

SAUSALITO-MARIN CITY SANITARY DISTRICT
ORDINANCE NO. 97

ORDINANCE ADOPTING THE SAUSALITO-MARIN CITY SANITARY DISTRICT CODE BY CODIFYING ORDINANCE NUMBERS 1, 2, 4, 5, 7, 8, 10, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 96

WHEREAS, one copy of a document entitled, “Sausalito-Marín City Sanitary District Code” is on file in the Office of the Secretary of the Sausalito-Marín City Sanitary District (“District”) and has been available for review for a period of more than fifteen (15) days; and

WHEREAS, pursuant to Health & Safety Code section 6491.2 and Government Code section 50022.3, the first reading of the title of the adopting ordinance took place on the 4th day of April, 2016, and public hearing thereon was scheduled for the 2nd day of May, 2016; and

WHEREAS, a public hearing was conducted on the 2nd day of May, 2016; and

IT IS ORDAINED by the Board of Directors of the District as follows:

- 1) *Adoption of District Code.* Pursuant to the provisions of Government Code sections 50022.1-50022.8, 50022.10 and Health & Safety Code section 6491.2, there is hereby adopted the Sausalito-Marín City Sanitary District Code (“Code”), as on file with the Office of the Secretary of the District.
- 2) *Title-Citation-Reference.* The Code shall be known as the “Sausalito-Marín City Sanitary District Code,” or the “Code” and it shall be sufficient to refer to said Code as the “Sausalito-Marín City Sanitary Code” in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Code. Further reference may be made to the titles, chapters, sections and subsections of the Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.
- 3) *Codification Authority.* The Code consists of existing ordinances of the District and is codified pursuant to the provisions of Government Code sections 50022.1-50022.8, 50022.10.

Penalty Provisions. Pursuant to Government Code section 50022.4, the penalties previously adopted by the District are restated in Title 2, Chapter 2.33, Section 2.33.100; Chapter 2.60, Section 2.60.010; and Chapter 2.55, Sections 2.55.060 through 2.55.090 as follows:

2.33.100.C. Violation - Penalties.

Any violation of any provisions of this chapter shall be also be deemed a

misdemeanor but may be prosecuted, in the discretion of the enforcing officer, as an infraction and shall be punishable as set forth in section 6523 of the Health & Safety Code of the state of California.

2.60.010 Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the district sewage collection, conveyance and treatment system. Any person violating this provision shall be subject to the penalties provided by law.

2.55.060 Misdemeanor.

Section 6523 of the Health & Safety Code of the state of California provides that the violation of an ordinance or regulation of a sanitary district by any person is a misdemeanor punishable by fine not to exceed One Thousand Dollars (\$1,000), imprisonment not to exceed thirty (30) days, or both. Each and every connection or occupancy in violation of the ordinances and regulations of the district shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

2.55.070 Liability for violation.

Any person violating any of the provisions of the ordinances, rules or regulations of the district shall become liable to the district for any expense, loss or damage occasioned by the district by reason of such violation.

2.55.080 Civil penalties.

Any person who violates any provision of this title, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be assessed civil penalties of not less than One Thousand Dollars (\$1,000) nor more than Six Thousand Dollars (\$6,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the district may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this title or the orders, rules, regulations, and permits issued hereunder.

2.55.090 Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this title, or nondomestic sewer use permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this title, shall, upon

conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or by both.

- 4) *Reference Applies to All Amendments.* Whenever a reference is made to the Code, or to any portion thereof, or to any ordinance of the District, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.
- 5) *Title, Chapter and Section Headings.* Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of the Code.
- 6) *Reference to Specific Ordinances.* The provisions of the Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within said Code, but such reference shall be construed to apply to the corresponding provisions contained within said Code.
- 7) *Effect of Code on Past Actions and Obligations.* The adoption of the Code shall not in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinances and all rights and obligations thereunder appertaining shall continue in full force and effect.
- 8) *CEQA Findings and Determinations.* In accordance with the California Environmental Quality Act ("CEQA," Public Resources Code §§ 21000 *et seq.*) and the regulations promulgated by the State of California pursuant to CEQA ("State Guidelines"), the District's Board of Directors finds and determines that with respect to the Board's approval and adoption of this Ordinance:
 - a) In some parts, the Code merely represents a unification, restatement and clarification of existing policies and procedures of the District with regard to the matters addressed in the Code and, therefore to that extent, neither the Code itself nor its adoption constitutes a "project" as that term is defined under CEQA; and
 - b) To the extent that any portion of the Code may be a "project" for purposes of CEQA, it is found and determined that:
 - i) Those portions of the Code that establish policies and procedures which are ministerial in nature are statutorily exempt from the requirements of CEQA. (State Guidelines, §15268);

- ii) Those portions of the Code that establish or reestablish fees, rates and/or charges are statutorily exempt from the requirements of CEQA in that in each instance the fee, rate and/or charge is necessary for purposes of meeting operating expenses of the District, meeting financial reserve needs and requirements of the District and/or obtaining funds for capital projects which are necessary to maintain services within existing service areas in the District. (State Guidelines, §15273);
 - iii) Those portions of the Code that establish regulatory processes and procedures with regard to the disposal of wastewaters and solid waste and the use of the District's wastewater facilities constitute procedures for the protection of the environment and, therefore, they are categorically exempt from the requirements of CEQA. (State Guidelines, Categorical Exemption Class 8, §15308.); and
 - iv) Neither the Code, nor any part of it, nor its adoption by the District's Board of Directors, nor its operation and enforcement by the District is likely to have a significant effect on the environment.
- 9) *Constitutionality.* If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of that Code. The Board of Directors hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code or this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances codified as the Code shall be in full force and effect.
- 10) *Effective Date.* This Ordinance and also the Code adopted by this Ordinance are effective upon the effective date of this Ordinance, as prescribed by California Health & Safety section 6491.

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Sausalito-Marín City Sanitary District, at a regular meeting thereof, held on the 4th day of April, 2016, by the following vote:

AYES, and in favor thereof, Directors:

NOES, Directors:

ABSTAIN, Directors:

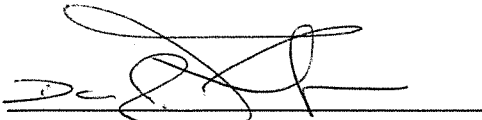
ABSENT, Directors:





Secretary
Sausalito-Marín City Sanitary District

APPROVED:



President

APPROVED AS TO FORM:

Kenton L. Alm
District Counsel

2621029.1

Marin Independent Journal

4000 Civic Center Drive, Suite 301
San Rafael, CA 94903
415-382-7335
legals@marinij.com

SAUSALITO-MARIN CITY SANITARY
PATTY SWISSHELM
#1 EAST ROAD
SAUSALITO, CA 94965

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NOTICE OF PUBLIC HEARING ON DISTRICT'S CONSIDERATION OF ADOPTION OF AN
ORDINANCE CODIFYING DISTRICT LAWS

NOTICE IS GIVEN as follows:

Sausalito-Marín City Sanitary District Board of Directors will consider adoption of Ordinance No. 97, which places the following ordinances which have been already adopted by the District into a code called the Sausalito-Marín City Sanitary District Code without any modifications:

Ordinance Numbers 1, 2, 4, 5, 7, 8, 10, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 96.

Prior to adoption of Ordinance, the Board of Directors will hold a public hearing at which any interested person is invited to attend and address the Board concerning the proposed Ordinance. The time, date and place of the public hearing is as follows:

Date: Monday, May 2, 2016

Time: 7:00 p.m. in conjunction with the Board's Regular Meeting

Place: Sausalito City Council Chambers
420 Litho Street, Sausalito, California

At the conclusion of the public hearing, the Board will consider the proposed Ordinance and may take action at that time. Copies of the proposed Ordinance are available at Sausalito-Marín City Sanitary District, are open for public inspection and may be obtained by contacting Helen Lei at (415) 332-0244.

Date: April 13, 2016

Helen Lei, Secretary
Sausalito-Marín City Sanitary District

NO. 473 APRIL 23, 30, 2016

Marin Independent Journal

4000 Civic Center Drive, Suite 301
San Rafael, CA 94903
415-382-7335
legals@marinij.com
2072339

SAUSALITO-MARIN CITY SANITARY
PATTY SWISSHELM
#1 EAST ROAD
SAUSALITO, CA 94965

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Marin**

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

04/23/2016, 04/30/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of May, 2016.

Donna Lazarus

Signature

PROOF OF PUBLICATION

Legal No. **0005718462**

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