

CHAPTER 1

ADOPTION OF THE ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT

PREAMBLE. Pursuant to Ordinance No. 140, passed by the Board of the Las Gallinas Valley Sanitary District on _____, 2008, the Ordinances of the Las Gallinas Valley Sanitary District (“District”) are compiled, consolidated and arranged as a comprehensive Ordinance Code, copies of which are on file in the office of the District Manager for the Las Gallinas Valley Sanitary District, pursuant to Health and Safety Code Section 6491.2 and Government Code Sections 50022.1 and 50022.8. The Ordinance Code is hereby codified, adopted, by reference, as “the Ordinance Code of the Las Gallinas Valley Sanitary District” (hereinafter may be referred to as “the Code” or “Code”).

ARTICLE I. GENERAL PROVISIONS.

Section 101. Title of Code. This Code shall be known as “the Ordinance Code of the Las Gallinas Valley Sanitary District” (hereinafter may be referred to as “the Code” or “Code”).

Section 102. Citing in Prosecutions. In any prosecution for the violation of any provision of this Code, it shall be sufficient to refer to the Ordinance Code of the Las Gallinas Valley Sanitary District as “the Code” or “Code.”

Section 103. Amendatory Ordinances. Any ordinance adding to, amending or repealing this Code shall be designated as an addition or amendment to, or repeal of, the Code, and shall be adopted in the manner and form provided by Sections 6490 - 6491.3 of the Health and Safety Code, in addition to any other applicable State law.

Section 104. Effect of Former Ordinances. The provisions of this Code, insofar as they are substantially the same as existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Section 105. Prior Ordinance Violations. Prosecution for violation of ordinances committed prior to the effective date of this Code shall not be affected by the adoption of the Code.

Section 106. Prior Licenses and Penalties. The adoption of this Code shall not be construed as a waiver of any license or penalty due and unpaid under any ordinance at the

effective date of the Code, nor shall such adoption be construed as affecting any provision of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to the violation thereof.

Section 107. Prior Bonds and Deposits. The adoption of this Code shall not affect the validity of any bond or cash deposit required to be posted, filed or deposited pursuant to such ordinance, and all rights and obligations thereunder shall continue in full force or effect.

Section 108. Matters of Record. This Code shall not affect deposits or other matters of record which refer to, or are otherwise connected with, ordinances which are therein specially designated by number or otherwise and which are included in the Code, but such references shall be construed to apply to the corresponding provisions of the Code.

Section 109. Construction Generally. The provisions of this Code, and all proceeding under it, are to be construed to effect its object and to promote justice.

Section 110. Headings. Title, Chapter, Article and Section headings contained herein shall not govern, limit, modify or affect the scope, meaning or intent of the provisions of this Code.

Section 111. Territorial Limitation. This Code shall refer only to the omission or commission of acts within the jurisdictional limits of the Las Gallinas Valley Sanitary District, County of Marin, State of California, and such other territory over which the District has jurisdiction or control by virtue of the constitution, or any law, or by reason of ownership or control of property.

Section 112. Local Signification. All references in this Code to places, acts, persons or things, and all else in relation to this Code, shall be construed to mean that the same are applicable to this District, whether the District is mentioned in each particular section or not.

Section 113. Titles. The use of title of any officer, employee, office, department, board, commission or ordinance shall mean such officer, employee, office, department, board, commission or ordinance of the District, unless otherwise designated.

ARTICLE II. DEFINITIONS. As used in this Code, unless a different meaning is apparent from the context or is specified elsewhere in the code:

Section 201. DISTRICT means the Las Gallinas Valley Sanitary District, County of Marin, California.

Section 202. BOARD OF DIRECTORS means the Board of Directors of Las Gallinas Valley Sanitary District.

Section 203. OATH includes affirmation.

Section 204. PERSON means and includes any human being, individual, firm, company, partnership, association and private or public and municipal corporations, the United State of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Section 205. SECTION, ARTICLE, CHAPTER and TITLE mean, respectively, section, article, chapter and title of this Code.

Section 206. SHALL and MUST are mandatory and MAY is permissive.

Section 207. WRITTEN includes every form of legible recording.

ARTICLE III. ENFORCEMENT.

Section 301. Violation Declared Misdemeanor. Any person who violates or willfully fails to comply with any provision of this Code is guilty of a misdemeanor, pursuant to Health & Safety Code Section 6523.

Section 302. Continuing Violation. Each person, firm or corporation shall be deemed guilty of a separate offense for each day, or portion thereof, during which any violation of any provision of this Code is committed, continued or permitted, by such person, firm or corporation, and shall be punishable as herein provided.

Section 303. Penalty for Violation. Any person convicted of a misdemeanor under the provisions of this Code (unless otherwise provided herein) shall be punishable by imprisonment in the county jail for a period of not to exceed thirty (30) days, or by a fine of not to exceed One Thousand Dollars (\$1000), or by both, or as allowed by Health & Safety Code Section 6523.

Section 304. Right to Enter Property. Pursuant to Health & Safety Code Section 6523.2, in order to effect its powers, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation.

Section 305. Correction of Violation of Ordinance. Pursuant to Health & Safety Code Section 6523.3, the District may correct any violation of an ordinance of the District. The cost of such correction may be added to any sewer charge payable by the person(s) violating said

ordinance of the owner or tenant of the property upon which the violation occurred. The District may collect such costs of correction in the same manner as it may have for collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, restraining any person(s) from the continued violation of any ordinance.

Section 306. Remedies are Cumulative. The remedies and civil penalties provided by this Chapter shall be in addition to any other remedies and penalties provided by law.

ARTICLE IV. MISCELLANEOUS PROVISIONS.

Section 401. Undefined Words. Words and phrases not defined in this Code are construed according to the context and approved usage of the language.

Section 402. Number. The singular number includes the plural, and the plural includes the singular.

Section 403. Gender. Words used in the masculine gender include the feminine and neuter.

Section 404. Tense. Words used in the present tense include the future.

Section 405. Severability. If any provisions of this Code, or the application thereof, to any person or circumstance is held invalid, the remainder of this Code, or the application thereof, to other persons and circumstances shall not be affected thereby; and, to this end, the provisions of this Code are declared to be severable.

ARTICLE V. CODIFICATION OF EXISTING ORDINANCES. Each of the District's ordinances may be, unless expressly repealed or repealed by amendment, in the discretion of the Board, codified as indicated in TABLE 1, attached hereto and incorporated by reference herein and organized under the specified Title and Chapter indicated in TABLE 1. The final codified version of an ordinance shall incorporate all amendments to said ordinance. All Article and Section numbering and headings indicated in the original ordinance shall remain in effect, unless otherwise indicated.

[Adopted by Ord. No. 140, __/__/2008]

TABLE 1
EFFECTIVE STATUS AND/OR CODIFICATION OF ORDINANCES
FOR LAS GALLINAS VALLEY SANITARY DISTRICT

Ord. No.	DESCRIPTION	Amended/Repealed	New Codification
1	Time and Place for Regular Meeting.	Amended by Ord. Nos. 5, 18, 22, 35, 42, 43, 106, 11, 126, 128 & 137.	Title 1, Chap. 2.
2	Rates & Charges for Sewage Disposal Service.	Amended by Ord. Nos. 6, 13, 23, 26, 105 & 130.	Title 3, Chap. 1.
3	Issuance of Sewer Bond.	Bond Matured - Obsolete.	
4	Regulating Garbage, Rubbish, Waste and Refuse.	Repealed by Ord. No. 28.	Inoperative.
5	Amending Ord. No.1, Sec. 2 and 3.		Title 1, Chap. 2.
6	Amending Ord. No. 2, Sec. 2 and 10.		Title 3, Chap. 1.
7	Establishing Variable Rates for Different Part of District.	Repealed by Ord. Nos. 54 & 98	Inoperative.
8	Collection of Sewer Service Charges for FY 1956-57.		Uncodified.
9	An Ordinance Regulating The Use Of Public And Private Sewers And Drains - "Sanitary Code of Las Gallinas Valley Sanitary District of Marin County."	Repealed by Ord. Nos. 63 & 66.	Inoperative.
10	Prohibiting the Use of Impact and Vibrating Machines for Compacting Sewer Trenches, et al.	Repealed in effect by Ord. No. 66.	Inoperative.
11	Sewer Service Charges for FY 1957-1958.		Uncodified.
12	Policies, Procedures and Bidding Regulations Governing Purchase of Supplies and Equipment.		Title 1, Chap. 3.

13	Amending Ord. No. 2, Sec. 10 and 10.1.	Amended by Ord. No. 105.	Title 3, Chap. 1.
14	Amending Ord. No. 7.	Repealed by Ord. No. 54 & 58.	
15	Sewer Service Charges for FY 1958-1959.		Uncodified.
16	Amending Ord. No. 4.	Repealed by Ord. No. 28.	Inoperative.
17	Issuance of Sewer Revenue Bonds.	Bond Matured.	Obsolete.
18	Amending Ord. No. 1, Sec. 3.		Title 1, Chap. 2.
19	Sewer Service Charges for FY 1959-1960.		
20	Reimbursement for Public Sewer Main Extensions.	Amended by Ord. No.51.	Title 3, Chap. 2.
21	Amending Ord. No. 4 Re: Collection, Removal and Disposal of Garbage, Rubbish, Waste and Refuse.	Repealed by Ord. No. 28.	Inoperative.
22	Amending Ord. No. 1., Sec. 9		Title 1, Chap. 2.
23	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105.	Inoperative.
24	Amending Ord. No. 7.	Repealed by Ord. Nos. 54 & 98.	Inoperative.
25	Sewer Service Charges for FY 1960-1961.		Uncodified.
26	Amending Ord. No. 2, Adding Sec. 2(I) and Amending Sec. 10.	Amended by Ord. No. 105.	Title 3, Chap. 1.
27	Sewer Service Charges for FY 1961-1962.		Uncodified.
28	Regulating Garbage, Rubbish, Waste Matter and Refuse.	Amended by Ord. Nos. 38, 52, 61, 69, 74, 77, 81, 83, 87, 89, 91, 94, 95, 96, 97, 99, 101, 104, 107, 113, 116, 117, 118, 122, 123, 125, 129, 132 & 134.	Title 4, Chap. 1.
29	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105.	Inoperative.

30	Amending Ord. No. 7.	Repealed by Ord. Nos. 54 & 98.	Inoperative.
31	Sewer Service Charges for FY 1962-1963.		Uncodified.
32	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105.	Inoperative.
33	Amending Ord. No. 7.	Repealed by Ord. Nos. 54 & 98.	Inoperative.
34	Sewer Service Charges for FY 1963-1964.		Uncodified.
35	Amending Ord. No.1, Sec. 4 and 9.		Title 1, Chap. 2.
36	Sewer Service Charges for FY 1964-1965.		Uncodified.
37	Amending Ord. No. 9, Sec. 807.	Repealed by Ord. No. 66.	Inoperative.
38	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 52.	Inoperative.
39	Sewer Service Charges for FY 1965-1966.		Uncodified.
40	Installation and Maintenance of Backwater Prevention Devices.	Repealed by Sec. 512, of Ord. No. 66.	Inoperative.
41	Sewer Service Charges for FY 1966-1967.		Uncodified.
42	Amending Ord. No. 1, Sec. 1.		Title 1, Chap. 2.
43	Amending Ord. No. 1, Sec. 1.		Title 1, Chap. 2.
44	Sewer Service Charges for FY 1967-1968.		Uncodified.
45	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105.	Inoperative.
46	Amending Ord. No. 7.	Repealed by Ord. Nos. 54 & 98.	Inoperative.
47	Sewer Service Charges FY 1968-1969.		Uncodified.
48	Sewer Service Charges for FY 1969-1970.		Uncodified.
49	Amending Ord. No. 9, Sec. 807.	Repealed by Ord. No. 66.	Inoperative.
50	Sewer Service Charges for FY 1970-1971.		Uncodified.
51	Amending Ord. No. 20.		Title 3, Chap. 2.
52	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 61.	Inoperative.

53	Amending Ord. No .9, Sec. 807.	Repealed by Ord. No. 66.	Inoperative.
54	Amending Ord. No. 7.	Repealed by Ord. No. 98.	Inoperative.
55	Sewer Service Charges for FY 1971-1972.		Uncodified.
56	Regulating Construction and Installation of Sanitary Sewer Facilities in Areas Underlain by Bay Mud.		Title 2, Chap. 3.
57	Sewer Connection Policy.	Amended by Ord. Nos. 120 & 121.	Title 2, Chap. 6.
58	Amending Ord. No. 9, Sec. 130, 806, 807 and 808(d).	Repealed by Ord. No. 66.	Inoperative.
59	Sewer Service Charges for FY 1972-1973.		Uncodified.
60	Sewer Service Charges for FY 1973-1974.		Uncodified.
61	Amending Ord. No. 28, Sec. 1, 2, 5, 7, 11 and 20.	Sec. 1, 8, 9 & 20(C) Amended by Ord. No. 96; Sec. 5 Amended by Ord. No. 81; Sec. 20 Repealed by Ord. No. 69.	Title 4, Chap. 1.
62	Sewer Service Charges for FY 1974-1975.		Uncodified.
63	“The Industrial Waste Ordinance of the Las Gallinas Valley Sanitary District, Marin County, California.”	Repealed by Ord. No. 112.	Inoperative.
64	Amending Ord. No. 9, Sec. 130 and 305, Repeal of Art. VII and Adding New Art. VII.	Repealed by Ord. No. 66.	Inoperative.
65	Sewer Service Charges for FY 1975-1976.		Uncodified.
66	An Ordinance Regulating the Use of Public and Private Sewers and Drains – “Sanitary Code for Las Gallinas Valley Sanitary District of Marin Country.”		Title 2, Chap. 1.
67	Sewer Service Charges for FY 1976-1977.		Uncodified.
68	No Ordinance.		

69	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 74.	Inoperative.
70	Amending Ord. No. 2 .	Repealed by Ord. No. 105.	Inoperative.
71	Sewer Service Charges for FY 1977-1978.		Uncodified.
72	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105	Inoperative.
73	Sewer Service Charges for FY 1978-1979.		Uncodified.
74	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 77.	Inoperative.
75	<i>No Ordinance.</i>		
76	Amending Ord. No. 66, Sec. 806 and 807 of Art. VIII, Sec. 907 of Art. IX.	Amended by Ord. No.103.	Title 2, Chap. 1.
77	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 81.	Inoperative.
78	Amending Ord. No. 2.	Repealed by Ord. No. 105.	Inoperative.
79	Sewer Service Charges for FY 1980-1981.		Uncodified.
80	Amending Ord. No. 66, Adding Sec. 807.1 and Amending Sec. 808 of Article VIII.	Repealed by Ord. No. 103.	Title 2, Chap. 1.
81	Amending Ord. No. 28, Sec. 5 and 20.	Amended by Ord. No. 83.	Title 4, Chap. 1.
82	Sewer Service Charges for FY 1981-1982.		Uncodified.
83	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 87.	Inoperative.
84	Amending Ord. No. 66, Sec. 806 and 807 of Art. VIII.	Amended by Ord. No. 103.	Title 2, Chap. 1.
85	Amending Ord. No. 66, Sec. 807 of Article VIII.	Amended by Ord. No. 103.	Title 2, Chap. 1.
86	Sewer Service Charges for FY 1982-1983.		Uncodified.
87	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 89.	Inoperative.

88	Sewer Service Charges for FY 1983-1984.		Uncodified.
89	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 91.	Inoperative.
90	Authorizing Lease and Establishing Procedure for Entering Into Lease Re: Effluent Disposal Project.		Title, Chap. 6.
91	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 94.	Inoperative.
92	Amending Ord. No. 63.	Ord. No. 63 Repealed by Ord. No. 112.	Inoperative.
93	Amending Ord. No. 2.	Repealed by Ord. No. 105.	Inoperative.
94	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 95.	Inoperative.
95	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 97.	Inoperative.
96	Amending Ord. No. 28, Sec. 1, 8, 9, 10 and 20 (C).		Title 4, Chap. 1.
97	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 99.	Inoperative.
98	Repealing Ord. No. 7.		Inoperative.
99	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 101.	Inoperative.
100	Sewer Service Charge Re: Portion of District.	<i>Incomplete Ord. copy.</i>	?
101	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 104.	Inoperative.
102	Amending Ord. No. 2, Sec. 10.	Repealed by Ord. No. 105.	Inoperative.
103	Amending Ord. No. 66, Sec. 805 - 808 of Art. VIII.	Repealed by Sec. 807. 1 (Added by Ord. No. 80).	Title 2, Chap. 1.

104	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 107.	Inoperative.
105	Amending Ord. No. 2, Sec. 10.	Amended by Ord. No. 130.	Title 3, Chap. 1.
106	Amending Ord. No. 1, Sec. 1.		Title 1, Chap. 2.
107	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 113.	Inoperative.
108	Amending Ord. No. 2, Sec. 10 (C).	Repealed by Ord. No. 110.	Inoperative.
109	Amending Ord. No. 66, Sec. 807(D) and (E) of Art. VIII.	Amended by Ord. No. 124.	Title 2, Chap. 1.
110	Amending Ord. No. 2, Sec. 10 (C).	Repealed by Ord. No. 130.	Inoperative.
111	Amending Ord. No.1, Sec. 1.		Title 1, Chap. 1.
112	Regulation of Acceptance of Non-Domestic Waste.		Title 2, Chap. 2.
113	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 116.	Inoperative.
114	Los Ranchitos Assessment District.		Title 5, Chap. 1.
115	An Ordinance Requiring That All Dogs Entering the Reclamation Area Of The Las Gallinas Valley Sanitary District Be Leashed.		Title 6, Chap. 1.
116	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 117.	Inoperative.
117	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 118.	Inoperative.
118	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 122.	Inoperative.
119	Amending Existing Board Compensation.		Title 1, Chap. 4.

120	Amending Ord. No. 57, Sec 5.	Repealed by Ord. No. 121.	Inoperative.
121	Amending Ord. No. 57, Sec. 5 and Repealing Ord. No.120.		Title 2, Chap. 6.
122	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 123.	Inoperative.
123	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 125.	Inoperative.
124	Amending Ord. No. 66, Sec. 807 (D) and 807 (E) of Art. VIII.		Title 2, Chap. 1.
125	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 129.	Inoperative.
126	Amending Ord. No. 1, Para. 8.d.		Title 1, Chap. 2.
127	Establishing New Confidential Administrative Secretarial Position.		Title 1, Chap. 5.
128	Amending Ord. No. 1, Sec. 1.		Title 1, Chap. 2.
129	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 132.	Inoperative.
130	Amending Ord. No. 2, Sec. 10 (C).		Title 3, Chap. 1.
131	Amending Ord. No. 66, Sec. 807 (E) of Art. VIII.		Title 2, Chap. 1.
132	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 134.	Inoperative.
133	Amending Ord. No. 66.		Title 2, Chap. 1.
134	Amending Ord. No. 28, Sec. 20.	Repealed by Ord. No. 138.	Inoperative.
135	Regulating Acceptance of Fats, Oils and Grease (FOG).		Title 2, Chap. 4.
136	Prohibiting Food Grinders in Commercial Food Service Establishments.		Title 2, Chap. 5.
137	Amending Ord. No. 1, Sec. 1.		Title 1, Chap. 2.
138	Amending Ord. No. 28, Sec. 20.		Title 4, Chap. 1.
139	Amending Ord. No. 28, Sec. 20.		Title 4, Chap. 1.