

ORDINANCE NO. 97-1

LAKE CANYON COMMUNITY SERVICES DISTRICT WASTEWATER REGULATION

An Ordinance regulating the use of community sewers and drains, the installation and connection of building sewers, the installation of sewer laterals, providing permits and fixing fees for the installation and connection of sanitary waste systems, regulating the discharge of waters and wastes into the community sewer system, and providing penalties for the violation of the provisions thereof.

The Board of Directors of the Lake Canyon Community Services District, Santa Clara County, California, does **ORDAIN** as follows:

The following Wastewater Regulations are adopted:

ARTICLE I -DEFINITIONS

Section 1.01 -Appurtenance is any integral or peripheral attachment or part of a building sewer, lateral sewer, or septic tank, which is necessary for the proper, efficient and/or aesthetic functioning of those items.

Section 1.02 -Applicant is the person making application for a permit for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested, or owner's authorized agent.

Section 1.03 -Authority shall mean the San Francisco Bay Regional Water Quality Control Board.

Section 1.04 -Beneficial Uses shall mean the use of waters of the State or District that may be protected against quality degradation, including but not necessarily limited to domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

Section 1.05 -Biochemical Oxygen Demand (denoted BOD) is the quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory conditions in five days at 200 centigrade, expressed in milligrams per liter (mg/l) .

Section 1.06 -Board is the Board of Directors of said District.

Section 1.07 -Building is any structure used for human habitation or a place of business, recreation, or other purposes and containing sanitary facilities.

Section 1.08 -Building Sewer is that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the septic tank, public sewer, or other place of disposal.

Section 1.09 -County is any government agent, officer, representative, or building that is overseen and operated by the County of Santa Clara.

Section 1.10 -Community Sewer is a sewer lying within a street or easement and which is owned, operated and under the jurisdiction of the District, and shall include the main line sewer, lateral sewers, septic tanks, pumps, and all other related facilities, tributary to a disposal facility operated by the District or Authority.

Section 1.11 -Compatible Pollutant is BOD, SS, pH, and fecal coliform bacteria, plus additional pollutants identified in the Authority's National Pollutant Discharge Elimination System (NPDES) permit if the Authority's treatment works were designed to treat such pollutants, and, in fact, do remove such pollutants to a substantial degree and such other pollutants as may be designated by the General Manager upon a finding that such pollutants are substantially treated and removed by the wastewater facilities.

Section 1.12 -Contamination is an impairment of the quality of the waters of the State or District by waste to a degree which creates a hazard to the public health through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State or District are affected.

Section 1.13 -Contractor is 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 or shall be the owner or owner's agent.

Section 1.14 -District is the Lake Canyon Community Services District.

Section 1.15 -District Inspector is a person duly authorized by the General Manager or the Board to act as an inspector for the District.

Section 1.16 -Domestic Wastewater is any wastewater derived principally from dwellings including, but not limited to, private residences, apartment units, office buildings, mobile home sites and/or parks, and recreational vehicle parks.

Section 1.17 -Engineer is the Engineer appointed by and acting for the Board and shall be a Registered Engineer.

Section 1.18 -Federal Act is the Federal Water Pollution

Control Act, P. L. 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

Section 1.19 -Garbage is the solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Section 1.20 -Improvement Standards are the Improvement Standards adopted by the District and all subsequent

additions, deletions or revisions thereto.

Section 1.21 -Lateral Sewer is the portion of the horizontal piping within a public street or easement beginning at the outlet end of the septic tank and running to the property line or to a point of connection to the community sewer provided by the District.

Section 1.22 -Manager is the District's General Manager or an appointed representative.

Section 1.23 -Nuisance is anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Section 1.24 -Outside Sewer is a private sewer beyond the limits of the District.

Section 1.25 -Permit is any written authorization required pursuant to this or any other rule, regulation or ordinance of District for the installation of any sewage works.

Section 1.26 -Person is any human being, firm, company, partnership, association and private, public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Section 1.27 pH is the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Section 1.28 -Pollution is an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for the beneficial use or affects the facilities which serve such beneficial uses.

Pollution may include contamination.

Section 1.29 -Plumbing System is all plumbing fixtures and traps, or soil, special waste, and vent pipes and all sanitary sewage pipes within the property lines of the premises.

Section 1.30 -Premises is any parcel of real estate or portion thereof, including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using, and paying for service.

Section 1.31 -Sanitary Sewer is a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

Section 1.32 -Secretary is the Secretary of the Board.

Section 1.33 -Septic Tank is a water-tight covered receptacle designed and constructed to receive the discharge of sewage from a building sewer line separate solids from the liquid digest organic matter and store digested solids through a period of detention and allow the clarified liquids to discharge for final disposal.

Section 1.34 -Sewer is a pipe or conduit which carries sewage to which storm surface and groundwater are not intentionally admitted.

Section 1.35 -Shall is mandatory, May is permissive.

Section 1.36 -Standard Construction Specifications are the Standard Construction Specifications adopted by the District and all subsequent additions / deletions or revisions thereto.

Section 1.37 -S.T.E.P. pump is a septic tank effluent pump that typically is located in the outlet compartment of the septic tank or a separate pump chamber and is used to pump septic tank effluent from the septic tank to a leach field or public sewer where gravity flow is not possible.

Section 1.38 -Street is any public highway, road, street, avenue, alley, way, easement, or right-of-way.

Section 1.39 -Suspended Solids (denoted SS) are solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as non filterable residue in the laboratory described in "Standard Methods for the Examination of Water and Wastewater".

Section 1.40 -Treatment Works are any devices and systems used in the storage, treatment, recycling, and reclamation of domestic wastes of a liquid nature, including interceptor sewers, outfall sewers, wastewater collection systems, plumbing, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Section 1.41 -Unpolluted Water is water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

Section 1.42 -User is any person that discharges, causes, or permits the discharge of wastewater into a community sewer.

Section 1.43 -Waste is wastewater any and all waste substances, liquid, solid gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of disposal.

Section 1.44 -Wastewater is any waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Section 1.45 -Wastewater Constituents and Characteristics is the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

Section 1.46 -Wastewater Works is the system of building sewers, lateral sewers, community sewers, and treatment works designed for collection, conveyance, treatment, and disposal of wastewater.

Section 1.47 -Waters of the State is any water, surface or underground, including saline waters within the boundaries of the State.

Section 1.48 -Additional Definitions. For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "**Uniform Plumbing Code**", copies of which are on file in the District.

ARTICLE II -GENERAL PROVISIONS

Section 2.01 -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 said Districts are hereby adopted, and shall be in full force and effect from and after its passage, approval, and publication as required by law. All work in respect thereto shall be performed as herein required and not otherwise.

Section 2.02 -Purpose. This Ordinance is intended to provide requirements governing use of community sanitary sewage facilities to provide certain minimum standards, conditions, provisions, and requirements for design, methods of construction and use of materials in sanitary sewage facilities in lateral sewers installed, altered, or repaired in the District and to establish charges, fees, and permit processes for use in the District. The Board hereby finds and declares that the health, safety, and welfare of the citizens of the District require the enactment of these Regulations.

Section 2.03 -Title. The Ordinance shall be known as the Lake Canyon Community Services District Wastewater Regulation Ordinance.

Section 2.04 -Posting. Upon adoption, this Ordinance shall be entered in the minutes of the Board and shall be posted in three public places in the District within ten days following its passage and shall take effect 30 days from the date of its adoption.

Section 2.05 -Violation Unlawful. Following the effective date of this Ordinance 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 the District except by connection to the community sewer in the manner as herein provided.

Section 2.06 -Relief on Application. When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises, he or she 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 or her 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.

Section 2.07 -Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance 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.

Section 2.08 -Standards. The Board shall not grant suspension or modification of any provision unless the owner of the premises affected is given an opportunity to be heard and the decision is based on the following findings:

(A) Because of special circumstances applicable to the subject property, the strict application of this ordinance is found to deprive the affected property of privileges enjoyed by other properties in the vicinity;

(B) Upon the granting of relief, the intent and purpose of the ordinance will still be served; and

(C) The granting of the relief will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the District.

ARTICLE III -USE OF COMMUNITY SEWERS REQUIRED

Section 3.01 -Disposal of Wastes/Unlawful Acts. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the established District any human excrement, garbage or other objectionable waste.

Section 3.02 -Treatment of Wastes Required. It shall be unlawful to discharge to any stream or water course any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Section 3.03 -Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, seepage pit, leach field, or other on-lot facility intended or used for disposal of sewage, or wastewater, within the District.

Section 3.04 -Occupancy Prohibited. No building, industrial facility or other structure within the District shall be occupied until the owner of the premises has complied with rules and regulations of the District and this Ordinance.

Section 3.05 -Sewer Required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District is hereby required at his or her sole expense to install suitable toilet facilities therein, and to connect such facilities with the community sewer in accordance with the provisions of this Code.

Section 3.06 -Abandoned Sewage Disposal Systems. Where a sewage disposal system is abandoned consequent to connecting with the community sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within 30 days from the time of connecting to the community sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five feet of the property line.

Section 3.07 -All buildings within the District' service area shall be fitted with approved low-flow plumbing fixtures for toilets and shower heads. This provision applies only to buildings for which a building permit is obtained after the effective date of this ordinance for completely new construction and/or remodeling projects with an estimated cost of over \$5000.00. For the purposes of the ordinance low-flow plumbing fixtures shall conform to the following standards:

Uniform Plumbing Code approved;

National Sanitation Foundation approved; .Toilets designed for 1.6 gallons per flush or less; and

Shower heads that deliver 1.8 gallons per minute (g pm) or less.

ARTICLE IV -BUILDING SEWERS, SEPTIC TANKS, LATERALS SEWERS, AND CONNECTIONS

PUMP SYSTEMS,

Section 4.01 -Permit Required. In accordance with Article X(Miscellaneous provisions) of this Ordinance, no person shall construct or install a building sewer, lateral sewer, septic tank and/or appurtenances, or uncover, open, use, alter, disturb, or make a connection to the community sewer or any appurtenance thereof without first obtaining a written permit from the District and paying all fees and connection charges as required herein and as required by the Resolution establishing Sewer Service Charges.

Section 4.02 -Construction Requirements. Construction and inspection of building sewers, lateral sewers, septic tanks and appurtenances shall be in accordance with the Standard Construction Specifications and Improvement Standards of the District.

Section 4.03 -Minimum Size and Slope. The size and slope of the building sewer shall be subject to the approval of the Manager, but, in no event shall the diameter be less than three inches. The slope of such three-inch pipe shall not be less than 1/4-inch per foot, except where the grade may require a slope of 1/8-inch per foot, which may be installed only with District approval.

Section 4.04 -Building Sewer. The design and installation of the building sewer shall comply with the Uniform Building Code as adopted and amended by the County of Santa Clara.

Section 4.05 -Old Building Sewers. Old building sewers may be used to connect to District sewage facilities only when they are found, upon examination and tested by the Manager, to meet all requirements of the District.

Section 4.06 -Clean-Outs. The design and installation of the clean-outs shall comply with the Uniform Building Code as adopted and amended by the County of Santa.

Section 4.07 Joints and Connections. All excavations required for the installation of building and lateral sewers shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations, and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

Section 4.08 -Connection to Public Sewer. The connection of the building sewer into the community sewer shall be made in strict accordance with standard District specifications and at the applicant' expense. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the septic tank. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community sewer shall be made in accordance with the rules, regulations, and ordinances of the District. Any work on community sewers and any work on lateral sewers done within a public right-of-way or easement shall be performed under the inspection of the District. Any damage to the public sewer by the applicant shall be repaired by, and to the satisfaction of the District and shall be paid for by the applicant.

Section 4.09 -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.

Section 4.10 -Protection of Excavation. All excavations for 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/or County or any other agency having jurisdiction there over.

Section 4.11 -Maintenance or Repair of Side Sewer. Building sewers shall be maintained or repaired by the owner of the property served thereby. The District will perform all lateral maintenance from the septic tank to the disposal facility.

Section 4.12 -Testing. All building sewers, laterals, septic tanks, and appurtenances shall be tested in strict accordance with the regulation and ordinances of the District.

Section 4.13 -Indemnification. The owner shall indemnify and hold the District harmless from any loss, or damage that may directly or indirectly be occasioned by the installation of a building sewer, lateral sewer, septic tank, and/or appurtenances.

ARTICLE V -COMMUNITY SEWER CONSTRUCTION

Section 5.01 -Permit Required. In accordance with Ordinance 97-2 (Permit and Fees) of this Ordinance, 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 provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Section 5.02 Persons Authorized to Perform Work. Only Contractors or those persons experienced in sewer system construction and approved by the District shall be authorized to perform the work of community sewer construction within the District. The application for a permit for community sewer construction shall be accompanied by complete plans, profiles and specifications! complying with all applicable ordinances! rules and regulations of the District and shall be 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 plans, profiles, and outline specifications shall be examined by the Manager who shall after consultation with the District Engineer, approve them as filed or require them to be modified as he/she deems necessary for proper installation. After examination by the Manager, a permit may be issued predicated upon sewer capacity! the payment of all costs, connection charges! fees! and furnishing bonds as required by the District. The permit shall prescribe such other terms and conditions as the manager finds in the public interest.

Community sewer construction for all properties served by the District shall be provided by and under the supervision of the District. All costs and expenses incident to the installation and connection to the community sewer system shall be borne by the owner.

Applicants for service shall dedicate for public use all streets, easements, or rights of way to which community sewer lines are to be constructed and shall provide a map accurately showing their location. If the work of constructing sewers to serve the facilities is not complete within the time limit allowed in the permit, the Manager may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the applicant.

Section 5.03 Easements or Rights of Way. In the event that an easement or right of way to private property and/or roads is required for the extension of the community sewer, (including connections, septic tanks, power supply, and lateral sewers), the applicant shall grant an easement or right of way, in a form acceptable to the District and sufficient to allow the construction, inspection and maintenance of such extension. Easements and rights of way shall normally be ten feet minimum. Where easements or rights of way across properties other than those served by the proposed extension, or owned by the applicant, are necessary, sewer service shall be contingent on the ability of the applicant or District to obtain such easements or rights of way as are necessary.

Section 5.04 Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules, and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting, and protecting 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.

Section 5.05 Protection of Excavation. The person(s) performing construction shall maintain such barriers, lights, and signs as 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. The person(s) performing construction shall also 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 County and District and any other person having jurisdiction there over.

Section 5.06 -Design and Construction Standards. Minimum standards for the design and construction of septic tanks, STEP systems, and sewers within the District shall be in accordance with the applicable provisions of the ordinances,

rules, regulations, and with the Improvement Standards and Standard Construction Specifications heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District or 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, wyes, tees, laterals clean-outs, and septic tanks shall be filed with the District before final acceptance of the work.

Section 5.07 -. All sewer connections and sewer charges are subject to the following:

District will determine which facilities are necessary and available upon application.

District will evaluate installation and connection charges periodically and modify as necessary.

Requirements of applicants:

Payment of connection and installation charges in advance.

Provide necessary easements, and recorded.

Provide waterproof junction box and 20 Amp 120/240 Volt, single phase, 3 wire circuit to the tank facility, prior to completion of installation where STEP pump system required as determined by the District.

Provide and install gravity sewer from buildings to tank facility (materials and installation to be inspected and approved by District) fully executed

The District reserves the right to deny issuance of a permit if the District determines that issuance of the permit would jeopardize the capacity and/or operation of the system.

ARTICLE VI -USE OF PUBLIC SEWERS

Section 6.01 -No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or subsurface drainage, rain water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Section 6.02 Types of Wastes Prohibited. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

Any liquid or vapor having a temperature higher than 1500 F.

Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.

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

Any garbage, except for the wastes generated from the preparation, cooking, and dispensing of food normally consumed on the premises.

Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manures, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the septic tank and community sewage works.

Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the community sewage works.

Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create any hazard in the community sewage works.

Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials in community sewage works.

Any noxious or malodorous gas or substance.

Any septic tank sludge.

Any water or waters which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, a detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the wastewater facilities.

Any water or waters which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, discoloration, or any other adverse condition in the quality of the effluent from the wastewater facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District.

Any water or waters which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, conditions at or near the wastewater facilities, or any portion thereof, which cause, or may cause, the District to be in violation of the requirements of law.

Section 6.03 -Protection from Damage. No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the District' s wastewater facilities.

Section 6.04 Discharge to Natural Outlet. It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District any wastewater industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Code.

Section 6.05 -Interference with District Easements.

(A) Except as provided in Subsection (E) below unlawful for any person to obstruct, encroach upon otherwise interfere with District easements or to permit or allow such obstructions encroachments or interferences.

(B) Without in any way limiting the breadth of the general prohibition contained in Subsection (A) above the following conditions are expressly prohibited.

(1) Construction, installation or maintenance of any permanent or temporary structure which is *on*, in, or over any easement and which cannot be readily and easily removed at any time the District requires access to or use of an easement. In this regards the term "structure" includes buildings, fences gates, decks, roof overhangs, decorative rocks and boulders , and the like.

(2) Planting growing or maintaining *trees*, shrub or other forms of plant life which restrict access to an easement or which interfere with the use or operation of wastewater facilities located in the easement. Included within this prohibition are: trees and shrubs located on the surface of an easement which inhibit access by District personnel, vehicles and equipment; overhanging vegetation located outside the easement which likewise restricts access; and plants of kind which produce roots that are likely to invade wastewater facilities.

(3) The deposit of any debris, garbage, trash or other solid waste on or in an easement.

(4) The abandonment of any items of property *I* including vehicles within an easement.

(C) The foregoing prohibitions do not preclude the owner of the real property which is the subject of the District/s easement from making uses of the easement so long as such uses are not inconsistent with District' s rights.

(D) Any condition which constitutes an obstruction of, encroachment upon or interferences with a District easement shall promptly be removed by the property owner or any other responsible person upon District' sdemand to do so, provided, however, that in the event of an emergency, District shall be entitled, without prior demand, to remove any obstruction, encroachment or interference by such means as District determines are reasonably necessary, even if such removal will result in damage to or loss of property by the property owner or other responsible person who caused or allowed the condition to occur. In the event a condition is not removed by responsible persons after District' sreasonable demand, or without demand in the case of an emergency, District shall be entitled to recover from any responsible persons all costs and expenses incurred by it to remove the condition. The remedies provided to District by this Subsection are in addition to, and cumulative with, any other remedies available to District pursuant to this Code or otherwise as provided by law.

(E) In the event of any substantial hardship, or for other good cause, any affected person may seek relief from the provisions of this Section by requesting relief pursuant to Section 2.06.

Section 6.06 -Septic Tanks required. All properties served by the Community wastewater system shall provide septic tank treatment prior to effluent discharge to community sewer. The septic tank design shall conform to the District' sconstruction specifications and the following sizing criteria:

Single Family Dwellings:	
Number of Bedrooms	Minimum Tank Capacity (gallons)
4 or less	1500
5 or more	1,500, plus 250 for each bedroom over 5

Multiple Connections:

For multiple connections to a single septic tank, use $(Q \times 0.75) + 1,125 =$ septic tank size, where $Q =$ total bedrooms $\times 100$. In no case shall septic tank sizing for multiple connection be less than 1,500 gallons.

Section 6.07 -. All septic tanks and downstream appurtenances shall be maintained by the District in continuously efficient operation at all times.

Section 6.08 -S.T.E.P. Systems. Septic tank effluent pump system shall be used where gravity flow of septic tank effluent to the street sewer is not feasible. Design and construction of S.T.E.P. systems shall conform to the District' sConstruction Specifications and shall conform to all requirements of the Santa Clara County Building Department, and applicable provisions of the Uniform Building Code, Uniform Plumbing Code, and National Electric Code.

Section 6.09 -Swimming Pools or Spa. It shall be unlawful for any person to discharge the contents of a swimming pool or spa into the community sewer.

ARTICLE VII -PERMITS AND FEES

Section 7.01 -Permit Required. No unauthorized person shall uncover, make any connections with or opening into, establish or reestablish service with, change the nature of the discharge of wastewater from the use specified in a prior permit, use, alter, or disturb the community sewer or appurtenance or perform any work on any sewer or drainage system without first obtaining a written permit from the District.

Section 7.02 -Application for Permit. Any person, legally entitled to apply for and receive a permit, shall make such application on forms provided by the District for that purpose. Applicant shall give a description of the character of the work proposed to be done and the legal description including street address, lot number, block number, name of subdivision, assessor' sparcel number and the parcel volume and page number on the parcel map, ownership, occupancy, the type of work to be done, whether it is a new connection, repair or other, the building permit number, the contractor' name and address, and use of the premises in connection therewith. The District may require plans, specifications or drawings and such other information as may be deemed necessary, including provision of a wastewater periodic discharge report acceptable to the District, with cost of said report to be borne by applicant.

If the District determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the district and that sufficient collection and disposal capacity exists, it may issue the permit applied for upon payment of the required fees as hereinafter fixed. The District reserves the right to deny issuance of a permit if the District determines that issuance of the permit would jeopardize the capacity and/or operation of the system.

Section 7.03 -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 District, the District Inspector or other authorized representative.

Section 7.04 -Agreement. The applicant' signature on an application for any permit set forth in **Section 7.05** hereof shall constitute an agreement to comply with all of the provisions, terms, and requirements of the ordinances, rules, regulations, Improvement Standards and Standard Construction Specifications of the District, and with the plans and specifications filed with the application, if any, together with such additions, corrections or modifications as may be required by the District. Such agreement shall be binding upon the applicant and may be altered only by the District upon written request for alteration from the applicant.

Section 7.05 Classes of Permits.

There shall be three classes of permits, as follows:

- Single-family residential building sewer permit
- Multi-family residential building sewer permit
- Public building sewer permit

Section 7.06 -Fees and Connection Charges. All connection charges, fees, and other charges in the District and in areas annexed thereto, as set forth in the ordinances, rules, and regulations of the District as heretofore and hereafter fixed, shall be paid and complied with in the manner provided in said ordinances, rules and regulations.

Section 7.07 -Disposition of Fees. All fees collected on behalf of the District shall be collected by the office of the Santa Clara County Tax Assessor.

Section 7.08 All Work to be Inspected. All sewer construction work 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, the Inspector shall issue a certificate of satisfactory completion.

Section 7.09 -NotificgtiQn. It shall be the duty of the person doing the work authorized by permit to notify the office of the District a minimum of 24 hours in advance that said work is ready for inspection.

Section 7.10 Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to this 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 ordinances, rules, and regulations of the District.

Section 7.11 All Costs Paid by Owner. All costs expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner, including inspection fees. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Section 7.12 -Permits for Outside Sewers. permission shall not be granted to connect any lot or parcel of land outside the District, except as specifically authorized on a case-by-case basis by the District.

Section 7.13 -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 hold 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 applicant's work or any failure which may develop therein.

Section 7.14 -Time Limit on Permits. If work under permit is not commenced within 12 months from the date of issuance or if after partial completion the work be discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

Section 7.15 -Easements, Rights of Way, Access Rights. Permit applicant shall be required to grant to the District perpetual easement, right of way and/or access rights on applicant's property, including but not limited to any private roads, to enter, erect, construct, install, lay, use, operate, maintain, inspect, alter, clean, remove, and replace system pipes, pumps, septic tanks and all appurtenances necessary for the purposes of the easement, right of way, access rights and for operation of the community sewerage facilities.

ARTICLE VIII -WASTEWATER CHARGES AND FEES

Section 8.01 -Schedule of Charges and Fees. A schedule of charges and fees shall be adopted by resolution of the Board which will enable them to comply with the revenue requirements of the State Small Community Grant Program and other maintenance, construction, reconstruction, and operational requirements. Charges and fees shall be determined in a manner consistent with regulations of the Grant Program.

Section 8.02 -Classification of Users. All users will be classified as either a single family residential or multifamily residential, or public user. The purpose of such classification is to establish a system of charges and fees which will insure an equitable recovery of wastewater system costs.

Section 8.03 -Types of Charges and Fees. The charges and fees as established in the District' s schedules of charges and fees, may include, but not be limited to:

- Fees for permit applications;
- Appeal fees;
- Connection fees or assessments;
- Service charges;
- Penalties or special cost recovery charges;
- Charges made to District by authority.
- Sewer relocation fees or assessments for environmental review

Section 8.04 -Rate Schedule. Any person owning any living unit or building within the District which has any fixture or outlet connected either directly or indirectly to the sanitation or sewerage system of the District shall pay the sewer service charges which are established from the time to time by resolution of the Board.

Section 8.05 Relief from Unjust Rates. The owner or occupant of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to his/her premises, may make written application to the Board stating the particular circumstances justifying a different rate and requesting a different basis of charges for sewer services to his/her premises. If such application be approved, the Board may fix and establish fair and equitable rates for such premises to effective as of the date of such application and continuing during the period of such special circumstances or until revoked by the Board because circumstances then prevailing make the rate inequitable or unfair. The Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may fix and establish fair and equitable rates ,for such premises during the period of such special circumstancesr or any part thereof.

Section 8.06 -Person ResQonsible. The owner of any premises is and shall be responsible for payment of any and all sewer service charges applicable to said premises. It shall be and is hereby made the duty of each such owner to ascertain from the General Manager the amount and due date of any such charge applicable to said premises and to pay such charge when due and payable. It also shall be and is hereby made the duty of all owners of all premises to inform the General Manager immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to said premises or the amount of any such charge.

Section 8.07 Roll.

- (A) Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4, of the Health and Safety Code of the State of California, subject to the provisions of this

Section, the District hereby elects, as the procedure for the collection of sewer service and use charges prescribed or imposed by the provisions of this Section, to have all such sewer service charges for each fiscal year collected on the tax roll of the County of Santa Clara in the same manner, by the same persons and at the same time as property taxes, assessments and other charges collected thereon.

(B) The General Manager shall prepare and file with the District Secretary on or before the 15th day of June of each year a written report containing a description of each and every parcel of real property receiving sewer service and facilities and subject to the sewer service charge established by this Section and the amount of the service charges for each parcel for the then current fiscal year, computed in conformity with the charges prescribed by the provisions of this Section. The parcels of real property included in said report may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code of the State of California and on file in the office of the County Assessor of Santa Clara County, California, or by reference to plats or maps on file in the office of the District.

(C) The District Secretary shall cause notice of the filing of said report and of a time and place of hearing thereon to be posted in three places within the District. The posting of said notice shall be once a week for two successive weeks. Posting shall be made with at least five days intervening between the respective posting dates not counting such posting dates. The period of notice commences upon the first day of posting and terminates at the end of the 14th day, including therein the first day.

(D) At the time stated in the above mentioned notice, the District Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the District Board finds that protest is made by owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land. Upon the conclusion of the hearing, the District Board may adopt, revise, change, reduce or modify any charge or overrule any or all objections, excepting objections from a majority as described above in subsection (D) of this Section, and shall make its determination upon each charge as described in said report, which determination shall be final.

(F) On or before the 31st day of July of each year following such final determination, the District Secretary shall file with the Controller of the County of Santa Clara a copy of said report with a statement endorsed thereon over the Secretary' signature that the report has been finally adopted by the District Board in order that the Tax Assessor of the County of Santa Clara shall be able to enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll and in order that such charges may be collected on the tax roll in accordance with the provisions of Sections 5473.5 through 5473.11 of the Health and Safety Code of the State of California.

(G) Except as provided in Section 5473.8 of the Health and Safety Code of the State of California, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the date prescribed by law as the lien date for property taxes.

Section 8.08 -Omission from Collection on Tax Roll -Direct Billing. If the full amount of sewer service charges for premises connected to or discharging wastewater into the District sewer system are, for any reason, not collected in accordance with the provisions of Section 8.07 above, the sewer service charges, or the portion thereof not appearing on the tax rolls, for such premises shall be collected by direct billing of the property owner.

(A) **Billing.** The General Manager shall ascertain the amount of each sewer service charge applicable to such premises and shall mail to the owner and/or owner and lessee thereof, within sixty (60) days from and after the date and sewer service charges become due and payable, a bill for the sewer service charges which are then due and payable. Such bill shall be mailed to the person or persons listed as the owners on the last equalized assessment roll of the County of Santa Clara at the address shown on such assessment roll, or the successor in interest and/or to the lessee of such owner, if the name and address of such successor in interest or lessee is known to the General Manager. Each bill so mailed shall contain a statement that a delinquency in payment for sixty (60) days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded it shall have the force, effect and priority of a judgment lien for three (3) years unless sooner released or otherwise discharged. Failure of the General Manager to mail any such bill or failure of any owner to receive any such bill, shall not excuse the owner of any premises from the obligation of paying any sewer service charge for any premises owned by him or her.

(B) **Due Date of Sewer Service Charges.** All sewer service charges shall be due and payable on November 1st of each year. At the customer' option, sewer service charges may be paid in two equal installments with the first installment being due and payable on November 1st and the second installment being due and payable on February 1st of the following year so that both payments are made within the same fiscal year.

(C) **Delinquency Date of Sewer Service Charges.** Each sewer service charge shall be delinquent if not paid on or before the tenth (10th) day of the month following the date upon which such sewer service charge became due and payable.

(D) **Where Payable.** Sewer service charges collected by direct billing shall be payable at the administrative offices of the District, or as noted on the billing.

(E) **Penalties for Non-Payment of Sewer Service Charges—Lien.** Whenever a delinquency shall occur for nonpayment of sewer service charges, a penalty of ten percent (10%) shall attach to such charges, and for each month that such charges remain delinquent a further penalty of one and one-half percent (1.5%) of such basic charge shall be added.

Section 8.09 Penalties and Interest. All sewer service charges not paid within sixty (60) days after the billing date shall be delinquent and a penalty of 10% of the delinquent amount shall be assessed.

Section 8.10 -Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall have judgment. for the cost of suit and reasonable attorney' s fees.

Section 8.11 -Other Utility Charges. The Board may provide for the collection of other special services furnished by the District. The special service charges shall, in such event, be itemized, and collected separately from the sewer service charge.

SECTION IX -MISCELLANEOUS PROVISIONS

Section 9.01 -Protection from Damage. No authorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District' sewage works. Any person violating this provision shall be subject to the penalties provided by law.

Section 9.02 -Violation. Any person found to be violating any provision of this or any other ordinance, rule or regulation of District, except **Section 9.01** hereof, shall be served by the 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 be not less than two nor more than seven 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 ordinance, rule or regulation of the District. Upon being notified by the Inspector of any defect arising in any sewer or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct same.

Section 9.03 - Public Nuisance. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of District is hereby declared to be a public nuisance. District may cause proceedings to be brought for the abatement, removal or enjoinder of the occupancy of the building or industrial facility during the period of such violation.

Section 9.04 -Disconnection. As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of District, the District shall have the power to disconnect the user from the sewer mains of the District. Upon disconnection, the Inspector shall estimate the cost of disconnection from and re-connection to the system and such user shall deposit the cost, as estimated, of disconnection and re-connection before such user is re-connected to the system. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 9.05 Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon 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 re-connection, there is to be paid to District a reasonable attorney' s fees and cost of suit arising in said action.

Section 9.06 -Means of Enforcement Only. District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations, and not as a penalty.

Section 9.07 -Liability and Penalties for Violation. Any person violating any of the provisions of the ordinances, rules, or regulations of District shall become liable to District for any expenses, loss, or damage occasioned by District by reason of such violation.

(a) Pursuant to Section 4766 of the California Health and Safety Code a violation of any provision of this Ordinance is a misdemeanor, punishable by a fine of not to exceed One Thousand Dollars (\$1/000.00), imprisonment not to exceed thirty (30) days, or both.

(b) Each and every day during which any violation occurs shall constitute a separate offense.

Section 9.08 -Responsibility. The primary responsibility for enforcement of the provisions of this Code shall be vested in the General Manager; provided, however, t.hat the General Manager shall be, and is hereby authorized and empowered, to delegate his authority hereunder to such officers, employees, or agents of the District as he shall designate.

Section 9.09 -Powers and Authority of Inspectors. The General Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Code. The General Manager and other duly authorized employees are further empowered to ascertain the nature of such premises, the type of activities carried on therein, the number and type of plumbing fixtures situated therein and any other facts and information reasonably necessary to carry out the provisions of this Code.

Section 9.10 -Cease and Desist Orders. Upon a determination by the General Manager that a discharge of waste or wastewater has 'occurred, or is *occurring*, or is about to *occur*, in violation of any provision of this Code, or of any provision of any permit issued pursuant to this Code, the General Manager may issue an order to cease and desist such discharge or any practice or operation likely to cause such discharge and further order such person to:

(A) Comply forthwith with the provisions of this Code or the provisions of any permit issued pursuant to this Code;

(B) Comply in accordance with a time schedule established by the General Manager; and/or

(C) Take appropriate remedial or preventative action.

Section 9.11 Imminent Threat. Notwithstanding the foregoing, any unauthorized connection with or opening in to the public sanitary wastewater system or appurtenance thereof may be abated by the General Manager without notice if in the judgment of the General Manager such unauthorized connection or opening poses an imminent threat of damage to the District's wastewater facilities or of injury to the public health safety and welfare.

Section 9.12 .Severability. If any part of this ordinance *is* held to be in valid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

Section 9.13 Effective Date, Posting: This ordinance shall become effective thirty (30) days from the date of its passage, and shall be posted within the District in three (3) public places.

INTRODUCED: June 9,1997

PASSED: July 7, 1997

AYES: David McCrary, Joann Thorsen, Chuck Wilson, Kirk Epperly

NOES: 0

ABSTENTIONS: Phil Abel

ABSENT: 0

Lake Canyon Community Services District

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