

ORDINANCE NO. 376

AN ORDINANCE OF THE EAST VALLEY WATER DISTRICT, RESCINDING ORDINANCE 359 ENTITLED “AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING AND LATERAL SEWERS, PUBLIC SEWER MAIN EXTENSIONS, ESTABLISHING A SEWER DEPARTMENT, PROVIDING PERMITS FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, PROVIDING SEWERS FOR ANNEXED AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING RELIEF FOR THE VIOLATION OF THE PROVISIONS THEREOF AND PROVIDING PROCEDURES FOR ENFORCEMENT”.

Be it ordained by the Board of Directors of the East Valley Water District, as follows, that Ordinance No. 359 is rescinded as follows:

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SECTION 2. GENERAL PROVISIONS

2.01 Short Title - This Ordinance may be cited as "East Valley Water District Sewer Regulations and Service Charge Ordinance".

2.02 Purpose - This Ordinance is intended to provide rules and regulations for the construction, repair and use of District sewerage facilities, to establish the rates and charges for such facilities and provide for their enforcement.

2.03 Enabling Statutes - This Ordinance is adopted pursuant to the Article 2, Chapter 6, Part 1, Division 2, Title 5 of the Government Code and pursuant to Division 12 of the Water Code and pursuant to Article 4, chapter 6, Part 3, Division 5 of the Health and Safety Code.

2.04 Application - This Ordinance shall apply to all sewer facilities constructed, maintained, and operated by the District.

2.05 Enterprise - District will furnish and/or make available, a system, plant, works, and undertaking used for and useful in, the collection, treatment and disposal of sanitary sewage and industrial waste for the District's service area, including all annexations thereto, and lands, easements, rights in land, contract rights, and franchise.

2.06 Separability - If any section, subsection, sentence, clause, or phrase of this Ordinance or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The governing body hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more section, sub-section, sentences, clauses or phrases be declared to be unconstitutional.

2.07 Words and Phrases - For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number.

2.08 Posting - Upon adoption, this Ordinance shall be entered in the minutes of the governing body and certified copies hereof shall be posted in three (3) public places and/or a newspaper of general circulation in the District service area within ten (10) days following its passage.

2.09 Means Of Enforcement - The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.

2.10 Notices - Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made, either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears in public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.

2.11 Effect of Heading - The title, division or section headings contained in this Ordinance shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of any section or subsection of this Ordinance.

SECTION 3. DEFINITIONS

3.01 Additional Definitions - For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code, 2000 Edition, adopted at the 70th Annual Plumbing Conference in 1999, as compiled by International Association of Plumbing and Mechanical Officials Association ("UPC"), together with all subsequent amendments thereto, copies of which are on file with the Secretary.

3.02 Applicant - Shall mean the person making application hereunder and shall be the owner of the premises involved, or his authorized agent, so authorized in writing to the District, or a licensed plumber or contractor.

3.03 Bathroom - Shall mean a room containing a toilet.

3.04 Board - Shall mean the Board of Directors of the East Valley Water District.

3.05 Building - Shall mean any structure used for human habitation or a place of business, recreation or other purpose.

3.06 Building Sewer - Shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility or preliminary treatment facility, and running to the property line.

3.07 City of San Bernardino Municipal Water Department – Shall mean the authority and operator of the publicly owned treatment facilities for treating the District's sanitary sewage waste.

3.08 Combined Sewer - Shall mean a sewer receiving both surface water runoff and sewage.

3.09 Commercial - Shall be any discharge not covered by the residential description. This shall include, but not limited to, apartments, trailer parks, schools, stores and businesses and others not covered by the residential description.

3.10 Contractor - Shall mean 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.

3.11 County - Shall mean the County of San Bernardino, California.

3.12 Customer – Any person (as defined) supplied with, or entitled to be supplied with sewer service by the District.

3.13 Director of Water Reclamation – The Director, or his authorized Representative, or any City officer who subsequently is empowered to assume or succeed to the duties of the Director of the Publicly owned treatment works of the City of San Bernardino Municipal Water Department.

3.14 District - Shall mean the East Valley Water District, San Bernardino County, California.

3.15 District Engineer - Shall be a Registered Civil Engineer of the State of California.

3.16 Engineering Services - Engineering services provided by the District to include technical and procedural guidance, professional consultant services, project coordination and plan checking.

3.17 Equivalent Dwelling Unit (EDU) - Shall mean the standard measurement of flow based upon the average single family residence.

3.18 Financial Officer - Shall be the Treasurer appointed by the Board of Directors.

3.19 Fixture - Shall mean any sink, tub, shower, water closet or other facility connected by drain to the sewer.

3.20 Garbage - Shall mean solid wastes from the preparation, cooking, dispensing of food and from the handling, storage and sale of produce.

3.21 General Manager - Shall mean the General Manager of the District.

3.22 Governing Body - Shall mean the Board of Directors of the East Valley Water District.

3.23 Inspector - Shall mean the person who shall perform the work of inspecting sewerage facilities under the jurisdiction or control of the District.

3.24 Individual Sewage Disposal System - Shall mean a septic tank and on-site disposal system designed for a building to dispose of waste water generated on the property.

3.25 Lateral Sewer - Shall mean the portion of sewer lying within a public right-of-way or easement connecting a building sewer to the main sewer.

3.26 Living Unit - Shall mean any residence, apartment, habitation or other structure designed to be occupied by a person or family and requiring sewage disposal service.

3.27 Main Sewer - Shall mean a public sewer designed to accommodate more than one lateral sewer.

3.28 Permit - Shall mean any written authorization required pursuant to this or any other regulation of the District.

3.29 Person - Shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, a district and any political subdivision or governmental agency.

3.30 Premises - Shall mean a lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

3.31 Public Sewer - Shall mean a sewer lying within a public right-of-way or easement which is controlled by or under, the jurisdiction of the District.

3.32 Residential - Shall be any single, duplex, or triplex family unit not requiring licensing for occupancy and operation.

3.33 Sanitary Sewer - Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

3.34 Secretary - Shall be the Secretary to the Governing Body.

3.35 Separate Sewer Connection - A sewer connection shall not be used by any adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one property or individual parcel.

3.36 Sewage - Shall mean refuse liquids or a combination of water-carried wastes from residences, business buildings, public buildings, institutions and industrial establishments.

3.37 Sewage Treatment Plant - Shall mean arrangement of facilities and operations used for treating sewage.

3.38 Sewage Works - Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

3.39 Sewer - Shall mean a pipe or conduit for carrying sewage.

3.40 Sewer Department - Shall mean the Board of Directors of the District performing functions related to the District's sewer service, together with the General Manager, the Chief Financial Officer, the District Engineer, and any other duly authorized representatives.

3.41 Side Sewer - Shall mean the sewer line beginning three feet outside the foundation wall of any building and terminating at the main sewer and include the building sewer and lateral sewer together.

SECTION 4. SEWER DEPARTMENT

4.01 Creation - A Sewer Department is hereby created comprised of the Directors, the General Manager, the Financial Officer, the District Engineer and other employees and assistants as may be hired therefor.

4.02 General Manager - The General Manager, as provided for in the Water Code, shall have full charge and control of the maintenance, operation and construction of the sewer works and sewer collection system of the District.

4.03 District Engineer - The position of District Engineer is hereby created. The District Engineer shall regularly inspect all physical facilities related to the District sewer collection system, to see that they are in good repair and proper working order, and to note and report violations of any ordinances or sewer regulations.

4.04 Violation, Repairs - The District Engineer shall promptly report any violation or disrepair to the General Manager. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers pending action by the General Manager.

4.05 Supervision - The District Engineer shall supervise all repair or construction work authorized by the Board or the General Manager, and perform any other duties prescribed by the Board or the General Manager.

4.06 Performance of Duties - The foregoing duties of the District Engineer may be performed by the General Manager or by an additional employee or employees, as designated by the District Engineer of General Manager.

4.07 The Financial Officer - The Financial Officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the District. The Financial Officer shall compute, prepare, and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of accounts, collect, account for, and do whatever else is necessary or directed by the General Manager to set up and maintain an efficient and economical accounting system, and perform any other duties now and hereinafter prescribed by the Board of Directors.

SECTION 5. GENERAL RULES

5.01 Standards - The Uniform Plumbing Code, 2000 Edition, adopted at the 70th Annual Conference in 1999, as compiled by International Association of Plumbing and Mechanical Officials ("UPC"), together with all subsequent amendments thereto relating to sewers, and 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. The Governing Body may, from time to time, adopt standard requirements for the design construction, repair and maintenance, or connection to the District sewer system.

5.02 Violation Unlawful - Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of sewage disposal from any building in the area served with sewers by said District except by connection to a public sewer in the manner as provided for in this Ordinance. Any violation of this Ordinance will be subject to the provisions of this section at the discretion of the General Manager, Financial Officer, or District Engineer.

5.03 Notice - Wherever, or whenever, practicable under the particular circumstances of the situation and pursuant to the discretion of the General Manager, Financial Officer, or District Engineer, any person found to be violating any provisions of this or any other ordinance, resolution, rule or regulation of the District shall be served by the Inspector or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two, nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District

of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

5.04 Protection from Damage - No 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's sewerage works. Any person violating this provision shall be subject to the penalties provided by law.

5.05 Investigation Powers - The officers, inspectors, managers, employees and any duly authorized agents of the District shall carry evidence establishing his/her position as an authorized representative of the District and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities and properties to which the District is furnishing sewer service, or has been requested to furnish sewer service, for the purpose of inspection, re-inspection, 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, pursuant to the authorization contained in the required application for sewer service.

5.06 Public Nuisance - Continued habitation of any buildings or continued operation of any industrial facility in violation of the provisions of this 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.

5.07 Disconnection - As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District.

5.08 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.

5.09 Water Cut-Off - As an alternative remedy for such violations the District may cause District water service to said premises to be discontinued during the period of violation.

5.10 Unconnected and Unoccupied Buildings - In the event that owners of any buildings or facilities have failed to connect to the public sewer after receipt of official notice to do so, the District will be unable to bring abatement actions if such buildings are unoccupied. To prevent the sale of such buildings to persons with no knowledge of such, the District will record such notices with the County Recorder of San Bernardino County. The District Secretary is authorized and directed to cause a Notice of Necessity of Connection to Public Sewer to be prepared with reference to those unoccupied properties and buildings within the sewer District which have not been connected to the District public sewer within thirty days after the giving of Official Notice to so connect; to sign such Notices; to acknowledge such Notices; and to record the same with the County Recorder of San Bernardino.

5.11 Damage to Sewer System Facilities - The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licenses or permittees. The District shall be promptly reimbursed by the customer for any such damage upon presentation of a bill.

5.12 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.

5.13 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.

5.14 Relief on Application - When any person, by reason of special circumstances, is of the opinion that any provision of the ordinances, rules or regulations of the District is unjust or inequitable as applied to him/her, or his/her premises, he/she may make written application to the Governing Body stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to him/her, or his/her premises. If such application be approved, the Governing Body may, by resolution, suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

5.15 Relief on Own Motion - The Governing Body may, on its own motion, find that by reason of special circumstances, any provision of its ordinances, rules or regulations should be suspended or modified as applied to a particular person or premises and may, by resolution, order such suspension or modification for such person or premise during the period of such special circumstances or any part thereof.

5.16 Permits Required - No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

SECTION 6. REQUIRED USE OF PUBLIC SEWERS

6.01 Required Treatment of Wastes - 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 within the District where District sewer facilities are available and hereinafter described for such disposal purposes.

6.02 Sewer Required - The owner of any building or structure occupied by humans, situated within the District and abutting on any street or easement in which there is a public sewer of the District, is hereby required at his expense to connect said building directly with the sewers of the District, in accordance with the provisions of this Ordinance, within thirty (30) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the nearest point of the property on which the building or structure is located. This requirement shall also be applicable to any commercial, industrial and public buildings or institutions, to connect to said sewer system upon notice as herein provided.

6.03 Construction Requirements - Construction of building sewers and lateral sewers shall be in accordance with the requirements hereof.

6.04 Separate Sewers - Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on a lot or parcel of land belonging to the same owner may be served with the same side sewer during the period of ownership. Upon the subsequent subdivision of said lot and sale of a portion thereof, the portion not directly connected with such public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

6.05 Old Building Sewers - Old building side sewers may be used in connection with new buildings only when they are found, upon examination and test by the Inspector, to meet all requirements of the District.

6.06 Cleanouts - Cleanouts in building sewers shall be provided where the building sewer joins the building outlet and in accordance with the Uniform Plumbing Code. All cleanouts shall be maintained watertight.

6.07 Plumbing Too Low - In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall, upon authorization of the General Manager or District Engineer, be lifted by artificial means and discharged to the public sewer at the expense of the owner.

6.08 Connection to Public Sewer - The construction of the lateral sewer and the connection thereof into the public sewer, shall be made by a licensed plumber or contractor. Said connection shall be connected at the lateral or "Y" branch, if such lateral or "Y" branch is available at the suitable location. Where no properly located "Y" branch is available, a connection with the public sewer may be made to receive the lateral sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in accordance with District standards. The connection to the public sewer shall be made in the presence of the District Inspector and shall be subject to his approval. Any damage to the public sewer shall be repaired at the cost of the applicant, to the satisfaction of the Inspector.

6.09 Protection of Excavation - All excavations for a lateral sewer installation shall be adequately guarded with barricades or lights to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and any other person having jurisdiction thereover at the sole expense of the person responsible for such installation.

6.10 Maintenance of Side Sewer - Side sewers shall be maintained by the owner of the property served.

6.11 Indemnification - The owner of the property and the person making the connection shall be obligated to hold the District, its officers, agents and employees harmless of and from all loss or liability which shall occur or arise by reason of the installation of the lateral sewer and the opening of the easement and the backfill and restoration of the pavement.

SECTION 7. USE OF PUBLIC SEWERS

7.01 Requirements - All applicable requirements of the City of San Bernardino regarding the use of public sewers are hereby incorporated herein by this reference.

7.02 Sewer Permit Required - No person shall uncover, make any connection with or opening into, use, cap, alter or disturb any public sewer or appurtenances without first obtaining a written sewer permit from the District.

7.03 Application for Sewer Permit - Any person seeking a sewer permit shall make such application to the District for that purpose. He/she shall give a description of the character of the work proposed to be done, the location, ownership, occupancy and use of the premises to be served and the name and address of the person who shall make the connection. The District Engineer may require plans, specifications or drawings and such other information as he may deem necessary or permittee shall comply with specifications of the District.

If the District determines that the plans, specification, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, it shall issue the sewer permit applied for upon payment of the required fees therefore.

7.04 Compliance with Sewer Permit - After approval of the application evidenced by the issuance of a sewer 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 sewer permit was issued except with written permission from the District, the District Engineer or other authorized representatives.

7.05 Agreement - The applicant's signature on an application for any sewer permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinance, rules and regulations of the District, and with the plans and specifications he has filed with this 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 upon the written request from the applicant for the alteration.

7.06 All Work to be Inspected - All sewer connection work over which the District has jurisdiction shall be inspected by the District to insure compliance with all requirements of the District. No such sewer connection work shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work has been completed, inspected and approved by the District.

7.07 Notification - It shall be the duty of the person doing the work authorized by the sewer permit to notify the District Office that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected, excluding weekends and holidays.

7.08 Condemned Work - When any work has been inspected and the work condemned and no such certification of satisfactory compliance 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.

7.09 Liability for Costs - Both the owner and the person making the connection shall be liable to the District for all fees, costs, and expenses incident to the work for

which a sewer permit shall be issued. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

7.10 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 sewer permit therefore is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs and 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 sewer permit and a monthly fee in the amount set by the District for the privilege of using such sewer.

7.11 Sewer Permit Optional - The granting of such permission for an outside sewer in any event shall be optional with the Governing Body.

7.12 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.

7.13 Street Excavation Permit - A separate permit must be secured from the City, the County or any other person having jurisdiction therefor by the owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

7.14 Liability - The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of, the performance of any work by any such applicant. The applicant shall be answerable for and shall hold the District and its officers, agents and employees, harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in

defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

7.15 Time Limit on Sewer Permits - If work under a sewer permit is not started within twelve (12) months from the date of issuance, or if after partial completion the work is discontinued for a period of one (1) year the sewer permit shall thereupon become void and no further work shall be done until a new sewer permit shall have been secured. A new fee shall be paid upon the issuance of said new sewer permit.

SECTION 8. APPLICATION FOR SEWER SERVICE

8.01 Application - A property owner or his/her authorized agent, designated in writing, shall make application for regular sewer service by personally signing an "Application for Sewer Service" form provided by the District.

8.02 Sewer Service To Customers Other Than Property Owners - Sewer service to other than property owners shall be made as follows:

8.02.01 Property Owner's Signature - If the property owner rents the premises to a tenant, the tenant may have sewer service and other services instituted in the tenant's name, provided that reasonable efforts are made to secure the property owner's signature on the application for service and the tenant provides the District with a copy of rental agreement. In any event, the tenant must provide the District with the property owner's name, mailing address and telephone number.

8.02. 02 Owner Responsibility - Whether or not a property owner signs the District's application for service form, the property owner is not relieved of his or her responsibility for unpaid sewer charges for the subject property as provided in this ordinance and pursuant to California Water Code Section 31701.5.

8.03 Payment of Delinquent Charges - As a precondition to receiving sewer service from the District, the applicant for service shall pay any and all unpaid charges that have accrued on any closed accounts previously held by the applicant with the

District, as well as pay any and all delinquent charges that have accrued on any open accounts currently held by the applicant with the District.

8.04 Security Deposit - A security deposit for each single family unit, each commercial or retail unit, or a multi-unit complex shall be deposited at the time application for sewer service is made. The District may, at its sole election, include the required security deposit on the customer's first billing invoice.

8.04.01 Single Family Residential - A security deposit for a single family residential unit may not be required if the person requesting service is a new residential applicant who is determined by the District to be creditworthy. The determination of an applicant's credit worthiness shall be based solely upon criteria developed by the District and may be appealed in the manner set forth in Section 10 herein. However, during the life of the account, the District may, in its sole discretion, require any customer, regardless of whether he or she was previously found to be creditworthy, to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

8.04.02 Security Deposit Refund - Refunds of security deposit refunds will be performed in the manner set forth below. Such refunds will be credited to any account held by the customer with the District in lieu of a refund check. Interest on the security deposits shall remain the sole property of the District and will not be included in any refund.

8.04.02.01 Single Family Residential- The District shall refund each Security deposit to a residential customer as follows:

a. Where funds have been on deposit for one year in a customer's account and there have been no delinquency payments on any of the customer's accounts with the District during that year. However, the District may, at its sole option, require any customer to post a full security deposit with the District any time there are

three (3) delinquencies within any consecutive six (6) month period, or as a precondition to reinstatement of service anytime after being locked off for nonpayment.

b. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum, if any, is refunded to the customer.

8.04.02. Commercial, Retail or Industrial - The District shall refund the security deposit for commercial, retail or industrial connections as follows:

a. Where funds have been on deposit for one year in a customer's account and there have been no delinquencies on any of the customer's accounts with the District during that year and upon the customer's request, one-half of the deposit will be refunded to the customer by means of a credit on the account. However, if the customer is delinquent on any payment thereafter, the District may, at its sole option, charge back the credited amount.

b. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum is refunded to the customer.

8.05 Changes In Customer's Equipment - Customers making any material change in the size, character of, extent of the equipment or operations utilizing sewer service, or whose change in operations results in a significant increase in the quantity or quality of sewage, shall immediately give the District written notice of the nature of the change and, if necessary, amend their applications and discharge permits if applicable.

8.06 Domestic, Commercial And Industrial Service Connections - It shall be unlawful to maintain a sewer connection except in conformity with the following:

8.06.01 Multiple Buildings - Multiple house or buildings under one ownership and on the same lot or parcel of land may be supplied through the same sewer connection, provided that the service connection shall be of such size to adequately serve said houses or buildings.

8.06.02 Separate Sewer Connection - A sewer connection shall not be used by an adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one lot or individual parcel.

8.06.03 Divided Property - When property provided with a sewer connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

8.07 Main Extension Required - All main extensions shall be made in accordance with the policies of the District upon application for service and payment of required charges.

8.07.01 Application - Any owner of one or more lots or parcels or sub divider of a tract of land, desiring the extension of one or more mains to serve such property shall make a written application to the District. Said application shall contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connection. Main extensions will normally be constructed by owner or sub-divider.

8.07.02 Investigation - Upon receipt of an application requesting the District to install facilities, the District shall make an investigation and survey of the proposed extension and estimate the cost thereof.

8.07.03 District Lines - All sewer main extensions shall be in accordance with the rules, regulations, specifications, and ordinances of the District and shall be the property of the District.

8.07.04 Specifications and Construction - The size, type and quality of materials and location of the sewer lines shall be to District specifications as adopted. For sewer lines not installed by the District, the sub-divider shall be responsible for employing a licensed contractor to install the required sewers. All work shall be inspected and approved by the District.

8.07.05 Property of District - Upon completion of such installation, the facilities shall be dedicated to and become the property of the District.

8.07.06 Offer of Dedication - Forms for offer of dedication shall be provided by the District. Sewer plans shall be signed by a Registered Civil Engineer and returned to the District. Sewer plans will not be filed or approved until compliance has been met herewith.

8.07.07 Form of Offer of Dedication - Offers of sewer dedication shall be on District forms in accordance with the latest "Standard Requirements for the Design and Processing of Sanitary Sewer Plans".

8.07.08 Engineering Services - Engineering services provided by The District to include technical and procedural guidance, professional consultant services, project coordination and plan checking.

8.07.09 Construction Permit - Applicant or his/her authorized agent shall make application for a Construction Permit in accordance with the latest "Standard Requirements for the Design and Processing of Sanitary Sewer Plans" of the District.

8.08 Dry Sewers Required - Any division of land or development involving five (5) or more units within the jurisdiction of the East Valley Water District which is greater than 500 feet from an existing sewage collection facility, may be allowed to use individual sewage disposal systems, provided:

8.08.01 A "dry" sewer collection line is installed in the public right-of-way to the specifications of the District Engineer with the capacity for all sewage generated by the subdivision, and

8.08.02 The "dry" sewer includes lateral lines to within five (5) feet of the septic tank to be installed on each lot, and

8.08.03 Plugs and seals are placed on the "dry" sewers to prevent unauthorized connection.

8.09 Payment of Capacity Fees and Abatement Fees - The developer shall pay to the District the appropriate capacity fees and connection fees, plus a fee established from time to time by the Board of Directors which shall be used for the proper abandonment of the individual sewage disposal system.

8.10 Dedication of Dry Sewers to District - The developer shall agree that the facilities installed in the public right-of-way be dedicated to the District as provided in Section 8.07.06 herein and after inspection by the District Engineer.

8.11 Dedication of Right of Access - The developer shall grant to the District a right of access to the individual sewage disposal system on each lot and have this right of access recorded as part of the final tract map or other instrument, and provide written notification to the purchaser of each unit of the development.

8.12 Connection to Sewage Collection Facilities - When sewer collection facilities are available to the development, the District shall have the right to declare the use of the individual sewage disposal system a public nuisance and enter onto the property for the purpose of connecting the premises to the sewer collection system and properly abandoning the individual sewage disposal system without additional cost to the owner of the premises. Provided, however, that the District shall not be obligated to remove, reconstruct, relocate, or otherwise modify any structure, tree, bush or appurtenance of any kind whatsoever in making the connection and properly abandoning the individual sewage disposal system.

8.13 Sewer Permit to Connect - The District shall require the owner, or occupant, of the building to be connected to obtain a sewer permit from the District for such connection. No fees shall be charged for such sewer permit if they have been paid

pursuant to Section 8.09 herein. The applicant for the sewer permit shall specify in writing that they will indemnify and hold the District harmless in making the connection to the sewage collection facility and abandoning the individual sewage system.

8.14 Minimum Individual Sewage Systems Required - Whenever the use of individual sewage disposal systems are installed in connection with "dry" sewers, the District will not agree that any such system be installed which is less than the minimum requirements for the type of system which is designed for use on this development.

SECTION 9. CUSTOMER BILLING PROCEDURES

9.01 Establish Rates and Charges - The Board of Directors shall from time to time establish rates and charges for sewer and other service provided by the East Valley Water District by Ordinance.

9.02 Charges - Sewer charges shall begin when a sewer service connection is installed. Thereafter, the District may transfer to the account which is established for such service any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer and/or property owner with the District.

9.03 Liability For Sewer Service - The property owner shall be held liable for sewer service charges until such time as the District is notified in writing to discontinue service or to transfer the account to another property owner.

9.04 Liens For Unpaid Bills - All unpaid bills will be made a lien against the property pursuant to these rules, regulations and California Water Code Section 31791.5, et.seq. Delinquency charges may be applied to unpaid liens.

9.05 Owner Liability - The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises, or signs the application for sewer service form.

9.06 Billing Period - The regular billing period will be monthly.

9.07 Opening and Closing Bills - Opening and closing bills for residential accounts less than the normal billing period shall be pro-rated. Commercial accounts shall be billed based upon actual water consumption.

9.08 Payment Of Bills - Bills for sewer service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the final due date, the bill shall become past due and delinquent.

9.09 Delinquency Notice - A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service will be "discontinued" unless payment is made within fifteen (15) calendar days from the date of mailing of the delinquent notice. The delinquency notice shall indicate the amount due, including delinquent charges and the total amount which must be paid.

9.10 Removal of Delinquency - At the end of each calendar year the District shall remove one delinquency from the record of each account that has one or more delinquencies.

9.11 Suit - All unpaid rates and charges and penalties herein provided may be collected by suit.

9.12 Costs - Defendant shall pay all costs of suit in any judgment rendered in favor of District.

9.13 Upon Vacating Premises - Customers desiring to discontinue service should so notify the District three (3) business days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not the sewer is used.

9.14 Collection With Other Utility Charges Of Entity - Where the person charged is a user of another utility owned and operated by the District the charges shall be collected together with and not separately from the charges for the other utility service rendered by it. They shall be billed upon the same bill and collected as one item.

SECTION 10. COMPLAINTS AND DISPUTED BILLS

10.01 Right to Meet - The customer has the right to meet with the Financial Officer or General Manager to present any evidence supporting a complaint with regard to sewer service, District rules, regulations, resolutions or ordinances, or to dispute the accuracy of a bill for service or other charges.

10.02 Arrangement Of Meeting - To arrange such a meeting the customer shall contact the District office, either in writing or by telephone during normal business hours.

10.03 Presentation Of Evidence - The customer may be accompanied by a friend, attorney, or other representative to meet with the Financial Officer, or General Manager, and may present any evidence they may have to support their position.

10.04 Unresolved Disputes - If the customer is unable to resolve his/her dispute with the Financial Officer or General Manager he/she may submit the complaint in writing, along with a full and detailed explanation to the Board of Directors for resolution.

10.05 Appearance Before The Board of Directors - The customer may appear before the Board of Directors at the next regularly scheduled Board meeting by notifying the District Secretary in writing prior to the Board meeting of the date he/she would like to attend and what the dispute regards. The customer may then present the complaint and any evidence in support of his/her position and ask for a decision by the Board.

10.06 Delays On Action - The Board shall act promptly to resolve the dispute, but may delay a resolution of the dispute to the time of its next regular meeting in order to investigate the dispute or receive special reports related to the dispute.

10.07 Further Delays - Any further delays must be freely and willingly agreed to by the customer.

10.08 Decision Of The Board - The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of the customer's application to the Board, this failure to act shall be deemed a denial of the requested action, unless both parties have agreed to extend the resolution period.

10.09 Discontinuance Of Service - No sewer or other service shall be discontinued pending the final resolution of a dispute.

SECTION 11. DISCONNECTION FOR NONPAYMENT

11.01 Disconnection For Non Payment - Sewer service shall be discontinued if payment for sewer service is not made within fifteen (15) calendar days of the date of mailing the delinquent notice.

11.02 Complaint Procedure For Disconnection - Service disconnection for non-payment of bills or for violation of any of the District's rules, regulations, ordinances or resolutions is subject to the complaint procedures specified in Section 10 herein.

11.03 Refusal Or Neglect To Pay Debt - Any amount due is a debt to the District and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

11.04 Lien Against Property For Non-Payment - Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Water Code Section 31701.5 et.seq.

11.05 Service Charges For Violations - If sewer service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be re-instituted until the violations have been corrected and all applicable service charges and fees as provided for herein are paid either by money order, cashiers check or cash.

11.06 Partial Payments - A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be

cause for removing the account from a delinquent status and shall not preclude the sewer service from being disconnected for delinquency.

11.07 Authorization For Continuance Of Service For Delinquent Accounts -

The General Manager, or his designee may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the District have been established.

SECTION 12. ADDING DELINQUENT CHARGE TO TAX ROLL

12.01 Report Of Delinquent And Unpaid Charges - A report of delinquent and unpaid charges for sewer and other services which have been unpaid and delinquent for sixty (60) days or more on July 1st of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.

12.02 Adoption And Filing Of Report - The Secretary shall file with the County Assessor of the County of San Bernardino and the Board of Supervisors of the County of San Bernardino, in the time and manner specified by the County Assessor and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the Secretary, that such a report has been finally adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.

12.03 Collection Of Delinquent And Unpaid Charges - The amount of any charges for sewer and/or other services included in the report prepared and submitted pursuant to Sections 12.01 and 12.02 above shall be added to, and become a part of, the annual taxes next levied upon the property upon which the sewer service for which the charges are unpaid was used, and upon the property subject to the charges for any other District services, and shall constitute a lien on that property as of the same time and in

the same manner as does the tax lien securing such annual taxes as provided in Section 11.04 above.

SECTION 13. CHARGES AND DEPOSITS

13.01 Adoption - The amount of all charges and deposits described herein shall be adopted by separate Ordinance.

13.02 Sewer Service Connection Charges - The sewer service connection charge is a charge for connecting to the District's existing sewer system and for that incremental portion of the system's capacity that will be used by the new connection. Such regular charge shall be paid in advance by the applicant

13.03 Monthly Sewer Charge - The monthly sewer charge is the charge per sewer service for the collection and treatment of the customer's sewerage.

13.04 Disconnect Notice Charge - The disconnect notice charge is the charge which covers reasonable District costs to notify customers that their sewer service is subject to impending termination.

13.05 Verification Charge - The verification charge is the charge which covers reasonable District costs to make follow up attempts to contact the customer by mail, and attempts to make personal contact, and to verify and mark the location of the sewer service lateral.

13.06 Disconnect/Reconnect Charge -The disconnect/reconnect charge is the charge which covers the reasonable District costs of disconnection and reconnection of service connections which are in violation of the provisions contained herein.

13.07 Inspection Charge - Where a customer service connection or facility requires inspection by District personnel, the customer shall be charged for such inspection.

13.08 Security Deposit - The Security Deposit insures payment of minimum District charges. Upon discontinuance of service, the security deposit shall be applied to reduce any unpaid charges outstanding on any accounts held by the customer with the

District. The amount of the deposit required shall be established by the Board of Directors in the ordinance on fees. The security deposit shall be refunded to the customer as provided in Section 8.04.02 herein.

13.09 Service Initiation Charge - The service initiation charge is the charge which covers the reasonable District costs for initiating sewer service.

13.10 Special Facility Charge - A Special Facility Charge shall be required for development of limited service areas whenever special facilities are required. The charge to be made to a Developer or Owner of land that is considered by the District to be within a limited service area shall be based upon the Developer's or Landowner's proportionate share of the cost for the installation of such Special Facility. Such proportionate share to be borne by the Developer or Landowner shall be based on the percentage of such development to the entire limited service area to be served by the Special Facilities; and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the acreage or area under special conditions at a higher cost.

13.11 Engineering Services Charge - The Engineering Services charge is a fee for the District's time and effort spent on assisting customers who have a requirement to construct sewer extensions, or other sewer facilities, that must meet District needs and conform to District Standards. This fee includes time and effort the District spends on plan checking, plan and easement development and all other related work.

13.12 Sewer Permit Charge - The sewer permit charge is the charge to cover the District's cost to review, approve and process an applicant's request to connect to the District's sewer facilities.

13.13 Manhole Structure Deposit - The refundable manhole deposit is used to insure that manholes are constructed to final grade before the project is considered complete. The District will accept a Guarantee Bond in lieu of a cash deposit. The fee

will be returned or the Bond released when manholes are constructed to final grade by the developer's contractor and verified by the District.

13.14 Sewage Treatment Capacity Charge - The sewage treatment capacity charge is that fee collected by the City of San Bernardino to cover the Water Reclamation Plant's expansion costs as the plant's capacity is used by new connections.

13.15 Sewer Trunk Charge - The sewer trunk charge is collected by the District and transferred to the City of San Bernardino as payment for the District's proportionate share of any additional sewer trunk or interceptor capacity required to convey sewage from the District's new customers. The City's trunk and interceptor systems are used to convey sewage from the District's collection system to the City's Water Reclamation Plant.

13.16 Landscape Adjustment - The landscape adjustment is the adjustment to the sewage treatment and collection charge based upon the proportional amount of the customer's property irrigated through a domestic water meter.

13.17 Delinquent Charges - A delinquent charge shall be added to each delinquent account at the time any amount becomes delinquent, provided that no penalty charge shall be made on any account which at that time has no delinquencies of record. When a delinquent charge is made, such charge shall be added to the delinquent account as of the date the account becomes delinquent and the penalty charge shall become an inseparable part of the amount due as of that time.

13.18 Returned Check Charge - A returned check charge is a charge Which covers the reasonable administrative cost and banking charges for processing a returned check.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

Approved and adopted this 15th day of July, 2010

ROLL CALL:

Ayes: Directors

Noes:

Absent:

Abstain:

George E. Wilson, President

ATTEST:

Robert E. Martin, Board Secretary