

TITLE 9
SEWER DEPARTMENT

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CHAPTER 1

SEWAGE DISPOSAL SERVICES

SECTION:

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9-1-1: **SHORT TITLE:** This chapter may be cited as *STALLION SPRINGS COMMUNITY SERVICES DISTRICT SEWAGE DISPOSAL SERVICE ORDINANCE*. (Ord. 133, 12-16-2003)

9-1-2: **DEFINITIONS:** Unless the context otherwise requires, the definitions set forth in this section shall govern the interpretation of the provisions of this title:

APPLICANT: Any prospective user applying for sewer service.

BOARD OF DIRECTORS OR BOARD: The board of directors of the district.

COMMERCIAL SEWER SERVICE: The furnishing of sewer service to any commercial user.

COMMERCIAL USER: Any user other than a domestic or institutional user.

COMMUNITY SEWER SYSTEM: A system of sewage collection lines and treatment facilities owned, maintained and operated by the Stallion Springs Community Services District.

CONTAMINATION:	An impairment of the quality of the waters of the state to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.
CUSTOMER:	The property owner or his authorized representative of the premises receiving or applying for water service and wastewater connection/service responsible for payment of services rendered.
DATE OF PRESENTATION:	The date upon which a bill or notice is mailed or delivered personally to the consumer.
DISTRICT:	The Stallion Springs Community Services District.
DISTRICT SEWER SYSTEM:	The system of works owned by the district which are used or are useful in the collection, conveyance and treatment of liquid waste generated within the district.
DOMESTIC USER:	Any user of the district sewer system whose sewage is generated exclusively from ordinary household activities.
DWELLING UNIT:	Any single-family dwelling of one or more rooms having one or more plumbing fixtures suitable for residential occupancy by any number of persons living together, including single-family dwellings, and each group of rooms constituting a dwelling unit for a single family in any multiple dwelling structure.
GENERAL MANAGER:	The general manager of the district or other person designated by the board of directors to perform the services or make the determinations permitted or required under this title to be made by the general manager.

HOUSE LATERAL:	That portion of any service connection between the property line and the structure being served.
INSTITUTIONAL USER:	Any user, public or private, operating a public or nonprofit school, hospital, clubs, fire department, library, church or other public or nonprofit activity.
LATERAL SEWER:	That portion of any service connection being composed of generally horizontal piping, extending between a main sewer line and a property line and lying in a street or public utility easement, or any other easement granted to the district for utility purposes.
LODGING UNIT:	One more or more rooms in a multiple lodging structure designed and/or rented as a unit for temporary sleeping accommodation.
MAIN EXTENSION:	The extension of any trunk sewer, main sewer or lateral sewer, exclusive of service connections, beyond existing facilities, in streets or district rights of way up to the property line of any person.
MAIN SEWER:	Any sewer constructed in any street or district owned property to accommodate one or more than one service connection.
MULTIPLE DWELLING STRUCTURE:	Any two (2) or more dwelling units in any single building or structure or group of buildings or structures, including any apartment house, apartment court or condominium excepting any multiple lodging structure.
MULTIPLE LODGING STRUCTURE:	Any two (2) or more lodging units in any single building or structure, or group of buildings or structures, designed and/or utilized to provide temporary sleeping accommodations, motel, auto court or trailer court.
PLUMBING FIXTURE:	Any source of liquid waste entering the district sewer system, including lavatories, laundry tubs, slop sinks, floor drains, swimming pools

and appliances such as washing machines, dishwashers and others of similar nature.

POLLUTION:	An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use, or facilities which serve such beneficial uses. Pollution may include "contamination".
PREMISES:	Any lot, piece of parcel of land or any building or other structure or any part of any building or structure used or useful for human habitation or for carrying on a business or any commercial activity which has a connection with the district sewer system.
PRIVATE SEWER LINE:	A sewer line connecting the user's premises to a lateral sewer of the district sewer system.
REPORT:	The report referred to in section 5473 of the Health and Safety Code of the state of California.
RESIDENTIAL SEWER SERVICE:	The sewer service furnished to any residential user which generates ordinary household waste.
RESIDENTIAL WASTE:	Any liquid or water carried or other human or animal waste.
SERVICE CONNECTION:	That part of any sewer piping beginning at the junction thereof with any plumbing system at not closer than two feet (2') outside the foundation wall of the building served and terminating in any main sewer.
SEWAGE:	Any combination of water carried waste discharge from structures in the district.
SEWAGE DISPOSAL CHARGES:	Fees, tolls, rates, rentals, or other charges for services and facilities furnished by the district in connection with sanitation or sewage systems.

SEWAGE DISPOSAL SYSTEM:	A septic tank or any other similar facility designed and constructed for the purpose of receiving and disposing of sewage.
SEWER SERVICE:	The collection, treatment and disposal of sewage by means of the facilities of the district sewer system.
SINGLE-FAMILY DWELLING:	A detached building designed for or occupied exclusively by one family as a residence.
STREET LATERAL:	That portion of any service connection being composed of generally horizontal piping, extending between a main sewer line and a property line and lying in a street or public utility easement, or any other easement granted to the district for utility purposes.
TRUNK SEWER:	That portion of the sewer line a collection point for one or more main sewers and the treatment facilities.
USER:	Any person responsible of payment of sewer service. (Ord. 133, 12-16-2003)

9-1-3: **NEED FOR REGULATION:**

- A. Statement In Resolution: The district has heretofore been formed pursuant to the board of supervisors of the county of Kern, ordering the formation of the Stallion Springs Community Services District. One of the purposes set forth in said resolution was as follows:

The collection, treatment, or disposal of sewage, waste, and storm water of the District and its inhabitants.

- B. Assurance Of Conditions: The need of this title is to assure the following conditions within the district:
1. The discharges shall not cause a pollution;
 2. Neither the treatment nor the discharges shall cause a nuisance;

3. The waste discharges shall be confined underground with no surfacing or direct discharge to surface waters or surface water drainage courses.

- C. **Creation:** A sewer department is hereby created for the administration of the construction, operation, maintenance, and replacement of the district sewer system. There shall be at least two (2) positions in the sewer system: a public works superintendent and a billing clerk.
- D. **Duties Of Public Works Superintendent:** The public works superintendent shall regularly inspect all facilities of the district sewer system to see that they are in good repair and proper working order, to see that all connections with the system are in compliance with the provisions of this title, and to promptly report any violations of any of the provisions of this title or disrepair of any of the facilities of the district sewer system to the general manager.
- E. **Duties Of Billing Clerk:** The billing clerk shall compute, prepare and mail bills as hereinafter described, make and deposit collections, maintain proper books of account, collect, account for and refund deposits, do whatever else is necessary to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the board.
- F. **Performance Of Duties:** The duties of the public works superintendent and the billing clerk may be performed by existing district personnel or by any additional employee or employees. (Ord. 133, 12-16-2003)

9-1-4: **SEWAGE DISPOSAL SYSTEMS:**

A. **General Provisions:**

1. **Application Required:** Before commencement or construction of sewage disposal systems, the owner shall first obtain a written application signed by the general manager or his authorized representative. The applications shall be made on a form furnished by the district. The form of application shall include a grant to the district of the right to maintain, operate and repair the facility upon its completion and an agreement to observe all district rules, regulations and ordinances and to pay all district charges.

2. **Building Permit:** Subject to the approval of the board of supervisors of the county of Kern, no building permit for a building

within said community services district shall be issued by the county building inspector until the district has issued a notice of receipt of application and agreement for a sewage disposal facility as required herein, or a statement that said building must be connected to a community sewer system within said district.

3. **Inspection Required:** The general manager or his authorized representative shall be allowed to inspect the work at any stage of construction and in any event, the applicant shall notify the general manager or his authorized representative when the work is ready for final inspection and before any underground portions are covered or utilized. The inspection shall be made within forty eight (48) hours, Saturdays, Sundays, and holidays excluded, of the receipt of the notice. Installations shall conform to the plans and specifications approved by the county of Kern. All connection work must be inspected and approved by the district before sewer service will be provided. Up to the time of inspection, all work must be and remain uncovered and convenient for the district's examination. The connection work must be completed within sixty (60) days.

a. **Waiver Of Inspection:** Upon notice to the district, the inspection shall be waived if the inspection does not take place as outlined above. In any case the landowner shall provide the district with photographs, plot plans, and measurements of the sewage disposal connection.

b. **Criteria For Inspection:** Every connection made within a sewer lateral of the district shall be made in the following manner and with such materials as are hereinafter set forth: A Calder coupling or its equivalent shall be used for the connection. Private sewer lines and district laterals shall align vertically and horizontally so as not to inhibit the flow of wastewater through the district's laterals. All alignments and connections must be inspected and approved by the district. A connection shall not be approved if inspection thereof reveals any evidence of leakage, or substandard construction of materials.

4. **Design Requirement:** The type, capacities, locations and layout of the sewage disposal system shall comply with all recommendations and requirements of the Kern County health department.

5. **Abandonment Of Facilities:** At such time as a community sewer system becomes available to a property served by a sewage disposal system, a direct connection shall be made to the community sewer system in compliance with ordinances, rules and regulations

of the district, and any septic tanks or similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by Kern County code and requirements imposed by Kern County health department or any other agency with jurisdiction.

6. Additional Requirements: No statement contained in this section shall be constructed to interfere with any additional requirements that may be imposed by law, ordinance, rule or regulation of the health officer of the county of Kern or any other officer having jurisdiction. In the event that any sewage disposal system installed pursuant to this chapter requires modification by reason of conditions below ground level which were not apparent on the surface and which become apparent during construction of said system or if in the determination of the general manager or his authorized representative, any such system is being insufficiently maintained or improperly operated, the owner of the lot shall make such modification, perform sufficient maintenance or correct the operation at his expense. In the event of failure of such owner to do so within thirty (30) days after written notice, mailed to his address as shown in the last county equalized assessment roll or as filed with the clerk of the district, then the district shall make such modification or perform such maintenance or correct such operation and the lot shall be subject to a service charge therefor in an amount equal to the actual cost to the district for performing any maintenance, repair, modification or operational correction of sewage disposal systems, or portion thereof (any such charge to be applicable only to the particular lot for which such service is rendered).

7. Applicability: The provisions of this section shall apply as well to those owners of premises which have been connected to the district sewer system prior to the effective date hereof.

B. Premises Where Sewers Not Available:

1. Disposal System Required: Where a community sewer is not available within the Stallion Springs Community Services District, structures shall be connected to a sewage disposal system to be constructed on the site pursuant to this title, and comply with all rules, regulations and ordinances of the district and the county of Kern and the state of California.

2. Discharge Restricted: No septic tank shall be permitted to discharge directly to any stream or watercourse.

C. Premises Where Sewers Available:

1. Duty To Connect To Community Sewer System: No person owning any premises within the district and no user of any premises within the district on which sewage is produced: a) on which premises the nearest outlet of the plumbing system is located within three hundred feet (300') from the point at which a connection can be made to the community sewer system; or b) having no plumbing system, but in which a plumbing system could be installed with the nearest outlet located within three hundred feet (300') from the point at which a connection could be made to the community sewer system, shall use any means of sewage disposal other than through the community sewer system. Every person owning any premises and/or every user of any premises so located and upon or in which any sewage is produced shall be required to connect said premises to the community sewer system within ninety (90) days from the date when a main sewer located within the distance specified above is completed and available for connection to said premises. There shall be a separate service connection to the community sewer system for each building or structure served, except by permission from the board. No premises shall be connected to the community sewer system without also being connected to the district water system.

2. Changing Size Of Equipment: Users making any material change in the size, character or extent of the utilizing equipment or operations for which the district is supplying sewer service shall immediately give the district written notice of the extent and nature of the change.

3. Changes In Sewer Load: Users making any material change in the size, character or extent of the equipment or operations utilizing sewer service, or whose change in operations results in a large increase of sewage, shall immediately, give the district written notice of the nature of the change and, if necessary, amend their application.

4. Change In Service: Any connection that exceeds the flow in GPD, as approved by the district, for any single two (2) month period for any reason, including any type of change in the use of the connection including on site expansion, change of business or operation or customer type, shall be subject to a district review and determination and a possible additional fee in accordance with subsection 9-5-2C of this title, due and payable within sixty (60) days of said determination or the water service may be disconnected.

5. Private Property: All service connections, main extensions and installations paid for by applicants accepting only house laterals, and all other facilities furnished by the district, whether located wholly or partially on public or private property, shall be and remain the property of the district, which shall have the right to repair, replace and maintain the same and the right to remove the same upon discontinuance of service. The general manager or other duly authorized agent of the district shall have, at all reasonable times, the right to ingress to and egress from any user's premises for any purpose properly relating to the furnishing of sewer service to such user.

6. House Laterals: All house laterals shall be maintained by the owners or users of the premises connected to the community sewer system.

7. District Nonliability: The district will not be responsible for any loss or damage caused by any negligence or unlawful act of any user or any other person in installing, maintaining, supplying or using any appliances, facilities or equipment for which sewer service is furnished by the district. Each user shall be held responsible for damage to the district property comprising any part of the district water system or the community sewer system which results from use or operation of any appliances or facilities on such user's premises.

8. Tampering With District Property: It will be a violation of this chapter for any person to tamper with any of the property compromising the district water system or the community sewer system.

D. Applicants Outside District: The board may refuse use of the community sewer system to any applicant whose premises are located outside the boundaries of the district. (Ord. 133, 12-16-2003)

9-1-5: **RELIEF FROM INEQUITY:**

A. Relief From Application:

1. Whenever any person believes that due to special or unique circumstances the application of any provision of this title is unjust, inequitable, or imposes an undue hardship as applied to his premises, such person may make a written application for suspension or modification of this title to the board. Such application shall state the special or unique circumstances, citing the provision(s) of

this title they believe should be suspended or modified, and requesting that the board suspend or modify this title. In the event a modification is requested, the application shall provide a detailed outline of the requested modification and the reasons justifying and/or necessitating any such modification(s), and attaching any documentation supporting the application.

2. If such application be approved, the board may 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.

- B. Relief On Motion: The board may, on its own motion, find that by reason of special circumstances any provision of this regulation and title should be suspended or modified as applied to a particular premises and may order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 133, 12-16-2003)

CHAPTER 2

SEWER RATES AND CHARGES

SECTION:

- 9-2- 1: Purpose
- 9-2- 2: Findings
- 9-2- 3: Description Of Services
- 9-2- 4: Service Connections; Fees
- 9-2- 5: Sewer Service Charge
- 9-2- 6: Sewer Standby Charge
- 9-2- 7: Sewer Zone A
- 9-2- 8: Payment Of Charges And Penalties For Delinquencies
- 9-2- 9: Notices
- 9-2-10: Enforcement Measures

9-2-1: **PURPOSE:** This chapter establishes regulations for sewer service and connections, including sewer service charges. (Ord. 133, 12-16-2003)

9-2-2: **FINDINGS:** The board of directors finds, determines and declares that the service charges herein authorized are to recover the actual costs of operating expenses; purchasing and leasing supplies, equipment and materials; meeting financial reserve needs and requirements and capital projects necessary to maintain service. As to service charges, this chapter is exempt from the California environmental quality act (CEQA) pursuant to the California Public Resources Code section 21080 (b)(8) and 14 California Code of Regulations section 15273. (Ord. 133, 12-16-2003)

9-2-3: **DESCRIPTION OF SERVICES:** The territory which may be served by the district shall be all premises within the boundaries of the district as now existing and also any territory hereafter annexed to or becoming a part of said district at any time hereafter served by or required by this title to be connected to the community sewer system. (Ord. 133, 12-16-2003)

9-2-4: SERVICE CONNECTIONS; FEES:

- A. Purpose: The purpose of this section is to establish connection fees for sewer service installations and inspection.
- B. Service Connections: All sewer service connections will be installed in accordance with the provisions of this title.
- C. Cost: The "cost" of the sewer service shall mean the cost of labor, materials, insurance, transportation, supervision, engineering, filing, administration and all other necessary overhead costs.
- D. Connection Fee: Any landowner wishing to establish a connection to the district sewer system must pay the appropriate connection fee, as set forth in this subsection unless the connection fee has been previously paid.

Single-family dwelling	\$1,000.00	
Multiple dwelling structure	1,000.00	per dwelling unit
Multiple lodge structure	1,000.00	for the first lodging unit, thereafter \$50.00 per fixture
Institutional user and commercial user other than multiple lodging structure	50.00	per fixture or \$1,000.00 whichever is greater

The rates and fees established may be revised from time to time by resolution pursuant to section 1-2-3 of this code. (Ord. 133, 12-16-2003)

9-2-5: SEWER SERVICE CHARGE:

- A. Right To Change Charges: The board reserves the right to change the sewer service charge from time to time by ordinance as shall be found necessary.
- B. Providing Services Free Of Charge Prohibited: No sewer service and no facilities of the community sewer system shall be furnished to any user or to any person free of charge.

C. **Separate Premises Under Single Control:** Separate premises under single control or management shall be furnished sewer service through separate individual service connections unless by permission from the board. Separate houses or buildings on the same lot, or on adjoining lots, under a single control or management shall be furnished sewer service, at the option of the district by either of the following methods:

1. Through separate service connections to each such house or building; or

2. Through a single service connection to supply all such houses and buildings, in which case one monthly charge shall be applied for each house or building and the responsibility for payment of charges for all sewer service furnished shall be assumed by the owner of said premises.

D. **Residential Rate:** For the purpose of providing funds for the acquisition, construction, maintenance, operation, improvement and financing of the district sewer system, charges for sewer service are hereby established for premises connected to the district sewer system, which charges are in addition to any other charges which may be levied by the district. Such sewer service charges shall consist of a monthly or bimonthly charge, based upon the size of the water meter servicing the premises. The monthly or bimonthly charge for sewer service is as follows:

1. Single-family dwelling \$28.00 per month

2. Residential properties occupied by more than one dwelling or occupied by a multiple dwelling such as an apartment, flat, dormitory or other housing accommodation 28.00 per month

3. Commercial Properties:

a. **Institutional Properties, Multiple Lodging And The Timeshare Properties:** Each parcel of property connected to the sewer service, the basic charge shall be fifteen dollars (\$15.00) per month applicable when only one toilet is on the premises, and when for said month the consumption of water upon the water meter reading does not exceed two thousand (2,000) cubic feet. For each additional toilet on the said premises, the basic charge shall be increased by nine dollars (\$9.00), and for additional water consumption on said premises the basic charge shall be increased by ten dollars fifty

cents (\$10.50) for each additional bracket of usage including one thousand (1,000) cubic feet or fraction thereof above two thousand (2,000) cubic feet mentioned above. The basic charge does not include the use of any commercial garbage grinder disposal unit, and for each such disposal unit or units located on the premises a further additional charge of fifteen dollars (\$15.00) per month shall be made. The basic charge does not include the use of washing machines or dishwashers and for each unit located on the premises fifteen dollars (\$15.00) per month shall be charged.

b. Laundries: In addition to the basic charge included in subsection D3a of this section, commercial laundries, shall pay an additional charge of fifteen dollars (\$15.00) per month for each laundry machine, limited, however, to thirty five (35) pound load per machine.

c. Business Shopping Center: Where connection is made to premises occupied by a number of stores or separate building, in addition to the basic charge included in subsection D3a of this section, each storefront and separate building shall be charged for an additional fifteen dollars (\$15.00) per month for the first toilet located there and nine dollars (\$9.00) per month for each additional toilet.

d. Restaurants: In addition to the basic charge included in subsection D3a of this section, an additional charge of fifteen dollars (\$15.00) per month shall be made for each commercial dishwasher used.

The rates and fees established may be revised from time to time by resolution pursuant to section 1-2-3 of this code. (Ord. 133, 12-16-2003)

9-2-6: **SEWER STANDBY CHARGE:** Commencing with the fiscal year starting July 1, 1985, a sewer standby or availability charge in the amount of fifteen dollars (\$15.00) per year for each acre of land, or fifteen dollars (\$15.00) per year for each parcel of land of less than one acre shall be imposed on the property located within the boundaries of sewer zone A as those boundaries are described in this chapter (commencing at section 9-2-7 of this chapter). Pursuant to the provisions of section 61621.2 of the Government Code of the state of California the sewer standby or availability charge and any delinquencies in said charge shall be collected in the tax roll and the secretary of the Stallion Springs Community Services District shall prepare and file a written report which

shall contain a description of each parcel of real property to be charged a sewer standby or availability charge. The secretary of Stallion Springs Community Services District shall file a certified copy of this ordinance with the Kern County auditor on or before August 10, 1985, and thereafter annually, and shall request the auditor to enter the amount of the sewer standby or availability charge against the respective lots or parcels of land as they appear on the current assessment roll. (Ord. 133, 12-16-2003)

9-2-7: **SEWER ZONE A:** Sewer zone A is hereby formed and established and is to consist of property within the following boundaries:

Tract 3445	Block L, Block M, Block N, Block P, Block Q, Block R, Block S, Block T, Block U, Block V, Block W, Block X, Block Y, Block AA, Block LL, Block MM,	Lots 127-132 Lots 1, 2, 3, 4, 5, 6, Lots 119, 120, 121, 122, 126, 127, 128, 130-133, 135-141, 142-153 Lots 28, 30-33 Lots 1-8 Lot 1 Lots 1-4 Lots 1-11 Lots 1-32 Lots 1, 2, 25-28, 60-82 Lot 16 Lots 2*, 4, 5 Lots 1-3 Lots 19-22 Lots 23, 24, 25, 26, 28 and 29-35 Lots 1, 33-44
Tract 3733		Lots 1-U-1 through 1-U-14
Tract 4286		Lots 1-253
Tract 4660		Lots 1-49
Tract 1568		Parcels 1* and 2
Tract 2260		Parcels 1* and 2
Tract 2574		Parcel 40
Tract 3837		Parcels A and B
Tract 4642		Parcels 1-8, 13-16

*Lot 2, block X, lot 140, block N, tract 3445, parcel 1, parcel map 1568 are owned by Stallion Springs Community Services District; parcel 1, parcel map 2260 is owned by the county of Kern; all of which are exempt.

(Ord. 133, 12-16-2003)

9-2-8: **PAYMENT OF CHARGES AND PENALTIES FOR DELINQUENCIES:**

- A. **Billing Periods:** The regular period shall be monthly or bimonthly, as determined by the board.
- B. **Opening And Closing Bills:** Opening and closing bills for less than the regular billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which sewer service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the district for the final period as an expediency to permit the user to pay the closing bill at the time sewer service is discontinued.
- C. **Payment Of Bills:** Bills for sewer service shall be rendered by the district at the end of each billing period and shall be combined with bills for water service in all cases where the premises receiving service is connected to both systems. Bills shall be payable upon receipt by the user and shall become delinquent if not paid before the twentieth day of the month following the month or months during which the sewer service was provided, irrespective of whether the bill is received by the user. If the bill becomes delinquent, penalties and interest shall accrue as provided in this section.

The policy of the district in regard to payment of bills is as follows:

This bill is due upon receipt and becomes delinquent on or before the twentieth (20) day of the month following the month or months during in which the sewer service was received. Upon delinquency of this bill, all water service will be discontinued, and a basic penalty of ten percent (10%) of the amount of this bill will be added for the first month delinquent, and an additional penalty of one-half percent (1/2%) of the amount of this bill and basic penalty will be added for each month during the time the bill remains unpaid after its delinquent date. A reconnecting charge and penalties will be made and collected prior to renewing water service following a discontinuance.

- D. **Disconnection Of Water Service For Nonpayment:** Water service may be discontinued for nonpayment of sewer service bills by the twentieth day of the month following the month or months during which the sewer service was provided. At least five (5) days prior to

such discontinuance, the user shall be sent a final notice informing him that discontinuance of water service will be enforced if payment is not made within the time specified in the notice. The failure of the district to send, or any users to receive, the notice shall not affect the district's power hereunder. Water service shall not be discontinued, however, until the amount of the deposit made to establish credit for water service has been fully absorbed. A user's water service may be discontinued if sewer service furnished at a previous location is not paid for within the time herein fixed for the payment of bills. If a user receives sewer service at more than one location and the bill for sewer service at any one location is not paid within the time provided for payment, water service at all locations may be discontinued.

- E. **Payment For Previous Service:** An application shall not be honored unless payment in full has been made for sewer service previously rendered to the applicant by the district.
- F. **Prorated Bills:** Opening bills, closing bills and other bills requiring proration, will be computed in accordance with the applicable schedule, but the fixed charge or minimum charge specified therein will be prorated on the basis of the ratio of the number of days in the period to the number of days in the average billing period, based on an average month of thirty (30) days.
- G. **Penalty:** Sewer rates and charges which are not paid on or before the twentieth day of the month following the month or months during which the sewer service was provided shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to an additional penalty of one-half of one percent ($\frac{1}{2}\%$) of the amount of the charge for each month, or any portion thereof, during the time the charge remains unpaid after its delinquent date.
- H. **Suit:** All unpaid rates, charges, penalties or other charges related to sewer service may be collected by suit as determined by the board.
- I. **Attorney Fees And Costs:** In the event the district commences suit for the collection of delinquent charges, the district shall be entitled to recover from such user all costs of suit incurred by the district, including reasonable attorney fees and fees as may be fixed by the court.
- J. **Liens:** In case any charges for sewer service remain unpaid on the twentieth day of the month, the amount of unpaid charges may, in the discretion of the board, be secured at any time by filing for

record in the office of the county recorder of any county, a certificate specifying the amount of such charges and the name and address of the person liable therefor. From the time of the recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property acquired during the lien period as provided in California Government Code section 61621. (Ord. 133, 12-16-2003)

9-2-9: NOTICES:

- A. From The District To Persons: Notices from the district to any person will be given in writing, either delivered to the person or mailed to his last known address, except that where conditions warrant, or in any emergency, the district may give verbal notice by telephone or in person.
- B. From Persons To District: Notices from any person to the district may be given by such person or his authorized representative verbally or in writing at the district office, or to an employee or agent of the district who is authorized to receive notices or complaints, or may be sent by mail to the district office. Notices can be delivered to the general manager or the bookkeeper. (Ord. 133, 12-16-2003)

9-2-10: ENFORCEMENT MEASURES:

- A. Discontinue Water Service: In the event of violation of any terms of this title, the general manager may disconnect any premises from the district water system after proper notification.
- B. Reconnection Charge Following Discontinuance By The District: A reconnection charge of fifty dollars (\$50.00), plus penalties, shall be made and collected prior to renewing water service following a discontinuance of water service of the district on account of the nonpayment of sewer service bills as specified in section 9-2-9 of this chapter. The rates and fees established may be revised from time to time by resolution pursuant to section 1-2-3 of this code. (Ord. 133, 12-16-2003)

CHAPTER 3

SEWER USE REQUIREMENTS

SECTION:

- 9-3-1: Purpose
9-3-2: Sewer Use Prohibitions And Requirements

9-3-1: **PURPOSE:** The purpose of this chapter is to establish certain prohibitions and requirements regarding the use of district sewerage facilities. (Ord. 133, 12-16-2003)

9-3-2: **SEWER USE PROHIBITIONS AND REQUIREMENTS:**

- A. **Discharge Of Storm Water:** No person shall discharge or cause to be discharged any rainwater, storm water, ground water, street drainage, yard drainage, including evaporative type air cooler discharge water, into any sewage facility which is directly or indirectly connected to the sewerage facilities of the district.
- B. **Discharge Of Toxic Wastes:** No person shall discharge or cause to be discharged any toxic, hazardous, or other waste in any sewerage facility which directly or indirectly connects to the district sewerage facilities if, in the opinion of the district general manager, such wastes may have an adverse or harmful effect on sewers, sewer maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public or the local environment, cause a violation of the district waste discharge requirements, or create a public nuisance.
- C. **Questionable Waste:** In the event any person is uncertain of whether any substance is permitted to be discharged into any sewerage facility, or has any question or concern regarding the disposal of any substance, that person shall contact the general manager and provide the general manager with any and all information the general

manager deems necessary to reach a decision. Until such a decision has been rendered in writing by the general manager, no person shall dispose of this substance by introducing it into any sewerage facility.

- D. **Acceptability Of Specific Wastes Determined By Manager:** The general manager, in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy of the district collection, treatment, and disposal system to accept the waste.
- E. **Number And Location Of Sewer Service Connection Per Premises:** The applicant may apply for as many sewer service connections as there are laterals extending from the main sewer line to the property line of the applicant's premises, provided that the pipeline system from each sewer service connection shall be independent of the others and such systems shall not be interconnected. The cost of all sewer service connections shall be borne by the applicant.
- F. **Damage To District Sewer System:** The user shall be liable for any damage to any facilities of the district sewer system when such damage is from causes originating on the premises by an act of the user of his tenants, agents, employees, contractors, licensees or permittees.
- G. **Interruption In Sewer Service:** The district shall not be liable for damage which may result from any interruption in sewer service. The district shall not be liable for interruption, shortage or insufficiency of capacity, or for any loss or damage occasioned thereby if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.
- H. **Ingress And Egress:** Representatives of the district shall have the right to ingress and egress from the user's premises at reasonable hours for any purpose reasonably connected with the furnishing of sewer service. Twenty four (24) hour notice will be attempted prior to entry unless emergency or immediate repairs require the district's immediate access, in which case notice will be given as soon as the need for entry is identified.
- I. **Requirements For Sewer Disposed Into District Sewer System:** No person shall discharge or cause to be discharged into the district sewer system any of the following materials, wastes, or waters:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees centigrade (65°C).
2. Any waters or waste which contain grease or oil or other substances which will become discernibly viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees Fahrenheit (150°F).
3. Any waters or wastes containing emulsified oil and grease exceeding an average of fifty (50) parts per million of either soluble matter. The maximum admissible concentration shall be not more than one hundred (100) parts per million for a period not to exceed fifteen (15) minutes in any one hour.
4. Any gasoline, benzine, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.
5. Any nocuous or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide or other substance which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
6. Any household garbage that has not been properly comminuted or triturated. All ground garbage shall be capable of passing through a one-half inch ($\frac{1}{2}$ ") mesh screen before being introduced into the district sewer system.
7. Any solid or viscous substance capable of causing an obstruction in the district sewer system or other interference with the proper operation of the district sewer system, including, but not limited to, any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, hair, entrails, lime slurry, residues, chemical residues, paint residues, and bulk solids.
8. Any waters or wastes, acid or alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment or personnel. Free acids and alkalis must be neutralized at all times within a permissible pH range of five and five-tenths ($5\frac{5}{10}$) to eight and five-tenths ($8\frac{5}{10}$).
9. Any cyanides in excess of five (5) parts per million by weight as CN.

10. Any radioactive isotopes.
 11. Any waters or wastes which for a duration of more than fifteen (15) minutes in any three (3) hour period have a concentration greater than five (5) times that of "normal" sewage as measured by suspended solids, BOD or conductivity.
 12. Water which has been used as a cooling medium in any cooler, appliance device or other apparatus.
 13. Any waters from any swimming pool or tank without the special written permission of the district.
 14. Any exhaust from any engine or the blow off from any boiler.
- J. Grease Traps: It shall be unlawful for any person, operating an establishment serving fifty (50) or more meals per day, to allow wastes from the kitchen sinks to be connected directly to a connection sewer leading to the district sewer system unless grease traps, with a guaranteed capacity of twenty (20) pounds of pure grease, shall be installed with each kitchen sink outlet; for establishments serving fifty (50) to three hundred (300) meals per day, a grease trap with a guaranteed capacity of one hundred (100) pounds shall be installed.
- Grease traps installed pursuant to this subsection shall be maintained in good working order. All grease traps shall be cleaned or inspected at least once a week, and shall regularly be cleaned and emptied as necessary. All traps shall be maintained and operated in accordance with the requirements of any local, state, or federal agency, including, but not limited to, the Kern County health department. In the event any grease trap is not maintained and cleaned, thereby permitting grease to enter the district sewerage system, the landowner shall be liable for any costs associated with repairs to district facilities from the grease.
- K. Injury To Sewers: It shall be unlawful for any person to remove or cause to be removed, to injure or cause to be injured, any portion of the district sewer system or to open or enter or cause to be opened or entered, any district sewer without first obtaining a permit in writing from the district.
- L. Private Lines: The user shall comply with the provisions of the Kern County code of building regulations and the Kern County plumbing

code pertaining to the design and construction of private sewer lines. The user at all times shall keep such private lines in good repair.

- M. **Penalty For Violation:** Any person violating any provision of this section shall be deemed guilty of a misdemeanor and a separate offense shall be deemed committed each day during which a violation occurs.
- N. **Unsafe Apparatus:** Water service may be refused or discontinued to any premises where apparatus or appliances are in use or where sewage is being generated which might endanger or disturb sewer service to other users.
- O. **Fraud Or Abuse:** Sewer service may be discontinued by means of discontinuing water service if necessary to protect the district against fraud or abuse.
- P. **Noncompliance With Regulations:** Water service may be discontinued for noncompliance with the provisions of this title relating to sewer service. (Ord. 133, 12-16-2003)

CHAPTER 4

WASTEWATER CAPITAL RESERVE FUND

(Reserved) (Ord. 133, 12-16-2003)

CHAPTER 5

FEEES FOR NEW DEVELOPMENT

SECTION:

- 9-5-1: Findings
- 9-5-2: Wastewater System Capacity Fees
- 9-5-3: Disposition Of Development Fees (Reserved)
- 9-5-4: Annual Review (Reserved)
- 9-5-5: Term Of Approval (Reserved)
- 9-5-6: Fee Adjustments (Reserved)

9-5-1: **FINDINGS:** The board finds that:

- A. **Purpose:** The purpose of new development fees is to replace the wastewater treatment and disposal capacity owned by the district and still allow for the growth of residential and other development.
- B. **Fee Imposition:** There is a reasonable relationship between imposing such capacity fees on all development of sewered lots because all such development uses wastewater capacity.
- C. **Anticipated Growth:** Because of the anticipated growth in residential and commercial demand, the existing wastewater capacity owned by the district will be consumed by residential and commercial development long before the vacant land within the boundaries served by the district's wastewater plant is fully occupied. When residential development occurs, without such fees being collected by the district, the existing wastewater capacity will already have been used. If all of the unused capacity of the wastewater plant is used, then no development could occur within the boundaries served by the district's wastewater plant unless funding from the state or the federal government was obtained. Since such funds are difficult to obtain, development would be greatly delayed or might not occur at all, which is not in the best interests of the residents of the district. (Ord. 133, 12-16-2003)

9-5-2: **WASTEWATER SYSTEM CAPACITY FEES:**

- A. **Sewer Capacity Fee:** A sewer capacity fee is hereby established. A sewer capacity fee is a fee to establish a fund to be used for acquisition, enlargement, repair or improvement of sewage treatment, storage or delivery facilities and costs associated therewith. Said fund may also be used for repair or maintenance of such facilities that are damaged by earthquake, flood, fire or other catastrophic causes.
- B. **Application Fee:** This fee will apply to any and all property requiring improvement or service. Moreover, fees for any property that is rezoned or not included in subsection C of this section shall be subject to special consideration by the board.
- C. **Formula To Determine Fee:** The sewer capacity fee is determined by the type of structure being served. The fees shall be as follows:

<u>Type Of Structure</u>	<u>Sewer Capacity Fee</u>
Single-family structure	\$1,000.00/unit
Multiple dwelling structure	2,520.00/unit
Multiple lodging structure	2,520.00/unit
Commercial, industrial or institutional structure	4.00/gallon ¹

Note:

1. The fee is based upon the daily average flow in gallons per day multiplied by \$4.00 per gallon. The average daily flow shall be calculated per the method described in appendix I and table I-3 of the current edition of the uniform plumbing code or by other methods acceptable to the district as proposed by a civil engineer.

(Ord. 133, 12-16-2003)

- 9-5-3: **DISPOSITION OF DEVELOPMENT FEES: (Reserved) (Ord. 133, 12-16-2003)**

9-5-4

9-5-6

9-5-4: **ANNUAL REVIEW:** (Reserved) (Ord. 133, 12-16-2003)

9-5-5: **TERM OF APPROVAL:** (Reserved) (Ord. 133, 12-16-2003)

9-5-6: **FEE ADJUSTMENTS:** (Reserved) (Ord. 133, 12-16-2003)