

Bolinas Community Public Utility District

Ordinance No. 39

An Ordinance of the Bolinas Community Public Utilities District to provide a comprehensive system of wastewater regulation and revenue to support construction and operation of the wastewater disposal system.

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT AS FOLLOWS:

Ordinance No. 29 is hereby revised and amended as specified below.

Section 1: DEFINITIONS

f. Manager. The Manager for the Bolinas Community Public Utility District, or his/her designated representative.

hh. User. Any person who is owner of record, lessee, sublessee, mortgagee in possession, or responsible for property who contributes, causes, or permits the contribution of wastewater into the having a connection to a District sewer or for processes which contribute sewage to a District sewer.

Section 16: SEWER USE PERMIT

A Sewer Use Permit is required for users as follows:

- (a) Users whose premises are defined as residential under Section One (1) shall not use the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance, unless the residential users premises were connected to the sewer prior to November 16, 1994;
- (b) Users who convey waste by tank truck to a point of direct entry into the sewer system shall not discharge waste to the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance;
- (c) Users whose premises are defined as non-residential under Section One (1) and who acquire or newly occupy premises after November 16, 1994, shall not use the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance; or,
- (d) Users whose premises are defined as non-residential under Section One (1) and whose premises were connected to the sewer prior to November 16, 1994, shall not use the public sewer system without first filing an application for a Sewer Use Permit within 30 (thirty) days after being requested by the Manager to do so.

~~Users whose premises are defined as residential or nonresidential under Section 1 (one) shall not use the public sewerage system without first obtaining the proper Sewer Use Permit.~~

~~(a).— All users who convey waste by tank truck to a point of direct entry into the sewerage system must obtain a Sewer Use Permit.~~

~~(b).— On or after the effective date of this ordinance, non-residential users who acquire or newly occupy premises which were then connected to the sewer must obtain a Sewer Use Permit.~~

~~(c).— Existing non-residential users whose premises are connected to the sewer prior to the effective date of this ordinance shall file an application for a Sewer Use Permit within 30 (thirty) days after notice by the Manager to do so.~~

(New) Section 32: MONITORING FACILITIES

- a. The Manager may require, at the user's expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Manager may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it may not be obstructed by landscaping or parked vehicles.
- b. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- c. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance the District's requirements and all applicable local construction standards and specifications. Construction shall be completed in 90 days following written notification by the District, unless otherwise allowed.

(New) Section 33: INSPECTION AND SAMPLING

The Manager may inspect the facilities of any user as to ascertain whether any purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Manager ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Manager shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards, so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

(New) Section 34: CONDITIONS OF LATERALS AND SEWER CONNECTIONS

All persons shall be responsible for maintenance and repair of the sewer lateral from the building to its interconnection with the District's main. All persons shall keep their sewer laterals, sewer connections and/or building sewers in good order at their own expense and shall be liable for any damages which may result from their failure to do so.

(New) Section 35: APPROVAL OF PLANS FOR SEWERAGE CONSTRUCTION

No person, other than employees of the District or persons contracting to do work for the District, shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection, sewage pumping plant, pollution control plant, grease interceptor, other sewerage facility within the District where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the District without first obtaining approval of sewerage construction plans from the District.

The applicant shall submit to the District for approval, construction plans and such specifications and other details as required to describe fully the proposed sewerage facility. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

Plans for sewerage construction shall meet all design requirements of the District.

An approval of plans for sewerage construction shall expire one year after date of approval unless construction has been initiated.

(New) Section 36: INSPECTION AT TIME OF REMODEL

a. Whenever a person applies for a building and/or use permit for a remodel of an existing residential or non-residential facility from the County of Marin involving one or more plumbing fixtures, the property owner shall have the building sewer line tested for infiltration and inflow, unless he or she presents satisfactory proof to the Manager that the private lateral sewer line is less than 20 years old or has been repaired but not completely replaced within the last 10 years.

b. In order to ensure compliance with this section, the property owner shall obtain a Sewer Lateral Certificate from the Manager for continued sewer service to an existing service in which there is a remodel involving one or more plumbing fixtures and which requires a county building or use permit.

Section 32-37: RULES FOR ENFORCEMENT

e. Termination of Service. Pursuant to its Service Termination Procedures set forth by BCPUD Resolution 312, the District may terminate or cause to be terminated the service to any User or may revoke any sewer use permit if a violation of any provision of

this Ordinance is found to exist or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency of payment or for any other reason. Whenever a premise has been disconnected from the District's sewer system for a violation hereof, reconnection of said premises shall be in accordance with District regulations. Notwithstanding the District's Service Termination Procedures set forth by BCPUD Resolution 312, immediate termination of service may be caused by the Manager on any premises if there is an immediate public nuisance. The Manager may then, enter upon the premises without written notice to do such things and expend such sums as may be necessary to abate such nuisance, hazard or menace and the reasonable value of work done and the amounts expended in so doing shall be charged against the person or owner of the property so in violation.

Section 33 38: REQUEST FOR RULING

(text remains unchanged)

Section 34 39: APPEAL

(text remains unchanged)

Section 35 40: PUBLIC NUISANCE

(text remains unchanged)

Section 36 41: SEVERABILITY CLAUSE

(text remains unchanged)

Section 37 42:

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PASSED AND ADOPTED at a regular meeting of the Board of Directors on this 16th day of December, 2009.

AYES: AMOROSO, BENDER, KIMBALL, SIEDMAN, SMITH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



President, Board of Directors

Attest:



Secretary