

# SOUTH PLACER MUNICIPAL UTILITY DISTRICT

## SEWER CODE

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## **South Placer Municipal Utility District Code**

### **CODE REVISIONS & ORDINANCE HISTORY**

#### **ORDINANCE 18-01 Adopting a Sewer Code**

*Adopted May 3, 2018*

This Ordinance consolidated SPMUD Ordinances 09-01, 09-02, 15-01, 15-02, 15-03, 17-01 and 17-04 into one consolidated South Placer Municipal Utility District Sewer Code.

#### **ORDINANCE 22-02 Revising the Timeline for Reimbursement Agreements**

*Adopted June 2, 2022*

This Ordinance accelerated the timeline for reimbursements agreements prescribed in section 4.04.001.H.

#### **ORDINANCE 22-03 Revising Chapters Two and Three of the District Sewer Code**

*Adopted January 12, 2023*

This Ordinance updates the Sewer Code to conform with recent legislation relating to the permitting of accessory dwelling units (ADUs), expands upon the District's efforts to require correction of public nuisances, acknowledges the District's adaptive management program for Food Service Establishments, codifies the District's transition from gravity grease interceptors to other grease control devices to mitigate Fats, Oils, and Grease (FOG) discharges to the public sewer system, and specifies the implementation of Best Management Practices to minimize the discharge of FOG.

# South Placer Municipal Utility District Code

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## **CHAPTER 1 GENERAL PROVISIONS**

### **1.01 Definitions**

As used in this Code, or any Chapter of this Code, the following words and phrases shall have the meaning given in this chapter.

#### **1.01.005 Appeal**

A request for a review of the District General Manager's determination or action pursuant to, or interpretation of, any provision of this Code.

#### **1.01.010 Board of Directors**

The legislative body of the South Placer Municipal Utility District, also referred to herein at times as the "Board".

#### **1.01.015 Code**

The South Placer Municipal Utility District Code.

#### **1.01.020 District**

The South Placer Municipal Utility District, a statutorily created district operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

#### **1.01.025 District General Manager**

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

#### **1.01.030 Gender**

The masculine gender includes the feminine and neuter.

#### **1.01.035 Person**

Any natural person, firm, association, joint venture, joint stock company, partnership, club, company, corporation, business trust, or organization of any kind.

#### **1.01.040 Shall - May**

The term "shall" is mandatory and the term "may" is permissive.

#### **1.01.045 State**

The State of California, inclusive of all legislative codes and regulations lawfully adopted.

## **CHAPTER 1.05 CODE ADOPTION**

### **1.05.010 Code Adopted - Effective Day**

This Code, as compiled from the ordinances of the South Placer Municipal Utility District, is the official code of the District. This Code shall take effect the first day of the month following adoption. This Code shall be applicable and controlling with respect to all subjects included in this Code in lieu of all ordinances which are superseded and replaced by this Code. Three copies of this Code shall be permanently retained on file with the Secretary of the Board of Directors for use and examination by the public.

### **1.05.015 Purpose of Codification**

The purpose of this Code is to compile in one document and place, the ordinances of the South Placer Municipal Utility District. Such compilation will make the laws of the District more accessible, readable and understandable to those persons governed by such laws, and by those persons administering such laws.

### **1.05.020 Title - Citation - Reference**

This Code shall be known as the "South Placer Municipal Utility District Sewer Code." It shall be sufficient to refer to this Code as the "South Placer Municipal Utility District Code" in any prosecution for violation of any provision of this Code in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all/or any part of this Code as an addition to, amendment to, correction of, or repeal of the "South Placer Municipal Utility District Code." References to this Code may be to the titles, chapters, sections and subsections of the "South Placer Municipal Utility District Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

### **1.05.030 Repeal**

This Code consists of all ordinances of the South Placer Municipal Utility District and the following ordinances are hereby repealed as of the effective date of this Code: Ordinances 09-01, 09-02, 15-01, 15-03, 17-01 and 17-04.

### **1.05.040 Continuity of Provisions**

The provisions of this Code, insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

### **1.05.050 Actions and Proceedings Continued**

No actions or proceedings commenced before this Code takes effect, and no right accrued, is affected by the provisions of this Code, but all procedure thereafter taken shall conform to the provisions of this Code so far as possible.

### **1.05.060 Licenses and Permits Continued**

Any rights given by license, permit or certificate under any ordinance repealed by this Code are not affected by the enactment of this Code or by such repeal; but such rights shall hereafter be exercised according to this Code.

### **1.05.070 Reference**

Whenever reference is made to any portion of this Code or of any other laws of the state, District or District, the reference applies to all amendments and additions now or hereafter made

### **1.05.080 Delegation**

Whenever, by this Code, a power is granted to a public officer or a duty is imposed upon a public officer, the power may be exercised, or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless expressly provided otherwise by this Code.

### **1.05.090 Interpretation**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

### **1.05.100 Applicability of Chapter**

Unless the provision or the context otherwise requires, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this Code.

### **1.05.110 Title, Chapter, and Section Headings**

Title, chapter, and section headings do not govern, limit, modify or in any way affect the scope, meaning or intent of the provisions of any title, chapter or section.

### **1.05.130 Severability**

If any title, chapter, section, subdivision, sentence, clause, phrase or provision of this Code, or the application thereof, to any person or circumstances, is held to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code,

or the application of such provisions to other persons or circumstances shall not be affected thereby.

#### **1.05.140 Application to Government Agencies**

The provisions of this Code shall apply to all government agencies, their officers, employees, or agents, to the extent authorized by law.

#### **1.05.150 Time of Day**

Whenever a certain hour or time of day is specified in this Code, such hour or time shall be Pacific Standard Time or Pacific Daylight Savings Time, whichever is in current use in the District.

#### **1.05.160 Liability**

No provision of this Code shall be construed as imposing upon the District any liability or responsibility for personal injury or property damage resulting from any activity or condition, which arises or exists by virtue of any provision or requirement of this Code, including construction, installation or repair of any facility; equipment or property, or from any defect therein; nor shall the District or any officer or employee thereof be held as assuming any liability or responsibility by reason of any inspection authorized herein.

### **CHAPTER 1.10 JUDICIAL REVIEW OF DISTRICT DECISIONS**

#### **1.10.010 State Law Applicable**

Pursuant to the provisions of Section 1094.6 of the Code of Civil Procedure, the provisions of said section are made applicable to the decisions of the Board of Directors of the South Placer Municipal Utility District, and to the decisions of all other commissions, boards, officers and agents of the South Placer Municipal Utility District, except where a limitation of actions is otherwise provided by this Code.

#### **1.10.020 Judicial Review - 90-Day Limit**

Judicial review of any decision subject to the provisions of this chapter and Code of Civil Procedure Section 1094.6 may be had only if the Petition for Judicial Review is filed within 90 days after the decision becomes final; provided, that pursuant to the provisions of Section 1094.6(d) of the Code of Civil Procedure, if the petitioner files a request for the record within 10 days after the date the decision becomes final, the time within which a petition for judicial review may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.



### **1.10.030 Record Preparation - Costs**

- A. As provided in Section 1094.6, any person who requests preparation of the administrative record shall be responsible for the payment of the actual costs of transcribing or otherwise preparing the record. Actual costs shall include, but not be limited to: the salary and fringe benefit rates of pay by the District or District personnel time consumed in typing a transcript and reproducing, assembling and compiling the transcript and exhibits; the unit cost (including pro-rated rental) of equipment utilized in reproduction; the cost of materials and supplies; and the cost to the District of having a transcript typed when testimony has been recorded by a court reporter. Each board, commission, officer, employee or agent whose decision will be subject to the limitations established by this chapter, may, from time to time, by resolution in the case of such boards and commissions and by written order in the case of such officers, employees and agents, determine and promulgate unit costs of preparing the record.
- B. Before commencing preparation of a transcript or other record, the officer or employee responsible for preparation shall estimate the actual total cost. Preparation of the record shall not be commenced until the person requesting preparation of the record has deposited the full amount of the cost estimate.
- C. If the deposit exceeds the actual costs, the difference shall be refunded. If the actual cost exceeds the estimate, the difference shall be paid when the record is delivered.
- D. The limitations of action, shall not be extended pursuant to the provision of Section 1094.6(d) of the Code of Civil Procedures or Section 1.10.020 of this Code, beyond 90 days after the decision becomes final, unless the petitioner deposits pursuant to the provisions of subsection (b) of this section, the estimated actual total cost of preparing the transcript within 10 calendar days after he has been furnished with the written estimate of such cost.

### **1.10.040 Notice**

Every written decision or notice thereof to which the provisions of this chapter and Section 1094.6 of the Code of Civil Procedure apply, shall refer to and be accompanied, by attachment, by a copy of the provisions of this chapter.

## **CHAPTER 1.15 ADMINISTRATION**

### **1.15.010 Appeals**

Unless otherwise expressly provided, if the applicant for any permit authorized or required by any title to this Code, the permittee, or other persons are dissatisfied with any determination made by the District General Manager, or other officers or agents of the South Placer Municipal Utility District, regarding the interpretation or implementation of

the provisions contained in any title to this Code, such person may appeal to the Board of Directors. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Secretary of the Board of Directors not later than twenty (20) calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived.

### **1.15.020 Appeal Fee**

The Board of Directors shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

### **1.15.030 Appeal Hearings**

- A. Immediately upon receipt of any Notice of Appeal filed within the said 20 calendar day period, the Secretary shall mail copies thereof to each member of the Board of Directors.
- B. Not later than the next regularly scheduled meeting following thirty (30) calendar days after the date of filing an appeal within the time and in the manner prescribed by Section 1.15.010, the Board of Directors shall either:
  - 1. Conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the District General Manager and the officer or agent whose determination is the subject of the appeal, the applicant or permittee, and the appellant not later than ten days preceding the date of the hearing; or
  - 2. Hear the appeal or set a time convenient to the Board of the hearing of such appeal.
- C. The aggrieved or appealing party, or his authorized representative, shall be personally present at the hearing of such appeal and failure of said aggrieved party or his authorized representative to appear at said hearing shall constitute sufficient grounds to affirm the decision of the General Manager.

### **1.15.040 Actions on Appeals**

- A. The Board of Directors shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the granting of any permit authorized or required by any title to this Code. Any hearing may be continued from time to time.
- B. At the conclusion of the hearing, the Board of Directors shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the Secretary of the Board of Directors. The Secretary shall serve such decision on the applicant or permittee, the appellant, and the District General Manager. The decision of the Board of Directors shall become final upon the date of filing and service of the written decision with respect to any appeal.

### **1.15.050 Notices**

- A. All notices for public hearing shall be in conformance with Public Utility Code Section 14401, et seq, and Government Code Section 6060, et seq, unless otherwise specified.
- B. Except as otherwise specifically set forth, any notice authorized or required by this Code shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.
- C. Except as otherwise specifically set forth, whenever a provision in this Code requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten (10) calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the District. The same type of notice shall also be served on each permittee whose permit may be affected by the action taken at the conclusion of the hearing.

### **1.15.060 Changes in Construction Contracts**

The District General Manager or his designee is hereby authorized on behalf of, and in the name of, the District to order changes, alterations, or additions of work being performed under construction contracts, and execute and authorize payment of such orders in accordance with the provisions of the Public Contract Code, Section 20142. Change Orders issued and executed pursuant to the authority conferred by this Section shall be in accordance with the monetary limits stated in the Public Contract Code, Section 20142.

## **CHAPTER 1.20 VOTING BY THE BOARD OF DIRECTORS**

### **1.20.010 Voting by the Board of Directors**

If action by the Board of Directors is a tie vote on any matter, whether or not the matter is before the Board on appeal, the Board may, following the tie vote, and in advance of adjournment of the meeting during which the tie vote occurred, continue the matter for further consideration and determination to a time and date certain not later than 30 calendar days following the date on which the tie vote occurred. If the matter is not continued for further consideration and determination in the manner specified above, such tie vote shall be deemed to constitute a denial or disapproval effective on the date the tie vote occurs of the matter (and in the case of an appeal, denial of the action requested by the application, as distinguished from denial of the appeal), and such action shall be deemed to be final and not subject to reconsideration. If during the meeting to which consideration and determination is continued pursuant to this section another tie vote occurs, the matter shall, effective on the date of such continued meeting, be deemed denied in the manner described above and the action shall be deemed to be final in the manner prescribed above. During the meeting to which consideration and determination is continued pursuant to this section, no new or additional evidence shall be received or considered unless any public hearing required by law has been reopened and any notice thereof required by law has been given.

## **CHAPTER 1.25 ENFORCEMENT**

### **1.25.005 Responsibility**

The District General Manager is charged with enforcement of this Code and with the coordination of all District and District officials and departments in order to achieve its purpose. The District General Manager may take such other steps and may apply to such court or courts as have jurisdiction to grant relief as will abate and restrain and enjoin any person from taking any action contrary to the provisions of this Code.

### **1.25.010 Violations**

- A. Violating any provision contained in this Code is an infraction.
- B. Violating any provision of this Code following a violation notice from the District General Manager shall constitute a misdemeanor, and upon conviction the violating person may be punished by a fine up to \$1,000 or imprisonment in the County jail for up to six (6) months, or both.

C. Violating any provision of this Code constituting unauthorized use of District facilities is a public nuisance.

D. Any violation of this Code may be remedied by injunction or other civil proceeding pursuant to direction by the Board of Directors.

E. Violating any provision of this Code shall be subject to an administrative penalty as set forth in this Chapter.

F. Each person commits a separate offense each and every day during any portion of which a violation of any provision of this Code is committed, continued, or permitted. Any violation persisting more than one twenty-four (24) hour period is a continuing violation.

G. The penalties and remedies authorized by this chapter are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this Code or any other applicable law or regulation.

#### **1.25.020 Administrative Penalty**

A. A notice of a violation and administrative penalty shall be provided according to Chapter 1.15 of this Code, except the publication requirements shall not apply. A notice of violation and administrative penalty shall be directed to the owner or occupant of the premises where the violation occurred.

B. A party provided notice of a violation and administrative penalty may appeal the notice by filing a written appeal with the District General Manager no later than twenty (20) days after the notice of violation and administrative penalty is issued. The appeal must specify the grounds for appeal and shall provide the appellant's address and telephone number.

C. Upon timely receipt of an appeal, the District General Manager shall set the matter for a review hearing at the earliest practical date. The District General Manager shall provide written notice of the hearing to the appellant no less than seven (7) days prior to the date of the hearing. At the hearing, a Hearing Officer meeting the pertinent qualifications of Government Code Sections 27720 et seq. shall hear relevant evidence presented by the appellant and District staff, and may uphold, modify, or rescind the notice of violation and administrative penalty. The Hearing Officer shall provide the appellant a written determination, which shall be the final administrative determination of the matter. The Hearing Officer's determination shall advise that the time limit and manner for judicial review is governed by California Government Code 53069.4, or its successor statute.

D. The failure of the owner or occupant of the premises where the violation occurred to file a timely notice of appeal shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust the owner's and occupant's administrative remedies for the notice of violation and administrative penalty.

E. Upon determining after an appeal that an administrative penalty shall be imposed, or upon issuance of a notice of violation and administrative penalty and expiration of the appeal period with no appeal filed, the administrative penalty amount shall be included on the bill for wastewater service provided to the premises where the violation occurred and shall be collected together with the wastewater service fees for the premises.

### **1.25.030 Administrative Penalty Amounts**

The following penalties may be imposed for any violation of this Code. Penalties identified in this section may be imposed to the owner of the premises where the violation occurs regardless of whether the violation is committed by the owner of the premises.

A. First Violation - During Any Twelve (12) Month Period. No penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the owner and occupant (if different than the owner) of the premises where the violation occurred.

B. Second Violation - During Any Twelve (12) Month Period. A penalty of \$100 shall be imposed.

C. Third Violation - During Any Twelve (12) Month Period. A penalty of \$200 shall be imposed.

D. Each Additional Violation - During Any Twelve (12) Month Period. A penalty of \$500 shall be imposed. (WAO-0092 § 4, 2015)

# South Placer Municipal Utility District Code

## Chapter 2 - Sewer Use

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## **CHAPTER 2 SEWER USE**

### **CHAPTER 2.00 General**

This Chapter in whole or in part is based on excerpts from Ordinance 09-02 adopted by the Board of Directors on July 2, 2009, and shall govern the use of public and private sewers and establish the rules and regulations for service and services rendered by the District.

### **CHAPTER 2.01 Definitions**

As used in this Code, the following words and phrases shall have the meaning given in this chapter.

#### **2.01.005 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)**

Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) shall have the meaning set forth in California Government Code Sections 65852.2 and 65852.22, as amended from time to time.

#### **2.01.010 Board**

Board of Directors of the South Placer Municipal Utility District (District).

#### **2.01.015 Biochemical Oxygen Demand (BOD)**

The quantity of Oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

#### **2.01.020 Building Drain**

That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer two (2) feet outside the outer face of the building wall.

#### **2.01.025 Building Sewer**

A pipeline connecting a building drain to a public sewer, consisting of an upper lateral and a lower lateral.

### **2.01.030 Chemical Oxygen Demand (COD)**

Chemical Oxygen Demand: Measurement of the oxygen required to oxidize soluble and particulate organic matter in water expressed in terms of weight and concentration (milligrams per liter (mg/l))

### **2.01.035 Collector Sewer**

The public sanitary sewer main to which various building or private sewers are connected, owned and operated by the District.

### **2.01.040 District**

The South Placer Municipal Utility District, a statutorily created district operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

### **2.01.045 District General Manager**

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

### **2.01.050 District Specifications**

The Standard Specifications and Improvement Standards for Sanitary Sewers prepared and ordered effective by the General Manager pursuant to the provisions of Section 11937(e) of the Municipal Utility District Act, Division 6, of the Public Utilities Code, and State of California. All work associated with wastewater systems shall be performed pursuant to and in compliance with this Code and the District Specifications.

### **2.01.055 Domestic Wastewater**

Wastes originating in a residential facility or dwelling.

### **2.01.060 Equivalent Dwelling Unit (EDU)**

The unit of measurement, used to determine design and fee requirements based on the typical average flow and strength of wastewater from a single family residential occupancy.

### **2.01.065 Fats, Oils, and Grease (FOG)**

Non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in the 40 CFR Part 136

### **2.01.070 Food Service Establishment (FSE)**

Any facility, including but not limited to, any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code sections 113700, et seq.). A limited food preparation establishment may not be considered to be an FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing a significant amount of FOG. Mobile food trucks are considered an FSE and subject to the requirements of this Code.

### **2.01.075 Garbage**

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

### **2.01.080 Industrial Wastewater**

The liquid wastes originating from industrial processing.

### **2.01.085 Lower Lateral**

That part of building sewer within the public right-of-way, extending from the property line or public sewer easement line, typically at the PLCO, to the public sewer, by gravity flow.

### **2.01.090 Multiple Dwelling**

Any structure for residential occupancy consisting of more than one dwelling unit.

### **2.01.095 Non-Dispersible**

Any item that requires more than 20 seconds to begin to disperse after contact with water. This includes "Flushable Products" that do not disperse and have structural strength and

do not tear easily, such as paper products, specifically paper towels and facial tissues, sanitary products such Baby Wipes and other cleansing products that are indestructible and advertised as flushable but are non-dispersible.

#### **2.01.100 Non-residential Wastewater**

Wastewater originating from sources other than residential discharges.

#### **2.01.105 Owner / Applicant**

The record owner of the real property being served or to be served by the District's wastewater system, or his duly authorized agent. The record owner of such real property shall be billed and liable to the District for the payment of all authorized fees, rates, tolls, rentals or other charges.

#### **2.01.110 Participation Charge**

Also known as a connection fee or development impact fee, the sum paid to the District in lawful money of the United States by any person, for the privilege of connecting to the District's facilities whether such connection is voluntary or mandatory. The District's facilities shall include local collection systems, trunk lines, treatment plants, and capacity.

#### **2.01.115 Persons**

Any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

#### **2.01.120 pH**

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

#### **2.01.125 Property Line Cleanout (PLCO)**

The publicly-owned clean out installed on the building sewer near the public right-of-way, within the P.U.E., intended for access of the publicly owned Lower Lateral.

#### **2.01.130 Private Sewer**

Any sewer facilities which remain under private ownership by a single property owner.

### **2.01.135 Properly Shredded Garbage**

Wastes from the preparation, cooking and dispensing of food which have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 0.5 inches in any dimension.

### **2.01.137 Publicly Owned Treatment Works (POTW)**

A wastewater treatment plant as defined by Section 212 of the Clean Water Act (33 United States Code 1291). The District's public sewer is a satellite wastewater collection system to the regional POTW located in the City of Roseville.

### **2.01.140 Public Sewer**

A sewer in which all owners of abutting property have equal rights and is controlled by public authority.

### **2.01.145 Readily Accessible**

Capable of being accessed quickly, and without obstruction, for maintenance, repair, or inspection without requiring the District or its agents, to uncover, remove obstacles or repair sewer facilities in order to use.

### **2.01.150 Service Charge**

The periodic charge assessed to the real property owner by the District for the capability of conveying, treating and disposing of wastewater.

### **2.01.155 Sanitary Sewer**

A sewer that carries wastewater or sewage and to which storm, surface, and groundwaters are not intentionally admitted.

### **2.01.160 Single Family Residence (SFR)**

Any free-standing structure used for residential occupancy and consisting of one dwelling unit (excluding any free-standing structure which is an ADU within the meaning of California Government Code section 65852.2 and this Code).

### **2.01.165 Sanitary Sewer Overflow (SSO)**

Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

### **2.01.170 Structure**

A building or other constructed facility used for human occupancy, employment, recreation or other purpose.

### **2.01.175 Suspended Solids**

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids; and which is removable by laboratory filtering.

### **2.01.180 Uniform Plumbing Code (UPC)**

The most current edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO).

### **2.01.185 Upper Lateral**

That part of the building sewer running from two (2) feet outside the outer face of the building wall to the public right-of-way; privately owned and maintained.

### **2.01.190 Wastewater**

The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the public sewer and the POTW.

### **2.01.195 Wastewater Collection System**

The pipe system and appurtenances for collecting and carrying water and water-carried wastes from domestic, non-residential and industrial sources to a wastewater treatment plant.

### **2.01.200 Wastewater System**

All facilities for collecting, pumping, treating and disposing of wastewater.

### **2.01.205 Wastewater Treatment Plant (WWTP)**

An arrangement of pipes, equipment, devices, tanks and structures for treating wastewater and industrial wastes.

### **2.01.210 Water Course**

A natural or manmade channel in which a flow of water occurs, either continually or intermittently.

## **CHAPTER 2.02 PUBLIC SEWER**

### **2.02.01 Permission Required**

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining permission from the District and paying all fees and charges as established under the provisions of this Code.

### **2.02.02 Protect from Damage**

- A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, remove or tamper with any structure, appurtenance or equipment which forms any part of the District's public sewer system or any private sewer facility which may directly or indirectly affect any of the District's public sewer system.
- B. Any person violating the provisions of this Chapter shall be responsible for any and all costs, damages, repair and/or replacement of any structure, appurtenance or equipment caused to the District by such violations.

### **2.02.03 System Accessibility**

- A. It is the customer's responsibility to ensure the Property Line Clean Out (PLCO) is readily accessible at all times. When a PLCO cannot be accessed by the District, the customer will be notified and shall correct the condition(s). If the issue is not rectified within 30 days after notification, District staff will make the correction(s) and the customer will be responsible for actual costs incurred.
- B. Representatives of the District shall have the right of ingress to the customer's premises at reasonable hours for any purpose reasonably connected with furnishing of sewer service.

### **2.02.04 Connection to the Public Sewer Required**

- A. It is unlawful for the owner or lessee of any lot or parcel of land situated within the District, which lot or parcel has thereon a building equipped with any plumbing



fixture, to neglect or refuse to have any such buildings connected with the District wastewater collection system so that the drainage from each and every such plumbing fixture shall flow into the sewer; provided, that there is such a sewer in the street, alley or right-of-way near such lot or parcel of land and not more than 300 feet distant from such building. Domestic plumbing systems that incorporate nonpotable water reuse systems, such as gray water reuse systems, shall be exempt from this section provided that they are installed and constructed in accordance with local municipal ordinances or codes, the then current provisions of California Plumbing Code, Chapter 16 - Alternate Water Sources For Nonpotable Applications and Chapter 16A - Nonpotable Water Reuse Systems, governing the construction, alteration, discharge, use, and repair of gray water systems.

- B. When ordered by the District, or when and where the state, county, or city public health department determines a health hazard exists or is imminent, the owner of all structures, as defined within this Code, situated within the limits of the District and abutting on any street, alley or right-of-way or in proximity thereto in which there is located a public sewer of the District, is hereby required at his/her expense to connect such structures directly with the proper public sewer in accordance with the provisions of this Code, within 90 days after receipt of written, mailed notice to do so, provided said public sewer is within 300 feet of the nearest property line of the property containing such structures; unless otherwise waived by the General Manager upon exigent circumstances.
- C. In the event of a violation of this Chapter, the District may connect such structures to the public sewer and the owner or occupant of such structures shall be jointly and severally responsible to the District for the cost of such connection in addition to the regular participation charge, monthly service charge and any other reasonable and necessary charges imposed by the District and such costs shall become a lien on the real property pursuant to the applicable provisions of the Health & Safety Code of the State of California.

#### **2.02.05 Prohibited Discharges**

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, subsurface drainage, cooling water, refrigeration or air conditioner cooling water, swimming pool drainage from single family residences or industrial process waters to any public sewer.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters, wastewaters or wastes to any public sewers:
  - 1. Any liquid or vapor having a temperature higher than 150-degrees F.

2. Any water or waste which may contain more than 100 parts per million, by weight, of FOG.
  3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  4. Any garbage that has not been properly shredded.
  5. Any discharge of wastes from recreational vehicles (RV) outside of permitted RV dump sites or camping sites.
  6. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, non-dispersible item, feather, fur, plastic, wood, paunch manure, or any other solid or viscous substances capable of causing obstruction to the flow in sewers and/or causing or with the potential to cause SSO's or other interference with the proper operation of the sewage works.
  7. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to the structures, equipment, and personnel of the sewage works.
  8. 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.
  9. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
  10. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- C. The admission into the public sewers of any wastewater or wastes generated from any nonresidential type use shall conform to SPMUD Ordinance 88-3, the District's ordinance adopting Chapter 14.26 of the Municipal Code of the City of Roseville relating to industrial wastewater.
- D. Discharge from FSE's shall be in conformance with Chapter 3 of this Code, establishing requirements regarding Fats, Oils, and Grease.
- E. No provision of this Code shall be construed to prohibit any special agreement or contract between the District and any non-residential user whereby waste of unusual strength, characteristic or quantity as determined by this Code may be accepted for treatment, subject to payment therefore. Any agreement made in accordance with this section shall conform to provisions of this Code and Ordinance 88-3.

### **2.02.06 Preliminary Treatment:**

- A. Where preliminary treatment facilities are provided for any wastewater or wastes, they shall be maintained continuously in satisfactory effective operation, by the owner at his expense.
- B. Grease, oil and sand interceptors, as required by the District, shall be provided for the proper handling of liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- C. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily accessible for cleaning and inspection.
- D. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation, at all times.

## **CHAPTER 2.03 CHARGES AND FEES**

### **2.03.01 Participation Charges – General**

- A. No person shall connect any building sewer, alter, or change the use of any commercial structure or equivalent dwelling unit or portion thereof, or enlarge any commercial structure until a participation charge for each connection, enlargement, alteration, or change of use has been paid to the District as provided in this Code.
- B. The provisions of this Chapter are enacted pursuant to the provisions of Article IV, Chapter 6, Sections 5400 et seq. of the Health and Safety Code and Section 66000 of the Government Code. Pursuant to the provisions of Section 5474 of the Health and Safety Code all participation charges fixed herein for the privilege of connecting to the District's wastewater system shall be due and payable prior to such connection.
- C. Notwithstanding the preceding, payment of participation fees due the District from non-residential users may, at the District's discretion, be deferred and made payable over a period of time under such terms and conditions as may be imposed by the Board in accordance with District Policy 3350 – Deferred Participation Charges or any amendments thereto.

- D. In the event a structure is altered to produce more than a single EDU, an additional participation charge shall be due for each additional EDU or portion thereof produced. Payment of such fees and charges shall be the responsibility of the real property owner. Alterations of an existing residential structure to construct an ADU or JADU within the meaning of California Government Code Section 65852.2 or 65852.22, as amended, shall not be charged an additional Participation Charge, except as otherwise permitted by state statute and as provided in this Code.
- E. In the event additional participation charges become due from a structure previously connected to District's wastewater system, such charges shall become due immediately upon completion of the enlargement or alteration which results in additional participation charges and in the event such charges are not paid when due, the amount of such charges shall constitute a lien against the respective lots or parcels of land to which the facilities are connected. Prior to making such fees or charges a lien, the District shall give notice to the owners of the lots or parcels of land affected pursuant to the provisions of Section 5474 of the Health and Safety Code.
- F. In the event a connection, change in use or alteration of any commercial structure, enlargement of any commercial structure, or change in number of equivalent dwelling units within a structure has been made in violation of the provisions of this Section, the real property owner where such connection, alteration, change, or enlargement has occurred shall be responsible to the District for the payment of participation charges, and, in addition, may be required to disconnect the building sewer from the public sewer and reconnect to the public sewer under the District's supervision and shall be required to pay, in addition to such participation charge a reconnection charge in accordance with the District's Fee Schedule Resolution, together with all actual costs and expenses incurred by the District in making such reconnection. A basic participation charge for each equivalent dwelling unit shall be fixed and established by ordinance/code and may be changed from time to time by the Board of Directors in accordance with provisions of Sections 12809 and 14401 of the Public Utilities Code and Section 66000 of the Government Code.

### **2.03.03 Participation Charges – Commercial/Industrial:**

Determination of Commercial or Industrial Equivalent Dwelling Units. For purposes of this Code, commercial or industrial EDU's shall be determined as follows:

#### **A. General Regulations**

1. Not Less than 1 EDU per building.
2. Prescribed participation charges apply only to the particular uses listed herein. Where multiple uses, and/or tenants within the meaning of this Code, are

contained or can be contained in the same structure, the General Manager, based on building permit data, applicable zoning, and plans of the developer, will allocate the respective square footage for the various uses and/or tenants, and determine a composite participation charge composed of the respective participation charges for each such use and/or tenant. Subsequent modifications to any structure may result in reclassification and the assessment of additional incremental participation charges.

3. No refunding of previously paid participation charges will be made where modifications are made to any structure which places it in a classification with a lower participation charge rate.
4. The real property owner shall be responsible for payment of any and all additional charges.

B. Low Strength-Low Quantity Commercial or Industrial Users-

For commercial or industrial units having wastewater strength of less than 200 mg/1 B.O.D. and/or suspended solids, and a quantity of less than 25,000 gpd, an EDU shall be determined as follows:

<ol style="list-style-type: none"> <li>1. Low Occupancy User             <ol style="list-style-type: none"> <li>a) Parking Garage</li> <li>b) Regional Distribution Facilities</li> <li>c) Storage Buildings</li> </ol> </li> </ol>	Per every 5 Employees (NOT Less than 1 EDU)
<ol style="list-style-type: none"> <li>2. Low-Density Users             <ol style="list-style-type: none"> <li>a) Church (w/o Kitchen)</li> <li>b) Warehouse / Commercial Storage</li> </ol> </li> </ol>	$\frac{1}{6}$ EDU per 1,000 sq. ft.
<ol style="list-style-type: none"> <li>3. Medium Density User             <ol style="list-style-type: none"> <li>a) Church (w/ Kitchen and Meeting Hall)</li> <li>b) School (w/o Cafeterias and w/o Gymnasiums w/ Showers)</li> <li>c) Bowling/Entertainment Center (w/o Showers)</li> <li>d) Day Care Center (w/o Kitchen)</li> <li>e) Sports/Fitness Center (w/o Showers)</li> <li>f) Retail Store</li> <li>g) Bank/Offices (Other than Medical/Dental)</li> <li>h) Chiropractor's Office</li> <li>i) Theatres (Theaters that provide dining services shall be considered a FOG producing FSE)</li> <li>j) Auditorium/Halls/Lodges</li> </ol> </li> </ol>	$\frac{1}{3}$ EDU per 1,000 sq. ft.

<p>4. High Density User.</p> <ul style="list-style-type: none"> <li>a) Barber/Beauty Shop/Nail Salon</li> <li>b) School (w/ Cafeterias or Gymnasiums w/ Showers)</li> <li>c) Bowling/Entertainment Center (w/ Kitchen)</li> <li>d) Day Care Center (w/ Kitchen)</li> <li>e) Sports/Fitness Center (w/ Showers)</li> <li>f) Medical/Dental Facility</li> <li>g) Service Station / Mechanic Shop</li> <li>h) Pet Grooming Center</li> <li>i) Veterinary Clinic</li> <li>j) Bars</li> <li>k) Coffee Shops/Kiosks(w/ limited food preparation)</li> <li>l) Ice Cream / Frozen Yogurt / Shaved Ice</li> </ul>	<p><math>\frac{2}{3}</math> EDU per 1,000 sq. ft</p>
<p>5. Special Commercial User</p> <ul style="list-style-type: none"> <li>a) Car Wash (per Automatic Wash Stall)</li> <li>b) Car Wash (per Self-service Wash Stall)</li> <li>c) Laundromat</li> <li>d) Market/Mini-market (w/o Disposal)</li> <li>e) Market/Mini-market (w/ Disposal)</li> <li>f) FSE (FOG producing establishment)</li> <li>g) FSE (Non FOG Producing Establishment, w/ limited food preparation)</li> <li>h) FSE Outside/Overflow Dining Area <ul style="list-style-type: none"> <li>i. w/ Covered Area</li> <li>ii. w/o Covered Area, but fenced</li> </ul> </li> <li>i) Mortuaries</li> <li>j) Hospital</li> <li>k) Rest Home/Convalescent Hospital/Memory Care/Assisted Living</li> <li>l) Camping/Recreational Vehicle Site</li> <li>m) Recreational Vehicle Dump Site</li> <li>n) Hotel/Motel Unit (w/ Kitchen)</li> <li>o) Hotel/Motel Unit (w/o Kitchen)</li> </ul>	<p>8 EDU per Unit  2 EDU per Unit  <math>\frac{2}{3}</math> EDU per Washer  <math>\frac{2}{3}</math> EDU per 1,000 sq. ft.  2 EDU per 1,000 sq. ft.  2 EDU per 1,000 sq. ft.  1 EDU per 1,000 sq. ft.</p> <p>2 EDU per 1,000 sq. ft.  1 EDU per 1,000 sq. ft.  2 EDU per 1,000 sq. ft.  <math>\frac{1}{2}</math> EDU per Licensed Bed  <math>\frac{1}{3}</math> EDU per Licensed Bed</p> <p><math>\frac{1}{2}</math> EDU per Site  1 EDU per Site  1 EDU per Unit  <math>\frac{1}{2}</math> EDU per Unit</p>
<p>6. Other Commercial/Industrial Users not listed</p>	<p>Based on a Study authorized by the General Manager</p>

**2.03.04 Participation Charges – High Strength-High Quantity Commercial or Industrial Users**

- A. For commercial or industrial users having wastewater strength of greater than 300 mg/l BOD or COD and 50mg/l suspended solids, and/or a quantity of greater than

or equal to 25,000 gallons per day (gpd), and/or requiring either special handling or treatment, an EDU shall be determined as follows:

$$EDU's = \frac{gpd}{175} \left[ 0.61 + \frac{BOD \text{ or } COD. \text{ mg/L}}{300} (0.22) + \frac{suspended \text{ solids mg/L}}{50} (0.17) \right]$$

1. In addition, special treatment and/or handling costs may be added as determined by the General Manager.
2. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Code shall be charged participation charges and fees as determined by the General Manager.

### **2.03.05 Participation Charges – Residential**

- A. Determination of Residential Equivalent Dwelling Units. For purposes of this Code, Residential Equivalent Dwelling Units (“EDU’s”) shall be determined as follows: All dwelling units, including, but not limited to single family homes, duplexes, condominiums, mobile homes, and apartments shall be one (1) EDU per living unit, except for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), as provided below:

ADU.

As defined in California Government Code Section 65852.2, an ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot or parcel of land with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit as defined in California Health & Safety Code Section 17958.1.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. An ADU shall not be considered a Residential EDU for the purposes of the assessment of a Participation Charge, and shall not be assessed a Participation Charge, provided the following conditions are met as specified in Government Code Section 65852.2 and the ADU complies with all requirements of the local agency having jurisdiction over the permitting and construction of the ADU in the District service area where it is located:

- a. The ADU is not intended for sale separate from the primary residence and may be rented. If the ADU is built on a portion of the lot or parcel of land that is subsequently split from the primary residential parcel, the ADU shall be considered a separate Residential EDU for the purposes of the assessment of a Participation Charge.
- b. The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot or parcel of land as the existing dwelling.
- c. The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- d. The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.

#### JADU.

2. As defined in California Government Code Section 65852.22, a JADU is defined as a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU shall not be considered a Residential EDU for the purposes of the assessment of a Participation Charge, and shall not be assessed a Participation Charge, provided the following conditions are met as specified in Government Code Section 65852.22 and the JADU complies with all requirements of the local agency having jurisdiction over the permitting and construction of the JADU in the District service area where it is located. A local agency JADU ordinance:

- (a) Limits the number of junior accessory dwelling units to one per residential lot or parcel of land zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot or parcel of land.
- (b) Requires owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- (c) Requires the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency and submitted to the District, and shall include both of the following:



1. Prohibits the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
2. Restricts the size and attributes of the junior accessory dwelling unit that conforms with this section.
  - (d) Requires a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.
  - (e) Requires a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.
  - (f) Requires the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
    - (1) A cooking facility with appliances.
    - (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
3. Any other living unit that is not an ADU or JADU shall be considered a Residential EDU and shall pay the appropriate Participation Charge as authorized by this code.

ADUs and JADUs shall be assessed one (1) EDU for the purposes of Monthly Service Charges.

- A. There shall be no participation charge for a central recreation building or washroom in a residential mobile home park, condominium or apartment complex so long as the use thereof is restricted to occupants of the mobile home park, condominium or apartments. The real property owner shall substantiate the private, restricted use of said facilities in writing to the District.

**2.03.04 Monthly Service Charges – General**

- A. A monthly service charge for each equivalent dwelling unit shall be fixed and established by ordinance/code and may be changed from time to time by the Board of Directors in accordance with provisions of Sections 12809 and 14401 of the Public Utilities Code. The monthly service charge for multiple dwelling units shall be the basic EDU rate multiplied by the number of equivalent dwelling units.
- B. In the event a structure is altered to produce more than a single EDU, including the addition of an ADU or JADU on the property, an additional monthly service charge shall be due for each additional EDU or portion thereof produced. Payment of such charges shall be the responsibility of the real property owner.
- C. The real property owner shall remain liable for the monthly service charge as long as the building sewer is connected to the public sewer system, regardless of vacancy. Before an owner can be removed from billing for monthly service charges, the building sewer shall be physically disconnected from the public system at the property line cleanout or point of connection with the public system in accordance with the District Specifications. Reconnection shall be made under the direction of the District. All work and costs shall be the responsibility of the owner and shall be inspected and approved by the District. In cases of vacancy where the property is not physically disconnected, the service charge shall be based on the classification of the last occupant(s) of the structure.

**2.03.05 Monthly Service Charges – Commercial/Industrial**

- A. The Determination of Monthly Service Charges for Commercial or Industrial EDU's shall be as follows:
  - 1. For purposes of this Code, the monthly service charge, which is billed quarterly, for Low Strength-Low Quantity commercial or industrial EDU's shall be determined in accordance with the classifications set forth in 2.03.003 B. for sewer participation charges.

2. The monthly service charge, which is billed quarterly, for High Strength-High Quantity commercial or industrial EDU's shall be determined in accordance with the formula set forth in 2.03.004 for sewer participation charges.
    - a. In addition, special treatment and/or handling costs may be added as determined by the General Manager.
  3. In no case shall the monthly service charge for a structure be less than one (1) EDU per business. Quarterly service charge billings shall be in the name of and be the responsibility of the real property owner.
  4. Industrial processing plants and similar heavy or unusual uses not classified by the provisions of this Code shall be charged monthly service charges and fees as determined by the General Manager.
- B. Unoccupied Use – In cases of vacancy where commercial property is not physically disconnected from the sewer, the service charge shall be based on the classification of the last occupant(s) of the structure, unless the owner makes written application for a change in use from “occupied” to “unoccupied”. A commercial property owner is, under certain conditions, eligible for a reduction in monthly service charges for a building/space when a “change in use” from “occupied” to “unoccupied” occurs.
1. The building/space shall have been unoccupied for a continuous three-month period immediately preceding the request for a change in use. Waiver or reduction in the ongoing service charge applicable for the last occupied use will not be made for this three-month or prior periods.
  2. The property owner shall apply (on a form to be provided by the District) for the change in use from occupied to unoccupied for the reduction in the monthly service charge. Reapplication for the reduction in the monthly service charge shall be made by the owner on a quarterly basis. The Application for an ongoing unoccupied use shall be received by the District between the 15th and 21st day of the end month of the applicable billing quarter (i.e. Mar., Jun., Sept., Dec.).
  3. In the event a building/space remains unoccupied and the owner does not reapply, the monthly service charge shall revert to the last occupied use.
  4. The minimum charge for the unoccupied use shall be calculated at 1/3 EDU per 1,000 square feet (sq.ft.), (but not less than 1 EDU per building/space when the square footage is less than 3,000 sq. ft).

5. The property owner shall promptly notify the District when re-occupancy occurs. This application terminates upon re-occupancy.
6. The property/customer account must be current (no past due balances) for the application to be considered.
7. The District shall be notified of any change in property ownership. Any Application and the terms and conditions in effect at the time of a transfer or sale of the property will be binding on the successor.

#### **2.03.06 Monthly Service Charges – Residential**

- A. The Determination of Monthly Service Charges for Residential EDU's shall be as follows:
  1. For purposes of this Code the monthly service charge, which is billed quarterly, for residential EDU's shall be determined as follows: Dwelling units, including, but not limited to single family homes, duplexes, condominiums, mobile homes, secondary living units and apartments shall be one (1) EDU per living unit.
  2. In no case shall the monthly service charge for a residential structure be less than one (1) EDU per dwelling unit. Quarterly service charge billings shall be in the name of and be the responsibility of the real property owner.

#### **2.03.07 Lifeline Low-Income Rate Assistance Program.**

- A. Every qualified household shall receive a discount of \$5.00 per month on utility rates.
  1. The program will be limited on an annual basis to the first 500 households who apply to participate in the program and qualify under the income eligibility requirements. Staff shall establish a process to accept and select qualifying households. The process shall include a provision that should more than 500 households apply and qualify and additional District resources from delinquent fees are prudently available for use as determined by District staff such that additional eligible households may participate, the additional eligible households shall be selected by random lottery.
- B. Qualified Households – Only an owner-occupant of residential property who is currently billed as a customer of the District is eligible to apply. To qualify, the total combined gross annual income (based on the number of household members) of all persons residing in a dwelling unit must be at or below the

amount currently in the use by the Pacific Gas and Electric Company California Alternative Rates for Energy (CARE) program available for residential single-family occupants.

1. Applicants must submit to the Administrative Services Department proof of their eligibility in the CARE program to qualify.
  2. The total income of all adult residents in the household, who actually occupy the dwelling unit, must meet the income requirements for the CARE Program.
- C. Each household shall be required to re-qualify on an annual basis and shall submit the updated proof of PG&E CARE program eligibility to the District as part of the requalification.

#### **2.03.08 Charges and Fees – Other Regulations**

- A. Pursuant to the provisions of Section 12811 of the Public Utilities Code, all fees, tolls, rates, rentals or other charges established by the provisions of this Code may be collected by any lawful means including an action at law and all remedies for the collection and enforcement thereof are cumulative and may be pursued alternatively or consecutively.
- B. Pursuant to the provisions of Section 12811.1 of the Public Utilities Code, the owner of record of real property within the District is required to pay the fees, tolls, rates, rentals, or other charges for services rendered to a lessee, tenant, or other occupant of the property and those fees, tolls, rates, rentals and other charges that have become delinquent together with interest and penalties thereon, will constitute a lien on the property when a certificate is filed in the Office of the County Recorder and such lien has the force, effect, and priority of a judgment lien.
- C. Any fees, rates, or charges imposed or established by the provisions of this (all) Code(s) shall not exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

### **CHAPTER 2.04 APPLICATION PERMITS**

#### **2.04.01 Compliance with District Regulations**

- A. Any application to connect to the District's sewer system shall comply with all District specifications, codes, ordinances, rules, and regulations.

- B. All multiple residential complexes, commercial establishments and other non-residential type use shall include a completed Declaration of Density form provided by the District. The Declaration of Density shall be completed by the real property owner at the time that sewer service is applied for.

**2.04.02 Classes of Applications**

- A. There shall be three (3) classes of sewer applications as follows:
  - 1. For residential service.
  - 2. For commercial service.
  - 3. For service to establishments producing industrial wastes.

**2.04.03 Application for Permit:**

- A. In cases where connection is required to an existing lower lateral, the owner/applicant shall make application on the Participation Application form provided by the District and pay the applicable inspection fees in accordance with the District's Fee Schedule Resolution.
- B. In the case of subdivisions and/or construction of public sewer facilities to be dedicated to the District, no application shall be accepted by the District until said facilities have been constructed and accepted by the District, unless otherwise authorized by the General Manager.
- C. The plan check and inspection fees for construction of such public sewer facilities shall be paid in accordance with the District's Fee Schedule Resolution.
- D. In cases where the owner/applicant must construct an individual building sewer to an existing collector sewer, all procedures and work shall conform to applicable sections of the District Specifications. The owner/applicant shall be responsible for all fees and costs in accordance with the District's Fee Schedule Resolution.
- E. The Participation Application shall be supplemented by any other information considered pertinent by the General Manager.
- F. All participation charges shall be paid at the time of application for service.
- G. No application for sewer service will be accepted without a copy of a valid building permit.

## **CHAPTER 2.05 SEWER DESIGN AND CONSTRUCTION REQUIREMENTS**

### **2.05.01 General**

The design and construction of building sewers, private sewers, and public sewers shall be in conformance with this Code and the District Specifications.

### **2.05.02 Building Sewers**

- A. All costs and expenses incidental to the installation and connection of any building sewer to the District's facilities shall be borne jointly and severally by the owner/applicant thereof and said owner/applicant shall indemnify the District from loss or damage that may directly or indirectly be occasioned to any party by the installation of the building sewer.
- B. A separate and independent building sewer shall be provided for every structure on a parcel; provided, however, that the provisions of this Section may be waived by the General Manager.
  - 1. If waived by the General Manager, two or more structures on a single parcel under one ownership may be served by the same common building sewer if it is unlikely, under local agency zoning and general plans, that the parcel can be subdivided in the future
  - 2. If for any reason, the property is subsequently divided, each building is required to then be separately and independently connected to the public sewer. It shall be unlawful for the owner(s) of the subdivided property to thereafter continue to use in common the same building sewer.
  - 3. No additional structure(s) on a single parcel shall connect to or be served through any other structure's building drain.
  - 4. Any additional structure(s) on a single parcel where the wastewater must be lifted by artificial means for discharge shall be separately and independently connected to a collector sewer.
- C. No backfill shall be placed until the work has been inspected by the District, and in the event of a violation of this requirement, the sewer facilities must be uncovered at the owner/applicant's expense, and the District shall have the right to disconnect said property from the District sewer system until such violation is corrected. The owner of said property shall pay to the District a reconnection charge in accordance with the District's Fee Schedule Resolution prior to the reconnection, together with all costs and expenses incurred by the District in making such reconnection.

- D. Existing building sewers may be used in connection with new structures only when they are found, after examination and test, to meet all of the requirements of the District Specifications. All examinations and testing shall be done by the real property owner under District inspection. Said owner shall be responsible for all associated costs for such examinations and testing and shall be responsible to correct all deficiencies at his/her expense prior to making connection; provided however, that in cases when the building sewer lower lateral has previously been in service with the District, the District may opt to perform repairs on the lower lateral at its expense.
- E. Any damage to the District sewer facilities caused as a result of the installation of a building sewer shall be the responsibility of the owner/applicant, and the owner/applicant shall be responsible for all costs incurred by the District.

### **2.05.03 Private Sewers**

- A. All private sewer systems shall be designed and constructed in accordance with applicable sections of this Code and District Specifications.
- B. The District shall have the right to inspect the installation and/or repair of all private laterals, mains and appurtenances, and the owner/applicant or operator shall be obligated to pay to the District applicable fees and costs in accordance with the District's Fee Schedule Resolution.
- C. In the case of mobile home parks, as with all private sewer systems, all in-tract laterals, mains, and appurtenances shall be and remain the property of the mobile home park owners, and the District shall have no obligation to operate, maintain, repair or replace any private facilities.

### **2.05.04 Public Sewers – Main Extensions**

- A. Main Extensions. Each property owner is responsible for the installation of a collector sewer across the property frontage or through the property, as the case may be, to serve additional land in the natural drainage or shed area. Said installation shall be made at the sole cost of the owner/applicant or developer of the property or property frontage.
- B. There shall be on file in the District's office a Master Plan or System Evaluation and Capacity Assurance Plan (SECAP) showing the District's existing and proposed trunk sewer system (Trunk Sewer Mains and Major Facilities) to accommodate future growth.



1. In the event that the connection of a structure or property to the District's sewer system involves a main extension which forms a part of the District's existing or proposed trunk system (Major Facilities) as shown in the aforesaid Master Plan or SECAP, the District may participate in the cost of installation of said main extension to the extent that the amount or size of pipe and appurtenances involved constitute a benefit to the District generally and the cost of such main extension and appurtenances benefiting only the owner/applicant or developer of the property or structure shall be borne by such owner/applicant or developer.
  2. In the event that the connection of a structure or property to the District sewer system does not involve an extension to the District trunk system as shown by the aforesaid Master Plan or SECAP, said installation shall be made at the sole cost of the owner/applicant or developer.
- C. In the event the District requires that an owner/applicant or developer construct or reconstruct sewers of a size larger than would normally be required to serve the real property owner/applicant or developer, the District may agree in writing to participate in the cost of the oversizing of such facilities.
1. In no event shall the District be obligated to participate in the cost of oversizing such facilities that have already been constructed and accepted by the District.
- D. The District may, in its discretion, negotiate and enter into a Credit or Reimbursement Agreement under the terms of Chapter 4 of this Code, whereby a property owner or developer may obtain credits in lieu of payment of sewer Participation Charges for the construction of Trunk Sewer Mains and Major Facilities (as defined in 4.01.035) and/or seek reimbursement for the costs of construction of Major Facilities under the eligibility criteria set forth herein.
1. In no event shall the District be obligated to consider, negotiate or enter into any Credit or Reimbursement Agreement for facilities that have already been constructed and accepted by the District.
- E. The District may, in its discretion, negotiate and enter into refund agreements with the owner of lands in cases where such lands are being improved and the owner has or will install facilities which can be used for the benefit of property adjacent to but not participating in the original cost of construction. The amount of refund agreement shall be computed solely upon the quantity of sewer actually installed using a Schedule of Values for Pipeline Construction Costs adopted by Board Resolution,

1. In no event shall the District be obligated to consider, negotiate or enter into any refund agreement for facilities that have already been constructed and accepted by the District.
  2. In no event shall the obligation assumed by the District pursuant to any refund agreement extend beyond the term of 10 years from the date of such agreement.
- F. All public sewer main extensions and/or installations shall be within public rights of way or properly granted/dedicated easements to the District.
- G. District funds representing basic participation charges shall not be used for the purpose of financing or in any way participating in the cost of wastewater collection systems required by the District to be built by others.

## **CHAPTER 2.06 VIOLATIONS**

### **2.06.01 Public Nuisance**

A violation of this Code shall constitute a public nuisance and may be abated by legal action.

### **2.06.02 Notice to Correct**

Any violation of this Code must be corrected by the record owner of the real property immediately upon notification by the General Manager to do so, and in the event such violation is not corrected within five (5) days after such notification, the District may pursue any remedy available to it under the law, including a declaration that such violation constitutes a public nuisance. Such remedies include, but are not limited to, the following:

A. Issuance of Notices to Correct, Warnings of Non-Compliance, Notice of Violation, and Cease and Desist Orders. When the District finds that a discharge of wastewater is taking place or threatening to take place in violation of prohibitions or limits of this Sewer Code or wastewater source control requirements or the provisions of a wastewater discharge permit, the General Manager or their designated representative, may issue Notices to Correct, Warnings of Non-Compliance, Notice of Violation, and Cease and Desist Orders and direct that those persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith, (2) comply in accordance with a time schedule set by the General Manager or their designated representative, or (3) in the event of a threatened violation, take appropriate remedial or preventative action.

B. Requiring Discharger to Submit Schedule of Remedial or Preventive Measures. When the General Manager or their designated representative, finds that a discharge of

wastewater is taking place or threatening to take place that violates or will violate prohibitions or limits prescribed by this Sewer Code or wastewater source control requirements or the provisions of a wastewater discharge permit, the General Manager or their designated representative, may require the discharger to submit for approval of the District, with such modifications as he deems necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

C. **Damage or Theft or Vandalism to Facilities.** When the discharge of wastewater causes an obstruction, damage, or other impairment to District facilities, the District may recover costs from the discharger to correct the problem caused by the discharger. District facilities include, but are not limited to, pipes and appurtenances, manholes, cleanouts, lift stations, fences, gates and access roads.

D. **Termination of Service.** The District may terminate or cause to be terminated wastewater disposal or wastewater service to any premises if a violation of any provision of this Sewer Code pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this Sewer Code. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, or for any other reason.

### **2.06.03 Costs and Expenses**

Any costs and expenses incurred by the District in correcting violations and/or pursuing any remedy available to it under the law, including all attorneys' fees, expert witness fees, laboratory testing fees and all other related expenses, shall be the responsibility of the record owner of the real property.

### **2.06.04 Civil and Criminal Penalties**

A. Any person violating the provisions of this Code shall be subject to any and all existing criminal and civil penalties provided for under the laws of the State of California, and in addition thereto, shall be responsible to the District for any and all damages caused to the District by such violations. These include the following:

1. **Civil Liability Penalties.** Civil liability may be imposed by the District in the manner provided in this Section as follows:

a. In an amount which does not exceed one thousand dollars (\$1,000) for each day for knowingly or willfully failing or refusing to furnish technical or monitoring reports.

b. In an amount which does not exceed five thousand dollars (\$5,000) for each

day of intentionally or negligently discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, knowingly falsifying any information provided in any furnished technical or monitoring report.

c. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any of the District's cease and desist or other orders, or prohibitions issued, reissued, or adopted by the District.

d. In an amount that covers the costs of staff time and equipment and material costs.

e. For specific violations, the District may adopt a schedule of fines for appropriate offence that shall be adopted and updated by Resolution.

## B. Criminal Penalties

1. Any person who intentionally discharges wastewater in any manner, in violation of any order issued by the General Manager or their designee, which results in contamination, pollution, or a nuisance, as defined in this Ordinance, is guilty of a misdemeanor and may be subject to criminal penalties of not more than \$1,000 per day for each such violation, including, but not limited to, any violation of pretreatment standards or requirements.

2. Any person who knowingly makes any false statement or representation in any record, report, plan, or other document filed with the District, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the District, shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or by imprisonment in the county jail for not more than six months, or by both.

## C. Civil Enforcement Remedies

The District may pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this Sewer Code.

### 1. Civil Enforcement Penalties.

a. Any person who fails to comply with any order issued by the District, including orders related to pretreatment standards or requirements, shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day in which the discharge, violation, or refusal occurs.

b. Any person who intentionally or negligently violates any Notice to Correct issued by the District for violation of rules regulating or prohibiting discharge of wastewater which causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this article, may be liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each day in which the violation occurs. The District's legal counsel, upon request of the District's Board of Directors, shall petition the Superior Court to impose, assess, and recover such

sums.

c. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this Ordinance, including but not limited to violation of a pretreatment standard or requirement, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or whenever non-discharge violations occur including failure to submit a required report or failure to allow the District's inspectors access to an industrial facility, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such violations.

#### D. Appeals

1. In accordance with Sewer Code Section 1.15.010, any permit applicant, permit holder, or Discharger affected by any action denying a permit application, modifying a permit, or issuing a issue Warnings of Non-Compliance, Notice of Violation and Cease and Desist Orders or any other order made by the General Manager or their designated representative in implementing the provisions of this Sewer Code, may file with the District a written request for reconsideration or appeal of the General Manager's decision to the Board of Directors.

## **CHAPTER 2.07 MISCELLANEOUS PROVISIONS**

### **2.07.01 Conflicts**

In the event of a conflict between any provision of this Code and the provisions of any other ordinance, rule or regulation promulgated by any California city or county or by any federal or state agency, the provisions of this Code shall prevail except in cases where Federal or California law provide otherwise.

### **2.07.02 Severability**

It is hereby declared that in the event any provision or section of this Code is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Code shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Code irrespective of any provision which may be declared null and void.

### **2.07.03 Vested Contractual Rights Not Affected**

No provision of this Code shall be construed as altering or affecting any vested contractual rights between the District and any person, firm, or corporation with whom a valid contract exists as of the effective date of this Code.

### **2.07.04 Prior Ordinance Repealed**

Prior Ordinances of South Placer Municipal Utility District affecting items in this Code are hereby repealed as of the date of adoption of this Code by the Board.

# South Placer Municipal Utility District Code

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## **CHAPTER 3 FATS, OILS & GREASE**

### **CHAPTER 3 .00 GENERAL**

#### **3.00.001 Purpose**

- A. This Chapter in whole or in part is based on excerpts from Ordinance 09-01 adopted by the Board of Directors on March 5, 2009, and shall govern the use of public and private sewers and establish the rules and regulations for the prevention of blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate FOG discharge requirements for food service establishments (FSEs).
  
- B. The requirements of this Code shall supplement and be in addition to the requirements of the Districts Ordinance 01-01, and amendments updates, and/or replacements thereto, establishing rules and regulations for services rendered by South Placer Municipal Utility District, and the District's Ordinance 88-3, an ordinance adopting Chapter 14.26 of the Roseville Municipal Code related to Industrial Wastewater, and amendments thereto.
  - 1. This Code shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.
  - 2. The provisions set forth in this Code are designed to ensure compliance with federal, state, and local laws and regulations, and to allow the District to meet applicable standards.
  - 3. This Code also establishes quantity and quality standards on all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows (SSOs).

### **CHAPTER 3 .01 DEFINITIONS**

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works

Association, and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136. Subject to the foregoing, the meaning of the terms used in this Code shall be as follows:

### **3.01.005 Automatic Grease removal device (GRD)**

A hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils, and grease (FOG) from the interceptor, the control of which are automatically initiated. GRDs shall be certified to ASME A112.14.4 and/or CSA B481.5.

### **3.01.010 Best Management Practices (BMPs)**

Best Management Practices are activities, prohibitions, maintenance procedures, and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

### **3.01.015 Board**

Board of Directors of the South Placer Municipal Utility District (District).

### **3.01.020 Change in operations**

Any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSEs in an amount that alone or collectively causes or creates a potential for SSOs to occur.

### **3.01.025 Collection system**

Portions of the public sewer consisting of all pipes, sewers, and conveyance systems conveying wastewater to the publicly owned treatment works excluding privately owned sewer lateral line connections.

### **3.01.030 Compliance schedule**

A time schedule, enforceable under the provisions of this Code that contains increments of progress (e.g. milestones, in the form of dates). These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures, or operational management techniques required for permittees to comply

with all applicable federal, state, or local environmental regulations which may directly or indirectly affect the quality of the permittee's wastewater.

### **3.01.040 Discharger**

Any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.

### **3.01.045 District**

The South Placer Municipal Utility District, a statutorily created district, operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

### **3.01.050 District General Manager**

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

### **3.01.055 District Specifications**

The District's Standard Specifications and Improvement Standards for Sanitary Sewers prepared and ordered effective by the General Manager pursuant to the provisions of Section 11937(e) of the Municipal Utility District Act, Division 6, of the Public Utilities Code, State of California and as delineated in Chapter 5 of this Code. All work associated with wastewater systems shall be performed pursuant to and in compliance with this Code and the District Specifications.

### **3.01.060 Equivalent Dwelling Unit (EDU)**

The unit of measurement used to determine design and fee requirements based on the typical average flow and strength of wastewater from a single-family residential occupancy.

### **3.01.065 Fats, Oils, and Grease (FOG)**

Non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in the 40 CFR Part 136.

### **3.01.070 FOG control program**

The program developed by the District, as required by, and pursuant to State Water Resources Control Board Order No. 2006-0003, and any subsequent modifications.

### **3.01.075 FOG Wastewater Discharge Permit (WDP)**

FOG Wastewater Discharge Permit, a permit issued by the District, subject to the requirements and conditions established by the General Manager, authorizing a Permittee to discharge wastewater from an FSE into the public sewer.

### **3.01.080 Food Service Establishment (FSE)**

Food Service Establishment, any facility, including but not limited to, any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code sections 113700, et seq.). A limited food preparation establishment may be considered a non-FOG producing FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing a significant amount of FOG. Mobile food trucks are considered an FSE and subject to the requirements of this Code.

### **3.01.085 Food grinder**

Any device installed in the plumbing or sewage system for the purpose of grinding food or food waste, also commercially called a garbage disposal.

### **3.01.090 Grab sample**

A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

### **3.01.095 Grease control device (GCD)**

Any hydromechanical grease interceptor, grease removal device, gravity grease interceptor, mechanism, device, or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG subject to the approval of the General Manager. GCDs shall be certified to ASME A112.14.4 and/or CSA B481.5.

### **3.01.100 Gravity grease interceptor (GGI)**

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by volume, baffle(s), not less than two compartments, and gravity separation. Gravity grease interceptors are installed outside. Approved designs shall be certified to IAPMO / ANSI Z1001.

### **3.01.105 Hot spots**

Areas in the collection system of sewer lines that must be cleaned or maintained frequently to avoid blockages of the public sewer caused by FOG.

### **3.01.110 Hydromechanical grease interceptor (HGI)**

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge and is identified by flow rate, separation, and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

- A. External flow control, with air intake (vent): directly connected.
- B. External flow control, without air intake (vent): directly connected.
- C. Without external flow control, directly connected.
- D. Without external flow control, indirectly connected.

Hydromechanical grease interceptors shall be certified to ASME A112.14.3, CSA B481.1, and/or PDI G101.

### **3.01.115 Inspector**

Any person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing, and/or disposal facilities.

### **3.01.120 Manifest**

The receipt which is retained by a permittee for the disposal of FOG, recyclable wastes, and/or liquid wastes.

### **3.01.126 Mobile Food Truck**

A food service establishment that is readily moveable from place to place at all times during operation and shall include but not limited to pushcarts, trailers, trucks, vans, or boats.

### **3.01.125 New Construction**

Any structure planned or under construction where the sewer facilities have not been approved by the District.

### **3.01.130 Obstruction**

Any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations, or is otherwise a violation of any District Ordinance, Code, or State discharge requirements.

### **3.01.135 Permittee**

The holder or holders of a FOG Wastewater Disposal Permit (WDP) issued for a Food Service Establishment (FSE) and is subject to the requirements and conditions established in this Code or as otherwise established by the General Manager.

### **3.01.140 Person**

Any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

### **3.01.145 Property Owner**

The record owner of the real property upon which is located a Food Service Establishment (FSE) being served or to be served by the District's wastewater system, or his duly authorized agent.

### **3.01.150 Publicly Owned Treatment Works (POTW)**

A wastewater treatment plant as defined by Section 212 of the Clean Water Act (33 United States Code 1291). The District's public sewer is a satellite wastewater collection system to the regional POTW located in the City of Roseville.

### **3.01.155 Public sewer**

A sewer in which all owners of abutting property have equal rights and is controlled by a public authority.

### **3.01.160 Remodeling**

Any physical alteration and/or operational change to a Food Service Establishment (FSE).

### **3.01.165 Sanitary sewer**

A sewer that carries wastewater or sewage and to which storm, surface, and groundwaters are not intentionally admitted.

### **3.01.166 Sanitary Sewer Overflow (SSO)**

Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system.

### **3.01.170 Sewer facilities (or system)**

Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater.

### **3.01.175 Sewer lateral**

A Building Sewer as defined in the latest edition of the Uniform Plumbing Code (UPC). It is the wastewater connection between the building's wastewater drain facilities and a public sewer.



### **3.01.180 Shall – May.**

The term “shall” is mandatory and the term “may” is permissive.

### **3.01.185 User**

Any person who contributes, causes, or permits the contribution of wastewater into the public sewer and the Publicly Owned Treatment Works (POTW).

### **3.01.190 Wastewater**

The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs, and institutions, whether treated or untreated, which is discharged into or permitted to enter the public sewer and the Publicly Owned Treatment Works (POTW).

### **3.01.195 Wastewater Collection system**

The pipe system and appurtenances for collecting and carrying water and water-carried wastes from domestic, non-residential, and industrial sources to a wastewater treatment plant.

### **3.01.200 Wastewater system**

All facilities for collecting, pumping, treating, and disposing of wastewater.

### **3.01.205 Wastewater Treatment Plant (WWTP)**

An arrangement of pipes, equipment, devices, tanks, and structures for treating wastewater and industrial wastes.

## **CHAPTER 3 .02 REGULATIONS**

### **3.02.001 FOG Wastewater Discharge Permit (FOG WDP) required**

No person shall discharge, or cause to be discharged, any wastewater from Food Service Establishments (FSEs) directly or indirectly into the public sewer without first obtaining a FOG WDP pursuant to this Code.

### **3.02.002 FOG discharge limitation**

No FSE/Permittee/Property Owner shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level of 100 parts per million by weight of fats, oil, or grease, or that may accumulate and/or cause or contribute to blockages in the public sewer. The property owner is responsible for the effectiveness of the Grease Control Device (GCD) to comply with the FOG discharge limitations of this code. The property owner shall provide means for the District to access the discharge from the FSE to inspect, sample, and confirm the FSE/Permittee/Property Owner is not exceeding the maximum concentration level of FOG.

### **3.02.003 Public sewer overflows; public nuisance; abatement orders and cleanup costs**

Any FSE/Permittee/Property Owner determined by the General Manager to have contributed to a sewer blockage, SSO, or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, shall subject the property owner to an order to install and maintain a GCD, in accordance with the District's Specifications, and may be subject to a plan to abate the nuisance created by sewer line failures and blockages, SSOs, or any other public sewer obstruction. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, SSOs caused by FSEs, alone or collectively, are the responsibility of the FSE/Permittee/Property Owner, and individuals who are responsible officers or owners of the FSE. If the General Manager determines that the public's health and safety require the District to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the District so acts at the request of the property owner and/or the operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the District's costs for such abatement shall be entirely borne jointly and severally by the FSE/Permittee/Property Owner, and individuals who are responsible officers or owners of the FSE and may constitute a debt to the District, due and payable upon the District's demand for reimbursement of such costs.

### **3.02.004 Best Management Practices (BMPs) required**

Every FSE/Permittee/Property Owner shall implement BMPs in its operations in accordance with the requirements and guidelines established by the District, to minimize the discharge of FOG to the GCD and/or the public sewer. Detailed requirements for BMPs shall be specified in the FOG WDP and all FSE/Permittee/Property Owner as required, at a minimum, to comply with the BMPs set forth therein as well as any

additional BMPs established by the General Manager. BMPs may include but are not limited to, kitchen practices and employee training procedures that are essential in minimizing FOG discharge to the public sewer. BMPs shall include but are not limited to the following:

- A. Dry-wipe pots, pans, and work areas prior to washing
- B. Do not pour cooking residue directly into building drains or fixtures
- C. Dispose of food waste directly into the trash
- D. Do not dispose of food waste in the garbage disposal
- E. Collect waste oil and store it for recycling
- F. Do not pour waste oil into building drains or fixtures
- G. Clean floor mats inside the building over a utility sink
- H. Do not wash floor mats where water can run off directly into the storm drain

### **3.02.005 Prohibitions**

FSEs/Permittees/Property Owners are prohibited from doing any of the following:

- A. Installing food grinders or garbage disposals in the plumbing system or new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the General Manager.
- B. Introducing any additives into an FSE's plumbing system and/or grease control devices for the purpose of emulsifying FOG, and/or chemically treating FOG for grease remediation, or as a supplement to grease control device maintenance, unless a specific written authorization from the District is first obtained.
- C. Disposing of waste cooking oil into the public sewer.
- D. Discharging wastewater with temperatures in excess of 140°F to the public sewer.
- E. Connecting or discharging dishwashers directly to the sanitary sewer unless otherwise approved by the District.
- F. Connecting or discharging food waste disposal units directly to the sanitary sewer. Any food waste disposal units allowed by the District must connect to a

solids interceptor prior to discharging to a GCD.

- G. Discharging wastes containing fecal materials from toilets, urinals, washbasins, or other fixtures to waste lines directed to grease interceptors and/or other grease control devices, or vice versa.
  
- H. Discharging FOG and solid materials removed from a grease control device to the public sewer.
  
- I. Operating a GCD(s) with FOG and solids accumulation exceeding its rated capacity as documented by the manufacturer through third-party test reports, or in the absence of that, twenty-five percent (25%) of the design hydraulic depth of the grease control device.
  
- J. Discharging FOG and other pollutants above the local discharge limits set forth in the Roseville Municipal Code, Chapter 14.26 and amendments thereto, as adopted under District Ordinance 88-3.

### **3.02.006 FOG pretreatment required**

Every FSE/Permittee/Property Owner shall, at the time of construction, remodel, and/or change in operations, install, operate, and maintain an approved type and adequately sized GCD in accordance with the District's Specifications, necessary to maintain compliance with the objectives of this Code, subject to the variance and waiver provisions of 3.02.011. The GCD shall separate and remove FOG contained in wastewater from FSEs prior to discharge to the public sewer. Fixtures, equipment, and drain lines located in the food preparation and clean-up areas of any FSEs shall be connected to the GCD. Compliance shall be established as follows:

#### **A. New construction of FSEs**

Unless otherwise approved by the District, New construction of any FSE shall include complete installation of an adequately sized GCD, in accordance with the District's Specifications, exterior to the FSE, prior to commencing discharges of

wastewater to the public sewer. The property owner shall be responsible for the design, ownership, operation, maintenance, and effectiveness of GCD(s).

**B. Existing FSEs**

1. Any existing FSE, which, in the General Manager's determination, has caused or contributed to grease-related blockage in the public sewer, has one or more sewer laterals connected to hot spots, and/or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install GCD(s), in accordance with the District's Specifications, within Ninety (90) days upon issuance of written notification by the General Manager.
2. Any existing FSE or FSE that changes ownership or that undergoes remodeling and/or a change in operations, as defined in this Code, shall be required to install GCD(s), in accordance with the District's Specifications, or to obtain a variance or waiver in accordance with Chapter 3.02.010.

**3.02.007 Commercial properties**

Any FSE/Permittee/Property Owner, or duly authorized designee, of a commercial property where multiple FSEs are located shall be responsible for the installation and maintenance of GCD(s) serving the FSEs that are located on a single parcel.

**3.02.008 Grease control device requirements**

- A. Any FSE/Permittee/Property Owner required by this Code to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized GCD(s), in accordance with the District's Specifications, necessary to maintain compliance with the objectives of this Code.
- B. Sizing of the grease control device shall conform to the District's Specifications. GCDs shall be constructed in accordance with the District's Specifications. GCDs shall be designed, maintained, and operated to meet the FOG discharge limitation defined in 3.02.002.
- C. The GCD(s) shall be installed at a location where it shall be at all times readily accessible for inspection, cleaning, and removal of accumulated grease.

### 3.02.009 Grease control device maintenance requirements

- A. FSE's/Permittees/Property Owners shall maintain GCD(s) in efficient operating condition by periodic removal of the full content of the interceptor conducted by a liquid waste hauler licensed through the California Department of Food and Agriculture, which includes, but is not limited to, wastewater, accumulated FOG, floating materials, and solids.
- B. The District may require any FSE with a GCD to submit data and information necessary to establish the required maintenance frequency of the GCD.
- C. The required maintenance frequency for every FSE with a GCD shall be determined in one of the following methods:
  1. GCDs shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the GCD does not exceed its rated capacity as documented by the manufacturer through third-party test reports, or in the absence of that, twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG from being discharged to the public sewer.
  2. GCDs shall be fully pumped out and cleaned quarterly when the frequency described in 3.02.009C.1. has not been established. The maintenance frequency shall be adjusted when sufficient data has been obtained to establish an average frequency based on the requirements described in 3.02.009C.1. and guidelines adopted by the District pursuant to the FOG control program. The District may change the required maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program. Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease. The following maintenance requirements shall apply:
    - A. Remove cover(s)
    - B. Document condition of GCD with digital pictures of the interior through each manhole/cover
    - C. Remove all fats, oils, and grease (FOG), solids, food debris, and wastewater
    - D. Clean all internal surfaces from the build-up of FOG or other residual materials (chemicals and/or degreasers are prohibited)
    - E. Inspect all internal components, replace anything missing or

broken and, when required by the manufacturer, ensure the flow control device is installed

- F. Document condition of GCD when empty and cleaned with digital pictures of the interior through each manhole/cover
  - G. Refill with fresh water
  - H. Replace cover(s)
  - I. Record and report all necessary information as described in 3.04.009.
- 3. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every three (3) months.
  - 4. The FSE/Permittee/Property Owner of an FSE may submit a request to the District for a change in the required maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in 3.02.009C.1 and that it is in full compliance with the conditions of its FOG WDP and this chapter. Upon determination by the District that the requested revision is justified, the required maintenance frequency shall be revised accordingly.
  - 5. If the GCD, at any time, contains FOG and solids accumulation exceeding the requirements described in 3.02.009C.1 the FSE shall be required to have the GCD serviced immediately such that all FOG and other materials are completely removed from the GCD as described in 3.02.009C.2. If deemed necessary, the District may also increase the required maintenance frequency of the GCD.
- D. All GCDs are required to have fittings and appurtenances as designed by the manufacturer for proper function. Any GCD that does not have the required fittings and appurtenances shall be repaired and/or retro-fitted with appropriate fittings and appurtenances, or if unable to be repaired or retrofitted, the GCD shall be replaced with a new GCD in accordance with the District's Specifications.
  - E. No FOG that has accumulated in a GCD shall be allowed to pass into any sewer lateral or public sewer.
  - F. Wastewater, accumulated FOG, floating materials, solids, and other materials removed from the GCD shall be disposed of by liquid waste haulers at an approved disposal site in accordance with all applicable federal, state, and/or



local laws.

- G. The General Manager may direct District staff to service an FSE's GCD if, in the determination of the General Manager, the FSE/Permittee/Property Owner has failed to comply with the terms of the FOG WDP or with this Code. The FSE shall be responsible for any and all expenses of the District in undertaking such work, in addition to being subject to any enforcement action taken by the District as provided for in this Code.

### **3.02.010 Variance and waiver of requirement for grease control device**

- A. Variance from the requirement to install GCD(s).

An FSE may request that the District grant a variance from the requirement to install GCD(s) to allow alternative pretreatment technology in lieu of a GCD if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a GCD and that it is impossible or impracticable to install, operate, and maintain a GCD. The District's determination to grant a variance will be based upon, but not limited to, an evaluation of the following conditions:

1. There is inadequate space for installation and maintenance of a GCD; or
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the GCD and/or between the GCD and the sewer lateral or the public sewer; and
3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a GCD in controlling its FOG discharge. The FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through visual monitoring and water quality sampling of private sewer piping downstream from the FSE, for at least three (3) months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in the downstream sewer lines and the FOG discharge limitation per 3.02.002 is not exceeded. Any variance issued pursuant to this section may be revoked at any time at the discretion of the General Manager.

- B. Conditional waiver of requirement to install GCD(s).



A conditional waiver of the requirement to install a GCD may be granted for FSEs that the District determines to have negligible FOG discharge and insignificant impact on the public sewer. Although a conditional waiver from the installation of a GCD may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a GCD. The General Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, an evaluation of the following conditions:

1. Quantity of FOG discharge as measured or indicated by the size of the FSE based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures, and other conditions that may reasonably be shown to contribute to FOG discharges; and
2. Adequacy of implementation of BMPs and compliance history; and
3. Sewer size, grade, and condition based on visual and other information, FOG deposition in the sewer by the FSE, and history of maintenance and SSOs caused by FOG from the FSE; and
4. Changes in operations that significantly affect FOG discharge; and
5. Any other condition that the District deems reasonably related to the generation of FOG discharges.

C. Waiver of GCD installation requirement with a grease disposal mitigation fee.

Where the installation of a GCD is not feasible, and no equivalent alternative pretreatment can be installed, an FSE may be granted a waiver of the GCD requirement upon the payment of a grease disposal mitigation fee as described in 3.03.003. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer. The General Manager's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon, but not limited to, an evaluation of the following conditions:

1. There is inadequate space for installation and/or maintenance of a GCD; or
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the GCD and/or between the GCD and the sewer lateral or the public sewer; and

3. A variance from GCD installation to allow alternative pretreatment technology cannot be granted.

D. Application for variance or waiver of requirement for GCD.

An FSE may submit to the District a request in writing for a waiver or variance from the GCD requirement. The FSE bears the burden of demonstrating that the installation of a GCD is not feasible or otherwise required. Upon determination by the General Manager that reasons are sufficient to justify a variance or waiver, the FOG WDP will be issued or revised to include the variance or waiver and relieve the FSE from the requirement to install a GCD.

E. Terms and conditions of variance or waiver.

A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked by the General Manager at any time upon the determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the FSE remains in compliance with the terms and conditions until the expiration date specified in the variance or waiver.

## **CHAPTER 3 .03 FEES**

### **3.03.001 Purpose**

It is the purpose of this section to provide for the recovery of costs from users of the public sewer for the implementation of the program established in this Code.

### **3.03.002 Charges and fees**

The District may adopt charges and fees by resolution which may include, but are not limited to:

- A. Fees for reimbursement of costs or setting up and operating the District's FOG program.
- B. Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards;

- C. Other fees as the District may deem necessary to carry out the requirements contained in this Code.

Costs incurred by the District as a result of required on-site sampling and analysis shall be reimbursed to the District by the FSE/Property Owner/Permittee.

### **3.03.003 Grease disposal mitigation fee**

Any FSE that operates under a District-approved waiver, as provided in 3.02.011 C, without a GCD may be required to pay an annual grease disposal mitigation fee. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer, for inspection and cleaning of FOG that a usual and customary, and properly maintained, GCD would otherwise prevent from entering the public sewer. This section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor or a grease trap unless the General Manager has determined that it is impossible or impracticable to install and/or operate a GCD for the subject facility under the provisions of 3.02.011 of this Code.

The grease disposal mitigation fee shall be adjusted periodically by the General Manager based on the estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a GCD.

### **3.03.004 Collection of Fees**

A. Pursuant to the provisions of Section 12811 of the Public Utilities Code, all fees, tolls, rates, rentals, or other charges established under provisions of this Code may be collected by any lawful means including an action of law and all remedies for the collection and enforcement thereof are cumulative and may be pursued alternatively or consecutively.

B. Pursuant to the provisions of Section 12811.1 of the Public Utilities Code, the owner of record of real property within the District is required to pay fees, tolls, rates, rentals, and other charges that have become delinquent together with interest and penalties thereon, for services rendered to a lessee, tenant; or another occupant of the property and those fees, tolls, rates, rentals, and other charges will constitute a lien on the property when a certificate is filed in the Office of the County Recorder and such lien has the force, effect, and property judgment lien.

C. Any fees, rates, or charges established by any of the provisions of this Code shall not

exceed the reasonable cost to the District of the rendition of the service for which the fee or charge is imposed.

## **CHAPTER 3 .04 ADMINISTRATION**

### **3.04.001 FOG WDP application**

- A. Any person required to obtain a FOG WDP for an FSE shall, jointly with the property owner, complete and file with the District, prior to commencing or continuing discharges, an application in a form prescribed by the General Manager.
- B. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, GCD, or other pretreatment equipment and appurtenances with sizes, locations, and elevations, and a completed Grease Control Device Sizing and Selection Worksheet as provided in the District's Specifications, with product specifications for the proposed GCD, and manufacturer's third-party certified test report with incremental test data shall be submitted with the application.
- C. Other information related to the business operations and potential discharge may be requested to properly evaluate the FOG WDP application.
- D. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this Code and as otherwise determined by the General Manager.

### **3.04.002 FOG WDP application fee**

The FOG WDP application fee in accordance with the provisions of this Code shall accompany the submission of the FOG WDP application.

### **3.04.003 FOG WDP conditions**

The issuance of a FOG WDP may include, but is not limited to, any of the following conditions or limits:

- A. Limits on the discharge of FOG and other pollutants.
- B. Requirements for proper operation and maintenance of GCDs.
- C. GCD maintenance frequency and schedule.

- D. Requirements for implementation of BMPs.
- E. Requirements for maintaining and reporting status of BMPs.
- F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests including the ultimate disposition of the waste that contains FOG.
- G. Requirements to self-monitor.
- H. Requirements to self-report.
- I. Requirements for the FSE to construct, operate and maintain, at its own expense, GCD(s) and sampling facilities.
- J. Additional requirements as otherwise determined to be reasonably appropriate by the General Manager to protect the public sewer or as specified by other regulatory agencies.
- K. Other terms and conditions which may be reasonably applied to ensure compliance with this Code

#### **3.04.004 FOG WDP modification of terms and conditions**

- A. The terms and conditions of an issued FOG WDP may be subject to modification at the sole discretion of the General Manager during the life of the FOG WDP based on:
  - 1. The permittee's current or anticipated operating data;
  - 2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the District; or
  - 3. A determination by the General Manager that such modification is appropriate to further the objectives of this chapter and all applicable regulations.
- B. A Permittee may request modification of the terms and conditions of an issued FOG WDP. Any request shall be made in writing stating the requested change and the reasons for the change. The General Manager shall review the request, make a determination on the request, and respond in writing.

- C. A permittee shall be informed by the District of any change in the FOG WDP limits, conditions, and/or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

#### **3.04.005 FOG WDP Duration and Renewal**

FOG WDPs shall be issued and renewed according to the conditions set in the FOG WDP. At least thirty (30) days prior to the expiration (if one exists) of the FOG WDP, the Permittee shall apply for renewal and pay the applicable fees for the renewal of the WDP in accordance with the provision of this Code. A Permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

#### **3.04.006 Exemption from FOG WDP**

- A. A limited food preparation establishment may be considered by the General Manager to be a low-FOG producing FSE and may be exempted from obtaining a FOG WDP. Exempt establishments shall be engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that, in the District's determination the wastewater discharge does not contain a significant amount of FOG.
- B. An exemption from obtaining a FOG WDP shall be requested in writing. If the General Manager determines that the reasons for the request are valid, an exemption may be granted.
- C. A limited food preparation establishment may be required to follow the BMPs defined for all FSEs. A limited food preparation establishment that discharges FOG at any time in excess of the defined limits per 3.02.002 may be reclassified as an FSE and required to obtain a FOG WDP at the General Manager's discretion.

#### **3.04.007 Non-transferability of a FOG WDP**

A FOG WDP issued pursuant to this Code is for a specific FSE and for a specific operation and creates no vested rights. No holder of a FOG WDP shall assign, transfer, and/or sell the FOG WDP and/or use the FOG WDP on any property or premises or for any facilities, operations, and/or discharges not expressly encompassed within the FOG WDP.

### **3.04.008 Facilities and drawing submittal requirements**

An FSE/Permittee/Property Owner shall submit facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the General Manager for review of the existing or proposed GCD(s), monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge per 3.02.002, and to meet the requirements of this Code or the requirements of any other regulatory agency.

The District may require the drawings to be prepared by a California registered architect, civil, mechanical, or electrical engineer. If allowed by the District General Manager, these drawings may be prepared by a qualified plumbing or mechanical contractor.

### **3.04.009 Monitoring and Reporting Requirements**

- A. The District may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG control program.
- B. The District may require visual monitoring at the sole expense of the FSE/Permittee/Property Owner to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream. The District may require reports for self-monitoring of wastewater constituents and FOG characteristics of the permittee needed for determining compliance with any conditions or requirements as specified in the FOG WDP or this Code. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the District and shall be submitted upon request of the General Manager. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the General Manager constitutes a violation of this Code and shall be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG WDP or in this Code. The Permittee shall be responsible for any and all costs and expenses of the District in undertaking such monitoring analyses and preparation of reports.
- C. An FSE/Permittee/Property Owner shall self-report by electronically submitting, via email to the District, a copy of records (i.e., logbooks, manifests, receipts, invoices) provided at the time of each pump-out/cleaning/maintenance/repair of the GCD. Submitted records shall indicate, at a minimum, the date of service, a description of the services provided, and the volume of material removed from

the GCD(s). Such information may also be submitted by the FSE/Permittee/Property Owner or their liquid waste hauler electronically as may be required by the District.

- D. Other reports may be required, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the General Manager to ensure compliance with this Code.

#### **3.04.010 Recordkeeping requirements**

The Permittee shall be required to keep all manifests, receipts, and invoices of all cleaning, maintenance, grease removal of/from the GCD, disposal carrier, and disposal site location for no less than three (3) years. The permittee shall, upon request, make the manifests, receipts, and invoices available to the District, any inspector, and/or any enforcement officer. These records may include but are not limited to:

- A. An on-site logbook of GCD cleaning and maintenance practices.
- B. A record of BMPs being implemented, including employee training.
- C. Copies of records and manifests of liquid waste hauling of GCD contents.
- D. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the GCD(s).
- E. Records of any spills and/or cleaning of the sewer lateral.
- F. Any other information deemed appropriate by the General Manager to ensure compliance with this Code.

#### **3.04.011 Falsifying information or tampering with processes**

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District or to tamper with or knowingly render inoperable any GCD, monitoring device, or method or access point required under this Code.

#### **3.04.012 Inspections and sampling conditions.**

- A. The District may inspect or order the inspection and sample the wastewater discharges of any FSE/Permittee/Property Owner to ascertain that the requirements of this Code are being met and the Permittee is complying with all



conditions of the FOG WDP. The Permittee shall allow access to the FSE/Permittee/Property Owner premises, during normal business hours, for purposes of inspecting the FSE's GCDs, reviewing the manifests, receipts, and invoices relating to the cleaning, maintenance, and inspection of the GCDs.

- B. The District shall have the right to place or order the placement on the property, containing an FSE, or other locations as determined by the General Manager, such devices as are necessary to conduct sampling or metering operations. Where an FSE/Permittee/Property Owner has security measures in force, the permittee shall make necessary arrangements so that the District and/or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. In order for the District to determine the wastewater characteristics of the discharger for purposes of determining compliance with FOG WDP requirements, the Permittee shall make available for inspection and copying by the General Manager, an inspector, an enforcement officer, and/or service personnel, all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation and wastewater disposal.

#### **3.04.013 Right of entry**

Users or Permittees of properties where FSE wastewater is created or discharged shall allow the General Manager, an inspector, and/or an enforcement officer, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time. No persons or occupants of an FSE shall interfere with, delay, resist, or refuse entrance to the General Manager, an inspector, and/or an enforcement officer attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer. In the event of an emergency involving an actual or imminent SSO, the General Manager, an inspector, and/or an enforcement officer may immediately enter the property and may access adjoining businesses or properties that share a public sewer with an FSE in order to prevent or remediate the actual or imminent SSO.

#### **3.04.013 Notification of spill.**

- A. In the event a permittee is unable to comply with any FOG WDP condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG WDP or this Code, the User/Permittee shall immediately

notify the District by telephone at the number specified in the FOG WDP. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs, the user/permittee shall immediately notify the District.

- B. Confirmation of this notification shall be made in writing to the District at the address specified in the FOG WDP postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification shall not relieve the User/Permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to persons or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by this Code.

#### **3.04.014 Notification of planned changes**

A Permittee shall notify the District in writing at least sixty (60) days prior to any facility expansion or remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. A Permittee shall submit any information requested by the District for evaluation of the effect of such expansion or remodeling on the permittee's FOG discharge to the public sewer.

#### **3.04.015 Notification of FSE closure**

- A. In the event that an FSE closes or suspends business operations, notification shall be provided to the District in writing within thirty (30) days of closure. The FSE/Permittee/Property Owner shall be responsible to ensure that any existing GCDs are cleaned in accordance with section 3.02.009C.2.
- B. A GCD that has been abandoned in place or has been discontinued otherwise from further use, or to which no waste from a plumbing fixture is connected shall have the contents removed therefrom, the bottom perforated, and be completely filled with crushed rock, sand, controlled low strength material (CLSM), concrete, or other material as approved by the District.

- C. The General Manager may direct District staff to service GCD(s) if, in the determination of the General Manager, the FSE/Permittee/Property Owner has failed to comply with the requirements of this section after an FSE closure. The FSE/Permittee/Property Owner shall be responsible for any and all expenses of the District in undertaking such work, in addition to being subject to any enforcement action taken by the District as provided for in this Code.

## **CHAPTER 3 .05 ENFORCEMENT**

### **3.05.001 Harmful discharge**

- A. The District may, upon order of the General Manager, suspend the wastewater service or revoke a FOG WDP when such suspension or revocation is necessary in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or which causes obstruction to the collection system or causes the District to violate any condition of its permits or Federal and/or State regulations.
- B. Any FSE/Permittee/Property Owner notified of a suspension of the wastewater treatment service and/or revocation of a FOG WDP shall immediately stop or eliminate all nonconforming discharges to the public sewer. In the event of a failure of the FSE/Permittee/Property Owner to comply with the suspension order, the General Manager may take any and all such steps as he deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the collection system. The District may reinstate the FOG WDP and/or the wastewater service upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the FSE/Permittee/Property Owner describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the General Manager within fifteen (15) days of the date of occurrence of the discharge.

### **3.05.002 Determination of non-compliance with FOG WDP conditions**

- A. Sampling and inspection procedures
  - 1. Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the discretion of the General Manager.

2. Noncompliance with FOG WDP discharge conditions or any discharge provisions of this Code may be determined by an inspection of the GCD and associated manifest and documentation, or analysis of a grab sample of the effluent of an FSE.
3. Any sample taken from a sample point, as determined representative by the District, is considered representative of the discharge to the public sewer.

B. Notice of Non-compliance/Notice of Violation

1. Any Permittee found to be in violation of this Code and/or the FOG WDP terms and conditions may be issued a Warning of Non-Compliance in which there will be a specified time period to correct tile violation.
2. If the violation is not corrected within the specified time period the Permittee will be issued a Notice of Violation, within a specified time period to correct the violation.
3. If the violation is not corrected within the time period specified in the Notice of Violation, the Permittee shall be deemed to be in noncompliance.

C. Noncompliance Fee

1. Any Permittee deemed by the General Manager to be in noncompliance with the terms and conditions specified in the FOG WDP or with any provision of this Code may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to 3.05.005. Noncompliance fees shall be in the amount determined by the General Manager.

**3.05.003 Compliance Schedule**

- A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in the FOG WDP or any provision of this Code or needs to acquire and install a GCD, the District may require the permittee to enter a compliance schedule on terms and conditions specified by the General

Manager.

- B. The compliance schedule may contain terms and conditions including but not limited to requirements for installation of a GCD and facilities, submittal of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Code.
- C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the General Manager may issue an order suspending or revoking the FOG WDP pursuant to 3.05.004 of this Code.

### **3.05.004 FOG WDP suspension and/or revocation**

- A. The General Manager may suspend and/or revoke any FOG WDP when the District determines that a Permittee:
  - 1. Fails to comply with the terms and conditions of a compliance schedule order.
  - 2. Knowingly provides a false statement, representation, record, report, or other document to the General Manager.
  - 3. Refuses to provide records, reports, plans, or other documents required by the General Manager to determine FOG WDP terms or conditions, discharge compliance, or compliance with this Code.
  - 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
  - 5. Refuses reasonable access to the FSE for the purpose of inspection and monitoring.
  - 6. Fails to make timely payment of all amounts owed to the District for all costs, charges, and fees required or imposed under this Code.
  - 7. Causes obstruction, sewer blockages, or SSOs in the public sewer.
  - 8. Violates GCD maintenance requirements, any condition or limit of its FOG WDP, or any provision of this Code.
  - 9. Fails to report significant changes in operations, or wastewater constituents,

and characteristics.

### **3.05.005 Violation- Penalty**

- A. Any violation of this Code or the orders, rules, regulations, and permits issued under this Code is unlawful.
- B. Any user, discharger, and/or permittee in violation of this Code, or the orders, rules, regulations, and permits issued under this Code, may be ordered by the General Manager to cease and desist operations until the violation is corrected. Continuance of operations after notice to cease and desist has been furnished to the User, Discharger, and/or Permittee shall be unlawful and may result in the severance of the sewer connection. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. The violation of any of the provisions of this Code, or the orders, rules, regulations, and permits issued under this Code, or the doing of any act prohibited or the failure or omission to do any act required by this Code, or the orders, rules, and regulations, and permits issued under this Code is a public nuisance and may be enjoined by the District.
- D. If any violation of this Code, or the orders, rules, regulations, and permits issued under this Code, causes damage to the District's wastewater system, the District may seek to recover civil damages from the User, Discharger, Owner, and/or Permittee causing such damage.
- E. Civil Penalties. Pursuant to the authority of California Government Code Sections 54739 - 54740, any person who violates any provision of this Code shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occur. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Code shall be liable civilly for a sum not to exceed \$25,000 per violation, for each day in which such violations occur. Pursuant to California Government Code Sections 54740.5 and 54740.6, the District may impose administrative fines up to the greater of \$5,000 per day or \$10 per gallon for discharge violations. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Code and shall be subject to the penalties contained within.
- F. Criminal Penalties. Any person who violates any provision of this Code is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000 or imprisonment for not more than thirty (30) days, or both.

Each violation and each day in which a violation occurs may constitute a new and separate violation of this Code and shall be subject to the penalties contained herein.

- G. The remedies and provisions of this section are cumulative and are in addition to any other remedy or provision of law.

**South Placer Municipal Utility District Code**

**Chapter 4 - Credit and Reimbursement Agreements**

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## **CHAPTER 4 CREDIT AND REIMBURSEMENT AGREEMENTS**

### **4.00 Purpose**

This Chapter in whole or in part is based on excerpts from Ordinance 15-01 adopted by the Board of Directors on August 6, 2015 and shall govern the framework whereby a property owner or developer may obtain credits in lieu of payment of sewer Participation Charges for the construction of Major Facilities (as defined herein) and/or seek reimbursement for the costs of construction of Major Facilities under the eligibility criteria set forth herein. This Code shall further the policy of the Board of Directors of the District to provide alternative mechanisms to facilitate the construction and financing of District infrastructure.

## **CHAPTER 4 .01 DEFINITION**

### **4.01.001 Applicant**

The owner or authorized agent of the owner, or subdivider of real property who applies for credits against Participation Charges or a reimbursement agreement pursuant to the provisions of this Code with respect to the acquisition or construction of Major Facilities, a portion of which benefits the applicant's property.

### **4.01.005 Benefit Area**

The area comprising all lands benefited by the improvements, or any portion thereof, acquired or constructed pursuant to this Code with respect to which a reimbursement agreement has been entered into.

### **4.01.010 Benefitted Property**

Any parcel or parcels of improved or unimproved real property benefited by any improvement, or any portion thereof, acquired or constructed pursuant to this Code with respect to which a reimbursement agreement has been entered into.

### **4.01.015 Board**

Board of Directors of the South Placer Municipal Utility District (District).

### **4.01.020 District**

The South Placer Municipal Utility District, a statutorily created district operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

#### **4.01.025 District General Manager**

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

#### **4.01.030 District Specifications**

The Standard Specifications and Improvement Standards for Sanitary Sewers prepared and ordered effective by the General Manager pursuant to the provisions of Section 11937(e) of the Municipal Utility District Act, Division 6, of the Public Utilities Code, State of California and as delineated in Chapter 5 of this Code. All work associated with wastewater systems shall be performed pursuant to and in compliance with this Code and the District Specifications.

#### **4.01.035 Trunk Sewer Mains and Major Facilities**

Trunk sewer upgrades and expansion facilities that have been identified by the District's System Evaluation and Capacity Assurance Plan (SECAP) as necessary to serve new development within the District's service area boundaries and which in the General Manager's determination are suitable both in terms of size, scope, expense and general benefit to the District so as to be eligible for credits and/or reimbursements under the provisions of this Code.

#### **4.01.040 Person**

Any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

#### **4.01.045 Participation Charge**

The Sewer Participation Charge as contained in 2.03, Charges and Fees, also known as a fee, connection fee, participation fee or developer impact fee, shall mean the sum paid to the District in lawful money of the United States by any person, for the privilege of connecting to the District's facilities, whether such connection is voluntary or mandatory, to be used to fund the fair share portion of the cost of construction of the trunk sewer upgrades and expansion facilities that have been identified by the District's System Evaluation and Capacity Assurance Plan (SECAP) as necessary to serve new development within the District's service area boundaries. The District's facilities shall include local collection systems, trunk lines, and capacity.

#### **4.01.050 Property Owner**

The record owner of the real property upon which is being served or to be served by the District's Wastewater system.

#### **4.01.055 Wastewater Collection System**

The pipe system and appurtenances for collecting and carrying water and water-carried wastes from domestic, nonresidential and industrial sources to a wastewater treatment plant.

#### **4.01.060 Wastewater System**

All facilities for collecting, pumping, treating and disposing of wastewater.

### **CHAPTER 4 .02 APPLICATION**

Any owner or subdivider of real property who or which is required by the District to bear the costs of constructing and installing improvements which are dedicated to, or acquired for, public use and which contain supplemental size, capacity, numbers or length which benefit or benefits property not owned by said owner or not within said subdivider's subdivision, may apply for credits and/or a reimbursement agreement pursuant to which such improvements shall be acquired or constructed and providing for reimbursement of the excess costs thereof from Benefitted Properties and/or the Benefit Area, as such may be determined by the District. Applications shall be made in the form and manner prescribed by the General Manager.

### **CHAPTER 4 .03 CREDITS**

Upon application by the property owner or the property owner's authorized representative, the District may authorize credit for the construction of any eligible Trunk Sewer Mains or Major Facilities, described in 4.01.035 in lieu of payment of all, or a portion of, the sewer Participation Charge required. If authorized, such credit shall be recognized only by prior written agreement between the parties, based upon the provisions hereinafter stated.

#### **4.03.001 Construction Costs Allowable for Credit**

- A. Trunk Sewer Mains: The amount of credit for construction of Trunk Sewer Mains shall be computed solely upon the quantity of Trunk Sewer Main actually installed using a Schedule of Values for Pipeline Construction Costs adopted by Board

Resolution, plus eight (8) percent of that amount. The eight percent (8%) of the allowable credit is an offset for engineering costs. Competitive bidding or actual costs shall not be used as a basis for the credit determination. Credit for change orders shall be limited to an adjustment of creditable quantities to reflect actual final installed quantities. Credit shall not be allowed for other change orders or claims.

- B. Major Facilities: The amount of credit for construction of Major Facilities shall equal the actual cost of construction as determined under a construction contract awarded by the competitive bid process in accordance with California state law and District policy, plus eight (8) percent of the actual cost of construction as an offset for engineering costs. This credit shall be allowed only if the actual cost of construction is the result of a competitive bidding process that is consistent with competitive bidding and prevailing wage requirements of the Public Contracts Code and Labor Code that would be imposed on the District as if it was contracting directly for the construction.
- C. Notwithstanding any provision herein to the contrary, credits shall not be allowed for costs incurred for the purpose of accelerating a development schedule, unless required by the District, and then only if the amount of such credit is approved in writing by the District Engineer prior to commencement of the work.
- D. Credits shall not be allowed for additional costs incurred when the proximate cause is an action or inaction of the owner, developer, or Applicant, including but not limited to delays, lost productivity, change orders and claims.

#### **4.03.002 Competitive Bid Process**

Credit for actual cost when authorized herein shall only be allowed if:

- A. A project for the construction of an eligible Major Facility is advertised and awarded in the same manner and subject to the same laws and regulations as if the District was advertising and awarding the project, including but not limited to compliance with the California Labor and Public Contracts Codes, and incorporation into the construction contract documents the District Specifications then in effect. Projects shall be advertised for a minimum of thirty (30) days and shall not be advertised for bidding prior to approval of the improvements plans by the District and any other jurisdiction for which approval is required. Project bids shall not include schedule acceleration or acceleration alternatives; and
- B. All real property interests necessary to complete delivery of the Major Facilities to the District have been transferred to District or other jurisdiction as appropriate.

#### **4.03.003 Apportionment of Credit**

Credit for Major Facilities shall be uniformly apportioned among the parcels for which the Major Facilities were approved at the time of installation.

#### **4.03.004 Participation Charge Credit**

Credits allowed pursuant to this Code shall be applied toward a maximum of 50% of the amount of the Participation Charges due for the real property to which the credit is apportioned. Allowable costs of construction of Major Facilities which exceed the amount of Participation Charge credits allowed in this Chapter shall be reimbursed in accordance with 4.04001.

#### **4.03.005 Divided Parcel Credit**

Where credit is allowed pursuant to this Code and apportioned to a particular parcel that is to be divided, the credit shall be apportioned uniformly among the divided parcels.

#### **4.03.006 Designated Construction**

Unless otherwise determined by the Board, an owner of real property shall construct any Major Facility shown by the District to be designated for construction on that real property.

#### **4.03.007 Public Financing District Credits**

Credits for Major Facilities financed by an assessment district, community facilities (Mello Roos) district, special tax district, or similar public infrastructure financing may be allowed by the District. The Applicant shall immediately notify District of any proposal to provide funding for construction of Major Facilities by a public infrastructure financing entity. The District may, at its sole discretion, redetermine and reassign credits for sewer Participation Charges based on the amount of public funding thereby provided.

Any credit allowed shall be for a pro rata portion of those incidental expenses of the public infrastructure financing entity which are considered by the Board to be the ordinary expenses for construction of Major Facilities, and which are not incidental to and peculiar to the public infrastructure financing entity. Such incidental expenses for which credit shall not be allowed include, but are not limited to, attorneys' fees, preparation of legal descriptions, preparation of documents, all expenses related to the sale of bonds, and other expenses required by the Placer County Treasurer or appropriate administrative authority.

## CHAPTER 4 .04 REIMBURSEMENT AGREEMENTS

### 4.04.001 Reimbursement Agreement Terms

Where allowable costs of construction of Major Facilities exceed the amount of any Participation Charge credits, then in that event the amount of such exceedance shall be reimbursed by the District to the entity which constructed the Major Facilities, provided:

- A. The Major Facilities were constructed pursuant to plans approved by the District Engineer prior to commencement of any construction.
- B. The construction was not financed by a public infrastructure financing entity.
- C. Fee requirements, allowable credits and reimbursable amounts all have been determined consistent with this Code.
- D. The Applicant has paid all fees required by the Code.
- E. The reimbursement request was submitted in writing to the District prior to the final approval of an improvement plan, or where no improvement plan is filed, prior to commencement of any construction.
- F. A written reimbursement agreement has been executed by the party who executed the subdivision agreement with the County of Placer, City of Rocklin, or Town of Loomis. Where no subdivision map is to be filed and before the time the improvement plans for the real property are approved by the County of Placer, City of Rocklin, or Town of Loomis, the written reimbursement agreement shall be executed by the owner of the real property where the construction of the Major Facilities will occur.
- G. The written reimbursement agreement shall set forth the terms, conditions, amount of reimbursement and time frame for reimbursement, including no prepayment penalties and interest per annum at the net County of Placer treasury pool rate for the prior fiscal year on the unpaid balance, with interest not beginning to accrue until sixty (60) days have passed from the date construction is accepted by the District and from the date of receipt by the District of releases of liens, claims, and encumbrances on the Major Facilities, a reimbursement invoice for an amount consistent with the terms of the reimbursement agreement, and all documents necessary to substantiate the actual costs.
- H. Notwithstanding any other provisions contained herein, reimbursements will be made under the following terms:

- a. Reimbursements less than \$1,000,000 shall be made within twelve months of the execution of the reimbursement agreement.
  - b. Reimbursements greater than \$1,000,000 shall be made over a period of 5 years, in such amounts and frequency as the District may determine in its sole and exclusive discretion, calculated from the date of execution of the reimbursement agreement.
- I. The Board has approved the written reimbursement agreement.
  - J. The General Manager shall provide for the accounting of the collection and payment of reimbursement charges from the Benefit Area or Benefitted Property. Nothing herein contained shall require the District to segregate reimbursement charges collected by the District from general funds of the District or to maintain special funds or accounts for such charges.
  - K. The maximum term of any reimbursement agreement authorized by this Code shall be ten (10) years. Upon expiration of the term, all obligations of the District thereunder to collect the reimbursement charge and to reimburse the applicant shall cease.

#### **4.04.002 Public Financing District Reimbursements**

If reimbursement is sought from the District for the construction of Major Facilities financed by an assessment district, community facilities (Mello Roos) district, special tax district, or any similar public infrastructure financing entity, then any reimbursement from the District due there from shall be paid solely to the assessment district, community facilities (Mello Roos) district, special tax district, or any similar public infrastructure financing entity, or its successor, and not to the person constructing or causing the construction of the project. At no cost to the District, the person claiming entitlement to reimbursement shall have the entire burden of establishing to the District's complete satisfaction that the project is not constructed as a project of an assessment district, community facilities (Mello Roos) district, special tax district, or any similar public infrastructure financing entity. At no cost to the District, such District satisfaction may include, by way of illustration and not limitation, reimbursement conditioned upon indemnification, bond, mediation, judicial interpleader, and payment of District's actual attorney's fees. Notwithstanding the foregoing, the District Engineer may determine, in his or her sole discretion that reimbursement may be made to the property owner who constructed the Major Facilities.

If the construction of Major Facilities is financed by a public infrastructure financing entity and where the person, firm or corporation seeking reimbursement has deposited cash



into the incidental expense special deposit trust fund established for the financing of the assessment district, reimbursement may be allowed provided all provisions of this Code are met. The reimbursable amount shall be the lesser of the amount of the cash deposit or the amount by which the allowable costs for construction exceed the amount of any water development fee.

By entering into a reimbursement agreement, the District shall not be deemed an insurer of payment to the applicant of any reimbursement charge or charges or otherwise guarantee the collection and payment over to the applicant of any reimbursement charge.

## **CHAPTER 4 .05 MISCELLANEOUS PROVISIONS**

### **4.05.001 Conflicts**

In the event of a conflict between any provision of this Code and the provisions of any other ordinance, rule or regulation promulgated by any California city or county or by any federal or state agency, the provisions of this Code shall prevail except in cases where Federal or California law provide otherwise.

### **4.05.002 Severability**

It is hereby declared that in the event any provision or section of this Code is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Code shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Code irrespective of any provision which may be declared null and void.

### **4.05.003 Vested Contractual Rights Not Affected**

No provision of this Code shall be construed as altering or affecting any vested contractual rights between the District and any person, firm, or corporation with whom a valid contract exists as of the effective date of this Code.

**South Placer Municipal Utility District Code**

**Chapter 5 Encroachments on District Easements and Rights of Way**

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## **CHAPTER 5 ENCROACHMENTS ON DISTRICT EASEMENTS AND RIGHTS OF WAY**

### **CHAPTER 5.00 PURPOSE**

This Chapter in whole or in part is based on excerpts from Ordinance 15-03 adopted by the Board of Directors on September 3, 2015 to establish the criteria whereby the District may grant a property owner permission to encroach on a District easement or right of way, either upon the request of a property owner or upon the discovery of an unlawful encroachment on District property or rights of way. District facilities are located within established easements, property held by the District in fee and rights of way located within roads, subdivisions and undeveloped areas. The District's property and right of way interests must be protected and preserved at all times against unauthorized use, damage to District property and/or facilities, or hindrance of access to said facilities. The District may remove any encroaching structures from its property and rights of way at the property owner's expense. The purpose of this Chapter is to establish guidelines and requirements for certain types of encroachments which may be permitted.

### **CHAPTER 5.01 Definitions**

#### **5.01.005 Applicant**

The owner or authorized agent of the owner, or subdivider of real property who applies for a permit to encroach on a District-owned property, easement or right of way or who is discovered to have encroached thereon without approval from the District.

#### **5.01.010 Board**

Board of Directors of the South Placer Municipal Utility District (District).

#### **5.01.015 District**

The South Placer Municipal Utility District, a statutorily created district operating under the authority of and pursuant to the provisions of the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq).

#### **5.01.020 District General Manager**

The General Manager as appointed by the Board of Directors of the South Placer Municipal Utility District in accordance with the California Municipal Utility District Act (Public Utility Code commencing at Section 11501 et seq) or any District employee or agent of the District authorized by the General Manager to act on their behalf to enforce the provisions of this code.

### **5.01.025 Person**

Any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

## **CHAPTER 5.02 PROHIBITED ENCROACHMENTS**

### **5.02.001 Access**

The District must maintain access to its properties and rights of way so that it retains the immediate ability to construct, reconstruct, maintain, repair, test, inspect, relocate, and or operate any of its facilities.

### **5.02.002 Prohibited Encroachments**

The District may permit certain encroachments in its right of way so long as the encroacher completes an encroachment permit on a form prescribed by the District General Manager and signs an encroachment agreement. The following are encroachments that are prohibited and subject to immediate removal:

- A. Structures/buildings, whether above or below ground, that prohibit free and complete access to District facilities;
- B. Deep rooted trees; however, shallow rooted trees that grow no higher than 15 feet and have a mature root spread of no more than 10 feet may be permitted, provided the trees are planted no closer than 25 feet from the closest edge of the District's pipeline. Bushes and shrubs are generally allowed where they do not block access and they are no more than 3 feet tall. Additionally, trees cannot make the District's easement impassable, even if they comply with the aforementioned criteria.
- C. Large boulders;
- D. Blasting and heavy equipment; and
- E. Permanent structures within 10 feet of a District facility that cannot be removed without damaging other buildings or improvements.

## **CHAPTER 5.03 GUIDELINES FOR PERMISSIBLE ENCROACHMENTS**

- A. All requests for an encroachment permit are determined on a case-by-case basis depending on the recorded document that originally fixed the legal rights of the District, the location or anticipated location of District facilities, and any other factors that affect the District ownership, use, operation and access to said facilities. All requests for an encroachment permit are subject to review and approval by the District Board of Directors.
- B. The applicant must execute and record an agreement satisfactory to the District in all respects, which shall provide that the property owner shall indemnify and hold the District harmless for any damage to the District's facilities and also any damages to the encroachments, including all expenses incurred by the District, when removal by the District is required.
- C. The applicant must always supply the District with as-builts.
- D. Generally permissible items in an encroachment permit are as follows:
  - 1. Turf and other minor landscaping (trees and deep rooted shrubs not permitted per above);
  - 2. Asphalt per District approved design;
  - 3. Concrete per District approved design.
- E. When an unauthorized use of a District property or easement is discovered, the General Manager shall give notice of the infraction to the Person responsible.
- F. The decision whether to permit an encroachment shall be at the sole discretion of the Board of Directors of the District.
- G. The District may order the immediate removal of any otherwise permitted encroachments in the event such encroachments impair District access, and the cost of such removal shall be borne by the property owner.

## **CHAPTER 5.04 MISCELLANEOUS PROVISIONS**

### **5.04.001 Conflicts:**

In the event of a conflict between any provision of this Code and the provisions of any other ordinance, rule or regulation promulgated by any California city or county or by any federal or state agency, the provisions of this Code shall prevail except in cases where Federal or California law provide otherwise.

**5.04.002 Severability:**

It is hereby declared that in the event any provision or section of this Code is declared void or invalid by any Court of competent jurisdiction, that the remaining sections of the Code shall not be affected thereby, and it is the intent of said Board of Directors to enact each and every, all and singular, of the provisions of this Code irrespective of any provision which may be declared null and void.

**5.04.003 Vested Contractual Rights Not Affected:**

No provision of this code shall be construed as altering or affecting any vested contractual rights between the District and any person, firm, or corporation with whom a valid contract exists as of the effective date of this code.