

**CHAPTER 1**  
**SANITARY CODE OF THE**  
**LAS GALLINAS VALLEY SANITARY DISTRICT**  
**OF MARIN COUNTY**

PURPOSE. An ordinance regulating the use of public and private sewers and drains; the installation and connection of Building sewers and drains, the installation of sewer laterals and public sewers and public sewer main extensions; providing for employment of a General Manager and District Engineer, providing Permits and fixing fees for the installation and connection of sanitary sewers; establishing charges for annexed areas and subdivisions; regulating the discharge of waters and wastes into the public sewer system; and providing penalties for the violation of the provisions thereof.

ARTICLE I. DEFINITIONS

Section 101. Except as otherwise specified herein, all definitions from Title 1, Chapter 1, Article II, shall apply herein.

ARTICLE II. GENERAL PROVISIONS

Section 201. Rules and Regulations. The following rules and regulations respecting Sewer construction and disposal of Sewage and drainage of Buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Section 202. Purpose. This Ordinance is intended to provide rules and regulations for the use and construction of Sanitary Sewer facilities hereafter installed, altered or repaired within the District.

Section 203. Short Title. This Ordinance shall be known as the “Sanitary Code of Las Gallinas Valley Sanitary District of Marin County.”

Section 204. Violation Unlawful. Following the effective date of this Ordinance, it shall be unlawful for any Person to connect to, construct, install or provide, maintain and use any other means of Sewage disposal from any Building in said District except by connection to a Public Sewer in the manner as in this Ordinance provided.

Section 206. Permits and Fees. No Public Sewer, Side Sewer, Building Sewer or other sewerage facility shall be installed, altered or repaired, nor shall any plumbing system be installed, altered or repaired which will cause additional fixture units to be added to any existing connection, within the District, until such time as a Permit for the work has been obtained from the District and all fees paid in accordance with the requirements of this Ordinance Code.

### ARTICLE III. USE OF PUBLIC SEWERS REQUIRED

Section 301. Unlawful Disposal of Wastes. It shall be unlawful for any Person to place, deposit, or Permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, Garbage, or other objectionable waste.

Section 302. Treatment of Wastes Required. It shall be unlawful to discharge to any stream or watercourse any domestic or industrial wastes.

Section 303. Septic Tanks. It shall be unlawful to construct or maintain any septic tank, used for the disposal of Sewage, except for septic tanks in existence prior to January 1, 2015, unless the County of Marin has issued a permit for a septic tank or the exterior wall of the nearest Building connected to the septic tank is greater than four hundred (400) feet from the nearest Public Sewer.

Section 304. Occupancy Prohibited. No Building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of District.

Section 305. Sewer Required. The owner of any residential Building situated within the District and abutting on any street in which there is now located, or may in the future be located, a Public Sewer of the District and the exterior wall of the nearest residential Building is four hundred (400) feet or less from the nearest Public Sewer, is hereby required at his expense to connect said Building directly with the proper Public Sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so.

Commercial, industrial and public Buildings or institutions shall be required to connect to the District sewer system upon notice as herein provided.

Section 306. Sewer Becomes Available. When a Public Sewer becomes available, where no public sewer was previously available under the provisions of Section 305, and the exterior wall of the nearest Building is four hundred (400) feet or less from the nearest Public Sewer, the Building Sewers must be connected to that available Public Sewer within ninety (90) days after receiving official notice from the District to do so. Any privy vault, septic tank, cesspool, or similar private sewage disposal systems must be abandoned and filled with suitable materials, all as determined by the District.

Section 307. Combined Sewer. No roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, or groundwater, can be connected to any building drain, building sewer, or collector sewer that is connected directly, or indirectly, to a public sewer. It is unlawful to construct or maintain a combined sewer.

Section 308. Swimming Pool Connection Prohibited. Swimming pools shall not be connected or allowed to have installed a new connection to a Public Sewer, unless permitted by the District.

#### ARTICLE IV. PRIVATE SEWAGE DISPOSAL

Section 401. Sewer Not Available. Where a Public Sewer is not available under the provisions of Section 305, the Building Sewer shall be connected to a private sewage disposal system, complying with the provisions of this Ordinance.

Section 402. Permit Required. Before commencement of construction of a private sewage disposal system, the owner shall first apply to the Board for a Permit. The application for such Permit shall be made on a form furnished by the District, which the Applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Board and/or the District Engineer. A Permit and inspection fee shall be paid to the District, at the time application is filed in accordance with the provisions of this Ordinance. The Manager shall be authorized to issue such Permit only after the Board has determined that all of the applicable design requirements and criteria have been met.

Section 403. Inspection Required. A Permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the District Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event, the Applicant for the Permit shall notify the District Engineer when the

work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours, Sundays and holidays excluded, of the receipt of the notice by the District Inspector.

Section 404. Design Requirements. The type, capacities, locations and layout of a private sewage disposal system shall comply with all requirements of the Department of Public Health of the State of California, the Department of Public Health of the County of Marin and other regulatory agencies having jurisdiction thereover. No Permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one (1.0) acre for a drainfield area slope of less than five (5) percent, less than one and one-quarter (1.25) acres for a drainfield area slope of five (5) to ten (10) percent, less than one and one-half (1.5) acres for a drainfield area slope of ten (10) to twenty (20) percent, or less than two (2.0) acres for a drainfield area slope of twenty (20) to thirty (30) percent. Where the drainfield area slope is greater than thirty (30) percent, the area of the lot required for the issuance of a Permit will be considered on an individual basis by the Board. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or any stream or watercourse.

Section 405. Abandonment of Facilities. At such time as a Public Sewer becomes available to a property served by a private sewage disposal system, as provided in Section 305, a direct connection shall be made to the Public Sewer in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the District Inspector.

Section 406. Cost of Maintenance by Owner. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.

Section 407. Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Officer of the County.

#### ARTICLE V. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Section 501. Permit Required. In accordance with this Ordinance, no Person shall construct a Building Sewer, Lateral Sewer, make alterations to any plumbing system

which will cause additional fixture units to be added to any existing connection, or make a connection with any Public Sewer without first obtaining a written Permit from the District and paying all fees and Sewer Connection Charges as required.

Section 502. Construction Requirements. Construction of Building Sewers and Lateral Sewers shall be in accordance with the requirements and specifications of the District.

Section 503. Minimum Size and Slope. The minimum size of a Building Sewer shall be four (4) inches in diameter. The minimum slope of a Building Sewer shall be one and one-half (1.5) feet per one hundred (100) feet (1.5 percent slope). Not more than one hundred fifty (150) fixture units shall be connected to a six (6) inch diameter Building or Side Sewer.

Section 504. Separate Side Sewers. Each separate Building shall be connected to the Main Sewer with a separate Side Sewer, except that one or more Buildings located on property owned by the same Person may be served by the same Side Sewer if the District Engineer determines that it is unlikely that the ownership of said property can or will be divided in the future. However, if, for any reason, the ownership of said property is subsequently divided, each Building under separate ownership shall be provided with a separate Side Sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such common Side Sewer. Condominium conversions will be considered on an individual basis for conformance to this section.

Notwithstanding the provisions hereof, single family residential units with common walls, condominium, stock cooperative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a Permit authorizing such common use by the District Engineer, be permitted to maintain a common Side Sewer or Sewers.

Section 505. Original Building Sewers. Building Sewers that were originally part of the building structure when first constructed shall not be used in connection with new Buildings except when they are of non-rigid joint construction and satisfactorily passes both pressure testing and television inspection. It is the responsibility of the Applicant to obtain and furnish information for review and approval by the District.

Section 506. Cleanouts. Cleanouts in Building Sewers shall be provided in accordance with the rules, regulations and ordinances of the District. All cleanouts shall be maintained watertight and be capable at all times of passing a pressure or leak test, as applied by the District.

Section 507. Sewer Too Low. In all Buildings in which any Building Sewer is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such Building Sewer shall be lifted by artificial means, approved by the Manager and discharged to the Public Sewer at the expense of the owner.

Section 508. Connection to Public Sewer. The connection of the Building Sewer into the Public Sewer shall be made at the lateral or “Y” if such lateral or “Y” is available at a suitable location. Where a lateral or “Y” has not been installed at the point of desired connection, either a standard “Y” or “T” fitting shall be cut into the Main Sewer using approved couplings and fittings of the same material as the Main Sewer, or a saddle connection shall be made in conformance with District specifications. The “Y” or “T” fitting is the responsibility of the property owner. The connection to the Public Sewer shall be made in the presence of the District Inspector and under his supervision and direction. Any damage to the Public Sewer shall be repaired at the cost of the Applicant to the satisfaction of the District Inspector.

Section 509. Protection of Excavation. All excavations for a Side Sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County or any other Person having jurisdiction there over.

Section 510. Maintenance of Side Sewer. Side Sewers shall be maintained by the owner of the property served thereby. Where a Side Sewer provides service to more than one single-family residential unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the Side Sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

Section 511. Testing. All Building Sewers and Lateral Sewers, upon completion of construction or modification, shall be tested in accordance with the

requirements of the District Engineer by either an approved compressed air test or by filling the line with water and inspecting for excessive leakage. Fittings, plugs, compressor, water and labor for testing shall be furnished by the Person constructing the Sewer at his own cost. All lines showing excessive leakage shall be repaired or replaced at the expense of the Person doing the work and shall be done at the direction and to the satisfaction of the District Engineer.

Section 512. Backwater Prevention System. The backwater prevention system (BPS) consists of a backflow prevention device in combination with an overflow device. The District's policy regarding installation of a backwater prevention system is as follows:

1. New building sewer:

- a. Required on all new structures.
- b. Required on all private lift stations where a pump is used to lift sewage to the lateral or sewer main.

2. Existing building sewers:

- a. Required on all existing structures where it is determined that the upstream manhole rim elevation is greater than or equal to the lowest drain in the structure. For example, structures with basements or structures on steep hillsides.
- b. Required on all existing structures when the lateral requires major repair or total replacement.
- c. Required on all existing structures when additional plumbing fixtures are to be installed and/or when the structure floor area is to be increased by more than 25%.
- d. Required on all existing structures when the property is damaged by a blockage in a sanitary sewer main or lateral.

3. Notice of code violation:

Should the homeowner fail to comply with the above within 90 days of being notified in writing from the District, the District may, at its sole discretion, send the property owner a letter by certified mail advising them of applicable code violations.

4. Dwellings at risk of sewer backups/courtesy notice:

From time to time, District personnel may identify certain structures that are likely at risk from sewer backups. The owners of those properties will be notified by

certified letter explaining the benefits of retrofitting their building sewer with a BPS. Installation of a BPS under these circumstances is recommended, but not required.

Section 513. Alignment of Existing Sewer Laterals. The District may require a property owner to relocate or realign the path or run of existing sewer laterals as is necessary to avoid utilities, Buildings, structures, vegetation or trees, or other physical impediments or obstacles, and/or the addition of additional clean-outs in order to ensure access to said sewer lateral for inspection, repair, and/or maintenance.

Section 514. Requirements for Grease Interceptors/Traps. When in the judgment of the District, there is a potential for excessive amounts of grease, sand, flammable liquids, or other substances to be discharged into a public sewer, grease interceptors/traps must be provided, at no expense to the District, to reduce the quantities of these substances in the discharged sewage. Grease interceptors/Traps must be of types and sizes approved by the District Engineer and must be located to provide proper operation and ease of cleaning, maintenance, and inspection. Requirements for grease interceptors/traps will be determined on a case-by-case basis.

Section 515. Building Drain Lower Than Public Sewer. Where any building drain is too low to allow a gravity flow to the public sewer, the parcel owner or Permit holder will provide, at no expense to the District, a sewage lifting system approved by the District Engineer. This system is subject to inspection by the District and will be operated and maintained at no expense to the District.

## ARTICLE VI. PUBLIC SEWER CONSTRUCTION

Section 601. Permit Required. In accordance with this Ordinance, no Person shall construct, extend or connect to any Public Sewer without first obtaining a written Permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provision of this Section requiring Permits shall not be construed to apply to Contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Section 602. Plans, Profiles and Specifications Required. The application for a Permit for Public Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of



District, prepared by a Registered Civil Engineer, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plan, profiles and specifications shall be examined by the District Engineer who shall approve them as filed or require them to be modified as he deems necessary for proper installation. The decision of the District Engineer shall be within his/her sole discretion. The Permit shall prescribe such terms and conditions as the District finds necessary in the public interest.

Section 603. Subdivisions. The requirements of Sections 601, 602 and 611 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the Board. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which Public Sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the Permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

Section 604. Easements or Rights-of-Way. In the event that an easement is required for the extension of the Public Sewer or the making of connections, the Applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection.

Section 605. Persons Authorized to Perform Work. Only properly licensed Contractors shall be authorized to perform the work of Public Sewer construction within the District. All terms and conditions of the Permit issued by the District to the Applicant shall be binding on the Contractor. The requirements of this Section shall apply to side sewers installed concurrently with Public Sewer construction.

Section 606. Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any Public Sewer construction. The Contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

Section 607. Compliance with Regulations. Any Person constructing a Sewer within a street shall comply with all state, county or city laws, ordinances, rules and

regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, backfilling and repaving thereof and shall obtain all Permits and pay all fees required by the department having jurisdiction prior to the issuance of a Permit by the District. Any Person requesting a Permit shall also comply with the California Environmental Quality Act and any other applicable laws and regulations, and shall make all deposits required and pay all fees which may be established by the District to process applications to comply with said Act.

Section 608. Protection of Excavation, Utilities and Facilities. The Applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a Sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the Sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be re-installed in a manner satisfactory to the District and the County or any other Person having jurisdiction there over.

A. Protection of Utilities. The Permit holder shall notify Underground Service Alert (USA), at 1 (800) 642-2444 at least forty-eight (48) hours before excavating within the District so that the location of underground facilities can be marked on the surface by the various utilities. The Permit holder shall exercise deliberate care to avoid damaging existing utilities and services, and is responsible for the prompt repairs or replacements required to restore service.

B. Damage to Existing District Facilities. If existing District facilities are damaged during sewer work, the Permit holder must arrange with the District for the repair of the damage, at no expense to the District, and to the satisfaction of the District.

C. Restoration of Excavated Property. Any property disturbed by excavation for sewer work must be restored to the satisfaction of the District and the local agency having jurisdiction over the work site.

D. Responsibility for Safety. The Permit holder is responsible for the safety of the general public and all persons at the work site for the duration of the sewer work; this responsibility is continuous and is not limited to normal working hours. All sewer work

must be done in accordance with the safety rules and regulations of CAL/OSHA and other city, county, state, and federal agencies having jurisdiction over the work site.

E. Compliance With Other Regulations. Permit holders are responsible for becoming aware of and complying with all applicable rules and regulations and obtaining applicable permits from and paying applicable fees and charges to any other agencies having jurisdiction over the work site.

Section 609. Design and Construction Standards. Minimum standards for the design and construction of Sewers within the District shall be in accordance with the “Specifications for Sewer Construction,” heretofore or hereafter adopted by District, copies of which are on file in the District office. The District Engineer may, in his/her sole discretion, permit modifications or may require higher standards where unusual conditions are encountered.

As-built drawings showing the actual location of all mains, structures, Y's and laterals shall be filed with the District before final acceptance of the work.

Section 610. Completion of Sewer Required. Before any acceptance of any sewer line by the District and prior to the admission of any Sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the “Specifications for Sewer Construction” and to the satisfaction of the District Engineer.

Section 611. Improvement Security. Prior to issuance of a Permit for Public Sewer construction, the Applicant shall furnish to the District a faithful performance bond, cash, or other improvement security acceptable to the District in the amount of the total estimated cost of the work as determined by the District Engineer. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the Permit and, unless more stringent requirements are otherwise specified by the District Engineer, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the Board. The Applicant shall also furnish to the District a labor and material bond, or other security acceptable to the Board, in the amount of the total estimated cost of the work.

Section 612. Financing - General. The extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner; although, the District reserves the right to perform the work and bill the owner for the cost thereof, to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewerage facilities shall be as required by the District.

Section 613. District Participation. The District may, in its sole discretion, pay that portion of the costs of construction of Wastewater Facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility of that the District requires under its long-range master plan when all of the conditions are present:

- (a) The facility to be constructed replaces a presently inadequate facility;
- (b) The facility to be constructed is part of a currently planned Capital Improvement Program of the District; and
- (c) The Board has determined that it is within the District's financial ability to finance its share of the improvement.

Section 614. Construction of Sewers - Areas Underlain by Bay Mud. In addition to all of the provisions and requirements of this Ordinance, and any other ordinance, rule or regulation of the District, the construction of sanitary sewer facilities in all areas of the District underlain by bay mud shall be subject to all of the provisions of Title 2, Chapter 3.

Section 615. Soil Compaction Equipment. The use of Impact Machines or Vibrating Machines for compacting backfill over sewer lines under construction or hereafter constructed within the District is hereby prohibited.

Section 616. Use Limitations. No Impact Machine or Pavement Breaker shall be operated within ten (10) feet of any Sewer under construction or any Sewer connected to the District system.

Section 617. Heavy Construction Equipment. No Person shall operate Heavy Construction Equipment over or across a Sewer under construction or any Sewer connected to the District system, except where the Sewer is in a fully paved street,

without first obtaining a written Permit from the District and paying all cost relating to issuance of the Permit and inspection incurred by the District. The Person obtaining such a Permit shall take all measures as may be required under the Permit to fully protect the sewer lines from damage. Where the operation of Heavy Construction Equipment across a sewer line cannot reasonably be avoided, the location of the crossing shall be designated by the District Engineer so as to limit the area of possible damage to the Sewer.

Section 618. Pavement Breakers. The use of Pavement Breakers as herein defined for breaking pavement over sewer lines connected to the District system is hereby prohibited.

Section 619. Responsibility. Wherever any Impact Machines, Heavy Construction Equipment or Pavement Breakers have been operated within ten (10) feet of any sewer line under construction or any Sewer connected to the District system, the District shall require the Persons responsible for operation of such equipment to prove, to the satisfaction of the District Engineer, that no damage has resulted, or the extent of the damage if it has occurred. All costs of tests of sewer lines as may be required by the District Engineer shall be borne by the Persons responsible for operating the equipment.

Section 620. Repairs of Damaged Sewers. Where, in the judgment of the District Engineer, damage has resulted from the use of such Impact Machinery, Heavy Construction Equipment or Pavement Breakers, repairs shall be promptly made by the Person causing the damage at the direction of the District Engineer. The cost of repairs shall be borne by the Persons causing the damage.

The District may, at its option, perform the work of repairing any damaged Sewer with its own forces or by separate contract and charge the full cost of such work to the Persons determined by the District Engineer as being responsible for the damage.

## ARTICLE VII. INSPECTION

Section 701. Inspection Required. All sewer work within the District is subject to inspection. For inspection purposes, the District must be provided access to sewer work at all times during construction and proper and safe facilities for access. The District must

be furnished every reasonable facility for ascertaining that materials and workmanship are in accordance with the requirements and intentions of the District Standards.

Section 702. Inspection Notification. The Permit holder must notify the District Engineer at least twenty-four (24) hours prior to beginning sewer work. The Permit holder shall notify the District Engineer at least twenty-four (24) hours prior to making connections to the public sewer or backfilling excavations containing sewer facilities.

Section 703. Required Inspections. The District Standards identify the inspections and tests required for sewer facilities. Under special circumstances, when in the judgment of the District Engineer it is necessary, the District Engineer may impose inspections and tests in addition to those required by the District Standards.

Section 704. Backfilling Before Inspection and Testing. If connections to the public sewer or excavations containing sewer facilities have been covered before District examination, the Permit holder shall expose the connections or facilities to allow for inspection and testing.

Section 705. Right of Entry. District personnel bearing proper identification and credentials, shall be permitted to enter all private property under District jurisdiction for the purposes of inspecting, sampling, or testing sewer facilities or sewage as provided by District Ordinances.

Section 706. Liability of Property Owner. The property owner and the owner's agents shall indemnify and hold the District harmless against injury or death to persons or property damage caused by negligence or failure of the property owner to maintain safe conditions as required by the property safety procedures, the rules and regulations of other agencies having jurisdiction over the property, or reasonable construction safety standards.

Section 707. Overtime Inspection. Inspections requested after normal District working hours, on weekends, or on holidays may be obtained only by prior arrangement with the District. All costs associated with overtime inspection will be borne by the Permit holder.

## ARTICLE VIII. USE OF PUBLIC SEWERS

Section 801. Use of Sewers. In addition to all of the provisions of this Ordinance and any other ordinance, rule or regulation of the District, the use of Public Sewers for the discharge of waters and wastes into the public sewer system of District, including domestic and industrial sewage, shall be subject to Title 2, Chapter 2 of this Code.

## ARTICLE IX. PERMITS AND FEES

Section 901. Permit Required. No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or appurtenances, or perform any work on any Lateral or Building Sewer, or install, alter or repair any plumbing system which will cause additional fixture units to be added to an existing connection without first obtaining a written Permit from the District.

Section 902. Application for Permit and Payment of Charges. Any Person legally entitled to apply for and receive a Permit shall make such application on forms provided by the District for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The District Engineer may require plans, specifications or drawings and such other information as he may deem necessary. The Applicant for a Permit shall pay the following Permit Application Fees:

Upon application for an allocation of new sewer capacity, a fee of Five Hundred Dollars (\$500.00) shall be paid to the District. Upon application for additional sewer capacity a fee of Two Hundred Fifty Dollars (\$250.00) shall be paid to the District.

In the event the Applicant for a Permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the Permit, the Applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the Permit, charged on a time and materials basis as determined by the District Engineer. If it is necessary for the District to employ the services of outside consultant(s), to review any plans, specifications or drawings and information submitted

by the Applicant, the Applicant shall be solely responsible for said costs and shall remit payment for those costs directly to said outside consultant(s) as billed.

If the District Engineer determines that the plans, specifications, drawings and other information furnished by the Applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the District, he shall issue the Permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed.

Section 903. Compliance with Permit. After approval of the application, evidenced by the issuance of a Permit, no change shall be made in the location of the Sewer, the grade, materials, or other details from those described in the Permit or as shown on the plans and specifications for which the Permit was issued, except with written permission from the District, the District Engineer or other authorized representatives.

Section 904. Agreement. The Applicant's signature on an application for any Permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the Applicant and may be altered only by the District upon the written request for the alteration from the Applicant.

Section 905. Annexation Charges. The owner or owners of lands within areas proposed to be annexed to the District shall deposit with the Secretary of the District a sum to be fixed by the District prior to the commencement of the proceedings by the Board on the proposed annexation. The amount to be fixed by the District shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

Section 907. Capital Facilities Charge.

- A) Applicants desiring connection to the wastewater facilities of the District shall pay a capital facilities charge of \$5,9681.00 per Equivalent Sewer Unit ("E.S.U.") to the District prior to connection.



B) For purposes of this Ordinance, all Applicants shall pay a capital facilities charge based on the number of Equivalent Sewer Units (E.S.U.) determined as follows:

User Category	Equivalent Sewer Unit Equivalent
1) Single-family residence Condominium Townhouse Trailer Park Mobile Home Park	1 per living unit 1 per living unit 1 per living unit 1 per trailer space 1 per home pad
2) Multi-family residence and Second Residential Units:	90% per dwelling
3) Commercial, industrial, public agency, or other (domestic strength or flow or less)	1 per first 20 of fewer PFU's plus 0.05 for each PFU over 20
4) Commercial, industrial, public agency, or other (flow or strength higher than domestic)	Based on information obtained or estimated by District and as compared to wastewater flow and strength of an average residential user, Equivalent Sewer Units may, at District's option, be assigned according to the Equivalent Sewer Unit formula.
5) Additions or alterations of existing structures (other than high-flow or high-strength) shall be charged a sewer connection fee (sometimes referred to as Capital Facilities Charge) and be subject to additional conditions of connection in accordance with the following:	
	(a) No Connection fee shall be charged where the addition or alteration will not cause the existing structure to exceed twenty (20) Plumbing Fixture Units (PFUs). In the event the addition or alteration causes the existing structure to exceed twenty (20) Plumbing Fixture Units (PFUs), a Connection fee charge of Two Hundred Ninety Eight Dollars (\$298) per Plumbing Fixture Unit (PFU) added shall be charged.

(b) If the additions or alterations of an existing structure(s) will cause the existing structure(s) to attain a number of PFUs for that structure(s), greater than or equal to forty (40) PFUs, then approval of the additional line and plant capacity (as reflected by the Capital Facilities Charge) shall be by Board approval only.

(c) Any new section of sewer lateral added to accommodate a structure addition or alteration shall be built to District Plans and Specifications and shall be inspected by the District.

(d) Should the existing structure not have a cleanout near the sewer exit point of the structure, a cleanout or backwater check valve shall be installed by the property owner and inspected by the District. The District will provide a backwater prevention system for property owner installation at an elevation that will prevent structure sewage flooding at the lowest floor, including the garage floor.

(e) Should the existing structure have a cleanout near the sewer exit point of the structure, the District will provide and install a backwater prevention system at an elevation that will prevent structure sewage flooding at the lowest floor, including the garage floor. Any required backwater check valve shall be installed by property owner.

(f) The property owner, upon the installation of the backwater prevention system and backwater check valve, shall own the backwater prevention system and backwater check valve and its maintenance, and replacement shall be the sole obligation of the property owner and any successor-in-interest.

(g) This Ordinance extends the mandatory requirement of a backwater prevention system and backwater check valve (if needed<sup>§</sup>) to alterations/additions of structure building permits when (PFU's) are being added to the structure.

(h) See Section 512 for backwater prevention system requirements.

- 6) Additions or alterations (high flow or high strength) Based on information obtained or estimated by District and as compared to Wastewater flow and strength of an average residential

user, Equivalent Sewer Units may, at District's option, be assigned according to the Equivalent Sewer Unit formula.

C) For purposes of this Ordinance, the following general provisions apply:

- 1) One living unit is estimated to discharge an average flow of two hundred (200) gallons per day (GPD) of wastewater with an average strength of 175 mg/l of biochemical oxygen demand (BOD) and 175 mg/l of suspended solids (SS).
- 2) The Equivalent Sewer Unit formula for high-wastewater-flow or high-wastewater-strength users is as follows:

$$\text{No. of Equivalent Sewer Units (E.S.U.)} = \frac{\text{Flow (GPD)}}{200} \left[ \frac{0.54 + 0.23(\text{BOD} + \text{SS})}{175} \right]$$

The GPD, BOD and SS for a new connection's application would be determined or estimated by the District, and the formula would be used to calculate the number of Equivalent Sewer Units.

3) The following tabulation shows the wastewater strengths and number of Equivalent Sewer Units (E.S.U.s) for each 200 GPD of wastewater flow for the various types of users:

<b>User Group</b>	<b>BOD (mg/l)</b>	<b>SS (mg/l)</b>	<b>ESU's</b>
Residential	175	175	1.0
Commercial (general):			
Office/retail	175	175	1.0
Hotels/motels	175	175	1.0
Retail shops	175	175	1.0
Halls/churches	175	175	1.0
Other domestic-strength	175	175	1.0
Laundromats	175	175	1.0

Service stations/car washes	175	175	1.0
Medical offices	175	175	1.0
Hospitals/convalescent homes/ Assisted living facilities	175	175	1.0
Commercial (high sewer use):			
Restaurants/cafes	750	650	2.4
Bakeries	1,150	900	3.2
Mortuaries	650	450	2.0
Mixed uses/other	600	500	2.0
Hotels with restaurants	600	500	2.0
Dry industry	175	175	1.0
Markets with disposals	800	800	2.6
Other industry		[as determined by District]	
Public agency:			
Schools	175	175	1.0
Offices	175	175	1.0

- 4) Not less than one Equivalent Sewer Unit may be assigned to any connection.
  - 5) The District shall determine the number of plumbing fixture units for types of fixtures or facilities not specifically set forth in the Uniform Plumbing Code.
  - 6) The Capital Facilities Charges provided to be paid pursuant to this section shall be paid in accordance with the purposes for which the premises are used. In the event the premises are used for more than one purpose, the Capital Facilities Charge provided for herein shall be paid for each classification of use on portions of the premises and the Capital Facilities Charge to be paid shall be aggregate of all such charges.
  - 7) The District may develop special provisions within user categories when, in the District judgment, application of this Ordinance produces inequalities, inequities, or irregularities which require revision.
- D) Adjustment. To maintain parity of the Capital Facilities Charge in current-dollar values, the charge will be reviewed periodically. Any adjustments, if necessary, shall be passed by ordinance as follows:

- 1) The adjustment will be based on the change in the Engineering News-Record (“ENR”) Construction Cost Index for San Francisco (the “ENR Index”).
  - 2) The base ENR Index, as of the adoption of this Ordinance, is 11,555 (2016).
  - 3) Each year, the most current ENR Index shall be compared to the base ENR Index and the Capital Facilities Charge shall be adjusted in the same proportion as the change in the ENR Index.
  - 4) The District may use other methods as appropriate.
- E) The acreage of any property deeded or dedicated to and accepted by any public or municipal corporation, the United States of America, the State of California, any district or political subdivision or governmental agency for or to public park purposes or permanent open space shall be exempt in computing said charge. Should such property space shall be exempt in computing said charge, should such property exempt hereunder thereafter be utilized in any way other than for public park purposes or permanent open space as in this Section provided, the then applicable acreage shall be assessed and collected prior to the issuance of a Permit to connect any portion thereof to the sanitary sewer system of the District.
- F) Pump Service Charge. If property, or any portion thereof, is too low to be served by gravity and a pump is approved, the Applicant shall, in addition to fees or charges required to be paid under this Ordinance, pay a surcharge equal to fifty (50) percent of the Equivalent Sewer/Unit Capital Facilities Charge.

Section 908. Establishing Capacity Entitlements. Payment of District sewer connection fees entitles any particular parcel of land within the District to the use of a specific portion of the District's capacity to collect, convey and treat sewage. Capacity entitlement value is equal to the connection fee at the time of original connection and subject to change, pursuant to Section 907.

Section 909. Residential Capacity Entitlements. Residential capacity entitlement is established by payment of a connection fee. Residential capacity entitlement value is equal to the connection fee at the time of original connection and subject to change, pursuant to Section 907.

Section 910. Nonresidential Capacity Entitlement. Nonresidential capacity entitlement is established by payment of a connection fee determined and adjusted by the District in accordance with Section 907 for high flow or high strength, made a part of this Ordinance by reference. Nonresidential capacity entitlement value equal to their connection fee at current rates at a time of connection and subject to change, pursuant to Section 907 for high flow or high strength.

Section 911. Change-in-Use of Capacity Entitlement. If a change in parcel use requires the same or less sewer and treatment capacity than the existing capacity entitlement, the existing capacity entitlement remains in effect. If a change in parcel use requires more sewer and treatment capacity than the existing capacity entitlement, the parcel owner must pay the difference between the new connection fee and the existing capacity entitlement as calculated in accordance with Section 907. When this difference is paid, the parcel's capacity entitlement increases to the level of the new parcel use.

Section 912. Capacity Entitlement Fixed to Parcel. Once established, capacity entitlement remains with the parcel and cannot be transferred to a different parcel. Parcel owners cannot sell or trade capacity entitlement.

Section 913. Achieved Capacity Entitlement to Remain. A parcel's capacity entitlement remains at the highest level authorized throughout its use history.

Section 914. Granting Capacity Entitlement Credit. Credit is granted if a parcel's existing capacity entitlement is lower than the parcel's new capacity entitlement. The amount of credit is calculated in accordance with Section 907. No refund will be made if a parcel's existing capacity entitlement is higher than the parcel's new capacity entitlement.

Section 915. Disconnection, Reconnection, and Credit for Previous Connection. Whenever a structure is demolished, removed, or disconnected from the District's collection system, that structure's building sewer must be disconnected and capped at the point of connection to the public sewer or collector sewer in accordance with District

requirements. A Permit, with fees and charges calculated at current rates, is required to reconnect to the District's collection system any previously connected structure. Credit for previous connections may be granted for new connections on the same parcel pursuant to Section 907.

Section 916. Fees and Deposits – California Environmental Quality Act. Where District is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the California Environmental Quality Act, the Person or Persons beneficially interested shall deposit with District the estimated cost of District's preparation of materials, reports and the making of evaluations of the proposed project as estimated by the District Engineer. Should the amount of deposit be inadequate to meet the District's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, District shall, prior to completion of the District's evaluation of the proposed project, notify the Person or Persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with District. Should there be a surplus remaining in the deposit following completion of the District's evaluation of the project, the surplus shall be returned to the Person or Persons making such deposit.

Section 917. Disposition of Fees. All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

Section 918. All Work to be Inspected. All Sewer construction work, Building Sewers, plumbing and drainage systems shall be inspected by an Inspector acting for the District to insure compliance with all requirements of the District. No Sewer shall be covered at any point until it has been inspected and passed for acceptance. No Sewer shall be connected to the District's Public Sewer until the work covered by the Permit has been completed, inspected and approved by the District Inspector. If the test proves satisfactory and the Sewer had been cleaned of all debris accumulated from construction operations, the Inspector shall issue a certificate of satisfactory completion.

Section 919. Notification. It shall be the duty of the Person doing the work authorized by Permit to notify the office of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the Person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Section 920. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the Permit in accordance with the ordinances, rules and regulations of the District.

Section 921. All Costs Paid by Applicant. All costs and expenses incident to the installation and connection of any Sewer or other work for which a Permit has been issued shall be borne by the Applicant. The Applicant shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Section 922. Outside Sewers. Permission shall not be granted to connect any lot or parcel of land outside the District to any Public Sewer in or under the jurisdiction of the District unless a Permit therefor is obtained. The Applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such Sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the Permit and a monthly fee in the amount set by the District for the privilege of using such Sewer.

Section 923. Permit Optional. The granting of such permission for an Outside Sewer in any event shall be optional with the Board.

Section 924. Special Outside Agreements. Where special conditions exist relating to an Outside Sewer, they shall be the subject of a special contract between the Applicant and the District.



Section 925. Street Excavation Permit. A separate Permit must be secured from the County or any other Person having jurisdiction there over by owners or Contractors intending to excavate in a public street for the purpose of installing Sewers or making sewer connections.

Section 926. Liability. The District and its officers, agents and employees shall not be liable for injury or death to any Person(s) or damage to any property during the course of or arising out of the performance of any work by any Applicant, as allowed by law. The Applicant shall hold the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision to the fullest extent allowed by law. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein, as allowed by law.

Section 927. Time Limit on Permits. Unless an extension of time is granted by the District Board, if work under a Permit is not commenced and completed within the time specified in the Permit, the Permit shall become void and no further work shall be done until a new Permit shall have been secured.

#### ARTICLE X. ENFORCEMENT

Section 1001. Violation. Any Person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Sec. 1001 hereof, shall be served by the Manager or other authorized Person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All Persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any sewer or of any violation of this Ordinance, the Person or Persons having charge of said work shall immediately correct the same.

Section 1002. 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.

Section 1003. Disconnection. As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District. Upon disconnection, the Manager shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 1004. Public Nuisance, Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

Section 1005. Correction of Violations. Section 6523.3 of the Health and Safety Code of the State of California provides that in order to enforce the provisions of any ordinance of the District, the District may correct any violation of an ordinance of the District. The cost of such correction may be added to any sewer service charge payable by the Person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any Person from the continued violation of any ordinance of the District.

Section 1006. Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

Section 1007. Misdemeanor. Section 6523 of the Health and Safety Code of the State of California provides that the violation of an ordinance, rule or regulation of a sanitary district by any Person is a misdemeanor punishable by imprisonment in the county jail not to exceed 30 days, or by a fine not to exceed one thousand dollars (\$1,000), or both. Each and every connection or occupancy in violation of the ordinance, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

Section 1008. Civil Liability. Section 54740 of the Government Code of the State of California provides:

- (a) Any Person who intentionally or negligently violates any requirement adopted or ordered by the District pursuant to paragraph (a) or (b) of subdivision (1) of Section 54739 may be civilly liable in a sum of not to exceed Twenty-five Thousand Dollars (\$25,000) for each day in which such violation occurs.
- (b) The District may petition the Superior Court to impose, assess and recover such sums. In determining such amount, the Court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

Section 1009. Liability for Violation. Any Person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

Section 1010. Authority for the Imposition of Lien on Property. The District may certify to the Board of Supervisors of Marin County that certain fees and charges have not been paid and may request that they be paid by inclusion on the tax bill or, in addition, be secured by recording a lien on the property pursuant to those provisions of the Health & Safety Code which allow for the collection of fees, charges, and penalties on either the tax bill or by recording a lien on property.

#### ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 1101. Protection from Damage. No unauthorized 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 sewage works. Any Person violating this provision shall be subject to the penalties provided by law.

Section 1102. Powers and Authorities of Inspectors. The officers, engineers, managers and any duly authorized employees of the District shall carry evidence establishing his position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all Buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance, rules and regulations of the District.

Section 1103. Separability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any Person or circumstances is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other Persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective to the fact that any one or more section, subsection, sentences, clauses or phrases be declared to be unconstitutional.

Section 1104. Repeal of Inconsistent Ordinances. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.