

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, 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 General 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. APPLICANT shall mean the Person making application for a Permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a Permit is requested or his authorized agent.

Section 202. BOARD or BOARD OF DIRECTORS shall mean the Board of Directors of said District.

Section 203. BUILDING shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Section 204. BUILDING SEWER shall mean that portion of any Sewer beginning at the plumbing or drainage outlet of any Building or industrial facility and running to the property line or to a private sewage disposal system.

Section 205. CAPITAL FACILITIES CHARGE shall mean the fee designed to allow new or additional connections to the District to pay for line and plant capacity necessary to serve those connections.

Section 206. COMBINED SEWER shall mean a Sewer receiving both surface runoff and Sewage.

Section 207. CONTRACTOR shall mean 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.

Section 208. CONTRACTUAL SERVICES mean any and all telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the District but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of these regulations

Section 209. COUNTY shall mean the County of Marin, California.

Section 210. DISTRICT shall mean the Las Gallinas Valley Sanitary District, Marin County, California.

Section 211. DISTRICT ENGINEER shall mean the engineer appointed by and acting for the Board and shall be a Registered Civil Engineer.

Section 212. EQUIVALENT SEWER UNIT shall mean the amount of sewage estimated to be produced by a detached, single family residence.

Section 213. FIXTURE shall mean any sink, tub, shower or water closet or other facility connected by drain to the sewer.

Section 214. FIXTURE UNIT shall mean fixture units as defined in the most recent publication of the California Plumbing Code as updated periodically.

Section 215. GARBAGE shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Section 216. GENERAL MANAGER shall mean the Person or Persons appointed by the Board to administer and enforce the rules and regulations of District.

Section 217. GREASE INTERCEPTOR/TRAP. A receptacle designed to collect and retain grease and fatty substances normally discharged from kitchens, food processing, or similar wastes.

Section 218. HEAVY CONSTRUCTION EQUIPMENT shall mean equipment such as bulldozers, carryalls, trucks, graders and all equipment and vehicles with axle load of five (5) tons or more.

Section 219. IMPACT MACHINE shall mean equipment designed for compacting soil by impact and shall include drop hammers, pneumatically operated hammers, hydraulically operated hammers and pneumatic tampers weighing more than thirty-four (34) pounds.

Section 220. LATERAL SEWER. The lower lateral is owned by the private property owner and is located within the public right of way. The upper lateral is owned by the private property owner and is located on the owner's property. No part of the Lateral Sewer is owned or maintained by the District. The Lateral Sewer connects the plumbing system in a Building to the sewer main owned and operated by the District.

Section 221. LOCAL BIDDER means a firm or individual who regularly maintains a place of business and transacts business in or maintains an inventory of merchandise for sale in the county in which District is located.

Section 222. MAIN SEWER shall mean a Public Sewer designed to accommodate more than one Lateral Sewer.

Section 223. MANAGER shall mean the General Manager of the District.

Section 224. MULTI-FAMILY UNIT shall mean a residential, attached dwelling unit connected by a common wall or walls to other similar dwellings; for example apartments but not including condominiums.

Section 225. OATH includes affirmation.

Section 226. OUTSIDE SEWER shall mean a sanitary Sewer beyond the limits of the District not subject to the control or jurisdiction of District.

Section 227. PAVEMENT BREAKERS shall mean drop hammers, pneumatically or hydraulically operated hammers designed for breaking pavement by impact and pneumatic jack hammers weighing more than eighty (80) pounds.

Section 228. PERMIT shall mean any written authorization required pursuant to this or any other regulation of District for the installation of any sewage works.

Section 229. PERSON shall mean 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 230. PLUMBING FIXTURE UNIT shall mean fixture units as defined in the most recent publication of the California Plumbing Code as updated periodically.

Section 231. PLUMBING SYSTEM shall mean all plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a Building and extending to the Building sewer connection two (2) feet outside the Building wall.

Section 232. PRIVATE SEWER shall mean a Sewer serving an independent sewage disposal system not connected with a Public Sewer and which accommodates one or more Buildings or industries.

Section 233. PUBLIC SEWER shall mean a Sewer lying within a street and which is controlled by or under the jurisdiction of the District.

Section 234. SANITARY SEWER shall mean a Sewer which carries Sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 235. SECTION, ARTICLE, CHAPTER and TITLE mean, respectively, section, article, chapter and title of this Code.

Section 236 SHALL and MUST are mandatory and MAY is permissive

Section 237. SEWER shall mean a pipe or conduit for carrying sewage.

Section 238. SEWER CONNECTION FEE shall mean Capital Facilities Charge plus other fees set by the District as payment for services supplied on a onetime basis during application for sewer service.

Section 239. **SIDE SEWER** shall mean the sewer line beginning at the foundation wall of any Building and terminating at the Main Sewer and includes the Building Sewer and Lateral Sewer together.

Section 240. **SINGLE-FAMILY UNIT**. A single-family unit is defined to mean and refer to the place of residence for a single family, and typically includes one (1) kitchen. Property improved for multi-family purposes shall constitute the number of units that the facilities thereon provide, and in calculating any charge for multi-family buildings, the charge shall be a multiple of the number of units in the multi-family building.

Section 241. **STORM SEWER** or **STORM DRAIN** shall mean a Sewer which carries storm and surface or ground waters and drainage, but excludes Sewage and polluted industrial wastes.

Section 242. **STREET** shall mean any public highway, road, street, avenue, alleyway, public place, public easement or right-of-way.

Section 243. **SUPPLIES** and **EQUIPMENT** mean any and all articles, materials or things which shall be furnished to or used by District, but excluding services or materials furnished "in kind" in lieu of cash to indigents.

Section 244. **SUSPENDED SOLIDS (SS)**. Solid material that either floats on the surface of, or is in suspension in, water, sewage, or other liquids and can be measured by laboratory filtering; expressed in terms of weight per unit volume, milligrams per liter (mg/l).

Section 245. **SS LOADING**. The established amount of SS contributed to the collection system by any given parcel within the District.

Section 246. **VIBRATING MACHINE** shall mean equipment designed for compacting soil by mechanical vibration.

Section 247. **WASTEWATER FACILITIES** shall mean all facilities for collecting, pumping, treating and disposing of wastewater or sewage, also referred to as sewage works.

Section 248. **WASTEWATER** or **SEWAGE** shall mean a combination of water-carried wastes from residences, business Buildings, institutions and industrial establishments.

Section 249. **WASTEWATER TREATMENT PLANT** or **SEWAGE TREATMENT PLANT** shall mean any arrangement of devices and structures used for treating wastewater (Sewage).

Section 250. **WRITTEN** includes every form of legible recording.

Section 251. ADDITIONAL DEFINITIONS. For the purpose of this Ordinance, additional terms shall have the meaning indicated in the latest edition of that certain plumbing code entitled "International Association of Plumbing and Mechanical Officials Uniform Plumbing Code," adopted by the International Association of Plumbing and Mechanical Officials, and the California Plumbing Code, a copy of which is on file in the office of the District.

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, form 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 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 on the property. 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.