siphonage. Devices include Double Check Valve Assemblies, Reduced Pressure Principle Backflow Prevention Device, Double Check Valve Assemblies and any other device approved for such purpose by the State Regulations.

**5-6.208. Double Check Valve Assembly**

"Double Check Valve Assembly" means an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve. (17 CCR §7583(f))

**5-6.209. Fixture Outlet Device**

"Fixture Outlet Device" means a Backflow Prevention Device installed at or near the Water Service Entrance on a Premises to effect Backflow prevention by Containment.

**5-6.210. Manager**

"Manager" means the District's General Manager or his or her designee.

**5-6.211. Owner**

"Owner" means the owner of record of Premises served by the District's water system which requires the installation and maintenance of a Backflow Prevention Device pursuant to this Article.

**5-6.212. Reduced Pressure Principle Backflow Prevention Device**

"Reduced Pressure Principle Backflow Prevention Device" means a Backflow Prevention Device incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing. (17 CCR §7583(j))

**5-6.213. State Regulations**

"State Regulations" means the regulations set forth in Title 17, Division I, Chapter 5, Subchapter 1, Group 4 (commencing with Section 7583) of the California Code of Regulations for the implementation of Cross-Connection protection programs as said regulations exist upon the adoption of the ordinance enacting this Article and as they may from time to time may be amended, superseded or revised.

**5-6.214. Tag**

"Tag" means a written notation affixed by the District's certified Backflow prevention program inspector to a Backflow Prevention Device stating the "passed" or "failed" inspection status of the Device.

**5-6.215. Water Service Entrance**

"Water Service Entrance" means that location on an Owner's Premises where the water system serving the Premises is beyond the sanitary control of the District, generally considered to be at or beyond the outlet end of the water meter and before any unprotected distribution system within the Owner's Premises.

### **Division 3. Cross-connection Control**

#### **5-6.300. Backflow Prevention Devices Required**

Approved Backflow Prevention Devices are required for each Domestic, Commercial, Industrial or Fire Service connection to Premises where any of the following circumstances exist:

- (1) An Auxiliary Water Supply is furnished to, used or available for use on, the Premises;
- (2) Any liquid or semi liquid substance is maintained under pressure on or in the Premises under circumstances that it may enter the District's water system;
- (3) Any toxic or other substance or material dangerous to health is located or maintained in or on the Premises under circumstances that it has the potential for entry into the District's water system;
- (4) More than one connection to the Premises from the District's water system exists and the flow from one service to another may occur;
- (5) An internal water pressure system is installed in or on the Premises that, under operation, may cause a Backflow;
- (6) An irrigation system exists in or on the Premises which is supplied by a separate water service or source;
- (7) A Fire Protection Service is provided to the Premises and an Auxiliary Water Supply is furnished to, used or available for use on, the Premises;
- (8) The Premises contains a multi-story building or buildings, the water service to which poses a potential contamination hazard to the District's water system;
- (9) Any other condition exists on the premises that may cause a Backflow.

#### **5-6.301. Evaluation of Hazard, Owner's Responsibility for Abatement**

The District shall evaluate the degree of potential health hazard to the District's water system from Backflow which may be created as result of conditions existing on an Owner's Premises in accordance with the State Regulations. In the case of new construction, the evaluation shall occur during the plan-review process upon receipt of the construction plans from the County of San Mateo. In the case of existing structures the evaluation shall occur through the Cross-connection inspection program established under section 5-6.305. The Owner shall be responsible, at the Owner's cost, for abatement of Cross-connections which may exist within the Owner's Premises, including costs of acquiring and installing a Device. If the Manager requires that Backflow prevention shall be effected by Containment, the Owner shall be responsible, at the Owner's cost, for acquiring and installing a Fixture Outlet Device and shall be responsible, and assume liability, for water quality beyond the outlet Containment Device.

#### **5-6.302. Determination of Approved Device**

In each instance where the Manager determines a Backflow Prevention Device is required, the Manager shall determine which kind of Device shall be installed and maintained including, without limitation, Double Check Valve Assemblies, Reduced Pressure Principle Prevention Devices, Fixture Outlet Devices or any other Device specified or approved under the State Regulations. The Manager's determination shall be based upon his or her assessment of the effectiveness of the Device necessary to prevent Backflow in each circumstance.

#### **5-6.303. Installation**

The Owner shall install or provide for the installation of Devices approved by the Manager.

#### **5-6.304. Permit Required**

In each instance where the Manager determines that a Backflow Prevention Device is required, upon completion of the installation, successful testing of the Device and payment of applicable fees and charges, the Manager shall issue a Backflow Prevention Device permit to the Owner. Such permits shall be effective for one year and shall be renewable annually. Every permit shall be revocable upon a determination by the Manager that the permitted Device is inoperable, has failed a test of its effectiveness, is not suitable for prevention of Backflow under the circumstances present at the Premises or the permit's one-year term has lapsed without payment of the applicable fees and charges. Permits shall be revoked automatically upon any alteration, removal or replacement of an approved Device without the District's prior approval.

#### **5-6.305. Inspection, Testing Program**

Backflow Prevention Devices shall be inspected and tested by the District's certified Backflow prevention inspector annually or more frequently as the Manager may determine. Upon completion of a test, the District's inspector shall affix a Tag to the Device stating whether the Device has passed or failed the inspection. In the case of failure, the District shall notify the Owner to replace or repair the Device at the Owner's expense within thirty (30) days of the date of the notification; provided, that the Manager may extend the time for good cause including, without limitation, the complexity of effecting the repair or replacement, the commercial availability of the requisite Device or similar circumstances reasonably beyond the control of the Owner. The District shall retest any Device that has been repaired or replaced and affix an appropriate Tag to the Device upon completion of the retest. Any device that has failed a retest shall be replaced or repaired immediately upon such failure until it has passed a retest.

### **Division 4. Fees and Charges**

#### **5-6.400. Fees and Charges Established**

The following fees and charges for services, equipment, materials and Devices furnished or provided by the District pursuant to this Article are hereby established, the amounts and rates for which shall be set forth in the Master Fee Schedule:

(1) Inspection, evaluation of health hazard and plan review for new structures pursuant to Section 5-6.301;



- (2) Inspection and evaluation of health hazard for existing structures pursuant to Section 5-6.301;
- (3) Determination of approved Device pursuant to section 5-6.302;
- (4) Backflow Prevention Device testing, retesting and permit issuance pursuant to Section 5-6.305;
- (5) Costs of enforcement incurred pursuant to Division 6.

## **Division 5. Records and Reports**

### **5-6.500. Maintenance of Records and Reports**

The Manager shall establish a record and report system for implementation of the cross connection control program including (i) records of cross-connection plan reviews, applications for Backflow Prevention Device permits, permits issued, locations of Backflow Prevention Devices; (ii) reports of Premises inspections, Backflow Prevention Device tests and repairs, and such other records and reports as the Manager deems appropriate. In accordance with the State Regulations, reports of testing and maintenance shall be maintained for a minimum of three years.

## **Division 6. Enforcement**

### **5-6.600. Manager**

The Manager shall enforce the provisions of this Article; provided, that any civil action for enforcement shall be subject to the authorization of the Board.

### **5-6.601. Cross-connections Prohibited, Unlawful**

Cross-connections are prohibited and it shall be unlawful for any person to have, keep, maintain, install or allow a cross-connection or to have, keep, install, maintain or allow a bypass of a Backflow Prevention Device or to have, keep or maintain a Backflow Prevention Device without a current permit. Each day that a Cross Connection or bypass exists or operation of a backflow Prevention Device occurs without a current permit in violation of this Article shall constitute a separate violation.

### **5-6.602. Cross-connections a Nuisance**

Cross-connections are, and the allowance or maintenance of a Cross-connection shall be deemed, a public nuisance. Such nuisance may be abated, removed or enjoined and damages assessed therefor in any manner provided by law.

### **5-6.603. Right of Entry**

The District shall have a right of entry on Premises to implement and enforce the provisions of this Article.

### **5-6.604. Termination of Service**

Water service to a Premises may be terminated and the Premises disconnected from the District's water distribution system if a Backflow Prevention Device required under this Article has not been installed, any defect is found in an installed Device that renders the Device ineffective, a Device has been removed or bypassed, an unprotected Cross-Connection exists on the Premises, an unpermitted Device has been installed or

payment of applicable fees and charges under this Article is delinquent. Service shall not be restored until such conditions or defects are corrected.

**5-6.605. Costs Recoverable**

In addition to such fees and charges set forth in Section 5-6.400 that may apply to enforcement of a violation of this Article, the District shall recover its administrative costs incurred in such enforcement.

**5-6.606. Remedies Cumulative**

The remedies provided for in this Article shall be cumulative, not exclusive, and shall be in addition to any and all other remedies available to the District in the exercise of its powers.

**Article 7. Collection by Use of Tax Roll**

**5-7.100. Procedure**

The District may elect to have current or delinquent charges, fees, deposits or other amounts imposed by, or pursuant to, this Chapter collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, proceedings therefor shall be had pursuant to the provisions of Article 4 (commencing with Section 5470), Chapter 6, Part 3, Division 5 of the California Health and Safety Code.

**5-7.101. Alternative**

The powers authorized by this Article shall be alternative to all other powers and authority of the District for collection of current or delinquent charges, fees, deposits or other amounts imposed by, or pursuant to, this Chapter.

**MONTARA WATER AND SANITARY DISTRICT CODE**  
**Index of Amendments**

- Adopted 03/05/98 by Ordinance No. 109
- Amended 06/29/98 by Ordinance No. 110 (Master Fee Schedule)
- Amended 06/29/98 by Ordinance No. 111 (Definitions, Permits and Fees)
- Amended 09/10/98 by Ordinance No. 112 (Connection Requirements)
- Amended 03/04/99 by Ordinance No. 113 (Master Fee Schedule)
- Amended 04/01/99 by Ordinance No. 114 (Master Fee Schedule)
- Amended 04/01/99 by Ordinance No. 115 (Second Dwelling Units)
- Amended 04/01/99 by Ordinance No. 116 (Repeals Moratoria on Sewer Connections)
- Amended 02/03/00 by Ordinance No. 119 (Refuse Collection Fees)
- Amended 03/01/01 by Ordinance No. 122 (Sewer Permits)

Amended 03/01/01 by Ordinance No. 123 (Definitions)  
Amended 03/01/01 by Ordinance No. 124 (Sewer Permits)  
Amended 03/15/01 by Ordinance No. 125 (Interim Refuse Collection Fees)  
Amended 02/21/02 by Ordinance No. 127 (Required Water Service)  
Amended 05/02/02 by Ordinance No. 128 (Board Meetings)  
Amended 10/17/02 by Ordinance No. 130 (Ch. 1, Art. 7[Funds]; Ch V heading)  
Amended 07/01/03 by Ordinance No. 131 (Adds Ch. V [Water System])  
Amended 11/20/03 by Ordinance No. 134 (Required Water Connections)  
Amended 03/04/04 by Ordinance No. 136 (Major Water System Facilities)  
Amended 09/08/05 by Ordinance No. 140 (Required Sewer, Water Connections)  
Amended 04/21/05 by Ordinance No. 141 (Water System Applications)  
Amended 03/02/06 by Ordinance No. 144 (Code Title, Definitions, Sewer Fees, Water System Charges and Deposits)  
Amended 12/06/07 by Ordinance No. 146 (Private Sewer Inspections; Design Requirements; Protection Zones)  
Amended 04/05/07 by Ordinance No. 149 (Refuse, Recycling Fees)  
Amended 03/06/08 by Ordinance No. 154 (Sewer connection permit conditions)  
Amended 09/16/10 by Ordinance No. 159 (Cross-connection Control Program)  
Amended 03/03/11 by Ordinance No. 161 (Repeals Moratorium on New Water Connections)  
Amended 11/17/11 by Ordinance No. 164 (Maintenance, Replacement of Side Sewers)  
Amended 03/03/17 by Ordinance No. 180 (Connection Fee for Additional Fixture Units in Existing Structures)  
Amended 01/19/17 by Ordinance N0. 184 (Connection Fee Installment Payments for Well Conversions)