

SAUSALITO-MARIN CITY SANITARY DISTRICT  
ORDINANCE NO. 98

AN ORDINANCE AMENDING THE SAUSALITO-MARIN CITY SANITARY  
DISTRICT CODE AS AMENDED

WHEREAS, on the 2nd day of May, 2016, the District Board of Sausalito-Marín City Sanitary District adopted Ordinance No. 97 which placed Ordinance Numbers 1 through 96 into the Sausalito-Marín City Sanitary District Code; and

WHEREAS, the codification effort brought to light various technical errors and created inconsistencies in existing District ordinances and, pursuant to Government Code section 50022.7 and Health & Safety Code section 6491.2, the District desires to enact minor modifications to the Code for the purposes of clarity and consistency; and

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

Section 1. Amendment of Sausalito-Marín City Sanitary District Code.

Titles 1 through 3 of the Sausalito-Marín City Sanitary District Code are hereby amended to read as set forth in Attachment "A" attached hereto and incorporated herein.

Section 2. CEQA Findings and Determinations. In accordance with the California Environmental Quality Act ("CEQA," Public Resources Code section 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 Ordinance merely clarify existing policies and procedures of the District with regard to the matters addressed in the Code and, therefore to that extent, the Ordinance does not constitutes a "project" as that term is defined under CEQA; and
- b) To the extent that any portion of the Ordinance may be a "project" for purposes of CEQA, it is found and determined that:
  - i) Those portions of the Ordinance 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 Ordinance that 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 Ordinance 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 Ordinance, 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.

Section 3      Publication and Effective Date.

Upon adoption, this Ordinance shall be entered in the minutes of the District Board, and shall be published promptly in the Marin Scope, a newspaper published in the District, and shall be in force and take effect seven (7) days after its publication.

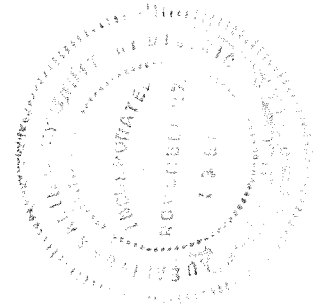
I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Sausalito-Marín City Sanitary District, at a regular meeting thereof, held on the 2nd day of May, 2016 by the following vote:


AYES, and in favor thereof, Directors:

NOES,            Directors:

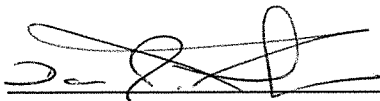
ABSTAIN,      Directors:

ABSENT,       Directors:



  
 \_\_\_\_\_  
 Secretary  
 Sausalito-Marín City Sanitary District

APPROVED:

  
 \_\_\_\_\_  
 President

APPROVED AS TO FORM:

---

Kenton L. Alm  
District Counsel

2643876.1



SAUSALITO-MARIN CITY SANITARY DISTRICT

1 EAST ROAD

SAUSALITO, CALIFORNIA

Telephone: (415) 332-0244 Fax: (415) 332-0453

# **Sausalito-Marín City**

# **Sanitary District**

# **Code**

Adopted by Board Action on  
May 2, 2016

## TABLE OF CONTENTS

<b><i>Title 1 ADMINISTRATION</i></b>	<b><i>1</i></b>
<b>Chapter 1.05 Board of Directors Meetings</b>	<b>2</b>
Section 1.05.010 Regular Meetings	2
Section 1.05.020 Special Meetings	2
Section 1.05.030 Meeting Place	2
Section 1.05.040 District office and mailing address	2
Section 1.05.050 Order of business	2
Section 1.05.060 Rules of proceedings	2
<b>Chapter 1.10 Directors' Fees</b>	<b>3</b>
Section 1.10.010 Directors' Fees	3
<b><i>Title 2 SEWER REGULATION</i></b>	<b><i>4</i></b>
<b>Chapter 2.05 Definitions</b>	<b>5</b>
<b>Chapter 2.10 General Provisions</b>	<b>8</b>
Section 2.10.010 Rules and Regulations	8
Section 2.10.020 Purpose	8
Section 2.10.030 Short title	8
Section 2.10.040 Posting and Publication	9
Section 2.10.050 Violation unlawful	9
Section 2.10.060 Grants of waivers	9
Section 2.10.070 Limitations on waivers	9
Section 2.10.080 Necessary determinations	9
Section 2.10.090 Procedures	9
Section 2.10.100 District Inspector – Compensation	10
Section 2.10.110 Permits and Fees	10
<b>Chapter 2.15 Use of Public Sewers Required</b>	<b>10</b>
Section 2.15.010 Disposal of wastes	10
Section 2.15.020 Treatment of wastes required	10
Section 2.15.030 Unlawful disposal	10
Section 2.15.040 Occupancy prohibited	10
Section 2.15.050 Sewer connection – When mandatory	10
<b>Chapter 2.20 Private Sewage Disposal</b>	<b>11</b>
Section 2.20.010 Sewer not available	11
Section 2.20.020 Permit required	11
Section 2.20.030 Inspection required	11
Section 2.20.040 Design requirements	12
Section 2.20.050 Abandonment of facilities	12
Section 2.20.060 Cost of maintenance by owner	12
Section 2.20.070 Additional requirements	12
<b>Chapter 2.25 Uniform Plumbing Code</b>	<b>12</b>
Section 2.25.010 Uniform Plumbing Code adopted	12
Section 2.25.020 Administrative authority	12
<b>Chapter 2.30 Lateral Sewers and Connections</b>	<b>13</b>
Section 2.30.010 Permit required	13
Section 2.30.020 Construction requirements	13
Section 2.30.030 Minimum size and slope	13
Section 2.30.040 Repealed	13

Section 2.30.050 Cleanouts _____	13
Section 2.30.060 Sewer too low _____	13
Section 2.30.070 Connection to public sewer _____	13
Section 2.30.080 Protection of excavation _____	13
Section 2.30.090 Maintenance of side sewer _____	14
<b>Chapter 2.33 Inspection, Repair or Replacement of Private Laterals _____</b>	<b>14</b>
Section 2.33.010 Definitions _____	14
Section 2.33.020 Responsibility and standards for maintenance of private laterals _____	15
Section 2.33.030 Public nuisances _____	15
Section 2.33.040 When a compliance certificate is required _____	15
Section 2.33.050 How to obtain a compliance certificate _____	16
Section 2.33.060 Compliance certificate term limits _____	17
Section 2.33.070 Conditional compliance certificate _____	17
Section 2.33.080 Fees _____	17
Section 2.33.090 Appeals _____	17
Section 2.33.100 Violations and enforcement _____	18
Section 2.33.110 Remedies _____	18
<b>Chapter 2.35 Public Sewer Construction _____</b>	<b>19</b>
Section 2.35.010 Permit Required _____	19
Section 2.35.020 Plans, profiles and specifications required _____	19
Section 2.35.030 Subdivisions _____	19
Section 2.35.040 Easements of rights-of-way _____	19
Section 2.35.050 Persons authorized to perform work _____	19
Section 2.35.060 Grade stakes _____	20
Section 2.35.070 Compliance with local regulations _____	20
Section 2.35.080 Protection of excavations _____	20
Section 2.35.090 Design and construction standards _____	20
Section 2.35.100 Completion of sewer required _____	20
<b>Chapter 2.40 Use of Public Sewers _____</b>	<b>21</b>
Section 2.40.010 Drainage into sanitary sewers prohibited _____	21
Section 2.40.020 Use of storm sewers required _____	21
Section 2.40.030 Types of wastes prohibited _____	21
Section 2.40.040 Discharge of contaminated groundwater prohibited _____	22
Section 2.40.050 Discharges in violation of national pollutant discharge elimination system (NPDES) permit restricted _____	24
Section 2.40.060 Interceptors required _____	24
Section 2.40.070 Maintenance of interceptors _____	25
Section 2.40.080 Preliminary treatment of wastes _____	25
Section 2.40.090 Maintenance of pretreatment facilities _____	25
Section 2.40.100 Control manholes _____	25
Section 2.40.110 Measurements and tests _____	25
Section 2.40.120 Special agreements – Private facilities _____	26
Section 2.40.130 Special agreements – Public facilities _____	26
Section 2.40.140 Swimming pools _____	26
<b>Chapter 2.45 Permits and Fees _____</b>	<b>26</b>
Section 2.45.010 Permit required _____	26
Section 2.45.020 Application for permit _____	26
Section 2.45.030 Compliance with permit _____	27
Section 2.45.040 Agreement _____	27
Section 2.45.050 Classes of permits _____	27
Section 2.45.060 Fees – Annexation charges _____	27
Section 2.45.070 Fees – Connection charges _____	27
Section 2.45.080 Special connection charges _____	28

Section 2.45.090 Sewer permit and inspection charges	28
Section 2.45.100 Bond – Public sewer construction	29
Section 2.45.110 Fees – Sewer service charges	29
Section 2.45.120 Disposition of charges	29
Section 2.45.130 All work to be inspected	29
Section 2.45.140 Notification	29
Section 2.45.150 Condemned work	29
Section 2.45.160 All costs paid by owner	29
Section 2.45.170 Outside sewers	30
Section 2.45.180 Permit optional	30
Section 2.45.190 Special outside agreements	30
Section 2.45.200 Street excavation permit	30
Section 2.45.210 Liability	30
Section 2.45.220 Time limit on permits	30
<b>Chapter 2.50 Marinas and Trailer Parks</b>	<b>31</b>
Section 2.50.010 Discharge of excreta	31
Section 2.50.020 Signs concerning sanitation regulations	31
Section 2.50.030 Sewer connection	31
Section 2.50.040 Sewer lateral system	31
Section 2.50.050 Connection to sewerage lateral system	31
Section 2.50.060 Floating home inboard sewage device	31
Section 2.50.070 Sewage pumping facilities	31
Section 2.50.080 Schedule of charges	32
<b>Chapter 2.53 Mercury Reduction</b>	<b>32</b>
Section 2.53.010 Introduction	32
Section 2.53.020 Purpose and policy	32
Section 2.53.030 Definitions	33
Section 2.53.040 Waste management practices	33
Section 2.53.050 Amalgam separators	33
Section 2.53.060 Exemptions	34
<b>Chapter 2.55 Enforcement</b>	<b>34</b>
Section 2.55.010 Violation	34
Section 2.55.020 Public nuisance	34
Section 2.55.030 Disconnection	35
Section 2.55.040 Public nuisance - Abatement	35
Section 2.55.050 Means of enforcement only	35
Section 2.55.060 Misdemeanor	35
Section 2.55.070 Liability for violation	35
Section 2.55.080 Civil penalties	35
Section 2.55.090 Falsifying information	35
<b>Chapter 2.60 Miscellaneous Provisions</b>	<b>36</b>
Section 2.60.010 Protection from damage	36
Section 2.60.020 Powers and authorities of inspectors	36
<b>Chapter 2.65 Fats, Oils and Grease (Reserved)</b>	<b>36</b>
<b><i>Title 3 FEES AND COLLECTION</i></b>	<b>37</b>
<b>Chapter 3.05 Sewer Service Charges</b>	<b>38</b>
Section 3.05.010 Authority	38
Section 3.05.020 Purpose	38
Section 3.05.030 Definitions	38
Section 3.05.040 Customers subject to charge	39

Section 3.05.050 Determination of annual charges _____	39
Section 3.05.060 Strength characteristics _____	39
Section 3.05.070 Water consumption _____	40
Section 3.05.080 Effective date of charges _____	40
Section 3.05.090 Person responsible _____	41
Section 3.05.100 Collection of sewer service charges on tax roll _____	41
Section 3.05.110 Direct billing _____	42
Section 3.05.120 Rates _____	42
<b>Chapter 3.10 Sewer Connection Charge System _____</b>	<b>44</b>
Section 3.10.010 Establishment of district sewer connection charge system _____	44
Section 3.10.020 Payment of connection charge required _____	44
Section 3.10.030 Basis of charge _____	44
Section 3.10.040 Schedule/determination of charges _____	44
Section 3.10.050 Charges by type of connection _____	45
Section 3.10.060 Persons responsible for payment _____	45
Section 3.10.070 Increased use of sewers _____	45
Section 3.10.080 Resumption of use _____	46
Section 3.10.090 Wastewater volume determination _____	46
Section 3.10.100 Administration of connection charges _____	47



**Title 1**

**ADMINISTRATION**

**Chapters:**

**1.05 Board of Directors Meetings**

**1.10 Directors' Fees**

## Chapter 1.05

### BOARD OF DIRECTORS MEETINGS

#### Sections:

- 1.05.010 Regular meetings.
- 1.05.020 Special meetings.
- 1.05.030 Meeting place.
- 1.05.040 District office and mailing address.
- 1.05.050 Order of business.
- 1.05.060 Rules of proceedings.

#### 1.05.010

##### **Regular meetings.**

The regular meetings of the Board of Directors of the Sausalito-Marín City Sanitary District shall hereafter be held on the first Monday at 7:00 p.m. and third Monday at 4:00 p.m. of each and every calendar month until this board shall, by ordinance, resolution or vote otherwise provide. In the event that any day fixed for a meeting of the board shall fall upon a holiday, or be otherwise inconvenient for a majority of the board, then the meeting scheduled for such day shall be held on a day agreed upon by the board which is not a holiday, at the regular hour and place of meeting. [Ord. 90 § 1, 2013; Ord. 69 § 1, 1994; Ord. 57 § 1, 1989; Ord. 4 § 1, 1953; Ord. 1 § 1, 1951.]

#### 1.05.020

##### **Special meetings.**

Special meetings of the Board of Directors shall be held upon call of the president of said board, or of three members thereof, by written notice to be delivered personally or by mail or electronic mail to each member not less than 24 hours before the time fixed for the proposed meeting. In the event of any member not being present at his/her office or residence when service is attempted, such service may be made by leaving such notice in the hands of any occupant of either his/her office or residence, and if no occupant be there present at such time, then by posting same at or near the door of either such office or residence. Such notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be considered at such meeting. Attendance at such meeting by any member shall be deemed a sufficient compliance and waiver of the

provisions herein for notice to him/her. [Ord. 4 § 2, 1953; Ord. 1 § 2, 1951.]

#### 1.05.030

##### **Meeting place.**

Regular and Special meetings of the board shall be held either at the City of Sausalito City Hall Chambers located at 420 Litho Street, Sausalito CA or at the District Office Board Room, located at 1 East Road, Sausalito, California unless it shall adjourn to or fix another place, or unless prevented by flood, fire or other disaster, or unless otherwise agreed by the members. [Ord. 66 § 1, 1992; Ord. 1 § 3, 1951.]

#### 1.05.040

##### **District office and mailing address.**

The district office shall be located at 1 East Road, Sausalito, California, on the district sewage treatment plant site; and the official mailing address of said district and its board is hereby established as:

1 East Road  
Sausalito, California 94965  
[Ord. 41 § 1, 1978; Ord. 1 § 4, 1951.]

#### 1.05.050

##### **Order of business.**

The order of business at the regular meetings of said board shall be as follows:

- A. Roll call.
- B. Reading of minutes.
- C. Reading of reports.
- D. Reading of communications.
- E. Reading of petitions.
- F. Unfinished business.
- G. New business.
- H. Allowance of claims.
- I. Adjournment. [Ord. 1 § 5, 1951.]

#### 1.05.060

##### **Rules of proceedings.**

A. Public Meetings. All legislative sessions of the board, whether regular or special, shall be open to the public.

B. Quorum. A majority of the board shall constitute a quorum for the transaction of business.

C. Adjournment. When a meeting may not be opened or further action may not be had at a

regularly opened meeting, for want of a quorum said meeting may be adjourned to a day and hour certain by the secretary or any member of the board, and notice of such adjournment shall be given for the time and in the manner provided for calling special meetings, excepting that the purpose of the adjourned meeting need not be stated.

D. Method of Action. The board shall act only by ordinance, resolution or motion, unless otherwise provided by law.

E. Ordinances. Ordinances shall be signed by the president and countersigned by the secretary; they shall be published once in a newspaper published in the district and shall take effect upon the expiration of the week of publication.

F. Execution of Documents. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president and countersigned by its secretary.

G. Robert’s Rules. In all other regards such meetings shall be conducted in conformity with Robert’s Rules of Order. [Ord. 1 § 6, 1951.]

**Chapter 1.10**

**DIRECTORS’ FEES**

Sections:

1.10.010 Directors’ Fees.

**1.10.010**

**Directors’ Fees.**

The directors’ fees payable to members of the Board of Directors of the Sausalito-Marín City Sanitary District shall be \$160.00 per meeting or day of service as of the effective date of the ordinance codified in this chapter. [Ord. 77 § 1, 2001.]

**Title 2**

**SEWER REGULATION**

**Chapters:**

- 2.05 Definitions**
- 2.10 General Provisions**
- 2.15 Use of Public Sewers Required**
- 2.20 Private Sewage Disposal**
- 2.25 Uniform Plumbing Code**
- 2.30 Lateral Sewers and Connections**
- 2.33 Inspection, Repair or Replacement of Private Laterals**
- 2.35 Public Sewer Construction**
- 2.40 Use of Public Sewers**
- 2.45 Permits and Fees**
- 2.50 Marinas and Trailer Parks**
- 2.53 Mercury Reduction**
- 2.55 Enforcement**
- 2.60 Miscellaneous Provisions**
- 2.65 Fats, Oils and Grease**

**Chapter 2.05**

**DEFINITIONS**

Sections:

- 2.05.010 A.
- 2.05.020 B.
- 2.05.030 C.
- 2.05.040 D.
- 2.05.050 E.
- 2.05.060 F.
- 2.05.070 G.
- 2.05.080 H.
- 2.05.090 I.
- 2.05.100 J.
- 2.05.110 K.
- 2.05.120 L.
- 2.05.130 M.
- 2.05.140 N.
- 2.05.150 O.
- 2.05.160 P.
- 2.05.170 Q.
- 2.05.180 R.
- 2.05.190 S.
- 2.05.200 T.
- 2.05.210 U.
- 2.05.220 V.
- 2.05.230 W.
- 2.05.240 X.
- 2.05.250 Y.
- 2.05.260 Z.
- 2.05.270 Additional definitions.

**2.05.010**

**A.**

“Applicant” means the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested, or his/her authorized agent. [Ord. 21 § 111, 1964.]

**2.05.020**

**B.**

“Backwater valve” means a device installed in a drainage system to prevent reverse flow.

“Board” means the Board of Directors of said district.

“Building” means any structure or vessel used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

“Building sewer” means that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility, beginning two (2) feet outside the building wall, and running to the public sewer or to a private sewage disposal system. [Ord. 21 §§ 104, 110, 124, 1964.]

**2.05.030**

**C.**

“City” means the City of Sausalito.

“Combined sewer” means a sewer receiving both surface runoff and sewage.

“Contractor” means an individual, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done under the permit.

“County” means the county of Marin, California. [Ord. 21 §§ 102, 103, 112, 119, 1964.]

**2.05.040**

**D.**

“Deadline” means the date something is due, but if a deadline to complete a task or submit a form falls on a weekend or legal holiday, the due date shall be the next business day following the weekend or legal holiday.

“District” means the Sausalito-Marín City Sanitary District, Marin County, California.

“District engineer” means the engineer either appointed, or a hired firm or person, that acts as the project engineer of record for the board and shall be a registered civil engineer.

“District inspector” means the inspector acting for the board or General Manger and may be a member of the board, the district engineer or inspector appointed by the board.

“District secretary” means the secretary of said board. [Ord. 21 §§ 101, 105, 106, 107, 1964.]

**2.05.050**

**E.**

*Reserved.*

**2.05.060**

**F.**

“Fixture” means any facility connected to a sewer by a drain, such as a bathtub, shower, washbasin, toilet, urinal, kitchen sink, dishwasher, laundry tub, washing machine, etc., each counted separately no matter whether a

number of fixtures are contained in one washroom, bathroom or kitchen.

“Fixture unit” means fixture unit load values for drainage piping and shall be computed from Tables 1 and 2 of Chapter 4 of the Uniform Plumbing Code adopted herein.

“Floating home” means any boat, craft, living accommodation or structure supported by means of flotation, designed to be used without a permanent foundation which is used for human habitation, or as judged so by the district engineer.

“Floating home marina” means an area within the district covered by the waters of Richardson’s Bay which contains one or more berthing spaces for floating homes, either permanently or on a temporary basis when authorized by the City of Sausalito or the county of Marin. [Ord. 29 § 1, 1972; Ord. 21 §§ 133, 135, 136, 137, 1964.]

#### 2.05.070

##### G.

“Garbage” shall include any or all of the following: garbage, swill, refuse, cans, bottles, papers, vegetable matter, carcasses of dead animals, offal, trash, rubbish and radioactive waste material. [Ord. 21 § 129, 1964.]

“General Manager” means the Manager of the District with all authority granted by the Board of Directors and District policies and procedures.

#### 2.05.080

##### H.

*Reserved.*

#### 2.05.090

##### I.

“Industrial waste” means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature. [Ord. 21 § 116, 1964.]

#### 2.05.100

##### J.

*Reserved.*

#### 2.05.110

##### K.

*Reserved.*

#### 2.05.120

##### L.

“Lateral sewer” means the portion of a sewer connecting a private building sewer to the public main sewer. [Ord. 21 § 123, 1964.]

#### 2.05.130

##### M.

“May” means permissive.

“Main sewer” means a public sewer designed to accommodate more than one lateral sewer.

“Moor” means the fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or by any other means. [Ord. 21 §§ 122, 131, 1964.]

#### 2.05.140

##### N.

*Reserved.*

#### 2.05.150

##### O.

“Outside sewer” means a sanitary sewer beyond the limits of the sanitary district not subject to the control or jurisdiction of the district. [Ord. 21 § 127, 1964.]

#### 2.05.160

##### P.

“Permit” means any written authorization required pursuant to this or any other regulation of the district for the installation of any sewage works.

“Person” means any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

“Private sewer” means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

“Public sewer” means a sewer which is controlled by or under the jurisdiction of the district. [Amended by district during 2016 codification: Ord. 21 §§ 108, 109, 118, 126, 1964.]

**2.05.170**

**Q.**

*Reserved.*

**2.05.180**

**R.**

*Reserved.*

**2.05.190**

**S.**

“Shall” means mandatory

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

“Sewage” means any and all waste substances, liquid or solid, associated with human habitation or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

“Sewage works” means all facilities owned or controlled by the district for collecting, pumping, treating and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

“Side sewer or Private Sewer Lateral” means the private property sewer line (or building sewer) beginning two (2) feet outside the foundation wall of any building and terminating at the main sewer.

“Single-family unit” means the place of residence for a single family. Property improved for multifamily purposes shall constitute the number of units that the facilities thereon provide in number of facilities for single-family units. When such improvements are for other than residential purposes, the number of units shall be determined by dividing the total number of persons regularly using or occupying said premises by three. When said property is unimproved, a single lot shall be such unit. When such property is unsubdivided, it shall be deemed to have five lots to the acre, unless the Board of Directors, in its discretion, specially fixes some other number of lots therefor. When said property is a trailer court, trailer park or mobile home park, it shall be deemed to have the number of units for which spaces are provided.

“Standard Sewer Specifications” means the most recent District standard specifications for sewer system design and construction.

“Storm sewer” or “storm drain” means a sewer which carries storm and surface or groundwaters and drainage, but excludes sewage and polluted industrial wastes.

“Street” means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way. [Ord. 21 §§ 113, 114, 115, 117, 120, 121, 125, 128, 134, 1964.]

**2.05.200**

**T.**

“Transient vessel” means any vessel temporarily moored within the geographic limits of the district, which is occupied for a period of less than 10 consecutive days, or 20 days in any calendar month. [Ord. 21 § 132, 1964.]

**2.05.210**

**U.**

*Reserved.*

**2.05.220**

**V.**

“Vessel” means any water craft of any type or size, including but not limited to barges, ferryboats, tour boats, excursion boats, arks, yachts, houseboats or rafts. [Ord. 32 § 1, 1973; Ord. 21 § 130, 1964.]

**2.05.230**

**W.**

*Reserved.*

**2.05.240**

**X.**

*Reserved.*

**2.05.250**

**Y.**

*Reserved.*

**2.05.260**

**Z.**

*Reserved.*

**2.05.270**

**Additional definitions.**

For the purpose of this title, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted herein. [Ord. 29 § 1, 1972; Ord. 21 § 135, 1964.]

**Chapter 2.10**

**GENERAL PROVISIONS**

Sections:

- 2.10.010 Rules and regulations.
- 2.10.020 Purpose.
- 2.10.030 Short title.
- 2.10.040 Posting and publication.
- 2.10.050 Violation unlawful.
- 2.10.060 Grants of waivers.
- 2.10.070 Limitations on waivers.
- 2.10.080 Necessary determinations.
- 2.10.090 Procedures.
- 2.10.100 District inspector – Compensation.
- 2.10.110 Permits and fees.

**2.10.010**

**Rules and regulations.**

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the district are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise. [Ord. 21 § 201, 1964.]

**2.10.020**

**Purpose.**

This title is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the district.

The local collection sewer system within the City limits shall be installed, altered or repaired under the rules and subject to the jurisdiction of the City. This title shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. [Ord. 21 § 202, 1964.]

**2.10.030**

**Short title.**

This title shall be known as the “District code of the Sausalito-Marín City Sanitary District.” [Amended by district during 2016 codification: Ord. 21 § 203, 1964.]



**2.10.040****Posting and publication.**

The adoption of the ordinance codified in this title shall be entered in the minutes of the Board of Directors, shall be published once in the local newspaper of general circulation printed and published in the district, within one week following its passage and adoption, and shall take effect and be in force and effect immediately upon the expiration of one week of publication. [Ord. 21 § 204, 1964.]

**2.10.050****Violation unlawful.**

Following the effective date of the ordinance codified in this title, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said district except by connection to a public sewer in the manner as in this title provided, or in the manner and subject to the regulations of the City if the building lies within the corporate limits of the City. [Ord. 21 § 205, 1964.]

**2.10.060****Grants of waivers.**

Subject to the other provisions of this title, the district board may grant waivers from compliance with the provisions of district ordinances, rules and regulations, either in whole or in part. A waiver may be granted on the board's own motion or upon the application of any person pursuant to District code 2.10.090(A). [Ord. 80 § 1, 2003.]

**2.10.070****Limitations on waivers.**

No waiver shall be granted if the waiver would result in a violation of any statute, regulation, order, or other provision of law promulgated or enacted by a federal, state or local government entity having jurisdiction over the matter in question. [Ord. 80 § 2, 2003.]

**2.10.080****Necessary determinations.**

A. Required Determinations. A waiver may be granted only upon the determination by the district board that:

1. In the absence of a waiver, the strict application of the provisions of the ordinance, rule or regulation in question would result in a substantial hardship peculiar to a person or persons that is not generally applicable to other persons similarly situated;

2. The waiver is necessary for the preservation and enjoyment by a person or persons of substantial personal and/or property rights possessed by other persons similarly situated, and granting of the waiver will not accord a special privilege to a person or persons who may benefit from it; and

3. The waiver will not be materially detrimental to the public health, safety and welfare, nor will it result in undue hardships to other persons.

B. Resolution Required. Whenever the board determines that a waiver should be granted, the board shall do so by adopting a resolution specifying the terms of the waiver and any conditions upon which the waiver grant may be made. The resolution shall include findings of fact supporting the board's determinations, including those required by subsection (A) of this section. [Ord. 80 § 3, 2003.]

**2.10.090****Procedures.**

A. On Board's Own Motion. A proposal by a board member or the General Manager to grant a waiver on the district board's own motion shall be agendaized for consideration at a regular or special meeting of the board in the same manner as other items of district business.

B. Request by Others. Persons other than board members or the General Manager may request that a waiver be granted by the district board by satisfying the following requirements:

1. Applications for waivers shall be submitted in writing, accompanied by a fee of \$200.00. The application shall be considered and acted upon promptly by the district board at a regular or special meeting. The district board may schedule a public hearing on the application, in which event the district board shall cause notice of the public hearing to be given in such manner as it determines is adequate considering the circumstances.

2. The burden of establishing facts to support the necessary determinations supporting

a waiver shall be upon the applicant. The district board may deny any application if the applicant fails to supply sufficient relevant information, including documents and records, to enable the district board to make the necessary determinations.

3. In addition to the application fee required by subsection (B)(1) of this section, the district board may impose additional reasonable fees and charges to cover the costs to the district of considering the application, including the costs of giving notice of a public hearing and the costs of administration, engineering, legal and other costs which the board deems necessary to evaluate the application. [Ord. 80 § 4, 2003.]

**2.10.100**

**District inspector – Compensation.**

The district board shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, private sewers and facilities in connection therewith in said district, to be known as the district inspector. The person so employed shall receive as compensation for his/her services for making inspections required to be made by the ordinances and orders and regulations from time to time enacted and ordered by the board, a sum to be fixed by the board. The inspector shall serve at the pleasure of the board and may be another official of the district. [Ord. 21 § 208, 1964.]

**2.10.110**

**Permits and fees.**

No public sewer or other sewerage facility within a public right-of-way or public easement shall be installed, altered or repaired within the district, except when such sewers lie within the City, in which case the regulations of the City shall apply, until a permit for the work has been obtained from the district and all fees paid in accordance with the requirements of Chapter 2.45 of District code. [Ord. 21 § 209, 1964.]

**Chapter 2.15**

**USE OF PUBLIC SEWERS REQUIRED**

Sections:

- 2.15.010 Disposal of wastes.
- 2.15.020 Treatment of wastes required.
- 2.15.030 Unlawful disposal.
- 2.15.040 Occupancy prohibited.
- 2.15.050 Sewer connection – When mandatory.

**2.15.010**

**Disposal of wastes.**

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 district, or in any area under the jurisdiction of said district, any human or animal excrement, garbage, or other objectionable waste. [Ord. 21 § 301, 1964.]

**2.15.020**

**Treatment of wastes required.**

It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this title. [Ord. 21 § 302, 1964.]

**2.15.030**

**Unlawful disposal.**

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage. [Ord. 21 § 303, 1964.]

**2.15.040**

**Occupancy prohibited.**

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the district. [Ord. 21 § 304, 1964.]

**2.15.050**

**Sewer connection – When mandatory.**

Following the effective date of the ordinance codified in this title, it shall be unlawful for any person to connect to, construct, install, provide,

maintain and use any other means of sewage disposal in said district, except connection with the sewerage system of said district or the sewerage system of the City, for any house or building or for any vessel, other than a transient vessel, moored within the district, in the manner in this title provided. [Ord. 21 § 305, 1964.]

## **Chapter 2.20**

### **PRIVATE SEWAGE DISPOSAL**

#### Sections:

- 2.20.010 Sewer not available.
- 2.20.020 Permit required.
- 2.20.030 Inspection required.
- 2.20.040 Design requirements.
- 2.20.050 Abandonment of facilities.
- 2.20.060 Cost of maintenance by owner.
- 2.20.070 Additional requirements.

#### **2.20.010**

##### **Sewer not available.**

Where a public sewer is not available to satisfy the provisions of District code 2.15.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this title. [Ord. 21 § 401, 1964.]

#### **2.20.020**

##### **Permit required.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the General Manager or secretary of the district. The application for such permit shall be made on a form furnished by the district, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the secretary. A permit and inspection fee shall be paid to the district at the time application is filed in accordance with the provisions of this title. [Ord. 21 § 402, 1964.]

#### **2.20.030**

##### **Inspection required.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the district inspector. The district inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the district inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours, Sundays and holidays excluded, of the receipt of the notice by the district inspector. [Ord. 21 § 403, 1964.]

**2.20.040****Design requirements.**

The type, capacities, location and layout of a private sewage disposal system shall comply with the District's Standard Sewer Specifications and all recommendations of the Department of Public Health of the state of California, the health officer of the county and the building department of the county. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the characteristics of the property do not indicate sufficient soil absorption qualities. No septic tank, cesspool, anaerobic tank or chemical process shall be permitted to discharge to any public sewer or any stream or watercourse. [Ord. 21 § 404, 1964.]

**2.20.050****Abandonment of facilities.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in District code 2.15.050, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of the district, and any septic tanks, cesspools, anaerobic tanks, chemical processes and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the district inspector. [Ord. 21 § 405, 1964.]

**2.20.060****Cost of maintenance by owner.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the district. [Ord. 21 § 406, 1964.]

**2.20.070****Additional requirements.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the health officer or building inspector of the county. [Ord. 21 § 407, 1964.]

**Chapter 2.25****UNIFORM PLUMBING CODE**

## Sections:

2.25.010 Uniform Plumbing Code adopted.

2.25.020 Administrative authority.

**2.25.010****Uniform Plumbing Code adopted.**

The 2013 California Plumbing Code (CPC), incorporates the 2012 Uniform Plumbing Code with State of California amendments, copies of which are on file in the office of the district for use and examination by the public. is hereby adopted as the Uniform Plumbing Code of the Sausalito-Marín City Sanitary District, to which reference is hereby made and is hereby adopted by reference as if set forth in full herein. The CPC shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances thereto. Future versions and revisions to the CPC are prospectively adopted as the plumbing code of the district. [Amended by district during 2016 codification: Ord. 21 § 501, 1964.]

**2.25.020****Administrative authority.**

Wherever the term "administrative authority" is used in the Uniform Plumbing Code, it shall be construed to mean only those persons duly authorized by the sanitary district board to administer the code as follows:

Administration of the code and enforcement of regulations thereof shall be under the direction of the district board.

Sewer mains and laterals outside of the building plumbing and drainage system shall be inspected by the district inspector.

The interpretation of technical provisions of this title, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of this title shall be made by the district engineer. [Ord. 21 § 502, 1964.]

## Chapter 2.30

### LATERAL SEWERS AND CONNECTIONS

#### Sections:

- 2.30.010 Permit required.
- 2.30.020 Construction requirements.
- 2.30.030 Minimum size and slope.
- 2.30.040 Repealed.
- 2.30.050 Cleanouts.
- 2.30.060 Sewer too low.
- 2.30.070 Connection to public sewer.
- 2.30.080 Protection of excavation.
- 2.30.090 Maintenance of side sewer.

#### 2.30.010

##### **Permit required.**

In accordance with Chapter 2.60 of District code no person shall construct a lateral sewer or make a connection with any public sewer without first obtaining a written permit from the district and paying all fees and connection charges as required therein. [Ord. 21 § 601, 1964.]

#### 2.30.020

##### **Construction requirements.**

Construction of lateral sewers, when subject to the jurisdiction of the district, shall be in accordance with the requirements of the County, Uniform Plumbing Code, and all other requirements of the district. [Ord. 21 § 602, 1964.]

#### 2.30.030

##### **Minimum size and slope.**

The minimum size of sewers shall be in accordance with the Uniform Plumbing Code and district standard specifications, as said code and specifications are heretofore or hereafter adopted by the district. [Ord. 21 § 603, 1964.]

#### 2.30.040

##### **Separate sewers.**

*Repealed by Ord. 89.* [Ord. 64 § 1, 1991; Ord. 38 § 1, 1977; Ord. 21 § 604, 1964.]

#### 2.30.050

##### **Cleanouts.**

Cleanouts in sewers subject to the jurisdiction of the district shall be provided in accordance with the most recent Uniform Plumbing Code and

other Sausalito-Marín City Sanitary District requirements. Cleanouts shall be the same diameter as the sewer. All cleanouts shall be maintained watertight and shall be constructed in accordance with the specifications established by the district. [Ord. 21 § 605, 1964.]

#### 2.30.060

##### **Backwater valves or lifting required if sewer too low.**

Backwater valves are required if fixtures are installed on a floor level that is lower than the cover of the next upstream manhole cover of the public or private sewer to which the building's lateral is connected. Fixtures on such floor level that are not below the next upstream manhole cover are not required to be protected by a backwater valve. Fixtures on floor levels above such elevation shall not discharge through the backwater valve. 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 engineer, and discharged to the public sewer at the expense of the owner. [Amended by district during 2016 codification: Ord. 21 § 606, 1964.]

#### 2.30.070

##### **Connection to public sewer.**

The connection of the building sewer into the public sewer shall be made in accordance with the specifications for such connections established by the district, including the installation of backwater valves on all connections. The connection to the public sewer shall be made in the presence of the district inspector or the district engineer, and under his/her supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the district inspector or district engineer. [Ord. 21 § 607, 1964.]

#### 2.30.080

##### **Protection of excavation.**

All excavations for a side sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the district,

the City and the county, or any other person having jurisdiction thereover. [Ord. 21 § 608, 1964.]

**2.30.090**

**Maintenance of side sewer.**

Side sewers and any backwater valves shall be maintained by the owner of the property served thereby. Where a side sewer provides service to more than one single-family residential unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the side sewer shall be in the homeowners’ association or other entity responsible for the maintenance of the property and facilities owned in common. [Ord. 38 § 1, 1977; Ord. 21 § 609, 1964.]

**Chapter 2.33**

**INSPECTION, REPAIR OR REPLACEMENT OF PRIVATE LATERALS**

Sections:

- 2.33.010 Definitions.
- 2.33.020 Responsibility and standards for maintenance of private sewer laterals.
- 2.33.030 Public nuisances.
- 2.33.040 When a compliance certificate is required.
- 2.33.050 How to obtain a compliance certificate.
- 2.33.060 Compliance certificate term limits.
- 2.33.070 Conditional compliance certificate.
- 2.33.080 Fees.
- 2.33.090 Appeals.
- 2.33.100 Violations and enforcement.
- 2.33.110 Remedies.

**2.33.010**

**Definitions.**

The following terms apply to this title:

A. “Backflow prevention device” shall mean any approved device (backwater valve) that allows wastewater to spill outside of buildings in the event of a blockage.

B. “Cleanout” means a pipefitting and associate piping connected to a sewer pipe that provides access to the pipe for the purposes of inspection, maintenance, and diagnostic purposes.

C. “Complete replacement” means rehabilitation or replacement of the entire length of the private sewer lateral.

D. “Conditional compliance certificate” means a compliance certificate issued by the district when requested by the property owner in order to allow transfer of title to proceed without delay. Conditional compliance certificates shall be valid for a period of 90 days.

E. “Compliance certificate” means a certificate issued by the district indicating that the private sewer lateral complies with the district’s standards set forth in this chapter.

F. “Escrow account” means a real estate transaction account into which an applicant deposits funds to obtain a 90-day time extension

pursuant to this chapter to complete the required work on the private sewer lateral.

G. “General Manager” means the General Manager of the Sausalito-Marín City Sanitary District.

H. “Inflow” and “infiltration” mean groundwater and rainwater that enter a sanitary sewer system intended for wastewater flows. Infiltration is water that enters the sewer system through openings in the joints or walls of pipes or manholes. “Inflow” is water that enters the sewer system through direct connections such as uncapped lateral cleanouts, openings in manhole covers, illicit connections, including area drains, catch basins, foundation drains and roof drains.

I. “Non-sanitary-sewer connection” means anything that directly or indirectly conveys inflow to the district’s wastewater system including storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage into sanitary sewers including, but not limited to, downspouts, yard or area drains, or other sources of storm water or runoff.

J. “Private sewer lateral” also means the “side sewer” per District code 2.05.190 and includes that part of the sewer piping that extends from the end of the building drain, as defined by the Uniform Plumbing Code, from two feet outside the outer foundation wall of the structure to the first encountered publicly owned sewer pipe, including the connection.

K. “Repair” and “replacement” mean construction activities performed by a licensed contractor to bring a private sewer lateral into compliance with this chapter. “Repair” means a partial repair of a private sewer lateral while “replacement” applies to the complete length of the private sewer lateral. Lining of a private sewer lateral is considered to be replacement.

L. “Structure” means any structure or building as defined in applicable plumbing code that is provided with public sewer service.

M. “Title transfer” means the sale or transfer of an entire real property estate or the fee interest in that property estate and does not include the sale or transfer of partial interest, including leasehold.

N. “Verification test” means a test to be witnessed by the district’s authorized representative(s) to verify that the private sewer lateral is in compliance with this chapter.

[Amended by district during 2016 codification: Ord. 89 § 1, 2012.]

### 2.33.020

#### **Responsibility and standards for maintenance of private sewer laterals.**

It shall be the responsibility of the property owner to perform all required maintenance, repairs and replacement of the private sewer lateral, including backwater valves, in accordance with district requirements. The standards for maintenance of the private sewer lateral are set forth below.

A. The private sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede or obstruct flow.

B. All joints shall be watertight and all pipes shall be sound.

C. The private sewer lateral shall be free of any structural defects, such as fractures, sags, cracks, breaks, openings, or missing portions.

D. All cleanouts shall be securely sealed with a cap or backflow prevention device at all times.

E. There shall be no nonsanitary connections or any piping that connects to the private sewer lateral.

F. The private sewer lateral shall be free from measurable quantities of inflow or infiltration. [Amended by district during 2016 codification: Ord. 89 § 2, 2012.]

### 2.33.030

#### **Public nuisances.**

A private sewer lateral constitutes a public nuisance when it is not in compliance with the district’s standards set forth in this chapter. Each day the private sewer lateral is not in compliance with these standards constitutes an additional day of violation. [Ord. 89 § 3, 2012.]

### 2.33.040

#### **When a compliance certificate is required.**

A. Title Transfer. Prior to transferring title to any real property that contains any structure with a private sewer lateral within the district’s wastewater service area, the transferor property owner shall disclose the requirements of this chapter and provide a copy of a valid compliance certificate to: (1) the transferor’s real estate

broker, if any, (2) the transferee, (3) the transferee's real estate broker, if any, and (4) the escrow owner, if any.

B. Change of Customer. Whenever the name on the wastewater/sewer service account is changed for any real property that contains a structure with a private sewer lateral within the district's wastewater service area, the district shall require the new customer to provide a copy of a valid compliance certificate to the district.

C. Construction or Remodeling. Whenever a property owner applies for any permit or other approval needed for construction, remodeling, modification or alterations of any structure with a private sewer lateral within the district's wastewater service area, the property owner shall provide a copy of a valid compliance certificate to the public agency responsible for approving completion of the building permit. Notwithstanding the foregoing, this subsection shall not apply to remodeling modification or alteration work where the total cost of the overall remodel project is less than \$50,000.

D. Change in Use. Whenever a property owner applies for any permit or other approval needed to change the use of any structure with a private sewer lateral within the district's wastewater service area, the property owner shall provide a copy of a valid compliance certificate to the public agency responsible for issuing the permit or other approval. For the purposes of this chapter, the addition of a second dwelling unit shall constitute a change in use.

E. An Individually Owned Unit in a Multi-Unit Structure Served by a Single Lateral or Shared Laterals, such as Condominium or Other Common Interest Development. Within 10 years of the adoption of the ordinance codified in this chapter, the homeowners' association or a responsible party for a multi-unit structure served by a single lateral or shared laterals shall determine if the private sewer lateral(s) is (are) in compliance with District code 2.33.020 and this section and perform any necessary repair or replacement work to achieve compliance.

F. District Request. Whenever a property owner who owns a structure with a private sewer lateral within the district's wastewater service area and who does not possess a valid compliance certificate receives notice from the district requesting that the property owner obtain a

compliance certificate, the property owner shall obtain a compliance certificate within 90 days of receipt of the written notification to the property owner.

G. Exception. A property owner of a structure with a private sewer lateral that is less than 10 years old from the date of (1) intended title transfer, (2) obtaining a permit for remodeling, or (3) obtaining approval for the change in wastewater/sewer service account pursuant to District code 2.33.030, who provides the appropriate evidence, such as a valid building permit showing that the private sewer lateral was replaced in total, may request a compliance certificate. Thereafter, recertification of the private sewer lateral shall occur at 20-year intervals. [Ord. 89 § 4, 2012.]

## **2.33.050**

### **How to obtain a compliance certificate.**

Whenever a compliance certificate is required from the District under this chapter, a property owner who does not hold a valid compliance certificate shall do the following at the property owner's expense, using properly licensed contractors:

A. Repair or Replacement. The property owner shall determine whether the private sewer lateral is in compliance with the district's ordinance requirements. If the private sewer lateral is not in compliance, the property owner shall perform any and all repair and replacement work needed to bring the private sewer lateral into compliance.

B. District Verification. After the property owner determines (through any combination of inspection, repair or replacement) that the private sewer lateral is in compliance with those standards, the property owner shall, upon payment of the required fee, established pursuant to this section, perform verification testing in the presence of the district's employee or agent authorized to witness the test. If the verification testing demonstrates that the private sewer lateral is in compliance with those standards, then the district shall issue a certificate of compliance.

C. Procedures for Verification Testing. The district will maintain written requirements governing the performance of verification testing. These requirements shall be made available to



property owners and their contractors upon request. Property owners and their contractors shall comply with these requirements. [Ord. 89 § 5, 2012.]

### **2.33.060**

#### **Compliance certificate term limits.**

When the compliance certificate is obtained as a result of replacement of the private sewer lateral, the compliance certificate shall be valid for 20 years from the date of issuance. When the compliance certificate is obtained without complete replacement (e.g., as a result of repair work or testing without repair), the compliance certificate shall be valid for seven years from date of issuance. [Ord. 89 § 6, 2012.]

### **2.33.070**

#### **Conditional compliance certificate.**

The requirement to obtain a compliance certificate from the District prior to transfer of title in no way affects the legality of the transfer of title in the underlying property transaction. If a compliance certificate cannot be obtained prior to title transfer, the property owner may request a time extension of 90 days in which to perform the repairs or replacement required in conjunction with the transfer of property by applying to the district for a conditional compliance certificate.

The conditional compliance certificate request shall be submitted to the district with the required fee established pursuant to this chapter. The conditional compliance certificate shall provide an additional 90 days for completion of the work required to ensure that the private lateral conforms to the requirements of this chapter. Upon issuance of the conditional compliance certificate, the property owner must take one of the following two actions:

A. The property owner must deposit \$4,500 into escrow. Property owners are responsible for the full cost of lateral compliance with district requirements, which may exceed \$4,500 deposit. Once the private sewer lateral passes a verification test, funds will be released in accordance with escrow instructions.

B. Alternatively, the property owner may enter into an agreement with the district, suitable for recording, under which the district will

arrange for the needed work and will collect the costs from the property owner along with the sewer service fees on the tax roll.

If the work is not entirely complete within 90 days of issuance of the conditional compliance certificate, or if the work has been completed but the private sewer lateral still does not comply with this chapter, a violation of this chapter exists, and the district shall take steps to correct the violation. Pursuant to Health and Safety Code Sections 6523.2 and 6523.3, the district may enter onto the property and may repair or replace the private sewer lateral, thereafter collecting the costs of correction along with the sewer service fees. [Ord. 89 § 7, 2012.]

### **2.33.080**

#### **Fees.**

The district Board of Directors may establish fees by resolution for administration of this chapter. [Ord. 89 § 8, 2012.]

### **2.33.090**

#### **Appeals.**

A. Request for Relief. Any person or entity who is unable to comply with the requirements of this chapter may file with the General Manager a written request for relief within 15 days of becoming aware of their inability to comply, setting forth in detail the facts supporting the request. The request shall be acted upon by the district within 10 days from the receipt of the request.

B. Request for Reconsideration. Within 30 days after the mailing of written notice of any district decision, action, or determination related to this chapter, any person or entity affected by the decision may file with the secretary of the district a written request for reconsideration, setting forth in detail the facts supporting the request. The request for reconsideration shall be placed on a future board agenda within 60 days from the receipt of the request for reconsideration. The decision, action, or determination shall remain in effect during such period of review by the Board of Directors. The Board of Directors decision shall be final. [Ord. 89 § 9, 2012.]

**2.33.100****Violations and enforcement.**

The General Manager or designated representative shall enforce the provisions of this chapter as provided for herein.

A. Violations of this chapter include but are not limited to:

1. Failure to obtain compliance certificate when one is required;
2. Failure to either deposit \$4,500 into an escrow account and perform the required work or enter into an agreement with the district pursuant to District code 2.33.070 after receiving conditional compliance certificate;
3. Failure to comply with the district's requirements for repair and replacement testing;
4. Falsifying facts to obtain a compliance or conditional compliance certificate; and/or
5. Presenting a false compliance or conditional compliance certificate.

B. Enforcement.

1. When the General Manager finds that a person or entity violates or threatens to violate the provisions of this title, the General Manager may notify the person in writing. The person or entity will be required within 30 days of the notification mailing date to submit for approval by the General Manager a detailed time schedule of specific actions the person or entity shall take to correct or prevent violation of requirements. The actions must be taken within 60 calendar days of submittal of the time schedule.

2. The General Manager has the authority to take enforcement actions against a person or entity for violating the provisions of this chapter and failing to perform any act required in this chapter including, but not limited to, imposing administrative fees, filing an injunction requiring the work to be done, entering onto the subject property to inspect and, if necessary, perform the work needed to bring the property into compliance, and/or requesting the environment service department of the county of Marin to rescind the occupancy permit for the premises.

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 and Safety Code of the state of California. [Ord. 89 § 10, 2012.]

**2.33.110****Remedies.**

The remedies specified in this chapter are cumulative. [Ord. 89 § 11, 2012.]

## Chapter 2.35

### PUBLIC SEWER CONSTRUCTION

#### Sections:

- 2.35.010 Permit required.
- 2.35.020 Plans, profiles and specifications required.
- 2.35.030 Subdivisions.
- 2.35.040 Easements or rights-of-way.
- 2.35.050 Persons authorized to perform work.
- 2.35.060 Grade stakes.
- 2.35.070 Compliance with local regulations.
- 2.35.080 Protection of excavation.
- 2.35.090 Design and construction standards.
- 2.35.100 Completion of sewer required.

#### 2.35.010

##### **Permit required.**

In accordance with Chapter 2.45 District code, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the district, or in the event the sewer is under the jurisdiction of the City, from the City, 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 or by the City. [Ord. 21 § 701, 1964.]

#### 2.35.020

##### **Plans, profiles and specifications required.**

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the district, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the district engineer who shall within 10 days approve them as filed or require them to be modified as he/she deems necessary for proper installation. After examination by the district engineer, the application, plans, profiles and specifications shall be submitted to the board at its next regular meeting for its consideration. When the board is

satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the district. The permit shall prescribe such terms and conditions as the board finds necessary in the public interest. [Ord. 21 § 702, 1964.]

#### 2.35.030

##### **Subdivisions.**

The requirements of District code 2.35.010 and 2.35.020 shall be fully complied with before any final subdivision map of properties lying in unincorporated areas within the district shall be approved by the board. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Board of Directors may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider. [Ord. 21 § 703, 1964.]

#### 2.35.040

##### **Easements or rights-of-way.**

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the board a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection. [Ord. 21 § 704, 1964.]

#### 2.35.050

##### **Persons authorized to perform work.**

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the district. All terms and conditions of the permit issued by the district to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction. [Ord. 21 § 705, 1964.]

**2.35.060****Grade stakes.**

Grade and line stakes shall be set by a registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. [Ord. 21 § 706, 1964.]

**2.35.070****Compliance with local regulations.**

Any person constructing a sewer within a street shall comply with all state, county or City laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the district. [Ord. 21 § 707, 1964.]

**2.35.080****Protection of excavation.**

The applicant shall maintain such barriers, lights and signals as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the district, the City, and the county or any other person having jurisdiction thereover. [Ord. 21 § 708, 1964.]

**2.35.090****Design and construction standards.**

Minimum standards for the design and construction of sewers within the district and subject to the jurisdiction of the district shall be in accordance with the latest version of the standard specifications of Sausalito-Marín City Sanitary District adopted by the district, copies of which are on file in the district office. The district engineer may permit modifications or may

require higher standards where unusual conditions are encountered.

“As-built” drawings showing the actual location of all mains, structures, wyes, laterals and cleanouts shall be filed with the district before final acceptance of the work. [Amended by district during 2016 codification: Ord. 83 § 2, 2007; Ord. 72 § 2, 1995; Ord. 21 § 709, 1964.]

**2.35.100****Completion of sewer required.**

Before any acceptance of any sewer line by the district and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the latest version of the standard specifications of Sausalito-Marín City Sanitary District, and to the satisfaction of the district engineer. [Ord. 83 § 2, 2007; Ord. 72 § 2, 1995; Ord. 21 § 710, 1964.]

## Chapter 2.40

### USE OF PUBLIC SEWERS<sup>1</sup>

#### Sections:

- 2.40.010 Drainage into sanitary sewers prohibited.
- 2.40.020 Use of storm sewers required.
- 2.40.030 Types of wastes prohibited.
- 2.40.040 Discharge of contaminated groundwater prohibited.
- 2.40.050 Discharges in violation of national pollutant discharge elimination system (NPDES) permit restricted.
- 2.40.060 Interceptors required.
- 2.40.070 Maintenance of interceptors.
- 2.40.080 Preliminary treatment of wastes.
- 2.40.090 Maintenance of pretreatment facilities.
- 2.40.100 Control manholes.
- 2.40.110 Measurements and tests.
- 2.40.120 Special agreements – Private facilities.
- 2.40.130 Special agreements – Public facilities.
- 2.40.140 Swimming pools.

#### 2.40.010

##### **Drainage into sanitary sewers prohibited.**

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, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever. Reference is hereby made to the provisions of Ordinance 6 of the district regulating the storm water drains and other private storm water drainage facilities within the district, as adopted May 23, 1955. [Ord. 21 § 801, 1964.]

#### 2.40.020

##### **Use of storm sewers required.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a

natural outlet approved by the district engineer. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the district engineer, to a storm sewer, or natural outlet. [Amended by district during 2016 codification: Ord. 21 § 802, 1964.]

#### 2.40.030

##### **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:

A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

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

C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, petroleum products of any kind or other flammable or explosive liquids, solid or gas, or any waste automotive radiator coolant or any radioactive wastes.

D. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, 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 sewage works.

F. 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 sewage works.

G. 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 humans or animals, or create any hazard in the receiving waters of the sewage treatment plant. Any toxic substances in excess of the United States Environmental Protection Agency standards

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1. Prior legislation: Ord. 6.

pursuant to Section 307(a) of the Clean Water Act, or any other substances which may interfere with the biological processes of the wastewater treatment system.

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

J. Any septic tank sludge. [Ord. 64 § 1, 1991; Ord. 21 § 803, 1964.]

#### **2.40.040**

##### **Discharge of contaminated groundwater prohibited.**

Discharges of contaminated groundwater are a special case outside of normal district service and are therefore a privilege and not a right. Acceptance of such discharges by the district is done as a service to the community. Permission from the district into whose lines water is discharged is the first step for acceptance of contaminated groundwater into the system. The district will review applications under the guidelines established in this title.

This title establishes special procedures and limits for these discharges. Except as may otherwise be authorized by contract, only contaminated groundwater generated inside district service area will be accepted under this title.

A. Potential Sources. Contaminated groundwater may include continuous discharges (e.g., from groundwater cleanup or from construction in areas of contaminated soil) and batch or one-time discharges (e.g., from monitoring wells from underground tanks). Such discharges may be either treated or untreated.

B. Procedures for Obtaining Permit. After contact by the potential permittee with the district inspector, a packet containing the following information will be sent:

1. The district's policy on acceptance of contaminated groundwater discharges;
2. A form for reporting results of analysis on the potential discharge;
3. A form for reporting quantity of discharge (either flow or total volume for a batch discharge);

4. A form for certification that the discharge is not hazardous;

5. A request for a site plan;

6. The district's ordinances governing waste discharges; and

7. A permit request form.

Upon receipt of this material by the district, it will be reviewed to determine if the discharge can be accepted under the policy. If so, the amount of fee due will be calculated (based on the quantity of discharge as well as the standard permit fee) and an invoice sent to the permittee.

The frequency of sampling (by the permittee and by the district) and the parameters to be analyzed will be specified at this time. The costs for all monitoring, including analytical work (for the permittee and for district) as well as costs for district personnel time for sampling, will be borne by the permittee. All analytical tests done by the permittee will be performed by a laboratory certified by the state of California for such analyses.

If the discharge cannot be accepted under this policy (this would in most cases be due either to high concentrations of pollutants in the discharge or to high rates of flow), the discharger will be directed either to install a pretreatment system or to haul the contaminated groundwater away in accordance with state and federal regulations. If a pretreatment system is necessary, plans for such a system must be submitted to the district for review and approval prior to construction.

Upon receipt of the fee by the district, a permit will be issued.

In the case of discharges which were permitted before this policy became effective, the discharge will be allowed to continue until the current permit expires, after which time this policy will be enforced.

In an emergency, another public agency may, upon issuance of a permit by the district, discharge contaminated groundwater meeting the discharge requirements to the sanitary sewer without completing the forms required for a permit.

C. Discharge Requirements. Contaminated groundwater discharged into the district sewage works, prior to dilution by any other discharges, shall comply with all federal and state limits on such discharges, as well as the requirements of this title governing industrial waste discharges.

The permittee shall provide a sampling point for the discharge and district personnel shall have access to the sampling point. The district shall be contacted three working days before the permittee samples the discharge for the initial analysis, so that district personnel may observe the sampling procedures.

All continuous discharges of groundwater shall be metered at the point of discharge by an approved flow meter. The meter shall be read monthly by the permittee. The district may inspect the meter at any time and may require that it be recalibrated or replaced if its measurements are found to be unsatisfactory.

Once a month, the permittee shall check the explosive level of the sewer atmosphere at the point of discharge into the sanitary sewer system. This shall be achieved by taking readings with an approved explosive atmosphere meter.

At the point of discharge into the sanitary sewer, the following restrictions shall apply in addition to those contained in District code 2.40.030:

1. No solids, liquids, or gases shall be discharged in concentrations that alone or by interaction with other substances may create fire or explosive conditions in the sewer system.

2. No organic solvents, dissolved and/or undissolved, in the water shall be discharged in a sum total concentration greater than 1.0 mg/L.

3. Total petroleum hydrocarbons shall not exceed 1.0 mg/L.

4. BTEX (benzene toluene ethyl benzene and xylene) concentration shall not exceed 1.0 mg/L.

5. Table I, hereto attached and by reference incorporated herein, lists the discharge limits for non-sanitary waste discharged into the sewer system. For any priority pollutant whose concentration is also limited by the district's industrial waste discharge restrictions, this limit or the title limit shall apply, whichever is lower.

6. Prior to review by the district, the volume of discharge shall be reviewed and approved by the district. The volume will be determined on a case-by-case basis and shall not exceed that specified in the permit. The permittee may be required to stop discharging to the sanitary sewer system during periods of rainfall, high infiltration or periods of peak flows and may

be required to install a holding tank and other facilities.

7. Pumping directly into the gravity system is not permitted, unless approved by the District. Permittee shall cease discharging to the sanitary sewer whenever directed to do so by the district.

Permittee shall immediately cease discharging into the sanitary sewer if analyses shows violations of the discharge limits or explosive conditions. Permittee shall then immediately contact the district in person or by phone. Permittee shall not resume discharging into the sanitary sewer until the cause for sample violations or explosive conditions has been corrected and written approval has been obtained from the district.

Reports summarizing flow, sewer atmosphere monitoring, and analytical work shall be submitted to the district quarterly. The first report shall be received 90 days after the effective date of the permit.

D. Fees and Charges. The annual fee for these discharges shall be as specified in the district's rules, regulations and ordinances or as established by special agreement or permit for such special requirement discharges. In addition, a sewer service charge shall be paid for testing, both that done by the district and that done by the permittee.

E. Permit Conditions.

1. The district reserves the right to modify, at any time, the terms and conditions of the permit or the discharge quantity and concentration limits authorized herein. The permittee shall comply with the district industrial waste discharge ordinance.

2. No vested rights of any type whatsoever of discharge to or sewerage capacity in the district's sanitary sewer system is created by this permit.

3. Contaminated groundwater discharges permitted hereunder are accepted only on a capacity available basis. The time period will be determined on a case-by-case basis. Such discharges are subject to reduction, modification, suspension, or termination at any time by the district by a phone call or letter notice. Discharges shall cease immediately upon request and may not be restarted without further written permission.

4. Permittee shall obtain any plumbing permits required for the connection to the sanitary sewerage system. Any connection shall be subject to the approval of the district's inspector.

5. Permittee shall cease discharging to the sanitary sewerage system when directed by the district during periods of rainfall or at other times and/or conditions determined appropriate by the district.

6. Permits issued hereunder shall be valid until June 30th of each year. The effective dates shall be specified in the permit. The permit is subject to renewal upon request. The discharger shall apply 30 days in advance of the expiration date of the permit for renewal thereof.

7. The potential permittee shall furnish evidence of insurance as follows:

a. Comprehensive General Liability. The district, its officers, agents and employees shall be named as additional insureds. The insurance shall be primary and shall have the following minimum limits: \$1,000,000 on account of any one occurrence with an aggregate limit of not less than \$1,000,000.

b. The insurance shall cover any activity in connection with the permit.

8. Permittee shall indemnify, defend and hold harmless the district, its officers, agents and employees from and against all liability, claims, damages, losses, and expenses including, but not limited to, attorney's fees resulting from any activity associated with the permit.

F. Grounds for Revocation of Permit.

1. Noncompliance with any requirement or conditions of the permit or of the district's rules, regulations or ordinances shall be cause for its termination.

2. A sampling analysis which indicates concentrations, volumes, or constituents which are in violation of the permit or other applicable local, state, or federal regulations not specifically modified by the permit.

3. Failure to make timely payments of all fees and charges.

G. Enforcement. Since discharges of high levels of the chemicals present in contaminated groundwater have the potential for serious damage to the collection and pumping systems and to the treatment plant, noncompliance with the discharge limits will bring severe penalties. Such violations may incur fines and penalties in

accordance with law and pursuant to Chapter 2.55 District code.

In addition, the discharger shall pay for any damages to the sanitary sewerage system including the district treatment plant that the discharge of contaminated groundwater may cause. [Amended by district during 2016 codification: Ord. 61 § 1, 1990; Ord. 21 § 803.1, 1964.]

#### **2.40.050**

##### **Discharges in violation of national pollutant discharge elimination system (NPDES) permit restricted.**

Any wastewater discharge which contains material or materials restricted by the district's NPDES permit, as it presently exists or as hereafter modified, shall not be made to the district's sewerage system or permitted following any modification of said permit except by a written permit or special agreement allowing such discharge. Such permit or special agreement shall specify such terms and conditions of such discharge as may be required by the board. [Ord. 61 § 1, 1990; Ord. 21 § 803.2, 1964.]

#### **2.40.060**

##### **Interceptors required.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the district engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the district engineer, and shall be so located as to be readily and easily accessible for cleaning and inspection. Any business, institution or industry that may discharge oil, grease, flammable substances, sand or other materials that may be harmful to the sewage system shall have a properly functioning interceptor. Interceptors shall be designed, constructed and maintained in accordance with the provisions of Section 2.25.010 of the District code. Interceptors shall be maintained by the property owner. Interceptors found by the district engineer to be inadequately maintained shall be reported to the



county health officer for purposes of enforcement of this regulation. The health officer's orders for correcting deficient or malfunctioning interceptors shall be final and there shall be no appeal of such orders.

Maintenance shall include periodic removal of grease, sand or other materials. Materials removed from interceptors shall not be disposed of in the sewer system. A record of interceptor maintenance shall be kept and made available upon request of the health officer. The use of chemicals to dissolve coagulated materials is specifically prohibited.

All drains from work or processing areas shall be connected to the interceptor; provided, however, that toilets, urinals and wash basins shall not flow through the interceptor. [Ord. 64 § 1, 1991; Ord. 21 § 804, 1964.]

#### **2.40.070**

##### **Maintenance of interceptors.**

All grease, oil and sand interceptors shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times. [Ord. 21 § 805, 1964.]

#### **2.40.080**

##### **Preliminary treatment of wastes.**

The admission into the public sewers of any waters or wastes having: (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in District code 2.40.030, or (d) having an average daily flow greater than two percent of the average daily sewage flow of the district, shall be subject to the review and approval of the district engineer. Where necessary in the opinion of the district engineer, the owner shall provide, at owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in District code 2.40.030, or (c) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the district engineer and of the water pollution control commission of the state of California and no construction of such facilities shall be commenced until said approvals are obtained in writing. [Ord. 21 § 806, 1964.]

#### **2.40.090**

##### **Maintenance of pretreatment facilities.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at owner's expense. [Ord. 21 § 807, 1964.]

#### **2.40.100**

##### **Control manholes.**

When required by the General Manager or district engineer, the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the district engineer. The manhole shall be installed by the owner at owner's expense, and shall be maintained by him/her so as to be safe and accessible at all times. [Ord. 21 § 808, 1964.]

#### **2.40.110**

##### **Measurements and tests.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in District code 2.40.030 and 2.40.080 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in District code 2.40.100, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected. [Ord. 21 § 809, 1964.]

**2.40.120**

**Special agreements – Private facilities.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the district and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the district for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by the district. [Ord. 21 § 810, 1964.]

**2.40.130**

**Special agreements – Public facilities.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the district, the housing authority of the county of Marin, the redevelopment agency of the county of Marin, or any other public corporation or entity, whereby the district undertakes to provide for the construction, acceptance, maintenance or operation of facilities for the collection, pumping or other means of transmission of sewage from the public agencies pursuant to any appropriate legal authorization or pursuant to cooperation, joint powers, or other similar agreement. [Ord. 21 § 811, 1964.]

**2.40.140**

**Swimming pools.**

It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed 20 feet. If the water is discharged by pumping, the rate of flow shall not exceed 100 gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system. [Ord. 21 § 812, 1964.]

**Chapter 2.45**

**PERMITS AND FEES**

Sections:

- 2.45.010 Permit required.
- 2.45.020 Application for permit.
- 2.45.030 Compliance with permit.
- 2.45.040 Agreement.
- 2.45.050 Classes of permits.
- 2.45.060 Fees – Annexation charges.
- 2.45.070 Fees – Connection charges.
- 2.45.080 Special connection charges.
- 2.45.090 Sewer permit and inspection charges.
- 2.45.100 Bond – Public sewer construction.
- 2.45.110 Fees – Sewer service charges.
- 2.45.120 Disposition of fees.
- 2.45.130 All work to be inspected.
- 2.45.140 Notification.
- 2.45.150 Condemned work.
- 2.45.160 All costs paid by owner.
- 2.45.170 Outside sewers.
- 2.45.180 Permit optional.
- 2.45.190 Special outside agreements.
- 2.45.200 Street excavation permit.
- 2.45.210 Liability.
- 2.45.220 Time limit on permits.

**2.45.010**

**Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any plumbing or drainage system under the jurisdiction of the district, without first obtaining a written permit from the district. [Ord. 21 § 901, 1964.]

**2.45.020**

**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. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The district engineer may require plans, specifications or drawings and such other information as he/she may deem necessary.

If the district engineer 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, the secretary shall issue the permit applied for upon payment of the required fees as hereinafter fixed. [Ord. 21 § 902, 1964.]

#### **2.45.030**

##### **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 engineer, or other authorized representatives. [Ord. 21 § 903, 1964.]

#### **2.45.040**

##### **Agreement.**

The applicant's signature on an application for any permit as set forth in District code 2.45.050 shall constitute an agreement to comply with all of the provisions, terms and requirements of this title and other ordinances, rules and regulations of the district, and with the plans and specifications the applicant has filed with his/her application, if any, together with such corrections or modifications as may be made or permitted by the district, if any. Such agreement shall be binding upon the applicant and may be altered only by the district upon the written request for the alteration from the applicant. [Ord. 21 § 904, 1964.]

#### **2.45.050**

##### **Classes of permits.**

There shall be nine classes of permits, as follows:

- A. Single-family residential sewer permit;
- B. Trailer court and multiple-dwelling sewer permit;
- C. Commercial, industrial, church, school, public and other user sewer permit;
- D. Public sewer construction permit;
- E. Private sewage disposal permit;
- F. Force main connection permit;

G. Floating home and floating home marina sewer permit;

H. Ferryboat, tour boat and excursion boat sewer permit; and

I. Change of use permit. [Ord. 46 § 1, 1982; Ord. 32 § 2, 1973; Ord. 29 § 2, 1972; Ord. 21 § 905, 1964.]

#### **2.45.060**

##### **Fees – Annexation charges.**

The owner or owners of lands within areas proposed to be annexed to the district shall deposit with the secretary of the district a sum to be fixed by the district secretary, prior to commencement of proceedings by the Board of Directors on the proposed annexation. The amount to be fixed by the district secretary shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the district, the excess shall be refunded to the owner or owners following the conclusion of the final hearing on the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the district, the owner or owners shall advance such additional sums as shall be necessary to pay said costs prior to the final hearing on the proposed annexation. [Ord. 21 § 906, 1964.]

#### **2.45.070**

##### **Fees – Connection charges.**

In addition to any other charges established by the ordinances, rules and regulations of the district, there shall be collected, prior to connection to the sanitary sewerage system of the district, connection charges as follows.

##### **(Section Repealed and replaced by Chapter 3.1)**

A. Special Assessment District Equalizing Connection Charge. For any parcel, unit or lot, or part of said property, lying within the present boundaries of the district or hereafter annexed to the district, which abuts on or can be directly served by any existing sewer main or sanitary sewerage facilities of the district, which were

constructed pursuant to special assessment proceedings, additional connection charges to be paid prior to the issuance of a permit for sewer connection in any such areas are hereby established as follows:

Where the facilities which were constructed pursuant to special assessment proceedings consist of collection mains, together with major interceptor mains and/or any other sanitary sewerage facilities, an additional connection charge shall be collected, in a sum to be computed by the district engineer, as said property's share of the cost of the existing sewerage facilities, which were constructed by special assessment proceedings to be used by said property. Said sum shall be the equivalent of the cost to similar properties within the district which have paid for said facilities so to be used. Said sum shall include all costs incident to the installation of such facilities, together with interest charges thereon. Said sum shall not include any amounts for which bonds of the district are then outstanding and to which said property is or shall become subject.

**B. Connection Charge – Annexed Areas.** For any parcel unit, or lot, or part of said property, a connection charge equal to the charge specified in Chapter 3.10 Sewer Connection Charge System per residential or non-residential dwelling unit of property within said areas hereafter annexed to said district shall be paid by the owner or other persons desiring the connection of any such property to any existing district sanitary sewerage system or proposed extension thereof, or to any other sanitary sewerage system within such area which may connect with or be proposed to be connected to the district's existing sanitary sewerage system or proposed extension thereof.

**C. Demolition, Destruction and Replacement of Buildings.** When an existing building is demolished, destroyed by fire, casualty or act of God and replaced by a new building, the district rules, regulations, fees, charges and ordinances shall apply as if the land were being initially improved. A credit against the applicable connection charge shall be allowed, based upon the charge which would have been payable had the connection charge for the building been calculated at the rate applicable at the time of reconnection. When a building is demolished or

destroyed, the side sewer shall be removed, plugged or filled in a manner acceptable to the district and any replacement shall be connected to the public sewer system by a new side sewer or sewers, unless such requirement is suspended or modified pursuant to District code 2.10.060 through 2.10.090. No credit shall be allowed if the building demolished or destroyed is not replaced within 10 years of the date of demolition or destruction.

**D. Change of Use.** If the use of any building is changed resulting in an increase in use or addition of facilities, the district shall calculate the charge to be paid due to the additional use which charge must be paid prior to the issuance of a change of use permit. In no event shall a change of use result in any obligation by the district to refund any payment previously made. [Ord. 73 § 1, 1996; Ord. 59 § 1, 1989; Ord. 56 § 1, 1988; Ord. 55 § 1, 1988; Ord. 46 § 1, 1982; Ord. 44 § 1, 1980; Ord. 38 § 2, 1977; Ord. 21 § 907, 1964.]

#### **2.45.080**

##### **Special connection charges.**

In addition to any other charges established herein, the district may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of the district, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein. [Ord. 21 § 908, 1964.]

#### **2.45.090**

##### **Sewer permit and inspection charges.**

Permit and inspection charges are hereby established as follows:

**A. Single-Family Resident and/or Floating Home.** A fee of \$150 shall be paid to the district for issuing a permit, and for inspecting each single-family residential building sewer installation or floating home building sewer installation.

**B. Commercial, Industrial, Church, Trailer Court, Floating Home Marina, Ferryboat, Tour Boat and Excursion Boat, Multiple and Duplex Dwelling, School, Public and Other Users.** A fee of \$150 for issuing a permit, and \$50 per 100

lineal feet of sewer for inspecting said sewer installation shall be paid to the district for each lateral sewer installation serving commercial, industrial, church, trailer court, floating home marina, ferryboat, tour boat and excursion boat, multiple dwelling, school, public and other users, with a minimum of \$50.00 for said inspection. Where such property, building or vessel is to be developed for commercial and industrial uses such as, in the opinion of the district secretary, will necessitate the conduct of special analysis of the effect of the installation on the sewage effluent, the person seeking a permit for such installation shall provide the district with any such analysis as the district may require at the sole cost and expense of the person seeking such permit. [Ord. 32 § 2, 1973; Ord. 29 § 2, 1972; Ord. 21 § 909, 1964.]

#### **2.45.100**

##### **Bond – Public sewer construction.**

Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the district a faithful performance bond or cash in the amount of the total estimated cost of the work. Said bond shall be in the minimum amount of \$2,000 and shall be secured by a surety or sureties satisfactory to the district. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one year after the date of acceptance of the work. [Ord. 21 § 910, 1964.]

#### **2.45.110**

[Ord. 21 § 911, 1964.]

#### **2.45.120**

##### **Disposition of fees.**

All fees collected on behalf of the district shall be deposited with the secretary who shall place said funds in the depository of the district. [Ord. 21 § 912, 1964.]

#### **2.45.130**

##### **All work to be inspected.**

All sewer construction work, building sewers, plumbing and drainage systems shall be inspected by an inspector acting for the district or for the

City, or for the county, or for any and all entities having jurisdiction thereover, to ensure compliance with all requirements of the district, the City or the county. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected either directly or indirectly to the district's public sewer system until the work covered by appropriate permit has been completed, inspected and approved. All sewers shall be tested for leakage in the presence of the appropriate inspector and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the inspector shall issue a certificate of satisfactory completion. [Ord. 21 § 913, 1964.]

#### **2.45.140**

##### **Notification.**

It shall be the duty of the person doing the work authorized by permit to notify the office of the district in writing that said work is ready for inspection. Such notification shall be given not less than 24 hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the district before giving the above notification. [Ord. 21 § 914, 1964.]

#### **2.45.150**

##### **Condemned work.**

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the district. An additional fee for reinspection will be charged for each subsequent inspection. Said additional fee shall be in an amount sufficient to reimburse all district costs and expenses attributable to each reinspection. [Ord. 21 § 915, 1964.]

#### **2.45.160**

##### **All costs paid by owner.**

All costs and 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. The owner shall indemnify

the district from any loss or damage that may directly or indirectly be occasioned by the work. [Ord. 21 § 916, 1964.]

#### **2.45.170**

##### **Outside sewers.**

Permission shall not be granted to connect any lot or parcel of land outside the district to any public sewer in or under the jurisdiction of the district unless a permit therefor is obtained. The applicant shall first enter into a contract in writing whereby he/she shall bind himself/herself, his/her heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the district for the privilege of using such sewer. [Ord. 21 § 917, 1964.]

#### **2.45.180**

##### **Permit optional.**

The granting of such permission for an outside sewer in any event shall be optional with the board. [Ord. 21 § 918, 1964.]

#### **2.45.190**

##### **Special outside agreements.**

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the district. [Ord. 21 § 919, 1964.]

#### **2.45.200**

##### **Street excavation permit.**

A separate permit must be secured from the City or the county or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections. [Ord. 21 § 920, 1964.]

#### **2.45.210**

##### **Liability.**

The district and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such

applicant. The applicant shall be answerable for, and shall save the district and its officers, agents and employees harmless from, any liability imposed by law upon the district or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his/her work or any failure which may develop therein. [Ord. 21 § 921, 1964.]

#### **2.45.220**

##### **Time limit on permits.**

If work under a permit be not commenced within six 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. [Ord. 21 § 922, 1964.]

**Chapter 2.50****MARINAS AND TRAILER PARKS**

## Sections:

- 2.50.010 Discharge of excreta.
- 2.50.020 Signs concerning sanitation regulations.
- 2.50.030 Sewer connection.
- 2.50.040 Sewer lateral system.
- 2.50.050 Connection to sewerage lateral system.
- 2.50.060 Floating home inboard sewage device.
- 2.50.070 Sewage pumping facilities.
- 2.50.080 Schedule of charges.

**2.50.010****Discharge of excreta.**

No person shall discharge or permit or allow any other person on a vessel under his/her control or command to discharge any human or animal excreta from any head, toilet or similar facility on a vessel into the waters of Richardson's Bay. [Ord. 29 § 3, 1972; Ord. 21 § 950, 1964.]

**2.50.020****Signs concerning sanitation regulations.**

The owner or operator of any commercial boat docking facility or marina located on the waters of Richardson's Bay shall install and maintain at owner's expense in conspicuous locations on the premises thereof standard signs to inform the public of the regulations prohibiting the discharge of toilets on any vessel into the waters of Richardson's Bay, and other provisions of harbor sanitation. Uniform standards and specifications for the design and general locations of such signs shall be prescribed by the Board of Directors. Existing commercial boat docking facilities or marinas shall be brought into compliance with the requirements of this section on or before July 1, 1972. [Ord. 29 § 3, 1972; Ord. 21 § 951, 1964.]

**2.50.030****Sewer connection.**

Every vessel moored at a marina shall be fully connected to an approved sewer line. [Ord. 29 § 3, 1972; Ord. 21 § 952, 1964.]

**2.50.040****Sewer lateral system.**

Every marina shall provide a sewerage lateral for the collection of sewage from every vessel accommodated at the marina. The sewerage laterals shall be connected to a shoreside facility, shall have an inlet connected at each vessel's side, and shall be constructed, installed, and maintained in an approved manner. Connections at floating home berths shall be equipped with approved backflow prevention devices and provide for the entrance of effluent from floating homes without reflux or back pressure. [Ord. 29 § 3, 1972; Ord. 21 § 953, 1964.]

**2.50.050****Connection to sewerage lateral system.**

It shall be unlawful for any person to use, occupy or let any vessel for human habitation unless the same is lawfully connected to a sewerage system as provided in District code 2.50.040. [Ord. 29 § 3, 1972; Ord. 21 § 954, 1964.]

**2.50.060****Floating home inboard sewage device.**

A sewage receiving tank ejector device must be installed aboard every floating home. Said device shall consist of a tank with a capacity of not less than 30 gallons nor more than 40 gallons, and shall be equipped with a two-inch outlet and a one-half horsepower pump. Said device must connect to the sewerage lateral system. [Ord. 29 § 3, 1972; Ord. 21 § 955, 1964.]

**2.50.070****Sewage pumping facilities.**

Permission may be granted to install and operate marina sewage pumping facilities that are connected to the District's public sewer system for boats moored to shore-connected structures, providing such installations are first approved by the sanitary district engineer. In requesting approval by the engineer, the following must be submitted in letter form to the district secretary:

A. Name and address of the person responsible for the installation.

B. Name and address of the manufacturer of all pumping equipment.

C. A complete description of the materials and the equipment to be used.

D. An eight-and-one-half-by-11-inch, or larger, sketch, clearly showing the location of the sewage discharge lines, the connection to the sewer system, and the area to be served. [Ord. 29 § 3, 1972; Ord. 21 § 956, 1964.]

#### **2.50.080**

##### **Schedule of charges.**

(Section Repealed and replaced by Sewer Service Charge Rate Ordinance No. 94) [Ord. 29 § 3, 1972; Ord. 21 § 957, 1964.]

## **Chapter 2.53**

### **MERCURY REDUCTION**

#### Sections:

- 2.53.010 Introduction.
- 2.53.020 Purpose and policy.
- 2.53.030 Definitions.
- 2.53.040 Waste management practices.
- 2.53.050 Amalgam separators.
- 2.53.060 Exemptions.

#### **2.53.010**

##### **Introduction.**

The ordinance codified in this chapter shall be known as the “mercury reduction ordinance of the Sausalito-Marín City Sanitary District” and may be so cited and pleaded.

The ordinance codified in this chapter is adopted pursuant to provisions of Section 6400 et seq. of the Health and Safety Code of the state of California. [Ord. 87 § 1, 2009.]

#### **2.53.020**

##### **Purpose and policy.**

A. Mercury is a toxic metal that bioaccumulates in several species of fish in San Francisco Bay, making them unsafe for human consumption. During 2007 the San Francisco Bay regional water quality control board adopted the San Francisco Bay mercury watershed permit to control discharge of mercury into the Bay. The permit requires Sausalito-Marín City Sanitary to implement mercury control strategies.

Dental amalgam is the largest controllable source of mercury to the SMCS D service area. Dental amalgam is approximately 50 percent mercury, mixed with silver and other metals. When installing, repairing or removing amalgam fillings, dentists discharge amalgam wastes to the sanitary sewer. This chapter is intended to significantly reduce the quantity of mercury entering the agency’s water pollution control system.

B. Ordinance No. 21, “Sewer Use Ordinance of the Sausalito-Marín City Sanitary District,” adopted by SMCS D, regulates the discharge of wastes into the agency’s water pollution control system. Chapter 2.15 District code, Use of Public Sewers Required, prohibits the discharge of wastes which will cause pass-through of the



water pollution control system. The SMCSB Board of Directors has authority to require sewer users to install pretreatment equipment as necessary to bring their discharges into compliance with the ordinance. [Ord. 87 § 2, 2009.]

### 2.53.030

#### **Definitions.**

“Amalgam separator” is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer.

“Amalgam waste” means and includes noncontact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

“ISO 11143” is the International Organization for Standardization’s standard for amalgam separators. [Ord. 87 § 3, 2009.]

### 2.53.040

#### **Waste management practices.**

All owners and operators of dental facilities that remove, repair or place amalgam fillings shall comply with the following waste management practices:

A. No person shall rinse chairside traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.

B. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and shall document how training is being provided to staff. Training records shall be available for inspection by an authorized representative of the agency during normal business hours.

C. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

D. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

E. The use of bulk mercury is prohibited. Only pre-encapsulated dental amalgam is permitted. [Ord. 87 § 4, 2009.]

### 2.53.050

#### **Amalgam separators.**

All owners and operators of dental vacuum suction systems, except as set forth in District code 2.53.060, shall comply with the following:

A. An amalgam separator device certified in accordance with ISO 11143, or the most recent standard promulgated by ISO for amalgam separators, shall be installed for each dental vacuum suction system on or before December 31, 2010; provided, however, that all dental facilities that are newly constructed on and after the effective date of the ordinance codified in this chapter shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a noncertified separator will be accepted; provided, that smaller units from the same manufacturer and of the same technology are ISO-certified.

B. All amalgam separators installed pursuant to subsection (A) of this section shall be on the most recent version of the “Bay Area Pollution Prevention Group (BAPPG) List of Accepted Amalgam Separators”. For amalgam separators installed prior to the date of the ordinance codified in this chapter, approval may occur by the agency on a case-by-case basis and separators must meet the standards of subsection (A) of this section.

C. Certification of installation shall be submitted to the district within 30 days of installation of the separator. A form will be provided by the district and must be completed for demonstration of certification.

D. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Records documenting separator maintenance and disposal or recycling of amalgam waste shall be available for inspection upon request by an authorized representative of the district during normal business hours. [Amended by district during 2016 codification: Ord. 87 § 5, 2009.]

**2.53.060**

**Exemptions.**

The following types of dental practice are exempt from District code 2.53.050; provided, that removal, repair or placement of amalgam fillings occurs at the facility no more than three days per year: (A) orthodontics; (B) periodontics; (C) oral and maxillofacial surgery; (D) radiology; (E) oral pathology or oral medicine; (F) endodontistry and prosthodontistry. [Ord. 87 § 6, 2009.]

**Chapter 2.55**

**ENFORCEMENT**

Sections:

- 2.55.010 Violation.
- 2.55.020 Public nuisance.
- 2.55.030 Disconnection.
- 2.55.040 Public nuisance – Abatement.
- 2.55.050 Means of enforcement only.
- 2.55.060 Misdemeanor.
- 2.55.070 Liability for violation.
- 2.55.080 Civil penalties.
- 2.55.090 Falsifying information.

**2.55.010**

**Violation.**

Any person found to be violating any provision of this title or any other ordinance, rule or regulation of the district, except District code 2.35.100 and 2.60.010, shall be served by the secretary 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 title or any other ordinance, rule or regulation of the district. Upon being notified by the secretary of any defect arising in any sewer or of any violation of this title, the person or persons having charge of said work shall immediately correct the same. [Ord. 21 § 1001, 1964.]

**2.55.020**

**Public nuisance.**

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this title or any other ordinance, rule or regulation of the district is hereby declared to be a public nuisance. The district may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation. [Ord. 21 § 1002, 1964.]

**2.55.030****Disconnection.**

As an alternative method of enforcing the provisions of this title or any other ordinance, rule or regulation of the district, the engineer shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the district. Upon disconnection the engineer shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. [Ord. 21 § 1003, 1964.]

**2.55.040****Public nuisance – Abatement.**

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the district shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the district a reasonable attorney's fee and cost of suit arising in said action. [Ord. 21 § 1004, 1964.]

**2.55.050****Means of enforcement only.**

The district hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty. [Ord. 21 § 1005, 1964.]

**2.55.060****Misdemeanor.**

Section 6523 of the Health and 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 \$1,000, imprisonment not to exceed 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. [Ord. 38 § 3, 1977; Ord. 21 § 1006, 1964.]

**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. [Ord. 21 § 1007, 1964.]

**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 \$1,000 nor more than \$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. [Ord. 64 § 1, 1991; Ord. 21 § 1008, 1964.]

**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 \$1,000 or by imprisonment for not more than 30 days, or by both. [Ord. 64 § 1, 1991; Ord. 21 § 1009, 1964.]

**Chapter 2.60**

**MISCELLANEOUS PROVISIONS**

Sections:

- 2.60.010 Protection from damage.
- 2.60.020 Powers and authorities of inspectors.

**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. [Ord. 21 § 1101, 1964.]

**2.60.020**

**Powers and authorities of inspectors.**

The officers, inspectors, engineer and any duly authorized employees of the district shall wear or carry an official badge of office or other evidence establishing his/her position as such, and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the district. [Ord. 21 § 1102, 1964.]

**Chapter 2.65**

**FATS, OILS AND GREASE**

(Reserved)

**Title 3**

**FEES AND COLLECTION**

**Chapters:**

**3.05 Sewer Service Charges**

**3.10 Sewer Connection Charge System**

## Chapter 3.05

### SEWER SERVICE CHARGES

#### Sections:

- 3.05.010 Authority.
- 3.05.020 Purpose.
- 3.05.030 Definitions.
- 3.05.040 Customers subject to charge.
- 3.05.050 Determination of annual charges.
- 3.05.060 Strength characteristics.
- 3.05.070 Water consumption.
- 3.05.080 Effective date of charges.
- 3.05.090 Person responsible.
- 3.05.100 Collection of sewer service charges on tax roll.
- 3.05.110 Direct billing.
- 3.05.120 Rates.

#### 3.05.010

##### Authority.

Pursuant to California Health and Safety Code Section 6520.5, a provision of the Sanitary District Act of 1923, the district elects to impose sewer service charges for the purposes stated in District code 3.05.020. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

#### 3.05.020

##### Purpose.

The purpose of the sewer service charge is to raise revenue for the costs of maintenance, operation, construction, and reconstruction of the district's wastewater facilities used for the collection, conveyance, treatment, and disposal of wastewater, and for other expenditures deemed necessary to conduct the lawful business of the district. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

#### 3.05.030

##### Definitions.

For the purposes of this chapter, the terms listed below have the meanings indicated:

A. "Connection" means a physical connection between any types of piping not owned by the district to any other type of piping or facility which is directly or indirectly connected to the district's wastewater system.

Premises located in the City of Sausalito that discharge to the City's wastewater collection system are deemed to be connected to the district's wastewater system for the purposes of this chapter.

B. "District wastewater system" means any sanitary sewer or other wastewater facility, which is part of the wastewater collection, treatment and disposal facilities owned and operated by the district.

C. "Dwelling unit" means any residence, apartment house unit, condominium or other habitation occupied by a single person or single family and requiring wastewater disposal service; also, any live-aboard vessel which receives direct wastewater disposal services from the district.

D. Equivalent Dwelling Unit (EDU). An EDU is a service unit measured in relation to the characteristics of the average daily discharge produced by a typical single dwelling unit, which are:

1. Flow: 200 gallons per day.
2. Strength:
  - a. BOD: 200 mg/liter;
  - b. TSS: 290 mg/liter.

E. "Nonresidential" means all uses other than residential.

F. "Owner" means the person holding title to any premises as shown by the official records of Marin County or the holder of any possessory interest in publicly owned property.

G. "Person" means any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, City, county, district, the state of California, or the United States of America, or any department or agency of any of them. The singular in each case shall include the plural.

H. "Premises" means any lot, piece, or parcel of real property improved or unimproved within the boundary of the district.

I. "Residential" means a place designed or used for residence or dwelling, whether permanent or temporary in nature. Includes single-family, multifamily and floating home residences. Does not include hotels or motels. [Amended by district during 2016 codification: Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.040**

**Customers subject to charge.**

The owners of all premises connected to the district’s wastewater system and all premises which are able to connect to the system are subject to the sewer service charge. Those premises which are unable to make a connection are exempt from the sewer service charge. It is the sole responsibility of the premises’ owner to notify the district of the grounds for any claimed exemption. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.050**

**Determination of annual charges.<sup>1</sup>**

A. Residential Customer Sewer Service Charge. Each residential customer shall pay an annual sewer service charge, which is equivalent to the annual charge as established by the district’s Board of Directors.

1. Residential – single-family customer’s annual sewer service charge shall be the equivalent of one EDU.

2. Residential – multifamily customer’s annual sewer service charge shall be the equivalent of ninety-seven-hundredths EDU.

3. Residential – floating home customer’s annual sewer service charge shall be the equivalent of ninety-two-hundredths EDU.

B. Nonresidential Customer Sewer Service Charge. Each nonresidential customer shall pay an annual sewer service charge calculated as follows:

1. The customer’s annual water usage shall be determined as provided in District code 3.05.070.

2. The customer’s loading factor shall be determined as provided in District code 3.05.060.

3. The customer’s EDU shall be calculated by multiplying the customer’s annual water usage by the customer’s loading factor.

4. The customer’s annual sewer service charge shall be the amount in dollars obtained when the customer’s EDUs are multiplied by the applicable annual sewer charge rate as established by the district’s Board of Directors,

except that in no case shall the charge be less than the charge for one EDU.

C. Supplementary Charge for Unincorporated Area Customers. Customers whose premises are located in the Marin City community or in other unincorporated areas of the district for whom the district provides wastewater collection services in addition to wastewater treatment services shall pay an additional charge as specified in this subsection. The additional charge shall be a dollar amount established by the Board of Directors which represents the annual cost per EDU to provide wastewater collection service to customers in the district’s unincorporated areas. The supplementary charge for residential customers shall be calculated by multiplying the customer’s number of dwelling units by the annual EDU charge established under this section. The supplementary charge for non-residential customers shall be calculated by multiplying the customer’s number of EDUs from subsection (B)(3) of this section by the annual EDU charge established under this section, but in no case shall the charge be less than the charge for one EDU. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.060**

**Strength characteristics.**

Each nonresidential customer’s premises shall be assigned a loading factor, which represents the strength characteristics of the wastewater discharged by the premises. The loading factors shall be determined from the following table to the extent applicable.

<b>Strength</b>	<b>Loading Factor</b>
High	2.40
Medium	1.70
Low	1.00

Examples of uses which produce high strength wastewater are restaurants and bakeries.

available at the district office. See District code 3.05.120.

1. Code reviser’s note: The latest sewer service charge rates are adopted by a separate ordinance and are

Examples of uses which produce medium strength wastewater are delicatessens and markets with delicatessens. Examples of uses which produce low strength wastewater are offices, general retail and institutional occupancies.

In any case where the district determines that the loading factors in the table above do not accurately represent the strength characteristics of the wastewater discharge from a particular premises (for example, mixed use occupancies), the district will establish a loading factor which represents the actual conditions. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

### 3.05.070

#### **Water consumption.**

Subject to the provisions of subsection (E) of this section, annual water consumption shall be determined as follows:

A. The average daily discharge from each dwelling unit is presumed to be 200 gallons per day average daily flow and shall not be based upon measured water consumption or other conditions of occupancy of the dwelling unit.

B. The EDU determination of annual charges in District code 3.05.050 for residential customers has been adjusted for each customer class based on winter water usage as determined by the district from water use data furnished by the Marin Municipal Water District (MMWD).

C. Water consumption for all other uses, including commercial (such as, for example, motels and hotels), shall be based upon actual metered water consumption (measured in units) determined as follows:

1. The average monthly water usage for each premises during the two two-month “summer” and “winter” intervals for the district’s preceding fiscal year shall be determined by the district from the annual report furnished by the Marin municipal water district.

2. The water usage determined under subsection (C)(1) of this section shall be annualized.

D. As used in this section, a “unit” of water consumption is defined as the equivalent of a volume of water measuring 100 cubic feet.

E. The following provisions apply to water consumption by nonresidential users:

1. Upon application to the district by customers maintaining extensive irrigated landscaping or in other situations where it can be conclusively established that the metered water consumption is not a valid measure of the quantity of wastewater discharged, the quantity of wastewater to be used in determining the customer’s EDUs shall be determined by the district.

2. The district may require the installation of district-approved recording and sampling devices or flow meters on the premises for use by the district at the customer’s expense. Such devices or meters shall be available for inspection at any reasonable time. Recording devices shall be capable of recording instantaneous and accumulated flows, and sampling devices shall be automatic and capable of 24-hour storage and maintenance of temperature between 35 degrees and 40 degrees Fahrenheit and have a five-gallon capacity as approved by the district. The customer shall be responsible for the maintenance, calibration, repair and replacement of all sampling or recording devices and equipment.

F. No credit, adjustment or refund shall be made to any customer because the premises or any portion of them are vacant, unless the premises are disconnected from the sewer system.

G. No premises or customers shall be provided district wastewater services without charge or at a reduced charge. [Amended by district during 2016 codification: Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

### 3.05.080

#### **Effective date of charges.**

Charges and rates established by this chapter shall be effective upon the date specified by the district and shall apply to all premises connected at that time to the district’s wastewater system. Premises which are connected to the system after the effective date shall be subject to the sewer service charge effective as of and prorated from the date of connection. The charge shall be billed directly in accordance with District code 3.05.110. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]



**3.05.090****Person responsible.**

The owner of any premises is responsible for payment of all sewer service charges applicable to the premises. It is the duty of each owner to ascertain from the district the amount and due date of any charge applicable to the premises and to pay the charge when due and payable. It is the duty of all owners of all premises to inform the district immediately of all pertinent circumstances and/or a change in any circumstances which will in any way affect the applicability of a charge to the owner's premises or the amount of any such charge. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.100****Collection of sewer service charges on tax roll.**

A. Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4 of the Health and Safety Code, but subject to the provisions of this section, the district elects, as the primary procedure for the collection of sewer service charges prescribed or imposed by the provisions of this chapter, to have sewer service charges for each fiscal year collected on the tax roll of the county of Marin in the same manner, by the same persons and at the same time as property taxes, assessments and other charges collected in that manner.

B. At the beginning of the district's fiscal year, a written report shall be prepared and filed with the district secretary setting forth a description of each parcel of real property, inside or outside the district, upon which are situated premises which receive wastewater services of the district and the amount of the charge for each parcel for that year, computed in conformity with the charges prescribed by this chapter.

C. The district secretary shall cause notice of the filing of the report and of the time and place for a public hearing to be published in a newspaper of general circulation within the district. The publication of notice shall be once a week for two successive weeks. Publications shall be made with at least five days intervening between the respective publication dates not counting the publication dates. A minimum of two public notices shall be published in a

newspaper circulated more than once a week. In newspapers which circulate once a week, the public notice shall be published in each circulation for two successive weeks. The period of notice commences on the first day of publication and terminates at the end of the fourteenth day, including in that period the first day of publication.

D. At the time stated in the notice, the district board shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. If the district board finds that protest is made by a majority of separate parcels of property described in the report, 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.

E. Upon the conclusion of the hearing, the district board may adopt, revise, change, reduce or modify and charge or overrule any or all protests and/or objections, excepting protests or objections from a majority as described in subsection (D) of this section, and the board shall make its determination upon each charge as described in the report, which determination is final.

F. By August 10th of each year following the board's final determination, the district secretary shall file with the controller of the county of Marin a copy of the report with a statement endorsed over his/her signature stating that the report has been finally adopted by the district in order that the controller of the county of Marin 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 the 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.

G. Except as provided in Section 5473.8 of the Health and Safety Code, 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 lien date prescribed by law for property taxes. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.110**

**Direct billing.**

If the full amount of any sewer service charges is, for any reason, not collected in accordance with the provisions of District code 3.05.100, the sewer service charges, or the portion of them not appearing on the tax roll, shall be collected by direct billing of the property owner as provided in this section. The provisions of this section shall also apply to sewer service charges accruing after a new connection to the district’s wastewater facilities, in which case the annual charge shall be prorated over the period of time from the date of the new connection to the end of the fiscal year.

A. Billing. The district shall ascertain the amount of each sewer service charge applicable to each premises and shall mail to the owner and/or owner and occupant, within 60 days from the date any sewer service charges become due and payable, a bill for the sewer service charges which are then due and payable. The bill shall be mailed to all persons listed as the owners on the last equalized assessment roll of the county of Marin at the address shown on the assessment roll, or to the successor in interest of the owner and/or occupant, if known. Each bill shall contain a statement that a delinquency in payment for 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 years unless sooner released or otherwise discharged. Failure of the district to mail a sewer service charge bill or failure of the owner to receive a sewer service charge bill shall not excuse the owner of any premises from the obligation of paying any sewer service charge for any premises owned by the owner.

B. How Payable. Each sewer service charge to be collected by direct billing shall be due and payable in full at the time of billing; provided, however, if in any fiscal year a sewer service charge is payable for a period covering eight months or more of the fiscal year, the sewer service charge shall be billed in two installments with the first installment covering the period for which a sewer service charge is owed during the first six months of the fiscal year, and the second installment covering the remaining six months of the fiscal year.

C. Delinquency Date of Sewer Service Charges. Each sewer service charge shall be delinquent if not paid on or before the thirtieth day of the month following the date upon which such sewer service charge becomes due and payable.

D. Where Payable. Sewer service charges collected by direct billing shall be payable at the administrative office of the district, as noted in the billing.

E. Penalties for Nonpayment of Sewer Service Charges – Lien. Whenever a delinquency shall occur for nonpayment of sewer service charges, a penalty of 10 percent shall attach to the unpaid charges, and for each month that the charges remain delinquent a further penalty of one and one-half percent of said basic charge shall be added. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014; Ord. 91 § 1, 2013; Ord. 78 § 1, 2002.]

**3.05.120**

**Rates.**

A. Residential Sewer Service Charges. Pursuant to District code 3.05.050(A), the annual sewer service charge payable by each residential customer class, per dwelling unit, shall be as follows:

Customer Class	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Single Family	\$770	\$817	\$833	\$850	\$866
Multifamily	\$715	\$726	\$741	\$756	\$771
Floating Homes	\$708	\$687	\$705	\$722	\$736

If applicable, residential customers shall also be subject to the supplementary sewer service charge provided for in subsection (C) of this section.

B. Nonresidential Sewer Service Charges. Pursuant to District code 3.05.050(B), the annual sewer service charge payable for each nonresidential customer shall be calculated based upon the following sewer service charge rates:

Customer Class	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Nonresidential	\$770	\$817	\$833	\$850	\$866

If applicable, nonresidential customers shall also be subject to the supplementary sewer service charge provided for in subsection (C) of this section.

C. Supplementary Charges for Unincorporated Area Customers. Pursuant to District code 3.05.050(C), customers whose premises are located in the Marin City community or in other unincorporated areas of the district shall pay an additional charge as set forth below:

1. All residential customers shall pay a supplementary charge as follows:

Customer Class	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Residential	\$61	\$66	\$71	\$76	\$78

2. All nonresidential customers shall pay a supplementary charge calculated based upon the following rates:

Customer Class	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Non-Residential	\$61	\$66	\$71	\$76	\$78

D. Automatic Increases – Exceptions. The increases in sewer service charges and sewer service charge rates for fiscal year 2015/16, 2016/17, 2017/18 and FY 2018/19 shall occur automatically on July 1<sup>st</sup> of each respective fiscal year without further approval or other action by the district’s board. Notwithstanding the automatic nature of those increases, the board shall review scheduled increases prior to the beginning of each fiscal year and may, in its discretion, reduce the amount to be imposed pursuant to this section for that following fiscal year.

If the board concludes by a majority vote that the sewer service charges or supplementary charges in amounts less than the maximum amounts as set forth in this chapter for the then following fiscal year will produce adequate revenues for that fiscal year, the board may by resolution make appropriate findings and determine that it will impose sewer service charges in a lesser amount for that year.

Any such reduction for one fiscal year shall not affect the sewer service charges and rates for the following fiscal years, absent additional actions by the board. Therefore, at the end of any fiscal year for which the board has acted to impose less than the full amount of sewer services charges authorized by this chapter, the following years’ charges as set forth by this chapter will automatically take effect unless the board takes appropriate actions to set or impose alternative sewer service charge amounts.

E. The rates and charges imposed by the board shall continue thereafter in effect until further action of the board. [Ord. 96 § 1, 2014; Ord. 93 § 1, 2014, Ord. 94 §§ 2 – 6, 2014; Ord. 92 §§ 2 – 5, 2013; Ord. 88 §§ 2 – 5, 2010; Ord. 86 §§ 2 – 4, 2009; Ord. 85 §§ 2 – 4, 2008; Ord. 79 §§ 2 – 5, 2002; Ord. 76 § 1, 1999; Ord. 75 § 1, 1998; Ord. 74 § 1, 1997; Ord. 70 § 1, 1995; Ord. 68 § 1, 1994; Ord. 67 § 1, 1993; Ord. 65 § 1, 1992; Ord. 63 § 1, 1991; Ord. 60 § 1, 1990; Ord. 58 § 1, 1989; Ord. 54 § 1, 1988; Ord. 52 § 1, 1987; Ord. 51 § 1, 1986; Ord. 50 § 1, 1985; Ord. 49 § 1, 1984; Ord. 48 § 1, 1982; Ord. 47 § 1, 1982; Ord. 45 § 1, 1981; Ord. 43 § 1, 1980; Ord. 42 § 1, 1979; Ord. 40 § 1, 1978; Ord. 39 § 1, 1978; Ord. 37 § 1, 1977; Ord. 36 § 1, 1976; Ord. 35 § 1, 1975; Ord. 34 § 2, 1974; Ord. 33 § 1, 1973; Ord. 31 § 1, 1973; Ord. 30 § 1, 1972; Ord. 28 § 1, 1971; Ord. 27 § 1, 1970; Ord. 26 § 1, 1969; Ord. 25 § 1, 1968; Ord. 24 § 1, 1967; Ord. 23 § 1, 1966; Ord. 22 § 1, 1965; Ord. 20 § 1, 1964; Ord. 19 § 1, 1963; Ord. 17 § 1, 1962; Ord. 16 § 1, 1961; Ord. 15 § 1, 1960; Ord. 14 § 1, 1959; Ord. 12 § 2, 1958; Ord. 10 § 1, 1957; Ord. 8 § 1, 1956; Ord. 7 § 1, 1955; Ord. 5 § 2, 1954; Ord. 2 § 2, 1953.]

**Chapter 3.10**

**SEWER CONNECTION CHARGE SYSTEM**

Sections:

- 3.10.010 Establishment of district sewer connection charge system.
- 3.10.020 Payment of connection charge required.
- 3.10.030 Basis of charge.
- 3.10.040 Schedule/determination of charges.
- 3.10.050 Charges by type of connection.
- 3.10.060 Persons responsible for payment.
- 3.10.070 Increased use of sewers.
- 3.10.080 Resumption of use.
- 3.10.090 Wastewater volume determination.
- 3.10.100 Administration of connection charges.

**3.10.010 Establishment of district sewer connection charge system.**

A. This chapter establishes a system of charges for connections to and the acquisition of discharge capacity allowances in the district’s wastewater collection, treatment, and disposal system.

B. The purposes of the sewer connection charge are (1) to provide revenue to acquire, construct, install and replace capital facilities and other assets required for the district’s wastewater disposal system, and (2) to distribute the cost of acquisition, construction, installation and replacement of the district’s wastewater facilities and other capital assets so that the owners of each parcel connected to the district’s system pay a fair share of those costs. Payment of the applicable connection charge allows discharges of wastewater to be made from the respective parcel in an amount that corresponds to the amount of the charge established by this chapter. The discharge capacity thus acquired is irrevocable and runs with the parcel. [Ord. 81 § 1, 2006.]

**3.10.020 Payment of connection charge required.**

No connection may be made to any public sewer, or to any sewer flowing into a public sewer within the district, until the applicable sewer

connection charge has been paid to the district. The connection charge shall be in addition to charges for permits, inspections or the other requirements of any other rule or regulation of the district. The connection charge shall be paid at the time the application for a sewer connection permit is filed. [Ord. 81 § 2, 2006.]

**3.10.030 Basis of charge.**

A. In general, the base connection charge is the replacement cost of all existing district assets plus the cost of all the projects scheduled for construction in the district’s 10-year capital improvement and renewal and replacement plans divided by the total number of equivalent residential units connected to the district’s system. For purposes of this calculation, the following rules will apply:

1. Replacement costs shall be calculated based on direct replacement cost plus 40 percent administrative cost.

2. The total number of district connections to be used in the calculation under subsection (A) of this section is the total number of connected dwelling units plus the nonresidential discharges expressed in equivalent residential units. For purposes of nonresidential discharges, an equivalent residential unit is the amount of water usage by a nonresidential discharger measured in gallons per day divided by the equivalency factor of 200 gallons per day per dwelling. (Refer to District code 3.10.070(B)(2).) [Amended by district during 2016 codification: Ord. 81 § 3, 2006.]

**3.10.040 Schedule/determination of charges.**

A. The applicable connection charge rates for new connections and increased discharges to the district’s system shall be determined from the following schedule:

Fiscal Year	Base Charge (Aggregate)	Base Charge (per Gallon per Day)
2006-07	\$5,778	\$32.10
2007-08	\$5,951	\$33.06

<b>Fiscal Year</b>	<b>Base Charge (Aggregate)</b>	<b>Base Charge (per Gallon per Day)</b>
2008-09 to 2014	\$6,130	\$34.06
2014 and thereafter	\$6,130	\$30.65

B. Scheduled rate increases shall occur automatically at the commencement of each fiscal year without the need for approval by the district board. Notwithstanding the automatic nature of the increase, the board shall review the scheduled increase at the beginning of each fiscal year and may, in its discretion, reduce (but not increase, except as provided in District code 3.10.100(A)) the scheduled charges for that fiscal year. Any reduction in the charge per this subsection does not affect changes scheduled in any succeeding fiscal year(s); nor shall scheduled changes or board actions to decrease the charges affect the board’s power to increase connection charges in excess of the scheduled amount so long as the board has complied with all notice, hearing and other requirements of law.

[Amended by district during 2016 codification: Ord. 84 § 2, 2008; Ord. 82 § 2, 2007; Ord. 81 § 4, 2006.]

**3.10.050**

**Charges by type of connection.**

A. Residential Connections. The residential connection charge for connection to the district’s system shall be the corresponding base charge for the applicable fiscal year for each dwelling unit.

B. Nonresidential Connection. The nonresidential connection charge shall be the applicable per gallon charge for the applicable fiscal year multiplied by the estimated volume of wastewater discharge measured in gallons per day (refer to District code 3.10.090), but in no event shall the charge be less than the corresponding aggregate base charge for the applicable fiscal year (refer to District code 3.10.040(A)). Payment of the nonresidential connection charge shall entitle the owner(s)/occupant(s) of the premises to discharge up to the volume of wastewater discharge capacity acquired, but no more.

C. Combined Residential and Nonresidential Connection. In the event a parcel has combined residential and nonresidential uses, the connection charge shall be the corresponding base charge for the applicable fiscal year times the number of dwelling units plus the corresponding per gallon charge for the applicable fiscal year times the estimated volume of wastewater to be discharged from the nonresidential premises measured in gallons per day (refer to District code 3.10.090). In no event shall the connection charge for the nonresidential premises be less than the corresponding aggregate base charge for the applicable fiscal year.

D. Credit for Contributed Facilities. In the case of any person who constructs wastewater facilities that are then dedicated to the district for public use, and to the extent the value of those facilities has been taken into account in the district’s establishment of connection charge rates imposed pursuant to this chapter, the person shall be allowed an appropriate credit against the connection charges otherwise payable by that person. The credit shall be calculated by the district, consistent with the manner in which the connection charge rate was established by the district. [Ord. 81 § 5, 2006.]

**3.10.060**

**Persons responsible for payment.**

The owner of the premises is responsible for payment of all connection charges applicable to the premises. It is the duty of each property owner to ascertain from the district the amount and due date of any connection charge applicable to the property and to pay the charge when due and payable. Each property owner shall be responsible to inform the district within a reasonable period of time of any changes in circumstances that might result in a change in the amount of the charge. [Ord. 81 § 6, 2006.]

**3.10.070**

**Increased use of sewers.**

A. No person shall cause or permit an increase in the wastewater discharge from any nonresidential premises over the amount of the wastewater discharge capacity allowance for the premises without prior consent of the district and

the payment of an additional sewer connection charge.

B. As of the effective date of the ordinance codified in this chapter, the wastewater discharge allowance, measured in gallons per day, for any premises in the district shall be as follows:

1. For premises not previously legally connected to the district's wastewater facilities, the allowance is "0."

2. For residential premises legally connected to the district system as of the effective date of the ordinance codified in this chapter, the allowance shall be determined by the number of dwelling units authorized to be connected, with each dwelling unit, regardless of size or occupancy, being deemed to discharge the equivalent of 200 gallons per day.

3. For nonresidential premises legally connected to the district's system as of the effective date of the ordinance codified in this chapter, the allowance shall be the greatest of (a) the flow authorized to be discharged under a district permit or other formal authorization, (b) the flow derived from water use data used by the district in calculating sewer service charges levied for the parcel in fiscal year 2005-06, or (c) such other discharge rate as the property owner is able to demonstrate represents actual previous discharges from the premises and for which district sewer service charges were paid. In the case of nonresidential premises connected pursuant to a district permit, which measured the anticipated discharge in fixture units rather than gallons, a fixture unit is deemed to be equivalent to a discharge rate of seven and one-half gallons per day. [Amended by district during 2016 codification: Ord. 81 § 7, 2006.]

### **3.10.080**

#### **Resumption of use.**

A. Any person required to obtain a permit for resumption of a discontinued use shall pay a supplemental connection charge computed in accordance with this section.

B. Before allowing any credits that may be applicable under subsection (C) of this section, the amount of the connection charge that would be applicable for a new connection shall first be determined as provided in District code 3.10.040.

C. Credit shall then be given for any connection charges previously paid for

wastewater use that was disconnected. Credit shall also be given for the differential increase, if any, in connection charges that occurred from the time connection charges were originally paid to the time the original use was discontinued, but only if all sewer service charges levied against the premises during that interval were paid. In no event shall the amount of the credit exceed the amount of the connection charge determined as provided in District code 3.10.040. [Ord. 81 § 8, 2006.]

### **3.10.090**

#### **Wastewater volume determination.**

A. This section governs the manner in which flows of wastewater are determined for the purposes of this chapter.

B. As provided in District code 3.10.070(B)(2), each residential dwelling unit is presumed to discharge a volume of wastewater at the rate of 200 gallons per day.

C. Subject to the provisions of subsections (D) and (E) of this section, the volume of wastewater discharged by nonresidential premises is determined as follows:

1. The volume of all sources of water furnished to the premises for the periods described in subsection (C)(2) of this section shall be ascertained. In the case of nonresidential premises connected pursuant to a district permit, which measured the anticipated discharge in fixture units rather than gallons, a fixture unit is deemed to be equivalent to a discharge rate of seven and one-half gallons per day. For example, a public water closet is designated in the Uniform Plumbing Code to have six fixture units. The wastewater discharge rate from the plumbing fixture is determined by multiplying the number of fixture units (six) by seven and one-half gallons per day, the product of which is 45 gallons per day. The total discharge rate from the premises is determined by totaling the number of fixture units for each plumbing fixture in the premises and multiplying that total by seven and one-half gallons per day. The connection fee is then determined by multiplying that product by the corresponding per gallon per day base charge for the applicable fiscal year (refer to District code 3.10.040(A)).

For water derived from a public utility, the flow shall be based upon the records of metered flows supplied by the utility. See subsection (E) of this section for determination of sources of water not supplied by a public utility.

2. The pertinent periods of water usage are the calendar months of July and August and January and February during the calendar year immediately preceding the fiscal year in question. For example, the wastewater discharge volume determination applicable in fiscal year 2006-07 for nonresidential premises would be based on water usage during the months of July and August 2005 and January and February 2006.

3. The amount of water, measured in gallons, determined under subsection (C)(2) of this section is totaled and then multiplied by three. That product is then divided by 365 and the result is the presumed average daily flow for the premises.

D. Upon application by a customer, and upon a finding by the district that a significant portion of the water supplied to the premises does not flow into the district's sewers, the district may authorize determination of the volume of wastewater discharged from the premises to be made by an appropriate metering device. Upon such finding, a metering device, of a type and at a location approved by the district, shall be installed at the customer's expense. The metering device shall measure either the amount of wastewater discharged into district sewers or the amount of water diverted from district sewers. Upon installation, meters shall be maintained and tested periodically for accuracy in accordance with requirements established by the district. All maintenance and testing shall be at the expense of the owner.

E. In lieu of use of a metering device, and upon a determination by the district that it would

be unnecessary or impractical to install, maintain, or operate a metering device, the volume of wastewater discharges may be based upon an estimate as determined by the district. The estimate may be based upon apparent volumes of wastewater flows into the district's system from the customer's premises taking into account building occupancy factors, the kinds of improvements located upon the premises, annual production of goods and services related to the premises, or other factors determined by the district to be related to water use, wastewater volume calculations and/or diversions of water flow from wastewater facilities. [Amended by district during 2016 codification: Ord. 81 § 9, 2006.]

### **3.10.100**

#### **Administration of connection charges.**

A. The sewer connection charge rate may be revised only by an amendment to this chapter approved by a two-thirds vote of the members of the district board.

B. The district board shall review the sewer connection charge annually during the month of June to determine whether the connection charge rates should be adjusted. No permits for which a connection charge is payable shall be issued in the next fiscal year until the review has been completed.

C. Nothing contained in this section shall be deemed to limit any rights or remedies of the district to collect sewer connection charges. In addition to any other rights and remedies which are available, the district board may, if it determines to do so, employ the procedures established in California Health and Safety Code Section 5474 et seq. [Ord. 81 § 10, 2006.]