

AN ORDINANCE

REGULATING THE USE AND CONSTRUCTION
OF PUBLIC WASTEWATER FACILITIES

December 31, 1980

SPECIAL DISTRICTS DEPARTMENT
SAN BERNARDINO COUNTY

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ORDINANCE

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OF PUBLIC WASTEWATER FACILITIES

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ORDINANCE NO. SD 80-9

AN ORDINANCE OF NAMED SPECIAL DISTRICTS AND COUNTY SERVICE
AREAS REGULATING THE CONSTRUCTION AND USE OF PUBLIC
WASTEWATER FACILITIES

The Board of Supervisors of the County of San Bernardino, State of California, acting in its capacity as the governing body of the special districts and county service areas named in Section 1.1 of this ordinance, all of which are located entirely within the boundaries of the County of San Bernardino, does ordain as follows:

SECTION 1.0
GENERAL PROVISIONS

1.1 - ORDINANCE IN FORCE - From and after the effective date of this ordinance, it shall be in full force and effect within the following sanitation districts and county service areas, including all improvement areas and zones therein:

Lake Arrowhead Sanitation District
Crestline Sanitation District
County Service Area 42
County Service Area 48
County Service Area 53
County Service Area 56
County Service Area 63
County Service Area 64
County Service Area 70
County Service Area 72
County Service Area 79
County Service Area 82

1.2 - AUTHORITY - The county service areas named in Section 1.1 hereof were formed and presently exist pursuant to the provisions of the County Service Area Law, being Chapter 2.2 of Part 2 of Division 2 of Title 3 of the California Government Code, commencing with Section 25210.1 thereof. The sanitation districts named in Section 1.1 hereof were formed and presently exist pursuant to the provisions of the county sanitation district act, being Chapter 3 of Part 3 of Division 5 of the California Health and Safety Code, commencing with Section 4700 thereof.

1.3 - GENERAL STATEMENT OF POLICY - The general policy of the District is to acquire, maintain and operate adequate Wastewater Systems to serve the present needs of the District and to provide for future needs.

1.3.1 - ANNEXATIONS - Territory may be annexed to the District subject to such proceedings and conditions as may be imposed or permitted by applicable laws. Conditions to annexation may require the payment of fees and the transfer of facilities to the District or to other agencies.

1.3.2 - FEES - The Board may impose and collect fees and charges for services which the District renders or makes available.

1.3.3 - SALE OF BY-PRODUCTS - The District may sell or otherwise dispose of water, treated or reclaimed wastewater or any other by-product of District operations to private individuals, corporations, or public entities.

1.3.4 - NO LIABILITY - The District and its officers, agents and employees shall, to the extent permitted by law, incur no liability for actions taken to enforce any of the provisions of this ordinance.

1.4 - SCOPE - This is an ordinance regulating within the District boundaries the use and construction of public wastewater facilities, the installation and connection of building sewers, and the discharge of wastes into the public wastewater systems, and providing penalties for violation thereof, as ordained and enacted by the Board.

This ordinance supercedes and replaces all prior and existing ordinances, rules, resolutions, and schedules regulating the use and construction of public wastewater facilities and their appurtenances within the District to which this ordinance is applicable. Except as provided in Section 5.0 hereof, all such ordinances, rules, resolutions and schedules shall be, and the same are, hereby repealed and rescinded and made of no further force or effect.

1.5 - DEFINITIONS - The meaning of terms used in this ordinance shall be as defined in the Uniform Plumbing Code except as specifically modified herein, or as inconsistent with the definitions contained herein or with the context thereof. The following definitions shall prevail in the event of any inconsistency with or omission from the Uniform Plumbing Code definitions:

1.5.01 - APPLICANT - The person making application hereunder, who shall be the owner of the premises involved or his agent authorized as such in writing, or a plumber or contractor licensed as such by the State of California.

1.5.02 - BOARD - The Board of Supervisors of the County of San Bernardino, State of California, acting in its capacity as the governing body of the District.

1.5.03 - BUILDING SEWER - That portion of sewer from the building sewer drain to the Public Sewer, including the sewer lateral and the cleanout.

1.5.04 - COMMISSION - An Advisory Commission of the District appointed by the Board in accordance with its policies.

1.5.05 - CONTRACTOR - An individual, firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done under the permit, contract or agreement.

1.5.06 - COST - The cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

1.5.07 - COUNTY - The County of San Bernardino, State of California.

1.5.08 - DISTRICT - Any county service area, improvement zone, or sanitation district which has adopted this ordinance and for which the Board is the governing body. Also, textual reference to "The District", shall mean the county service area, improvement zone or sanitation district which is administering or enforcing this ordinance.

1.5.09 - DISTRICT ENGINEER - The Engineer appointed by the Board to support the District.

1.5.10 - DISTRICT MANAGER - The person employed or appointed to act as manager for the District.

1.5.11 - EQUIVALENT DWELLING UNITS (EDU) - The number of Equivalent Dwelling Units fixed and established for all the various classifications of types and uses of property by the Rules and Regulations of the District, as such classifications may be duly revised from time to time.

1.5.12 - FIXTURE UNIT EQUIVALENTS - The fixture unit equivalent prescribed by the Uniform Plumbing Code or substantially equivalent provisions in subsequent plumbing codes adopted by the Board.

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

1.5.14 - INSPECTOR - An authorized District representative who performs inspection duties.

1.5.15 - OWNER - The person or persons in whose name the legal title to property appears by deed duly recorded in the County Recorder's Office. Also, a person holding property pursuant to a Term Special Use or other permit issued by a governmental entity.

1.5.16 - PERMIT - Any written authorization required pursuant to this ordinance or any other rule or regulation of the Board.

1.5.17 - PERSON - One or more individuals of either sex, or a company or other legal entity, including the heirs, assigns and successors in interest thereof.

1.5.18 - PUBLIC SEWER - That portion of a sewer which is a common sewer owned or directly controlled by the District. It does not include any portion of a building sewer.

1.5.19 - SEWAGE - Any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

1.5.20 - SEWER SYSTEM - Integrated facilities for collecting, transporting, pumping, treating and disposing of sewage, which are owned or directly controlled by the District.

1.5.21 - SEWER - A pipe or conduit for carrying sewage.

1.5.22 - SPECIAL DISTRICTS DEPARTMENT - The department authorized by the Board to provide extended services to special districts functioning in the County.

1.5.23 - SPECIAL DISTRICTS DIRECTOR - The person appointed by the Board to act as Director for the Special Districts Department.

1.5.24 - UNIFORM PLUMBING CODE - The Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and as adopted by the County as its plumbing code.

1.5.25 - USER - The person or persons owning or controlling property or improvements to which the sewer facilities of the District are connected or available.

1.5.26 - WASTEWATER FACILITIES - Any facility for the transportation, treatment, or disposal of sewage.

1.6 - PUBLIC SEWER REQUIREMENTS

1.6.1 - USE OF PUBLIC SEWERS - Use of public sewers shall be as specified in General Regulations of the Uniform Plumbing Code and in the provisions of this Ordinance and the rules and regulations adopted pursuant hereto.

1.6.2 - OCCUPANCY PROHIBITED - No building, industrial facility or other structure which is within District boundaries shall be occupied until the Owner has complied with the provisions of this Ordinance, all rules and regulations of the District, the Uniform Plumbing Code, and all other applicable County, State, or Federal Requirements.

1.6.3 - SEWER CONNECTION REQUIRED - The Owner of each house, building, or property within the District in which plumbing fixtures are installed and which abuts a street or easement in which there is located a Public Sewer, is required at the Owner's expense to connect said house, building or property with said sewer, in accordance with the provisions of this Ordinance and within the time specified in an official notice to connect, served on or provided to the Owner by the District. This provision shall apply unless the nearest building of the affected property is more than two hundred (200) feet from said sewer.

1.6.4 - EXEMPTIONS - Notwithstanding Section 1.6.3 hereof, no connection to a sewer system shall be required where a waiver or exemption from such connection has been duly granted by the Special Districts Director pursuant to Section 1.12.10 of this Ordinance or by the executive officer or governing body of a regional water quality control board of the State of California pursuant to applicable law.

1.7 - PRIVATE SEWAGE DISPOSAL SYSTEM REQUIREMENTS - Where a public sewer is not available, or where connection to a Public Sewer is not required under the provisions of Section 1.6 hereof, the Building Sewer of each house, building or property within the District in which plumbing fixtures are installed shall be connected to a private sewage disposal system complying with the design policies and codes of the Department of Environmental Health Services, the provisions of the Uniform Plumbing Code and with all applicable County, State or Federal policies, procedures and requirements.

1.8 - BUILDING SEWER AND CONNECTION REQUIREMENTS

1.8.01 - PERMIT - No person shall make a connection to any Public Sewer without first obtaining a written Permit therefor from the District and paying all fees connected therewith. Application for a Permit shall be made on a form furnished by the District. The Permit application shall be accompanied or supplemented by such plans, specifications, and other pertinent information as may be required by the District Manager.

1.8.02 - INSPECTION - The Building Sewer and its connection to an existing sewer shall be inspected by the Inspector and if he finds it to be satisfactory, he shall affix an approval tag to the connection.

1.8.03 - RULES AND REGULATIONS - The Board may adopt rules and regulations with respect to Building Sewers and to sewer system connections, including but not limited to: permit, connection and inspection fees; procedures for installation; notices; testing; and other related matters.

1.8.04 - INDEPENDENT SYSTEMS - The sewage drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building and when feasible, every building shall have an independent connection with a public or private sewer.

1.8.05 - EXISTING BUILDING SEWERS - Existing Building Sewers may be used to connect new buildings to the Sewer System only when they are found by the District to satisfy the District's then current specifications and construction methods. If an existing Building Sewer is not to be used after demolition of a building, the Building Sewer must be disconnected at the property line and the Building Sewer remaining between the property line and the Public Sewer must be capped at the property line. Disconnection and capping after demolition is subject to inspection and approval by the District.

1.8.06 - BACKWATER VALVE REQUIRED - The District may require the installation of an approved backwater valve as specified in the Uniform Plumbing Code or as deemed necessary by the District to protect the Owner's property.

1.8.07 - GRAVITY FLOW NOT POSSIBLE - In all buildings in which any building sewer drain is too low to permit gravity flow to the Public Sewer, sewage carried by such building drain shall be discharged to the Sewer System only by a means approved by the District and at the Owner's expense.

1.8.08 - ILLEGAL CONNECTIONS - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or building sewer drain which in turn is connected directly or indirectly to a Public Sewer.

1.8.09 - SPECIAL CONNECTIONS - Swimming pools, spas and therapy pools may connect to the Public Sewer only pursuant to a special Permit issued by the District. Building and Safety shall notify the District and assure that the Owner has obtained a Permit from the District prior to issuing a construction permit for the pool or spa. All such connections shall be inspected and approved by the District prior to use. Discharge into the Public Sewer from such facilities shall be made only at such times as may be specified by the special connection Permit.

1.8.10 - AUTHORIZATION FOR CONNECTION - The connection of the building sewer to the Public Sewer shall conform to the requirements of the District, shall be under District jurisdiction, and shall be made only by an insured Contractor or by the Owner or by the Owner's duly authorized agent.

If a sewer lateral is not available to the property, the District shall install a 'wye' or 'tee' and the Contractor or Owner shall then connect the building sewer to the 'wye' or 'tee'. The District may charge a fee for the installation of the 'wye' or 'tee'.

1.8.11 - BUILDING SEWER MAINTENANCE - The user shall bear the burden and all expenses related to maintenance and repair or replacement of the Building Sewer.

1.9 - PUBLIC SEWER CONSTRUCTION REQUIREMENTS

1.9.01 - APPROVAL - No person shall construct or extend a Public Sewer without first obtaining written approval from the District and paying all fees connected therewith. This provision does not apply to the construction of sewers and appurtenances under contracts entered into with the District and on its account. Design and construction of a Public Sewer system or any portion thereof shall be in accordance with the Design Criteria and Technical Specifications of the District.

1.9.02 - BONDING OF IMPROVEMENTS - A Faithful Performance Bond, or a cash deposit, when required by Section 1.902.1 hereof or by other applicable law, shall be furnished by the Owner to the District. The bond or deposit shall be for not less than one hundred ten (110) percent of the construction estimates as approved by the District Engineer and the District Manager and shall guarantee the completion of construction of those sewerage facilities proposed. The bond or deposit shall be accompanied by and shall secure the performance of an agreement to the same effect between the Owner and the District. The bond and agreement shall bear the same date.

1.9.02.1 - WHEN REQUIRED - A performance bond or cash deposit will be required when any of the following conditions exist:

- a. The Owner or developer has requested a letter to be sent to the State Real Estate Commission for issuance of final Real Estate report.
- b. Future improvements to the Sewer System will be dependent on portions of the System for which the construction permit application has been made.
- c. Completion of the proposed facilities is necessary to comply with or to avoid the violation of a law, regulation or order of a governmental agency of competent jurisdiction.

1.9.02.2 - BOND AND AGREEMENT FORMS -- The bond and the agreement shall be in a form approved by the County Counsel.

1.9.03 - LIABILITY - The District and its officers, agents, independent contractors, consultants, and employees shall not be answerable for any liability or injury or death to any person, or damage to any property arising during, or growing out of the performance of any work or construction by any Applicant, Contractor or Owner. The Applicant shall hold District and its officers, agents, independent contractors, consultants, and employees harmless from any liability imposed by law upon District or its officers, agents, independent contractors, consultants, or employees, including all costs, expenses, fees, and interest incurred in defending same, or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work, or any failure or damage which may develop therein.

1.9.04 - FEASIBILITY OF SUBDIVISION SERVICE - An Applicant or developer wishing to determine if sewer service is available and feasible for a subdivision within the District, shall furnish to the Special Districts Department tentative maps showing lot sizes, street layout, and elevations based upon USGS datum, proposed points of connection to the District's sewers, proposed pump stations and flow data based upon the design criteria of the District. Upon receipt of the appropriate fee as prescribed by the District rules and regulations, the District Engineer and Manager will review the map and the Special Districts Department will inform the applicant or developer by letter if sewer service is available and feasible and under what conditions, such as oversizing, buy in cost or modification of District facilities.

1.9.05 - PUBLIC SEWER EXTENSIONS - Public sewer extensions to serve one or more parcels of land may be made by and at the expense of the Owner or Owners of said land. The Owner or his Engineer shall follow the same procedure for public sewer extensions as are outlined in Section 1.9.04 hereof.

1.9.06 - PRIOR EXTENSION CONTRIBUTION - When an Owner makes an application for sewer service to a lot, parcel, tract, or subdivision to which Public Sewers are already available, he shall pay to the District his proportionate share of the cost of said Public Sewer, to the extent that such payment has not already been made. Proportionate share shall be computed by the District from the actual cost to the District or other person making the original Public Sewer extension on the basis of front footage benefit accruing to the newly served property.

1.9.07 - COST OF OVERSIZED MAINS - The developer or Applicant shall bear the cost of any oversizing of the main sewer lines for his property which may be deemed necessary by the District to serve present or future developments.

1.9.08 - REFUNDS - When Public Sewer extensions are made and paid for by a developer or Applicant and such sewer extension may be of benefit to another person in the future, said developer or Applicant may enter into a refund agreement with the District. Said refund agreement shall provide for refund payment from Public Sewer connection charges collected by the District from the new developer or Applicant. The refund shall be computed on the basis of actual cost to the person making the original Public Sewer extension per front foot benefited or equivalent assessment as determined by the District. All refund agreements shall become null and void ten years from the date first written.

1.9.09 - PLANS AND SPECIFICATIONS - The Applicant, his engineer or other Person proposing the construction of a Public Sewer within the District, will prepare plans and specifications for construction of said Sewer in accordance with the District's Design Criteria and Technical Specifications. Four (4) sets of plans and specifications, a subdivision map indicating sewer easements, and water system plans, where applicable, shall be submitted to the Special Districts Department for approval. This submittal will not relieve the Applicant or other Person constructing Public Sewer facilities from compliance with all other requirements imposed by Federal, State, County, or Local agencies.

1.9.10 - PLAN CHECK - The Special Districts Department will send two copies of the plans to the District Engineer and one copy to the District Manager. After consultation with the District Manager, the District Engineer will review the sewer plans for compliance with the District's requirements. The Special Districts Department will approve such plans provided the following conditions have been met:

1. The District Engineer has signed the plans certifying that they comply with District Rules and Regulations and/or Standards for Design Criteria or both if applicable, and are in conformance with master sewerage plans for the area.
2. The District Manager has signed the plans certifying that he has reviewed the plans and agrees that the District can maintain the proposed system.
3. The Applicant has paid the appropriate plan checking fee prescribed by the District Rules and Regulations.

1.9.11 - CONSTRUCTION - The Applicant will construct facilities in accordance with the approved plans and specifications and construction methods as set forth by the District Rules and Regulations. After approval of construction plans and specifications, a five (5) working day advance notice to the District Engineer is required prior to the start of construction. All construction shall be performed by a Contractor.

1.9.12 - INSPECTION - All construction work shall be inspected by an Inspector to insure compliance with all requirements of the District. No construction shall be covered at any point until it has been inspected and accepted by the District Engineer. The costs of such inspection shall be prepaid to the Special Districts Department by the Applicant in the form of inspection fees, the amount of which shall be prescribed by the Rules and Regulations of the District.

1.9.13 - ACCEPTANCE OF FACILITIES - Before the District will accept sewers and/or appurtenances into its maintained Sewer System, the Applicant shall provide to the District, at the Applicant's expense, the following documents:

1. Recorded Notice of Completion and evidence that the sewer work has been paid for and completed.
2. One set of reproducible "as-built" plans (mylar or linen), plus five (5) sets of prints, which show exact locations, depths and descriptions of all facilities.
3. Original recorded easement documents for Public Sewers not in public property, public right-of-way, or not dedicated to appropriate public use by a recorded subdivision or tract map.
4. Original Grant Deed transferring to the District title to those facilities which are to become part of the Public Sewer.
5. District Engineer's signature on the as-builts certifying that facilities were installed according to plans and specifications.
6. Two operation and maintenance manuals for each pump station and unit of mechanical equipment.

1.9.14 - EASEMENTS - Where it is necessary to cross private property to achieve construction, or to provide access for future sewers serving adjacent or upstream tributary land, the following procedure shall be used in the preparation, review and processing of the easements and easement documents.

1. Applicant shall prepare and obtain the execution of such documents conveying easements as may be needed for the construction and location of all Public Sewers which do not lie within public roads, are not shown on recorded tracts, land divisions, or are on private property. Required easements shall be delineated on the plans and the recorded data shall be shown on the "as-built" plans. The Applicant shall submit duly executed documents to the Special Districts Department for acceptance and recording. All District sewer easements shall be at least ten feet in width unless otherwise approved by the District.
2. The District Engineer and District Manager shall review easement documents with descriptions as part of the plan review.
3. No structures or improvements will be allowed upon an easement dedicated to the District. The District will not be responsible for any damage to any such unauthorized structures or improvements.

1.10 - DISTRICT RULES AND REGULATIONS

1.10.1 - PUBLIC SEWER SYSTEM USE - Rules and Regulations as adopted by the Board shall: govern the quantity and quality of permissible discharges to the Sewer System; provide limitations and prohibitions as to specified wastes such as grease, oil and sand; require Grease and Sand Interceptors and Separators as specified in Sections 708, 710, 711, and 712 of the Uniform Plumbing Code (or as modified and superseded by the District's Rules and Regulations); govern maintenance of flow equalizing systems; regulate swimming pool discharges; and prescribe tests. The determination as to whether a discharge is permissible may require an acceptable analysis or test of the discharge as evidence that the discharged waste will not adversely affect the Sewer System. The cost of any such analysis or test shall be borne by the User.

1.10.2 - SERVICE REFUSED - The District may refuse or terminate service for noncompliance with its Ordinance or Rules and Regulations, including the non-payment of fees.

1.11 - PERMIT AND FEE REQUIREMENTS

1.11.1 - PERMIT - No Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or perform any work on any Public Sewer without first obtaining a written permit or written authorization therefor from the District. This provision shall not apply to a duly authorized representative of the District.

1.11.2 - PERMIT PROCEDURE - The Board shall adopt procedures for application and approval of Permits. Such procedures shall be contained in the Rules and Regulations of the District. Each Permit shall specifically state the obligations, liabilities and responsibilities of the permittee, and the expiration date, if any, of the Permit.

1.11.3 - DURATION OF PERMIT - Permits issued pursuant to this Section shall expire at the time set by the Rules and Regulations of the District, not to exceed six (6) months, and shall then be of no further force or effect. Fees paid under any permit are not subject to refund or credit in the event that a permit expires without completion of its entitlement.

1.11.4 - STREET EXCAVATION PERMIT - A separate permit must be secured from the agency having jurisdiction over any public street or right-of-way in which an Owner or Contractor intends to make an alteration or excavation in carrying out any work authorized or required by the District.

1.11.5 - CONNECTION PERMIT - No sewer connection Permit will be issued by the District until all fees related thereto have been paid and until the County Transportation Department Excavation Permit or State Highway Encroachment Permit, or both as required, are issued. A Connection Permit is authorization only to uncover and connect to the sewer lateral or to the 'wye' or 'tee' installed by the District. It is not authorization to uncover, disturb, or otherwise alter any portion of the Public Sewer.

1.11.6 - FEES - The Board shall by resolution prescribe and modify fees and charges for Permits, construction, inspection, plan checking, feasibility studies, environmental reports, standby capacity, collection expenses, variances, connections, buy-in, use and availability of sewer facilities and for such other services as may be provided by the District. All annexations or new developments within the District shall pay all applicable fees as determined and prescribed by the District's Rules and Regulations. The fees and charges, as so prescribed and modified, are hereby deemed incorporated into the Rules and Regulations of the District.

1.12 - VIOLATION, ENFORCEMENT, AND POLICING

1.12.01 - VIOLATIONS UNLAWFUL - It is unlawful for any Person to connect, construct, install, provide, maintain, or use any other means of sewage disposal from any building in the area served by sewers of said District except as provided in this Ordinance. Any Person violating this provision shall be subject to the penalties provided by law.

1.12.02 - PROTECTION FROM DAMAGE - No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District Sewer System. Any Person violating this provision shall be subject to the penalties provided by law.

1.12.03 - INVESTIGATION POWERS - Each duly authorized employee and representative of the District shall carry evidence establishing his position as such and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection, re-inspection, observation, easurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Ordinance and the Rules and Regulations of the District. If such entry is refused, the District shall have recourse to every remedy provided by law to secure entry. No person shall represent himself to be an employee or representative of the District except as authorized to do so by the District Manager.

1.12.04 - VIOLATION - Any Person found to be violating any provision of this or any other Ordinance, Rule, or Regulation of the District shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. Whenever a violation creates an emergency or hazard, the notice of violation may be oral, followed by a written notice as soon as reasonably possible and may require immediate correction. Each Person shall be held strictly responsible under the provisions of this or any other Ordinance, Rule or Regulation of the District for his own acts and for any and all authorized acts of his agents or employees as well. Upon being notified by the District or authorized representative of any violation of this ordinance, the Person having charge of the property, facility or work causing the violation shall immediately cease and desist from such violation and shall cause the commencement of such measures and procedures as may be necessary to correct the violation within the time specified by the District. If the violation or hazard is not ceased during the length of time specified, the District may cause the violation or hazard to be corrected and collect from the owner the cost thereof.

1.12.05 - PUBLIC NUISANCE - Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other Ordinance, Rule or Regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

1.12.06 - DISCONNECTION - As an alternative method of civil enforcement of the provisions of this or any other Ordinance, Rule or Regulation of the District, the District may disconnect the User from the Public Sewer. Upon disconnection, the District shall estimate the cost of disconnection from and reconnection to the Sewer. The User shall deposit that amount with the District plus the full amount of any delinquent fees and charges before such User is reconnected to the Sewer. The District shall refund or credit any part of such deposit remaining after payment of all costs of disconnection and reconnection and shall bill the User for any related costs in excess of the deposit. Notice of intent to disconnect shall be provided pursuant to Section 1.12.04 hereof, and neither the District or any of its employees or agents shall be held accountable for any damage which may occur to person or property during or because of disconnection.

1.12.07 - ABATEMENT - During any period of disconnection from an authorized sewage disposal system, habitation of affected premises by humans shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of such nuisance. This provision shall not apply to any premises which are not required by this Ordinance to be connected to a sewage disposal system. In the event such proceedings are brought and as a condition to authorizing connection or reconnection, the Owner or User shall pay to the District reasonable attorney fees and the costs associated with said proceedings.

1.12.08 - LIABILITY FOR VIOLATION - Any Person violating any of the provisions of any Ordinance, Rule or Regulation of the District shall be liable to the District for all expense, loss and damage accruing to the District by reason of such violation. This provision may be enforced in addition to any other remedy provided by law to the District because of such violation.

1.12.09 - CIVIL ENFORCEMENT ONLY - The District hereby declares that the foregoing procedures are established as a means of civil enforcement of the terms and conditions of its Ordinances, Rules or Regulations, and not to effect a forfeiture.

1.12.10 - VARIANCE - When any Person, by reason of special circumstances, is of the opinion that a variance is necessary or that any provision of any Ordinance, Rule, or Regulation of the District is unjust or inequitable as applied to his facilities or property, and that such special circumstances make his facilities or property different from any other properties which are subject to the provision complained of, that Person may make written application to the Director, Special Districts Department, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his facilities or property. If the Special Districts Director makes findings in accord with the required allegations of the application, he may suspend or modify the provision complained of, as applied to such facilities or property, to be effective as of the date of the application and continuing to a specified date or during the period of the special circumstances, as limited by Section 1.12.12 hereof. All persons found to be in such special circumstances shall be treated equally upon application for a suspension or modification hereunder. Any affected Person may appeal the decision to the Administrator, Environmental Public Works Agency, and thence to the Board, if such Person is in disagreement with the decision of the Administrator. The decision of the Board shall be final for all purposes.

1.12.11 - RELIEF ON OWN MOTION - The Board may, on its own motion after making the requisite findings, determine that by reason of special circumstances a provision of a District Ordinance, Rule or Regulation should be suspended or modified as applied to a particular facility or property, and may by resolution so suspend or modify such provision for a specified period or during the period of special circumstances as limited by Section 1.12.12 hereof.

1.12.12 - VARIANCE LIMITATIONS - No variance granted pursuant to Sections 1.12.10 or 1.12.11 shall be valid for a period in excess of five years, nor shall any such variance modify a fee established by the District.

1.13 - PENALTIES AND USE OF CITATION

1.13.1 - GENERAL PENALTY FOR VIOLATION - Any Person violating any of the provisions of this Ordinance and failing to correct such violation within the time allowed therefor, shall be guilty of a misdemeanor. Any Person convicted of a violation of any provision of this Ordinance, unless otherwise specifically provided in this Ordinance, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

1.13.2 - CONTINUING VIOLATIONS - Each Person who violates any provision of this Ordinance shall be guilty of a separate offense for each and every day during any portion of which such violation is committed, continued, or permitted by such Person and shall be punished accordingly.

1.13.3 - ACTS INCLUDING CAUSING, AIDING AND ABETTING - Whenever in this Ordinance any act or omission is made unlawful, it shall also be unlawful to cause, permit, aid or abet such act or omission, and shall be punishable in the same manner as is the principal act or omission.

1.13.4 - AUTHORIZATION TO ARREST - Pursuant to the provisions of Section 836.5 of the Penal Code, the District Manager and any Inspector are hereby authorized to arrest any Person who violates any provision of this Ordinance in the presence of such officer, and to issue notices to appear pursuant to Section 1.13.5 hereof in connection with any arrest authorized hereby.

1.13.5 - USE OF CITATION -

- a. If any Person is arrested for a violation of any provision of this Ordinance, the violation of which is herein declared to be punishable as a misdemeanor, and such Person is not immediately taken before a magistrate, as more fully set forth in the Penal Code of the State of California, the arresting officer shall prepare in duplicate a written notice to appear in Court, containing the name and address of such Person, the offense charged, and the time and place where and when such Person shall appear in Court.
- b. The time specified in the notice to appear must be at least five (5) days after such arrest.
- c. The place specified in the notice to appear shall be the court of a magistrate before whom the Person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

- d. The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the Person arrested from custody.
- e. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgement, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice of statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceeding shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for distribution pursuant to Section 1464 of the Penal Code.

- f. No warrant shall be issued on such charge for the arrest of a Person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, or appear for arraignment, trial or judgement, or to comply with the terms and provisions of the judgement, as required by law.
- g. When a Person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days after his failure to appear as promised.
- h. Nothing herein contained shall be deemed or construed to require any arresting officer to issue a citation instead of taking the Person arrested before a magistrate as otherwise provided by law.

SECTION 2.0
CRITERIA FOR DESIGN OF
SEWERS, SEWAGE LIFT STATIONS, AND APPURTENANCES

The necessary criteria, standard drawings, design criteria, and technical specifications for public sewers, sewage lift stations, and appurtenances shall be adopted by resolution of the Board of Supervisors from time to time as necessity dictates. A copy of each current resolution as adopted shall be on file in the office of the District and in the office of the Clerk of the Board and shall be available in each office for public inspection.

SECTION 3.0
STANDARD FORMS AND DOCUMENTS

Standard forms and documents for use in the business and activity of the District may be approved by the Special Districts Department as necessity dictates, and a copy of each approved form and document shall be on file in the office of the District and at the Special Districts Department, and shall be available for public inspection.

SECTION 4.0
VALIDITY

This Ordinance and the various parts, sentences, paragraphs, sections, and clauses hereof are hereby declared to be severable. If any such part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each part hereof regardless of the fact that one or more parts hereof might be declared unconstitutional or invalid.

SECTION 5.0
INTERIM RULE VALIDITY

Notwithstanding, any express or implied provision of this Ordinance to the contrary, the Rules, resolutions, and schedules of fees and charges which are in effect in and for the District when this Ordinance becomes operative shall remain in full force and effect until specifically replaced or re-enacted by the Board. Insofar as practicable, where such existing rules, resolutions and schedules make reference to a provision of an ordinance, rule, resolution or schedule which has been superseded by this Ordinance, such reference shall be deemed to be made to the provision of this Ordinance which has substantial equivalency.

SECTION 6.0
PUBLICATION

This Ordinance shall take effect thirty (30) days after the date of its adoption (and prior to the expiration of fifteen (15) days from its passage shall be published once in the San Bernardino Sun, a newspaper of general circulation, printed and published in the County of San Bernardino, State of California, together with the names of the members of the Board voting for and against the same.)

ORDINANCE

REGULATING THE USE AND CONSTRUCTION
OF PUBLIC WASTEWATER FACILITIES

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