

AN ORDINANCE
REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE
SEWAGE DISPOSAL SYSTEMS, THE INSTALLATION AND CONNECTION OF
BUILDING SEWERSS, AND THE DISCHARGE OF WATERS AND WASTES INTO
THE PUBLIC SEWER SYSTEM(S) AND ESTABLISHING PENALTIES FOR
VIOLATIONS THEREOF:
IN THE
CALIFORNIA PINES COMMUNITY SERVICES DISTRICT
COUNTY OF MODOC
STATE OF CALIFORNIA

ORDINANCE No. 111 A

Be it the ordained by the Board of Directors of the
California Pines Community Services District as follows:

SECTION 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

- a. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.
- b. “BUILDING SEWER” shall mean the extension from the building drain to the public sewer or other place of disposal.
- c. “DATE OF PRESENTATION” shall mean the date on which a bill or notice is mailed or delivered personally to the customer.
- d. “DISTRICT” shall mean the California Pines Community Services District of Modoc County, California.
- e. “DISTRICT BOARD” shall mean the Board of Directors of the California Pines Community Services District.
- f. “DISTRICT ENGINEER” shall mean the engineer designated by the District Board, or his duly authorized representative acting to represent the District regarding technical matters.
- g. “DISTRICT MANAGER” shall mean the duly authorized operations and administrative officer of the District Board.

- h. "DISTRICT SEWER SYSTEM" shall mean all facilities for collection, pumping, treating, and disposing of all wastes of any nature permitted by this Ordinance.
- i. "HOLDING TANK" shall mean any septic tank, box, or sump used for receipt of raw sewage, containing no provision for discharge of sewage other than by pump-out into a tanker truck or approved vehicle.
- j. "LATERAL SEWER" shall mean a sewer located in a street or public easement and designed to accommodate more than one house service sewer.
- k. "PERSON" shall mean any individual, firm, company, association, society, partnership, corporation, organization, or group.
- l. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration in grams per liter of solution.
- m. "PREMISES" shall mean the building, establishments, parcels of land, lots, or the integral property or area including improvements thereon, to which sewer service is or will be provided.
- n. "PUBLIC SEWER" shall mean any sewer which is controlled by the District or other public agency.
- o. "SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.
- p. "SEPTIC TANK SYSTEM" shall mean a system of watertight reservoirs or tanks which receive raw sewage and by septic bacterial action effect decomposition and settlement of settleable solids, and diversion of the septic liquid into percolation ducts extending into natural or prepared porous sub-soil beds where further clarification purification takes place.
- q. "SERVICE SEWER" shall mean the extension of the building sewer from the lot property line or sewer easement line to the lateral sewer or trunk sewer.
- r. "SEWAGE" shall mean a combination of the water-carried wastes from residence, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be present.
- s. "SEWER" shall mean a pipe or conduit for carrying sewage.
- t. "STREET" shall mean any public highway, road, street, avenue, way, alley, easement, or right-of-way.
- u. "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by

laboratory filtration, expressed in milligrams per liter.

- v. "TRUNK SEWER LINE" shall mean sewer located in a street or public easement and designed to accommodate more than one lateral sewer.
- w. "USER" shall mean the legal owner of premises served as provided in this Ordinance, or any person who has requested that the sewer service charge be billed to him.
- x. "WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. DISPOSAL OF WASTE

- a. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or under its jurisdiction any human or animal excrement, garbage, or other objectionable waste.
- b. It shall be unlawful to discharge any sewage or other polluted waters within the District, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- c. It shall be unlawful to construct or maintain any private sewage disposal system within the District, except those of approved design by the District Engineer.
- d. It shall be unlawful to occupy any property within the District without an approved method of sewage treatment and disposal.

SECTION 3. PUBLIC SEWERS

- a. The owner of all houses, buildings or properties used for human occupancy, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly to the public sanitary sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is available. The owner of all houses, buildings, or properties shall be responsible for all lateral connections including installation and repair from the sewer main line to said structure or facility.
- b. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance there of without first obtaining a written permission from the District Manager.

- c. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- d. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- e. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the District Engineer, to meet all requirements of this Ordinance.
- f. The size, slope, alignment, materials of the construction of a building sewer, and the methods to be used in excavating, placing, of the pipe, joining, testing, and backfilling the trench, shall all conform to the requirements of the standard building and plumbing code or other applicable rules and regulations as specified by the District or Modoc County.
- g. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.
- h. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, Modoc County or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 All such connections shall be made gastight and water tight. Any deviation from the prescribed procedures and materials must be approved by the District Engineer or Manager before installation.
- i. The applicant fro the building sewer permit shall notify Modoc County and District Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District Manager or his representative.
- j. All excavations for building sewer installation shall be adequately guarded with barricades and 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.
- k. A cleanout shall be placed in every building sewer at its junction with the soil pipe of the building, and at such other locations as may be determined by the

Engineer. It shall be made with an approved type of two-way cleanout fitting. The cleanout shall be extended to above finish grade, except that in paved area it shall be extended to finish grade or boxed and covered with a cover plate.

1. An approved type backwater valve shall be installed in the building sewer of every building in which the lowest room containing a plumbing fixture has a floor elevation below that of the cover of the nearest up-grade manhole or flushing branch located on the public sewer serving said building. The backwater valve shall be installed and maintained buy the owner at his expense.

SECTION 4. PRIVATE SEWAGE DISPOSAL

- a. Where a public sanitary sewer is not available under the provisions of Section 3 all building sewers shall be connected to private sewage disposal systems complying with the provisions of this article.
- b. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit issued by Modoc County.
- c. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of Modoc County.
- d. No septic tank or leach line shall be permitted to discharge to any watercourse.
- e. At such time as a public sewer becomes available to a property served by private sewage disposal system as provided in Section 3 a direct connection shall be made to the public sewer in compliance with this Ordinance if said private sewage disposal system fails. Any septic tanks, holding tanks and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all time.

SECTION 5. USE OF THE PUBLIC SEWERS

- a. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the District Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment unless prior written approval of the District Engineer is obtained and payment is made to the District for the additional costs of processing same as determined by the District Engineer and approved by the District board.
1. Any ashes, cinders, sand, earth, gravel, coal, rubbish, glass, rags, plastics, wood, ungrounded garbage, hair and fleshing, paunch manure, paper dishes, cups, etc., either whole or ground up by garbage grinders in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the

proper operation of the sewage works.

2. Inflammable, explosive or poisonous liquids, gases or solids of any matter which after entrance into a sewer might reasonably be expected to form in any way such inflammable, explosive or poisonous liquids, gases or solids.
 3. Any septic tank, holding tank, or chemical toilet contents except by written permission from the District.
 4. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 5. Any waters or wastes with pH below 5.5 or above 9.0.
 6. Any water or waste which contains more than 250 milligrams per liter of fat, oil, or grease.
 7. Any garbage that has not been properly shredded. For the purpose of this Ordinance, this shall mean that it has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
 8. Any water or waste containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving waters of the sewage treatment plant.
 9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 10. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District Engineer as necessary, after treatment of one composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction.
 11. Any materials which exert or cause unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 12. Any materials which exert or cause excessive discoloration (such as, but may not be limited to dye wastes and vegetable tanning solutions).
- b. All measurements, tests, and analyses of the characteristics of waters and waster to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be

determined at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

- c. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any person whose waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the person concerned.

SECTION 6. PROTECTION FROM DAMAGE

- a. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to payment therefore, by the person concerned.

SECTION 7. POWERS AND AUTHORITY OF INSPECTORS

- a. The District Engineer or District Manager or any other District Employees bearing proper credentials, shall have the right to enter upon premises connected to any public or private sewer at all reasonable hours to ascertain whether the provisions of the ordinances of the District related to sewage have been complied with. If said sewer, or its attachments, are in conflict with the owner of said premises, or his agent, shall be notified and said repaired, or reconstructed as to make them conform to the requirements of the laws or ordinances within fifteen (15) days from the time of receipt of such notice. Provided, however, that if the Engineer determines that the violation results in a public hazard or menace to the public health or safety, he may enter upon the premises without notice and do everything necessary to abate such hazard or menace to the public health or safety. The actual cost incurred by the Engineer shall be charged to the property owner.

SECTION 8. PENALTIES

- a. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than TWO HUNDRED AND 00/100 (\$200), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
- b. Any person found to be violating any provision of this Ordinance except Section 6 shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- c. Any person who shall continue any violation beyond the time limit provided in Section 8. b. shall be guilty of a misdemeanor, and on conviction shall be fined as specified in part "a" of this section for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- d. Any person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss or damage occasioned the District by reason of such violation.

SECTION 9. SEWER CONNECTION AND SERVICE CHARGE

- a. All users of the District sewerage facilities shall pay to the District, as rental for the use of such facilities, a sewer connection and service charge in accordance with the schedule established by the resolution of the District Board.
- b. Charges to all outside users when authorized to discharge into the District sewers shall be 150% of the charges applicable if the user were within the District.

SECTION 10. PAYMENT OF SEWER CONNECTION CHARGE AND BILLING OF SEWER SERVICE CHARGE

- a. The sewer service charge will be billed monthly. It shall be come due and payable on the 25th day of each month and shall become delinquent thirty (30) days therefore.
- b. Vacancy credits may be allowed by the Manager upon written application of the user for any continuous period of vacancy of one calendar month or longer. Vacancy credits shall be effective the first day of the month following the date the application is filed with the Manager.

The user shall give written notice to the Manager within thirty (30) days after the premises becomes occupies again. Failure to give such notice shall void any and all previously allowed vacancy credits and the user shall be liable for the payment thereof.

- c. All sewer service charges will be billed to the owner of record of the property on the date the premises are connected to the sewage system, to the successor in the interest to such person, or to any person requesting that such service charge be billed to him.
- d. Payment of connection charge must be made prior to connections to sewer.

SECTION 11. FAILURE TO PAY SEWER SERVICE CHARGE

- a. Failure to pay the sewer service charge within the thirty (30) days before it becomes delinquent, as designated in Section 9. a. of this Ordinance, shall result in disconnection of the premises from the public sewer. Provided, however, that such disconnection shall not be made un less then five (5) days after the mailing of a written notice by registered mail to the property owner.

SECTION 12. REESTABLISHMENT OF DISCONNECTED SERVICES

- a. Whenever a premise has been disconnected from the District sewer system for a violation of this Ordinance, such premise shall not be reconnected until all delinquent charges have been paid, together with all expenses incurred by the District in causing such disconnection. One and one-half per cent (1 ½ %) penalty of unpaid amount per month will be charges on delinquent accounts.

SECTION 13. ENFORCEMENT

- a. The Manager is hereby charged with enforcement of the provisions of this Ordinance and with the coordination of all District and County officials.

SECTION 14. USE OF FUNDS

- a. The funds received from the collection of all fees and charges authorized by this Ordinance and related resolutions shall be deposited in an appropriate fund of the District, and may be used for any purpose as may be authorized by the District Board.

SECTION 15. VALIDITY

- a. This Ordinance is enacted for the protection of the public health, safety, and welfare, and its provisions are to be liberally construed to obtain the beneficial purposes thereof.
- b. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Ordinance; and the District Board does hereby declare that it would have adopted this Ordinance and each remaining section, subsection, paragraph, subparagraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more of such sections, subsections, paragraphs, subparagraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.
- c. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16-

EFFECTIVE DATE

This Ordinance shall be in full force and effect within thirty (30) days from and after its passage.

PASSED AND ADOPTED by the Board of Directors of the California Pines Community Services District, County of Modoc, State of California, this 18th day of June, 2008, by the following vote, to wit:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

President, Board of Directors
California Pines Community Services District
Modoc County
A political subdivision of the State of California

(Seal)

Secretary, Board of Directors
California Pines Community Services District