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How to Read This Code

Ordinance History Note

At the end of each code section, you will find an “ordinance history note,” which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).) This note will be updated by Mathew Bender & Company, Inc. as each section is amended, with the most recent amendment added to the beginning. The notation “(part)” is used when the code section contains only part of the ordinance (or section of the ordinance) specified; this indicates that there are other areas of the code affected by the same ordinance (or section of the ordinance). If the code section was derived from the earlier codification, the last entry in the note indicates the old or “prior code” section number.

Statutory References

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated by Matthew Bender & Company, Inc.

Cross-Reference Table

When a code is based on an earlier codification, the cross-reference table will help users find older or “prior” code references in the new code. The cross-referenced table is located near the end of the code, under the tabbed divider “Tables.” This table lists the prior code section in the column labeled “Prior Code Section” and the new code section in the column labeled “Herein.” This table will be updated as prior code sections are renumber or repealed.

Ordinance List and Disposition Table

To find a specific ordinance in the code, turn to the Section called “Tables” for the Ordinance List and Disposition Table. This very useful table tells you the Status of every ordinance reviewed. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be “(Special).” If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be “(Not codified).” When an ordinance is repealed, the disposition will be Changed to “(Repealed by Ord.)” with the appropriate Ordinance number. Other dispositions sometimes used are “(Tabled),” “(Pending),” “(Number Not Used)” or “(Missing).”

Index

If you’re not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you

need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Insertion Guide

Each supplement to the new code will be accompanied By an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current.

Page Numbers

When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with hyphens. (Example: 31, 32, 32-1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is “reserved” for later user.

Preface

The Davenport County Sanitation District Code is a codification of the general and permanent ordinances of the Davenport County Sanitation District.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 3.08.040 is Section .040, located in Chapter 3.08 of Title 3. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

Title 1

General Provisions

Chapters:

<u>1.01</u>	<u>Code Adoption</u>
<u>1.04</u>	<u>General Provisions</u>

Chapter 1.01

Code Adoption

Sections:

1.01.010	Adoption.
1.01.020	Title--Citation--Reference.
1.01.030	Reference applies to all amendments.
1.01.040	Title, chapter and section headings.
1.01.050	Reference to specific ordinances.
1.01.060	Ordinances passed prior to adoption.
1.01.070	Effect of code on past actions and Obligations.
1.01.080	Constitutionality.
1.01.090	Violation - Penalty

1.01.010 Adoption. There is hereby adopted the “Davenport County Sanitation District Code”, as compiled, edited and published by Book Publishing Company, Seattle, WA. (Ord. 43 §1, 1994)

1.01.020 Title--Citation--Reference. This code shall be known as the “Davenport County Sanitation District Code” and it shall be sufficient to refer to said code as the “Davenport County Sanitation District Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Davenport County Sanitation District Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Davenport County Sanitation District Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 43 §2, 1994)

1.01.030 Reference Applies to All Amendments. Whenever a reference is made to this code as the “Davenport County Sanitation District Code” or to any portion thereof, or to any ordinance of the Davenport County Sanitation District, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 43 §3, 1994)

1.01.040 Title, Chapter and Section Headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 43 §4, 1994)

1.01.050 Reference to Specific Ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 43 §5, 1994)

1.01.060 Ordinances Passed Prior to Adoption of the Code. The last ordinance included in this code prior to its adoption was Ordinance 42. (Ord. 43 §6, 1994)

1.01.070 Effect of Code on Past Actions and Obligations. The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 43 §7, 1994)

1.01.080 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 43 §8, 1994)

1.01.090 Violation - Penalty. Except as this code may otherwise permit, following the effective date of the ordinance codified in this code it shall be unlawful for any person to violate the provisions of this code. Any person violating the provisions of this code shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine not to exceed one thousand dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. Fines assessed by any judgement made by the District as a result of noncompliance with this code shall be paid to the District within thirty days of the date of citation. The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this code. (Ord. 91 §1, 2019)

Chapter 1.04 **General Provisions**

(RESERVED)

Title 2
Administration and Personnel

(RESERVED)

Title 3
Water Service District

Chapters:

- 3.04 Water Service Rules and Regulations
- 3.08 Water Service and Connection Charges

Chapter 3.04
Water Service Rules and Regulations

Sections:

ARTICLE I. GENERAL PROVISIONS

- 3.04.010 Title citation.
- 3.04.020 Definitions.

ARTICLE II. WATER SERVICE REGULATIONS

- 3.04.030 Service area.
- 3.04.040 Service--Policy--Classification--Metering.
- 3.04.050 Application for service.
- 3.04.060 Changes in customer's equipment.
- 3.04.070 Special contracts.
- 3.04.080 Notices.
- 3.04.090 Service connections.
- 3.04.100 Meters.
- 3.04.110 Change in location of meters or services--Charges.
- 3.04.120 Maintenance.
- 3.04.130 Service to multiple units.
- 3.04.140 Resale of water.
- 3.04.150 Temporary service.
- 3.04.160 Interruptions in service.
- 3.04.170 Discontinuation of service for wasteful, negligent or unpermitted use.
- 3.04.180 Right of entry for inspection.
- 3.04.190 Main extensions to new customers other than subdivisions and other parcel splits.
- 3.04.200 Main extensions to subdivisions and other parcel splits.
- 3.04.210 Recycled Water Permits

ARTICLE III. EQUIPMENT AND FACILITIES

- 3.04.210 Pools and tanks.
- 3.04.220 Fire hydrants.
- 3.04.230 Responsibility for equipment.
- 3.04.240 Damage to district's property.

Sections: (Continued)

- 3.04.250 Control valves.
- 3.04.260 Cross-connections--Backflow prevention device requirements.
- 3.04.270 Protection of the water supply.
- 3.04.280 Discontinuance of service for defective apparatus.
- 3.04.290 Pressure regulators.
- 3.04.300 Groundwire attachments.
- 3.04.310 Water conservation devices for new connections and major remodels.

ARTICLE IV. WATER CONSERVATION MEASURES
AND PROHIBITED WATER USES

- 3.04.320 Water uses prohibited at all times.
- 3.04.330 Restrictions during water shortage.
- 3.04.340 Restrictions during certain emergencies.
- 3.04.350 Variances.
- 3.04.360 Appeal for exclusion from water conservation measures.
- 3.04.370 Enforcement of article.
- 3.04.380 Violation--Penalty.
- 3.04.390 Reconnection.

Article I. General Provisions

3.04.010 Title citation. This chapter shall be known and may be cited as Davenport County Sanitation District Water Service Rules and Regulations. (Ord. 8 §1.1, 1983)

3.04.020 Definitions. As used in this chapter:

"Applicant" means an individual or agency applying for water service.

"Backflow" means the undesired reverse of the water flow in the drinking water distribution lines. This backward flow of the water can occur when the pressure created by equipment or system such as a boiler or air conditioning system is higher than the water pressure inside the water distribution line (back pressure), or when the pressure in the distribution line drops due to routine occurrences such as water main breaks or heavy water demand causing the water to flow backward inside the water distribution system (back siphonage).

"Board of Directors" means the Board of Directors of the Davenport County Sanitation District.

"Commercial service" means provision of water to premises where the customer is engaged in trade.

"Cross connection" is any actual or potential connection between the drinking water lines and potential sources of pollution or contamination such as a piping arrangement or equipment that allows the drinking water to come in contact with non-potable liquids, solids,

or gases hazardous to humans in the event of a backflow.

"Customer" means an individual or agency of record receiving water service from the utility.

"Date of presentation" means the date upon which a bill of notice is mailed or delivered personally to the customer.

"District" means the Davenport County Sanitation District.

"Domestic service" means provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

"Engineer" means the district engineer of the Davenport County Sanitation District or his authorized representative.

"Fire protection service" means provision of water to premises for automatic fire protection.

"Mains" means distribution pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

"Municipal or public use" means provision of water to a municipality or other public

"Premises" means the integral property or area, including improvements thereon, to which water service is or will be provided.

"Rate and fee schedules" mean the effective rates, fees, rentals, charges and regulations, as set forth in this chapter.

"Service connection" means the pipe, valves and other facilities by means of which the utility conducts water from its distribution mains to and through the meter, or to the curb stop.

"Temporary service" means a service for construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or permanently.

"Rate and fee schedules" mean the effective rates, fees, rentals, charges and regulations, as set forth in this chapter.

"Service connection" means the pipe, valves and other facilities by means of which the utility conducts water from its distribution mains to and through the meter, or to the curb stop.

"Temporary service" means a service for construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or

permanently. (Ord. 103 § 1, 2022; Ord. 92 § 1, 2019; Ord. 8 §2.1--2.16, 1983)

Article II. Water Service Regulations

3.04.030 Service area. Comprises the area within the boundaries of the district and such areas outside the boundaries of the district as the board may designate which are necessary to provide water service for public agencies. (Ord. 32 §1, 1990; Ord. 8 §3.1, 1983)

3.04.040 Service--Policy--Classification--Metering.

A. Statement of Policy.

1. The district will endeavor, so far as is reasonably possible, to deliver a continuous supply of water to the customer at a sufficient pressure at the meter, and to avoid any shortage or interruption in delivery.
2. If, in the opinion of the district, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the district may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient or excessive pressure, inadequate volume of water or intermittent supply. The release shall, without further notice from the district, remain in effect for all consumers taking water through the service until charges, extensions or betterments may be made to the distribution system by the district.
3. The district assumes no responsibility for loss or damage because of lack of water or pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. All connections, pumps, tanks, chlorinators or other appurtenances installed at any point in the line between the meter and the customer's water outlets shall be the sole responsibility of the property owner, both as to the original installation and as to the maintenance and upkeep. Such installations must be approved by the district.
4. Nothing in this chapter shall be construed as a contract on the part of the district to furnish its water for any definite period, or as a public utility in respect to any water furnished outside the district.

B. Quality. The district will endeavor to supply a safe and potable water at all times.

C. Classes of Service. All services installed by the district will be classified as follows:

1. Residential;
2. Commercial;
3. Municipal or public use;
4. Public fire protection;
5. Flat rate, standby charge.

D. Services to be Metered. All services except connection to approved separate fire protection service or to authorized fire hydrants will be metered. (Ord. 8 §3.2, 1983)

3.04.050 Application for service.

A. Each applicant for water service will be required to sign a form provided by the district setting forth:

1. The date and place of application;
2. The location of the premises to be served and the assessor's parcel number of the property;
3. The property owner's name and mailing addresses;
4. The purpose for which the service is to be used;
5. The size of service;
6. An agreement to abide by all regulations of the district.

B. The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; neither does it bind the district to give service, except under reasonable conditions. (Ord. 8 §3.3(a), 1983)

3.04.060 Changes in customer's equipment. Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the district written notice of the nature of the change and, if the engineer deems necessary, amend their application. (Ord. 8 §3.3(b), 1983)

3.04.070 Special contracts. Contracts, other than applications, may be required prior to service under the following conditions:

- A. When construction of special extension facilities is necessary;
- B. For temporary service;
- C. For standby service of fire service;
- D. For meters two inches or larger. (Ord. 8 §3.4,

1983) 3.04.080 Notices.

A. Notices to Customers.

1. Notices from the district to a customer will normally be given in writing, and either delivered or mailed to him at his last known address.
2. Where conditions warrant and in emergencies, the district may

resort to notification either by telephone or messenger.

B. Notices from Customers. Notice from the customer to the district may be given by him or his authorized representative orally or in writing:

1. At the district's operating offices;
2. To an employee of the district;
3. To an agent duly authorized to receive notices or complaints. (Ord. 8 §3.5,

1983) 3.04.090 Service connections.

A. Installation. The district will furnish and install a service of such size and at such location as the applicant requests, provided such requests are reasonable; the service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares, or on the district right-of-way or easement. Only duly authorized employees or agents of the district will be permitted to install a service connection from the district's main to the customer's premises.

B. Charges. Charges for new service are payable in advance and shall be as fixed by the Board of Directors by resolution or ordinance.

C. Ownership. The service connection, whether located on public or private property, is the property of the district, and the district reserves the right to relocate, repair, replace and maintain it, as well as to remove it upon discontinuance of service. (Ord. 8 §3.6(a), (b)(4), (e), 1983)

3.04.100 Meters.

A. Installation and Ownership. Meters will be installed at or near the curb or at the property line, at the determination of the district, and shall be owned by the district.

B. Charges to District. No rent or other charge will be paid by the district for a meter or other facilities, including housing and connections, located on a customer's premises.

C. Seals. All meters will be sealed by the district at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

D. Changes in Size. Permanent changes in the size of meters on existing services will be made at the expense of the customer. (Ord. 8 §3.6(b)(1--3), (d), 1983)

3.04.110 Change in location of meters or services - Charges. Meters or services moved for the convenience of the customer will be relocated at the customer's expense. Meters or services moved to protect the district's property will be moved at district expense. (Ord. 8 §3.6(c), 1983)

3.04.120 Maintenance. The service connection, including the meter and the meter box, will be repaired and maintained by the district at its expense, but the district is not responsible for the installation and maintenance of water lines beyond the end of its service. (Ord. 8 §3.6(f), 1983)

3.04.130 Service to multiple units.

A. Service to Separate Premises. Separate premises will be supplied through individual service connections.

B. Service to Multiple Units. Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the applicant by either of the following methods:

1. Through separate service connections and individual meters to each or any unit, provided that the pipeline system from each service is independent of the others, and is not interconnected;
2. Through a single service connection to the entire premises, unless more than one commercial use is involved.
3. Responsibility for Payment. The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection, must be assumed by the applicant. (Ord. 8 §3.7(a), (b), 1983)

3.04.140 Resale of water. No customer shall resell any of the water received by them from the district, nor shall such water be delivered to premises other than those specified in their application for service. (Ord. 92 § 2019, Ord. 8 §3.7(c), 1983)

No customer shall resell any of the recycled water received by them from the district, nor shall such recycled water be delivered to premises other than those specified in the recycled water users Recycled Water Use Permit.

3.04.150 Temporary services.

A. Conditions. Temporary service and/or water for construction may be obtained by making arrangement for such service with the district engineer.

B. Charges. Charges for water furnished through a temporary service connection shall be at the rates set in district rate ordinance.

C. Temporary Service on a Fire Hydrant. If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the district. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose. The hydrant valve shall not be used for throttling or regulating the flow rate. Fire hydrants shall be opened, closed and operated in strict conformity with instructions of district personnel. (Ord. 8 §3.8, 1983)

3.04.160 Interruptions in service.

A. The district shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be resorted to by the district for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to such shutdowns.

B. The district will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control. The district, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right temporarily to suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be prosecuted as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers. (Ord. 8 §3.9, 1983)

3.04.170 Discontinuation of service for wasteful, negligent or unpermitted use.

A. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the district may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

B. The consumer has sole control of the amount of water drawn from the district's mains through the meter and is responsible for maintenance and repairs of pipes and fixtures beyond the meter. No allowance will be made for loss of water due to faulty fixtures or broken or damaged water pipes beyond the meter; provided, however, that if and when it shall appear that such loss or leakage has occurred without negligence upon the part of the consumer, an allowance may be made by the district to the extent of such loss. (Ord. 8 §4.9, 1983)

C. Any unauthorized discharge of recycled water or use of recycled water not in accordance with the Recycled Water Use Permit may result in the district revoking the recycled water user's permit. Any fines levied by the district or other regulatory agencies must be paid by the permitted user. If a recycled water user's misuse of recycled water or if their activities linked to the distribution, transportation, or use of recycled water results in a regulatory agency fining the district, the recycled water user is responsible for paying those fines. If fines are not paid within 30 days, the district may collect unpaid fines by suit, in which event it shall have judgement for the cost of the suit and reasonable attorney's fees. (Ord. 92 §3, 2019; Ord. 8 §4.9, 1983)

3.04.180 Right of entry for inspection.

A. The district or its duly authorized agents shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer or in relation to the user's storage, distribution, or use of recycled water.

B. Any inspection or recommendations made by the district or its agents on

plumbing or appliances or use of water or recycled water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge. (Ord. 92 §4, 2019; Ord. 8 §4.10, 1983)

3.04.190 Main extensions to new customers other than subdivisions and other parcel splits. Mains will be extended to serve new customers under the following terms and conditions:

A. No main extension will be made by the district except on an approved dedicated street, alley or recorded easement.

B. Prior to construction of the main, every applicant for water service shall enter into a written form of agreement for such extension and shall deposit with the district an amount equal to ten percent of the estimated cost of extension, including engineering and administration (minimum five hundred dollars). The estimated cost shall be based on the actual size of facilities required to meet the service demands from that extension, except that six-inch pipe shall be the minimum size considered for general use. Should the district desire to install facilities greater than are needed to meet the service demands, the cost of the excess size of facilities shall be borne by the district. The district shall then proceed with plans and specifications and shall solicit and open bids for the proposed work. On the basis of the approved bid, plus engineering and administrative costs, the district shall inform the applicant as to the cost of the proposed extension. Upon receipt by the district of an amount which, with the original deposit, is equal to the cost of the work, the district shall proceed with the construction of the extension. The district, at its option, may perform work without bids, for projects not exceeding ten thousand dollars.

C. In the event that the applicant or applicants fail to deposit the required funds within sixty days after determination of the cost, the extension will not be made and no refund of the ten percent deposit will be made, except that where actual costs are less than the amount of such deposit, the district may refund the unused amount. (Ord. 8 §3.10(a), 1983)

3.04.200 Main extensions to subdivisions and other parcel splits. Where water main extensions are required for subdivisions, it will be the responsibility of the owner or subdivider to pay the cost for complete installation of all water facilities required within the subdivision and for extension of water transmission mains from the subdivision to the nearest existing main of adequate capacity for the area to be served. Such transmission mains shall be subject to all district rules and to any and all modifications and supplements to the regulations. Upon official acceptance by the district, the district shall assume full ownership, maintenance and control of such mains. (Ord. 8 §3.10(b), 1983)

3.04.210 Recycled Water Permits. All residential or commercial/agricultural recycled water use must be permitted by the District. The applicant must receive training by the district and complete the required permit application and supporting documents. All requirements of the Recycled Water Use Permit, the district's Recycled Water Program User Guidelines, the State's current Master Reclamation Order, and any other current federal, state, or local regulations governing the use of recycled water must be adhered to at

all times. (Ord. 92 §5, 2019)

Article III. Equipment and Facilities

3.04.210 Pools and tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the district prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the district's facilities and if other consumers are not inconvenienced. (Ord. 8 §4.1, 1983)

3.04.220 Fire hydrants.

A. Use to be Authorized. No person or persons other than those designated and authorized by the fire district authority or by the district, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law.

B. Installation Charges and Cost for Changes. When a fire hydrant has been installed in the location specified by the proper authority, the district has fulfilled its obligation. Cost of such installation shall be borne by applicant. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such charges, without refund. Any change in the location of a fire hydrant must be approved by the proper authority. (Ord. 8 §4.2, 1983)

3.04.230 Responsibility for equipment. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the district shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The district shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown. (Ord. 8 §4.3, 1983)

3.04.240 Damage to district's property. The customer shall be liable for any damage to a meter or other equipment or property owned by the district which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The district shall be reimbursed by the customer for any such damage promptly upon presentation of a bill. (Ord. 8 §4.4, 1983)

3.04.250 Control valves. The customer shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is not permitted. (Ord. 8

§4.5, 1983)

3.04.260 Cross-connections--Backflow prevention device requirements. This Section shall incorporate the provisions of Title 17 of the California Code of Regulations, as may be amended from time to time and incorporated herein by this reference, to ensure that approved quality of water in every domestic water system is not subject to contamination by cross-connection. (Ord. 103 §2, 2022: Ord. 92 §2, 2019: Ord. 8 §4.6(a)--(f), 1983)

3.04.270 Protection of the water supply. The District shall protect the water supply from contamination by implementing a cross-connection control program at the discretion of the Engineer. If the Engineer has evidence to suspect that a cross-connection exists in the water system, the minimum type of protection as set forth in Title 17 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, shall be provided to prevent backflow into the water supply. (Ord. 103 §2, 2022: Ord. 8 §4.6(g), 1983)

3.04.280 Discontinuance of service for defective apparatus. The service of water to any premises may be immediately discontinued by the district if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connection exist. Service will not be restored until such defects are corrected. (Ord. 8 §4.6(h), 1983)

3.04.290 Pressure regulators. Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining the necessary regulators, pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter and at his own risk and expense in such a manner as not to endanger the water system. (Ord. 8 §4.6(i), 1983)

3.04.300 Groundwire attachments. All individuals or business organizations are forbidden to attach any groundwires to any plumbing which is or may be connected to a service connection or main belonging to the district. The district will hold the customer liable for any damage to its property occasioned by such groundwire attachments. (Ord. 8 §4.7, 1983)

3.04.310 Water conservation devices for new connections and major remodels.

A. It is the goal of this district to conserve our precious water resources. Accordingly, in order to conserve water, the district shall require that all new connections to the waterworks, or any major remodeling of existing structures connected to the waterworks, be predicated on the installation of low water use plumbing fixtures. As a minimum these shall include:

1. Tank-type water closets shall operate with 3.5 gallons per flush;
2. Low-volume shower heads or flow restrictors shall be installed on all showers;
3. Pressure reducing valves shall be installed where incoming static pressure exceeds sixty psi.

B. It shall be considered a waste of water to wash down exterior paved areas, sidewalks and building exteriors, and other such uses, including the washing of vehicles, unless a water shutoff device is employed at the end of the hose. (Ord. 8 §4.8, 1983)

Article IV. Water Conservation Measures and Prohibited Water Uses

3.04.320 Water uses prohibited at all times. It is unlawful for any person using water from the district to use such water at any time for any of the following uses:

A. Use of water from any fire hydrant unless specifically authorized by permit from the district, except by regularly constituted fire protection agencies for fire suppression purposes;

B. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows excess water to turn to waste;

C. The escape of water through leaks, breaks or malfunction within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak, or malfunction, or receives notice from the district of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction;

D. The use of water for washing cars, building exteriors, mobile home exteriors, boats, sidewalks, driveways or other exterior surfaces without the use of a quick-acting positive shutoff nozzle on the hose;

E. The operation of any ornamental fountain, car wash or other such structure using water from the district's water system, unless water for such use is recycled;

F. The indiscriminate running of water or washing with water not otherwise prohibited in this section which is wasteful and without reasonable purpose. (Ord. 8 §5.1, 1983)

3.04.330 Restrictions during water shortage. During those periods of water shortage, when specifically enacted by resolution of the Board of Directors, it shall also be unlawful for any person to use water from the district for any of the following uses:

A. The use of water for washing building exteriors (except windows), sidewalks, driveways or other exterior surfaces;

B. The use of running water (i.e. from a hose) to wash building or mobile home windows. Windows may be washed using a bucket;

C. The washing of cars, boats or mobile homes, except with recycled water or the use of water from a bucket on the days assigned for such uses;

D. The watering of lawns, landscaping and other outside vegetation during the daytime from four hours after sunrise to two hours before sunset on the days assigned for such uses. Sunrise and sunset times are to be as reported by the Marine Exchange for Monterey Bay, California;

E. Commercial water use over a given percentage of the average water consumption for the previous two years. The percentage so allowed shall be set by the Board of Directors and may be changed to reflect new conditions;

F. The initial filling of any swimming pool, hot tub or jacuzzi; or the topping-off of any such facility other than adding minimal amounts of water necessary to comply with health requirements of circulation;

G. Landscape and lawn watering and car washing are restricted to the following designated days for the following user groups (except drip irrigation systems):

User Group	Lawn/Landscape Water	Car Washing
Residential customers with even-ending addresses	Sunday and Thursday	Sunday
Residential customers with odd-ending addresses	Saturday and Wednesday	Saturday
Commercial customers	Monday and Thursday	Monday

H. Any measures enacted under this section shall go into effect ten days after adoption of the resolution calling for such measures. (Ord. 8 §5.2, 1983)

3.04.340 Restrictions during certain emergencies. During periods of extreme water shortage, upon declaration of an emergency by the Board of Directors, one or more of the following water uses may be prohibited and deemed as unlawful for any person to use district water for the purpose:

A. All of the supplemental prohibited uses listed under Section 3.04.330 of this article;

B. All outside, inside and greenhouse watering of vegetation, except with gray water or using small buckets or other such containers;

C. Domestic water use over a given level to be set by the board, which may be changed to reflect new conditions;

D. Any measures enacted under this section shall go into effect immediately upon the adoption of the resolution calling for such emergency measures. (Ord. 8 §5.3, 1983)

3.04.350 Variances. The district engineer may grant variances for uses of water

otherwise prohibited if he finds and determines that to fail to do so would cause an emergency condition affecting the health, sanitation or fire protection of the applicant, an undue and severe hardship on a particular business, or render the continued operation of such a business economically infeasible. (Ord. 8 §5.4, 1983)

3.04.360 Appeal for exclusion from water conservation measures. At any time after such additional water conservation measures prescribed by Sections 3.04.320 through 3.04.340 of this article have been adopted, upon receipt of a seventy-five-dollar filing fee, any private resident or commercial water user may submit a written appeal to the district stating the reasons, along with any documentation required, as to why they should be excluded from the additional water conservation measures. Based on this information, the district engineer will determine if such an appeal should be approved by staff or denied. Further appeals of such denials to the district Board of Directors shall require an additional one hundred twenty-five dollar filing fee. In either case, until the appeal is upheld, the applicant would be required to follow all applicable conservation measures. (Ord. 8 §5.7, 1983)

3.04.370 Enforcement of article.

A. All peace officers and persons authorized by law to issue citations within the areas served by the district shall, in conjunction with duties imposed by law, diligently enforce the provisions of this article.

B. Pursuant to the provisions of Section 836.5 of the California Penal Code, the county health officer, his delegated subordinates, and such officers and employees of the district as are designated by the district engineer, are hereby authorized to issue citations for enforcement of this article. (Ord. 8 §5.6, 1983)

3.04.380 Violation-Penalty. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of an infraction and upon citation thereof shall first be given a written warning of the violation. Upon any repeat violation during the time of the shortage or emergency when the first warning occurred, that person, firm or corporation shall be either fined in an amount not to exceed one hundred dollars, or have their water service disconnected, or both. All costs involved in making such a disconnection (and any subsequent reconnection of service) shall be charged to the parcel owner. (Ord. 8 §5.5, 1983)

3.04.390 Reconnection. Where water service has been disconnected, as authorized in this chapter, it may be reconnected only after the correction of the condition or activity for which it was disconnected and upon payment of all district costs incurred in the disconnection and of a reconnection charge in an amount specified by resolution of the Board of Directors. (Ord. 8 §5.8, 1983)

Chapter 3.08
Water Service and Connection Charges

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Article I. General Provisions

3.08.010 Title citation. The ordinance codified in this chapter may be cited as the "Davenport County Sanitation District Water Charge Ordinance." (Ord. 7 §1.1, 1983)

3.08.020 Purpose and authority. The ordinance codified in this chapter is adopted pursuant to the authority of Article 4 (commencing with Section 4738) of Chapter 3 and Section 5470 through and including Section 5473.11 of Article 4 of Chapter 6, of Part 3, Division 5 of the Health and Safety Code of the State of California for the purpose of establishing, prescribing and fixing charges for services and facilities furnished by the district and charges for the privilege of connecting to the waterworks facilities of the district. In addition, this chapter establishes procedures for the collection of charges, and prescribes penalties and remedies. (Ord. 7 §1.2, 1983)

3.8.30 Definitions. Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section.

"Board" means the Board of Directors of the district.

"Charges" includes fees, tolls, rates and rentals.

"Commercial facility" means any structure, premises or facility which is not a residential facility or a school.

"District" means the Davenport County Sanitation District.

"District engineer" means the director of the department of public works of the county of Santa Cruz or any person designated by the board.

"Parcel" means any legal lot listed on the assessor's role, not including public rights-of-way.

"Residential facility" means:

1. Any single-family residence or other detached structure designed for occupation by one family;
2. Any habitation unit or room or suite of rooms designed for occupation by one family in a duplex, condominium, apartment house or other multiple-dwelling unit; and
3. Any separate space of a mobile home park or travel trailer court.

"Secretary" means the Clerk of the Board of Directors.

"Water service charge" means a charge for services or facilities furnished by the district in connection with its works, including charges for the use and maintenance of the district works.

"Waterworks" includes water treatment plants, storage reservoirs, water mains, pumping stations, valves, hydrants and all other appurtenances necessary, useful or convenient for the treatment, purification or transmission of drinking water. (Ord. 7 §1.3, 1983)

3.08.040 Appeal from determinations of district engineer. In the event that any person is dissatisfied with any determination made by the district engineer under this chapter, appeal therefrom may be taken within fifteen days after receipt of information concerning such determination from the district engineer by filing written notice of appeal, stating the grounds thereof, with the board. (Ord. 7 §1.4, 1983)

3.08.050 Payment under protest. Any person may pay the charges established in this chapter under protest and bring an action against the board in the superior court to recover any money which the board refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code insofar as those provisions are applicable. (Ord. 7 §1.5, 1983)

3.08.060 Use of proceeds. Revenues derived under the provisions of this chapter shall be used only for the acquisition, construction reconstruction, maintenance and operation of the waterworks of the district, to repay principal and interest on bonds issued for the construction or reconstruction of such works, including revenue bonds issued pursuant to Chapter 5 commencing with Section 4950) of Part 3, Division 5 of the Health and Safety Code, and to repay federal or state loans or advances made to the district for the construction or reconstruction of waterworks. (Ord. 7 §1.6, 1983)

Article II. Connection Charges

3.08.070 Establishment of connection charges. Water connection charges are established in the amounts set forth in this article for the privilege of connecting to the district waterworks. (Ord. 7 §2.1, 1983)

3.08.080 Amount of connection charge--New facilities. The amount of the connection charge shall be determined in accordance with the following schedule:

A. For each new residential facility, including new facilities added to existing multiple dwellings, three thousand dollars plus one hundred fifty dollars per fixture unit where the number of fixture units exceeds eighteen as determined and defined under the most recent published California Plumbing Code, Drainage Fixture Unit Values (DFU) Table.

B. For each new commercial facility, twelve dollars multiplied by the estimated number of gallons of water used per day of average daily flow; provided, however, that the connection charge shall be not less than three thousand dollars.

C. For each new public facility, including new facilities added to existing public facilities, the connection charge shall be based on the commercial facility rate, except that the board may, by resolution, amend, modify or waive connection charges for a particular public facility.

D. For any water connection permit issued for each residential structure identified as an accessory structure by the County Planning Department, specifically intended for (1) one or two-person households meeting the Income and Asset Guidelines requirements established by the Board of Supervisors resolution for lower income households; (2) senior households where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements for moderate or lower income households; or (3) one or two persons sharing residency with the property owner and who are related by blood, marriage or operation of law, or have evidence of a stable family relationship with the property owner; and (4) meeting all other requirements as specified by County Ordinance No. 4282; the connection charges will be as follows:

1. One-third for one bedroom; or
2. Two-thirds for two bedrooms

of the new residential connection charge described in Section 3.08.080 paragraph A of District Code for water connection charges. (Ord. 91 §2, 2019; Ord. 46 §1, 1994; Ord. 40 §2.2, 1993; Ord. 33 §1, 1990; Ord. 7 §2.2, 1983)

3.08.090 Amount of connection charge--Expanded facilities. The connection charge for additions to existing residential facilities shall be one hundred fifty dollars per additional

fixture unit and applied to the sum of existing and proposed fixture units in excess of eighteen fixture units connected under the terms of this chapter. The connection charge for expansion of uses by existing commercial facilities shall be twelve dollars per additional gallon per day used with no minimum charge. (Ord. 40 §2.2, 1993, Ord. 7 §2.3, 1983)

3.08.100 Removal of fixtures--Disallowance of credits. No reimbursement shall be given for removal of existing fixture units of flow users. (Ord. 7 §2.4, 1983)

3.08.110 Flow rate--Determination by District engineer. The District engineer shall determine flow rates to be applied to each facility under this article based on the California Plumbing Code or flow data provided by the owner of the facility and acceptable to the District engineer. (Ord. 91 §3, 2019; Ord. 7 §2.5, 1983)

3.08.120 Blank

3.08.130 Time of payment. Connection charges shall be due and payable at the time necessary building permits are obtained or, where no building permit is required, prior to actual connection to the district's waterworks. For mobile home parks, connection charges shall be paid, prior to the time of the first connection of a mobile home space, for the total number of mobile home spaces permitted by the terms of the use permit for the mobile home park. The charge to be paid is the charge that is applicable at the time that the charge is paid and the permit obtained. (Ord. 7 §2.7, 1983)

3.08.140 Special circumstances for payment. When the Board of Directors determines that special circumstances exist with respect to the establishment or collection of the water service connection charges specified in this article, the board may enter into an agreement with any person obligated to pay such charges, providing for the establishment or collection of such water service connection charges in an amount or manner different from that prescribed by this article; specifically, the agreement may provide that the person obligated to pay such charges shall construct various public works on behalf of the district in lieu of payment of part or all of the required connection charges. The district engineer is authorized to negotiate a proposed agreement when he determines that special circumstances exist, but any agreement negotiated by the district engineer must be approved by the board before becoming effective. (Ord. 17 §1, 1985: Ord. 7 §2.8, 1983)

Article III. Water Service Charges

3.08.150 Establishment of water service charges. The District Board of Directors shall establish water service charges by resolution, and in so doing shall distinguish the different classes of service made available and set water service charges appropriate to each class of service. Charges may be fixed and revised from time to time with the objective that the District water system shall be operated on a sound economic basis. The fees and charges established by the resolution shall take effect beginning July 1st following the adoption of the resolution by the Board. (Ord. 109 §1, 2024: Ord. 7 §3.1, 1983)

3.08.160 Amount of charge--Residential facilities. A water service charge shall be fixed by resolution from time to time for each residential facility. (Ord. 109 §1, 2024: Ord. 106 §1, 2024: Ord. 105 §1, 2023: Ord. 100 §1, 2022: Ord. 98 §1, 2021: Ord. 93 §1, 2020: Ord. 89 §1, 2019: Ord. 87 §1(part), 2018: Ord. 86 §1(part), 2017: Ord. 84 §1(part), 2015: Ord. 82 §1(part), 2014: Ord. 79 §1(part), 2013: Ord. 76 §1(part), 2011: Ord. 73 §1(part), 2010: Ord. 71 §1(part), 2009: Ord. 69 §1(part), 2008: Ord. 67 §1(part), 2007: Ord. 65 §1(part), 2006: Ord. 63 §1(part), 2005: Ord. 61 §1(part), 2004: Ord. 59 §1(part), 2003: Ord. 57 §1(part), 2002: Ord. 55 §1(part), 2001: Ord. 50 §1(part), 1996: Ord. 48 §1(part), 1995: Ord. 45 §1(part), 1994: Ord. 42 §1(part), 1993: Ord. 37 §1(part), 1992: Ord. 35 §1(part), 1991: Ord. 30 §1(part), 1990: Ord. 28 §1(part), 1989: Ord. 25 §1(part), 1988: Ord. 23 §1(part), 1987: Ord. 19 §1(part), 1986: Ord. 15 §1(part), 1985: Ord. 12 §1(part), 1984: Ord. 7 §3.2, 1983)

3.08.170 Amount of charge--Commercial facilities. The water service charge for each commercial facility shall be based upon the previous calendar year's water use by such facility and shall be computed by the district engineer in accordance with the following schedule:

- A. The water service charge for each commercial facility or for each separate business within such a facility shall be fixed by resolution from time to time and computed by the District Engineer, based upon the previous calendar year's water use from October through September.

- B. In the event that the quality of waste discharge by a commercial facility is of such a character that, in the opinion of the District Engineer, it will impose a more than normal maintenance and operation burden on the District works, the amount of the water service charge for such commercial facility shall be determined by the Board and subsection (A.) of this section shall not be applicable to such facility. (Ord. 109 §1, 2024: Ord. 106 §1, 2024: Ord. 105 §1, 2023: Ord. 100 §1, 2022: Ord. 98 §1, 2021: Ord. 93 §1, 2020: Ord. 89 §1, 2019: Ord. 87 §1(part), 2018: Ord. 86 §1(part), 2017: Ord. 84 §1(part), 2015: Ord. 82 §1(part), 2014: Ord. 79 §1(part), 2013: Ord. 76 §1(part), 2011: Ord. 73 §1(part), 2010: Ord. 71 §1(part), 2009: Ord. 69 §1(part), 2008: Ord. 67 §1(part), 2007: Ord. 65 §1(part), 2006: Ord. 63 §1(part), 2005: Ord. 61 §1(part), 2004: Ord. 59 §1(part), 2003: Ord. 57 §1(part), 2002: Ord. 50 §1(part), 1996: Ord. 48 §1(part), 1995: Ord 45 §1(part), 1994: Ord. 42 §1(part), 1993: Ord. 37 §1(part), 1992: Ord. 35 §1(part), 1991: Ord. 30 §1(part), 1990: Ord. 28 §1(part), 1989: Ord. 25 §1(part), 1988: Ord. 23 §1(part), 1987: Ord. 19 §1(part), 1986: Ord. 15 §1(part), 1985: Ord. 12 §1(part), 1984: Ord. 7 §3.3, 1983)

3.08.180 Amount of charge--School facilities.

- A. A water service charge shall be fixed by resolution from time to time for each school, based on ADA (average daily attendance), including night and adult classes for the school during the school year.

- B. All schools have the option to pay an alternative fee of the annual flat rate plus the commercial rate for hundreds of cubic feet of water used (HCF) if they can provide the District with the previous calendar year's domestic water use for October through September, excluding irrigation water, or provide the winter water use and the corresponding number of school days during the winter billing period. (Ord. 109 §1, 2024: Ord. 106 §1, 2024: Ord. 105 §1, 2023: Ord. 100 §1, 2022: Ord. 98 §1, 2021: Ord. 93 §1, 2020: Ord. 89 §1, 2019: Ord. 87 §1(part), 2018: (Ord. 86 §1(part), 2017: (Ord. 84 §1(part), 2015: (Ord. 82 §1(part), 2014: (Ord. 79 §1(part), (Ord. 76 §1(part), 2011: (Ord. 73 §1(part), 2010: (Ord. 71 §1(part), 2009: (Ord. 69 §1(part), 2008: (Ord. 67 §1(part), 2007: (Ord. 65 §1(part), 2006: (Ord. 63 §1(part), 2005: Ord. 61 §1(part), 2004: Ord. 59 §1(part), 2003: Ord. 57 §1(part), 2002: Ord. 55 §1 (part), 2001: Ord. 50 §1(part), 1996: Ord. 48 §1(part), 1995: Ord 45 §1(part), 1994: Ord. 42 §1(part), 1993: Ord. 37 §1(part), 1992: Ord. 35 §1(part), 1991: Ord. 30 §1(part), 1990: Ord. 28 §1(part), 1989: Ord. 25 §1(part), 1988: Ord. 23 §1(part), 1987: Ord. 19 §1(part), 1986: Ord. 15 §1(part), 1985: Ord. 12 §1(part), 1984: Ord. 7 §3.4, 1983)

3.08.190 Vacancy factor. A vacancy factor is included in the amounts of the water service charges set forth in this article and, therefore, water service charges set forth in this article and, therefore, water service charges shall not be stopped and started as a facility becomes vacant. (Ord. 7 §3.5, 1983)

3.08.200 Metered water. Where water service charges are based upon the amount of

water used by a commercial facility, such amount shall be the volume of water consumed by the facility as indicated by a meter for the facility. Where such metering is not provided or where newly constructed facilities are involved, the volume of water consumed by the commercial facility shall be determined on the basis of a reasonable estimate thereof made by the district engineer. (Ord. 7 §3.6, 1983)

3.08.205 Bulk Water Charges.

- (a) The District may sell bulk potable water and bulk recycled water in volumes determined by the District Engineer. “Bulk potable water” and “bulk recycled water” mean water that is either potable or recycled, respectively, that is available for sale to the public at District fill stations.
- (b) The District Engineer shall determine the volumes of bulk potable and bulk recycled water, if any, that may be sold. When determining such saleable volumes, the District Engineer shall prioritize minimizing impacts of the sale of bulk potable water on the ability of the District to provide potable water to the ratepayers of the District, and shall provide for maintaining adequate reserves of recycled water.
- (c) The District shall charge fees for the sale of potable water at rates that the District Engineer determines, annually or with greater frequency, represent a reasonable approximation of the District’s actual costs for producing, delivering and administering the sale of bulk potable water on a per unit basis.
- (d) The District shall charge fees for the sale of bulk recycled water at rates that the District Engineer determines, annually or with greater frequency, represent a reasonable approximation of the District’s actual costs for producing, delivering and administering the sale of bulk recycled water. Furthermore, the District Engineer, in their sole discretion, may establish discounted fees for the sale of bulk recycled water in an amount not-to-exceed a fifty percent discount off the District’s fees for the sale of bulk potable water when the District Engineer determines that it is necessary or desirable to incentivize the public’s use of recycled water over potable water, so long as those discounted fees do not exceed the District’s actual costs for producing, delivering and administering the sale of bulk recycled water on a per unit basis. (Ord. 101 §1, 2022)

Article IV. Billing and Collection of Water Service Charges

3.08.210 Billing. In the event that the district does not elect, pursuant to Section 3.08.250(A) of this chapter, to collect current water service charges on the tax roll, the district shall bill for such charges. The regular billing period for water service charges shall be for each calendar month, annually or as determined by the board. Schools and other public institutions may also be required to pay annually. (Ord. 7 §4.1, 1983)

3.08.220 Opening and closing bills. Opening and closing bills for less than the normal billing period shall be for not less than one month. (Ord. 7 §4.2, 1983)

3.08.230 Period of billing. Amounts of water service charges covering the period from the time of connection through the thirtieth day of the following June shall be added to the next billing period. (Ord. 7 §4.3(part), 1983)

3.08.240 Method of billing. When charges are not collected on the tax roll, the district shall provide bills for the billing period covered thereby. Each such bill shall bear the time period covered thereby and the amount due for such period. The charges represented by each such bill shall be due and payable on the first day of the month of the billing period covered thereby, except as otherwise provided. (Ord. 7 §4.3(part), 1983)

3.08.250. Collection of charges with general taxes.

A. Collection upon Board Approval. The District may, by resolution approved by a two-thirds vote of the members of the Board, elect to have water service charges collected on the tax roll of the County of Santa Cruz, State of California, in the manner provided pursuant to California Health and Safety Code Sections [5471](#) through [5473.11](#). This election may be amended by the District, by a resolution approved by two-thirds vote of the members of the Board. (Ord. 109 §2, 2024)

B. Report. In the event of an election by the Board pursuant to subsection (A) of this section, the district shall cause a written report to be prepared and filed with the secretary, which report shall contain a description of each parcel of real property receiving services and facilities and the amount of the current and/or delinquent water service charges for each parcel computed in conformity with the provisions of this chapter. The real property may be described by reference to county assessor's maps or by reference to plats or maps on file with the secretary.

C. Notice. The secretary shall cause notice of the filing of the report referred to in subsection (B) of this section and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in the Santa Cruz Sentinel, a newspaper of general circulation, printed and published in the county within which the district is located.

D. Hearing. At the time of the hearing, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time.

E. Final Determination of Charges. Upon the conclusion of the hearing on the report, unless protest is made by the owners of a majority of the separate parcels of property described in the report, the board will adopt, revise, change, reduce or modify any water service charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final.

F. Filing of Report with County Auditor. On or before the tenth day of August in each year following the final determination of the board, the secretary shall file with the auditor a copy of the report with a statement endorsed thereon over her signature that it has been finally adopted by the board, and the auditor shall enter the amounts of the water service charges against the respective lots or parcels of land as they appear on the current assessment roll.

G. Parcels Not on Roll. If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the water service charges, as shown on the report.

H. Parcels Outside the District. Where any such parcels are outside the boundaries of the district; they shall be added to the assessment roll of the entity for the purpose of collecting such water service charges.

I. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the water service charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy. The tax collector shall include the amount of the water service charges on bills for taxes levied against the respective lots and parcels of land.

J. Tax Bill. Thereafter, the amount of the water service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and there-after be subject to the same penalties for delinquency.

K. Collection. All laws applicable to the levy, collection and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such water service charges.

L. Compensation of County. The tax collector may, in his discretion, issue separate bills for such water service charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the district in an amount to be fixed by agreement between the board of supervisors and the Board of Directors of the district. The compensation shall not exceed one percent of all money collected. The compensation shall be paid into the county salary fund. (Ord. 7 §4.4--4.15, 1983)

3.08.260 Collection with utility services furnished by another entity. The board may provide for the collection of water service charges with the rates for any other utility service furnished by a publicly or privately owned public utility with the written consent and agreement of the public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement may provide that the district water service charges shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. Such agreement may provide for compensation to such other utility owner for making such collections, and for discontinuance of the other utility service in the event that all or part of the district water service charge is not paid. (Ord. 7 §4.16, 1983)

3.08.270 Collection with utility services furnished by district. The board may provide that the water service charges shall be collected with the rates for any other utility service rendered by the district and that all the rates shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. (Ord. 7 §4.17, 1983)

**Article V. Remedies and Penalties for Nonpayment and
Delinquency of Water Service and Connection Charges**

3.08.280 Delinquency--Defined--Penalty and interest. All charges (other than water service charges for which provision is made, prior to delinquency for collection thereof on the tax rolls on which general district taxes are collected) which are not paid on or before the twentieth day following the date such charge was due and payable shall be delinquent and a penalty of twenty percent of the charge shall be imposed on the twenty-first day following the date such charge was due and payable. In addition, a penalty of one and five-tenths percent (1.5%) per month of the basic charge plus the twenty percent penalty shall be imposed on the thirtieth day following the date such charge was due and payable and on each thirtieth day thereafter until there is payment in full of the charge plus all penalties. (Ord. 7 §5.1, 1983).

3.08.290 Delinquent charges--Lien. If charges remain delinquent for a period of sixty days, the charges shall constitute a lien against the lot or parcel of land against which same was imposed, upon recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the district's bills to each property owner shall give notice of the lien provided by this section. (Ord. 7 §5.2, 1983)

3.08.300 Delinquency--Disconnection. The district may disconnect any premises from the water system if charges are not paid after they shall have become delinquent. The district engineer shall estimate the cost of disconnection of such premises and cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the water system. In the event such arrearages are paid and premises are reconnected to the water system, the district engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 7 §5.4, 1983)

3.08.310 Habitation after disconnection to constitute public nuisance--Abatement. During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the district reasonable attorneys' fees and costs of suit arising in the action. (Ord. 7 §5.5, 1983)

3.08.320 Unpaid charges--Collection by suit. The district may collect unpaid charges by suit, in which event it shall have judgment for the cost of the suit and reasonable attorneys' fees. (Ord. 7 §5.3, 1983)

3.08.330 Collection of delinquent charges--Other remedies. The district may provide otherwise for the collection of delinquent charges. All remedies provided in this chapter for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the district determines. (Ord. 7 §5.6, 1983)

Article VI. Refunds

3.08.340 Water service charge refunds. If a parcel is not physically connected to the District water system or is charged incorrectly, the owner who paid the water service charge may file a claim for a refund of overpaid charges.

No refund of an overpayment of water service charges shall be allowed in whole or in part unless a claim for refund is submitted to the District within a period of three years from the last day of the calendar month following the period for which the overpayment was made. Upon the submission of such a claim and when determined that an overpayment has been made, the District Engineer shall authorize a refund by the District for a period not to exceed five years. (Ord. 109 §3, 2024; Ord. 61 §1(part), 2004)

Title 4
Sewer Service District

Chapters:

- 4.04 Sewer Service Rules and Regulations
- 4.08 Sewer Service and Connection Charges

Chapter 4.04
Sewer Service Rules and Regulations

Sections:

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Article I. General Provisions

4.04.010 Title citation. The ordinance codified in this chapter may be cited as the "Davenport County Sanitation District Sewer Regulation Ordinance". (Ord. 1 §1.1, 1979)

4.04.020 Purpose. This chapter is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the district, and to supplement general county ordinances, rules or regulations applicable thereto. This chapter shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. (Ord. 1 §1.3, 1979)

4.04.030 Definitions. Unless the context otherwise indicates, the words and phrases defined in this section shall, for the purpose of this chapter, have the meanings respectively ascribed to them by this section. For the purpose of this chapter, additional terms shall have the meaning indicated in the latest edition of the "California Plumbing Code," adopted by the California Building Standards Commission, copies of which are on file with the District Engineer. Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the Water Works Association and the Water Pollution Control Federation.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, appearing in 33 U.S.C.A. §1251 et seq.

"Applicant" means 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 their authorized agent.

"Best management practice" (BMP) shall mean either any schedules of activities, prohibitions of practices, maintenance procedures, or other management practices to prevent or reduce the pollution of the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks,

sludge or waste disposal, or drainage from raw material storage. BMPs also include pollution control practices designed to reduce the pollutants contained in discharges.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

"Board" means the Board of Directors of the Davenport County Sanitation District.

"Building" means any structure used for human habitation or a place of business, recreation, or for other purposes, containing sanitary facilities.

"Building Drain" means that part of the lowest horizontal piping of wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

"Building sewer" (Private Sewer Lateral) means that part of wastewater drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer main; includes: clean outs, overflow valves, backflow valves, wye branches, connection to sewer main, forced sewer piping, gravity sewer piping, and appurtenances.

"Clean Water Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., Stat. 816 PL 92-500. Any terms defined in the Federal Clean Water Act, and acts amendatory thereof or supplementary thereto, or defined in the regulations promulgated pursuant to said Act (as may from time to time be amended) and used in this Chapter shall have the same meaning as in that statute or those regulations.

"Cool Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

"Commercial User" means any commercial business not in an industrial classification.

"Compatible pollutant" means BOS, suspended solids, pH, grease and oil; fecal coliform bacteria, and such additional pollutants as are now, or may be in the future, specified and controlled in the County's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

"Connector" means any owner of any premise connected to the sewer system.

"Contractor" means any person, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done on sewerage facilities.

"County" means the county of Santa Cruz, California.

"District" means the Davenport County Sanitation District.

"District Engineer" means the Director of the Department of Public Works of the

County or any person designated by the board.

"Domestic sewage" means a combination of liquids or water carrying human waste, laundry water, and kitchen waste from residential, business or industrial buildings.

"Domestic waste" means liquid wastes (i) from the noncommercial preparation, cooking and handling of food, or (ii) containing human waste and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

"Illicit Discharge" means any discharge to the County storm water sewer system not composed entirely of storm water except, discharges pursuant to a NPDES permit or those charges resulting from firefighting activities.

"Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

"Indirect Discharge" means introduction of pollutants into a POTW from any nondomestic source regulated under section 307 (b), (c), or (d) of the Act.

"Industrial user" means a source of indirect discharge.

"Industrial wastewater" means wastewater from any source including an industrial plant or facility which introduces toxic pollutants, as defined in 40 CFR 116 and 40 CFR 401, into publicly owned treatment works.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other source, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2. Therefore is a cause of violation of any requirement of POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
 - a. Section 405 of the Clean Water Act,
 - b. The Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA,
 - c. The California Domestic Water Quality and Monitoring Regulations (Title 22 of the California Code of Regulations),
 - d. The Clean Air Act,
 - e. The Toxic Substances Control Act,
 - f. The Marine Protection, Research and Sanctuaries Act.

"Installer" means any person who installs main sewers within the District for connection to the District sewer system.

"Main sewer" means sewer main

"National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, conditioning, and denying permit for the discharges of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

"Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation

"Person" means any individual, firm, company, partnership, corporation, association, group or society, and includes the state of California, and agencies, Districts, commissions and political subdivisions created by or pursuant to state law.

"pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution

"POTW" means Publicly Owned Treatment Works. Works qualify as publicly owned if any portion of the works are publicly owned.

"Premises" means any lot, parcel of land, building or establishment.

"Pretreatment" means application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of, the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

"Pretreatment standards" means all applicable Federal rules and regulations implementing Section 307 of the Act, as well as any state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"Private sanitary sewer collection system" means a sewer collection system serving any commercial business, any sewer collection system serving four (4) or more units including but not limited to: apartment complexes, mobile home parks, condominiums, cooperative apartment buildings, as well as any sewer collection system with a privately owned and maintained sewer lift station.

"Private sewer lateral" means the building sewer.

"Public sewer" means a sanitary sewer which is maintained by the District.

"Sewer" means a conduit for carrying off sewage.

"Sewer main" means a public sewer designed to accommodate more than one building sewer.

"Significant industrial discharger" means any industrial user of the District's wastewater

treatment system who meets one or more of the following:

1. Has a discharge flow of twenty-five thousand gallons or more per average work day;
2. Has in its waste toxic pollutants as defined pursuant to section 307 of the Act;
3. Is found by the County, SCB or the US EPA to have significant impact, either singly or in combination with other contributing industries, on the system's effluent quality, or air emissions generated by the system;
4. A waste stream discharge which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the District works wastewater treatment system.

"Significant noncompliance" means user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits:
 - a. Chronic Violations. Sixty-six percent or more of all the measurements taken for the same pollutant parameter exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of concentration over the most stringent limit) a numeric Pretreatment Standard or Requirement, including instantaneous limits.
 - b. Technical Review Criteria (TRC) violations. Thirty-three percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 0 CFR 403.3(1) multiplied by the applicable TRC,
 - i. Group I TRC for conventional pollutants (BOD, TSS, fats, oil and grease): $TRC = 1.4$
 - ii. Group II TRC for all other pollutants except pH: $TRC = 1.2$
2. Violations of compliance schedule milestones for starting construction, completing construction, and attaining final compliance by ninety days or more after the schedule date.
3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports and periodic reports) within 45 days of the due date.
4. Failure to accurately report non-compliance.
5. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference

or Pass Through, including endangering the health of the POTW, personnel or the general public.

6. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
7. Any other violation or group of violations, which may include a violation of Best Management Practices which the District determines will adversely affect the operation or implementation of the local Pretreatment Program.

"Sludge" means a semi-liquid sediment, resulting from the accumulation of settleable organic and/or inorganic solids deposited from wastewaters or other fluids.

"Slug loading" means either:

1. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the District works or causes the pass-through of pollutants to receiving waters, or
2. Any discharge of a pollutant (s), measured by a grab sample, at a concentration exceeding five times the composite or grab sample discharge limit, or
3. Any discharge of wastewater outside the pH range of five through ten for either a continuous duration of greater than or equal to fifteen minutes or for a sum total of thirty minutes within one day.

"Storm water" means rainwater, surface water, or groundwater, roof runoff and subsurface drainage.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Unit" or "dwelling unit" means separate living quarters for one or more persons having a separate kitchen or toilet facilities.

"Unpolluted water" means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

"User" means any person who discharges, causes or permits the discharge of wastewater into the POTW system.

"User classification" means a classification of user based on the latest edition of the Standard Industrial Classification (S.I.C.) Manual prepared by the office of management and budget.

"Wastewater" means the liquid and water-cared industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the District works system.

"Wastewater treatment system" means any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements used to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be a part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"Work" means any work directly involved with the sewers.

"Works" shall include sewage treatment plants, intercepting and collecting sewers, outfall structures, sewers, force mains, pumping stations, ejector stations, aerated lagoons and all other appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage. (Ord. 91 §4, 2019; Ord. 1 §2.1--2.18, 1979; Ord 77 §1(part), 2011)

4.04.040 Rules and regulations adopted. 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 adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise, except as general county ordinance, rule or regulation applies. (Ord. 1 §1.2, 1979)

4.04.050 Suspension or modification of provisions-- Application--Procedure. When any person by reason of special circumstances is of the opinion that any provision of this chapter is unjust or inequitable as applied to his premises, he may make written application to the board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the board may, by resolution, suspend or modify the provision complained of as applied to such premises to be effective as of the date of the application and continuing for such period as it finds necessary. (Ord. 1 §1.5, 1979)

4.04.060 Suspension or modification of provisions-- Board to have authority. The board may, on its motion, find that by reason of special circumstances any provision of this regulation and chapter should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 1 §1.6, 1979)

4.04.070 Adjustments and exceptions--Rights retained--Application. The District board hereby retains the right to grant adjustments and exceptions to the provisions of this chapter in order to vary or modify the strict application thereof in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. Application for any adjustment or exceptions shall be made to the district board in the form of a writ- ten application. (Ord. 1 §1.7, 1979: Ord 77 §1(part), 2011)

4.04.080 Conflict with state codes. Any provision in this chapter that is in conflict with the provisions of the State Health and Safety Code or Streets and Highways Code or Governmental Codes or Elections Code, due to revisions made in the codes, shall be automatically superseded by the provisions in the code until such time as this chapter can be revised. (Ord. 1 §1.9, 1979)

4.04.090 Violation--Penalty. Except as this chapter may otherwise permit, following the effective date of the ordinance codified in this chapter, it shall be unlawful for any person to connect to the sanitation district sewerage facilities except in the manner provided by this chapter. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. (Ord. 1 §1.4, 1979)

Article II. Permits

4.04.100 Permit required for connection. No person or public corporation shall be permitted to connect to, use or maintain a connection to the sewerage facilities of the district without the permits required and issued as herein-after provided. (Ord. 1 §6.1, 1979)

4.04.110 Property to be within district--Exceptions.

A. Except as provided in subsection (B) of this section, no permit shall be valid unless the real property served by use of the permit is included within the boundaries of the district.

B. Upon a finding that the public health, safety and welfare so require, the Board of Directors may permit a public agency located outside the boundaries of the district to connect to, use or maintain a connection to sewerage facilities of the district. (Ord. 31 §1, 1990: Ord. 1 §6.2, 1979)

4.04.120 Application. Applications for a permit shall be made with the district engineer. The applicant may be required to furnish the location, ownership, occupancy and use of the premises in connection therewith and to furnish data regarding present and anticipated future flows, and quality of discharge. The district engineer may require plans, specifications or drawings and such other information as he may deem necessary. (Ord. 1 §6.3, 1979)

4.04.130 Issuance. The regulating agencies of the county may issue the sewer connection permit only after it has received an approved clearance from the district engineer. The regulating building department is authorized and directed to collect all fees, deposits and charges which, by

provisions of this chapter or ordinances of the district, are payable by the applicant on or before the delivery of the permit to the applicant. (Ord. 1 §6.4, 1979)

4.04.140 Compliance. After approval of the clearance, 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 representative. (Ord. 1 §6.5, 1979)

4.04.150 Agreement with district. The applicant's signature on a clearance for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other applicable ordinances, rules and regulations of the district and with the plans and specifications he has filed with his clearance, if any, together with such corrections or modifications as may be made or permitted, if any. Such agreement shall be binding upon the applicant and may be altered only upon the written request for the alteration from the applicant. (Ord. 1 §6.6, 1979)

4.04.160 Time limit. If work under a permit is not commenced within six months from the date of issuance or, if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of the new permit. (Ord. 1 §6.7, 1979)

4.04.170 Street excavation. 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. (Ord. 1 §6.8, 1979)

4.04.180 Encroachment. An encroachment permit must be obtained before excavation for sewers are made in any publicly maintained street. Application for the permit shall be made at the county department of public works or applicable agency. (Ord. 1 §4.7, 1979)

Article III. General Regulations for Building Sewers

4.04.190 Construction requirements. The construction of the building sewer and the connection to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the district. New and existing plumbing fixture tallies shall be part of the required inspection. If more fixture units are determined than what was paid at the time of permit issuance, then payment for the extra fixture unit charges shall be made prior to building occupancy or permit sign-off. If an excessive amount of unapproved fixtures have been installed without permit, then the owner must first receive written approval from the District for those fixtures to remain connected to the District's sewer before building occupancy will be granted. The District engineer may determine where and how the connection is to be made. The private sewer lateral shall be installed and connected to public sewer by a contractor licensed in the state of California. (Ord. 91 §5, 2019; Ord. 1 §3.1, 1979)

4.04.200 Inspection of connections. The county department of public works is authorized and directed hereby to inspect sewer connections. No building sewer connections shall be made without the presence of an authorized official or his representative, unless permission has been granted to proceed in his absence. (Ord. 1 §3.2, 1979)

4.04.210 Costs to be borne by owner. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the district from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the district engineer. (Ord. 1 §3.3, 1979)

4.04.220 Maintenance. Building sewers shall be maintained by the owner of the property served thereby. (Ord. 1 §3.4, 1979)

4.04.230 Separate sewers required when. Every building or industrial facility must be separately connected to the public sewer. However, one or more buildings located on property belonging to the same owner may be served with the same building sewer during the period of the ownership. Upon the subsequent subdivision and sale of a portion of the lot, the portion not directly connected with such public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. (Ord. 1 §3.5, 1979)

4.04.240 Old building sewers to meet requirements. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing, to meet all applicable requirements. The applicant must provide a video and video inspection report completed by a licensed plumber to the District, per current District requirements. The District will determine if the new or existing building may connect to the old building sewer, or if repairs or replacement of the old building sewer are required before connection is allowed. (Ord. 91 §6, 2019: Ord. 1 §3.6, 1979)

Exception:

If the entire old building sewer was constructed and approved by inspection by the District within the twenty years prior to the application date, a video and video inspection report will not be required. The applicant must provide documentation proving the installation/inspection date of the building sewer and obtain District approval prior to connection.

4.04.250 Backflow protection devices required when.

A. In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from the fixtures to the public sewers, the sewage from the fixture shall be fitted by artificial means and discharged to the public sewer at the owner's expense.

B. In all buildings where the floor elevation is less than one foot above the rim elevation of the nearest upstream manhole or bypass invert elevation, an overflow device or a backflow protective device shall be installed. When an overflow device is installed, the elevation of discharge of the installation shall be at least one foot below the lowest floor elevation containing a plumbing fixture. (Ord. 1 §3.7, 1979)

Article IV. Construction of Sewers and Appurtenances

4.04.260 Authorization to construct and connect.

A. Authorization to construct sewers and connect to the sewer system must be obtained from the district engineer.

B. Building sewers (laterals) shall not be connected until written approval has been issued by the district engineer. (Ord. 1 §4.1, 4.8, 1979)

4.04.270 Plans and specifications. Plans, profiles and specifications shall be prepared at the expense of the installer by a civil engineer, licensed in the state of California. Design shall comply with sanitary sewer design criteria as established by the district engineer. (Ord. 1 §4.2, 1979)

4.04.280 Inspection. Inspection will be made by the district engineer and no sanitary sewer construction work shall be conducted without the presence of him or his representative, unless permission has been granted to proceed in his absence. (Ord. 1 §4.9, 1979)

4.04.290 Agreement with district prior to construction.

A. An agreement shall be entered into, prior to construction, by the installer with the district, covering, but not limited to, the following:

1. Construction of sewers in accordance with approved plans and specifications;
2. Acquisition of necessary rights-of-way and easements, and granting of same to district;
3. Payment for all costs involved due to the construction;
4. Transfer of title of all sewers and appurtenances to district;
5. Indemnification of the district;
6. Issuance of faithful performance bond and labor and materials bond in the amount of one hundred percent and fifty percent, respectively, of the district engineer's estimate, filed with the district by installer;
7. Payment of all fees, including plan checking and inspection;
8. Time limit of construction;
9. Other items that individual conditions may dictate.

B. The district engineer shall be the authorized agent of the district to sign the agreement. (Ord. 1 §4.4, 1979)

4.04.300 Fees. Estimated fees for all necessary plan checking and inspection fees shall be deposited in a trust fund in advance of construction. Only actual costs incurred will be billed to this account. The district shall have the right to charge, and the installer shall pay, any necessary administrative and engineering fees incurred by the district for work performed. (Ord. 1 §4.3, 1979)

4.04.310 Construction contracts. Construction contracts shall be let by the installer, but not until after receiving written approval of the plans and specifications from the district engineer. (Ord. 1 §4.6, 1979)

4.04.320 Stakes. Line and grade stakes shall be provided by the installer (Ord. 1 §4.5, 1979)

4.04.330 Oversize sewers. Oversize and off-development sewers may be required by the district engineer. In this event, consideration will be given to a reimbursement agreement for excess costs upon the requests of the installer. (Ord. 1 §4.10, 1979)

4.04.340 Construction by district when. Sewers may be constructed by district contract when, in the opinion of the board, it would be in the best interests of the district. (Ord. 1 §4.11, 1979)

4.04.350 Construction by district--Plans and specifications. In the event that the district determines to construct sewers, plans, profiles and specifications shall be prepared by the district engineer. (Ord. 1 §4.12, 1979)

4.04.360 Construction by district--Contracts. Contracts for construction shall be entered into in accordance with the usual authority of the district for construction. (Ord. 1 §4.13, 1979)

Article V. Use of Sewers

4.04.370 Unpolluted water prohibited. No leaders from roofs or surface drains for rainwater shall be permitted to be connected to any sewers. No surface or storm waters, excessive infiltration, cooling water or unpolluted industrial wastewater shall be permitted to enter the sewer system. (Ord. 1 §5.1, 1979)

4.04.380 Discharge of other than domestic sewage-- Permission granted when. Permission to discharge into the sanitary sewer system of the district anything but domestic sewage will be granted only in accordance with and in consideration of the conditions of each case, and shall be subject to reasonable rules, regulations and requirements to prevent excessive alkalinity or acidity of the effluent or excessive discharge of organic or inorganic substances in solution or in suspension, whether liquid, semisolid or solid. (Ord. 1 §5.2, 1979)

4.04.390 Connection of swimming pools and equipment. Connection of swimming pools and swimming pool equipment to sanitary sewers shall not be permitted unless and until a permit from the district is obtained therefor. A permit giving permission for connection of the pool or equipment shall require that they be separated from the sewer by an air gap and a sump. The maximum size discharge out of the sump is to be a two and one-half inch I.D. pipe. (Ord. 1 §5.3, 1979)

4.04.400 Accidental spills. In the event of an accidental spill or unavoidable loss of any deleterious material to the sewers, the connector concerned shall immediately notify the district of the nature of the spill, the quantity and the time and location of the occurrence. (Ord. 1 §5.4, 1979)

4.04.410 Types of wastes prohibited. Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

A. Any liquid or waste having temperature higher than one hundred fifty degrees Fahrenheit;

B. Any water or waste containing grease, as follows:

1. Floatable grease in excess of fifty parts per million. Grease is an oil, fat, grease or other ether- soluble matter. Floatable grease is grease which rises to the surface of quiescent sewage or waste or upon dilution of the sewage or waste with fresh or salt water,
2. Dispersed grease, other than soap, in excess of five hundred parts per million. Dispersed grease is grease which is not floatable;
3. Any gasoline, benzene naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

C. Any garbage that has not been properly shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth inch in any dimension;

D. Any ashes, cinders, pulp, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, woods, animal hair, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;

E. Any waters or wastes having a pH factor lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system;

F. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or any other part of the sewerage system;

G. Any wastes containing constituents in excess of the following (parts per million by weight):

1. Cadmium 0.2,
2. Chromium 0.5,
3. Copper 2.0,
4. Cyanide 1.0,
5. Nickel 1.0,
6. Silver 0.2,
7. Tin 5.0,
8. Zinc 3.0,
9. Phenol 1.0,
10. Arsenic 0.1,
11. Lead 1.0,
12. Mercury 0.1
13. Chlorinated hydrocarbons 0.02;

H. Any waters or wastes containing suspended solids or soluble solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;

I. Any noxious or malodorous gas or substance capable of creating a public nuisance;

J. Radioactive wastes;

K. Any water or wastes containing dissolved sulfides in excess of one part per million;

L. Septic tank sludge or effluent. (Ord. 1 §5.5, 1979)

4.04.420 Conflicting provisions--District engineer requirements applicable when. Any requirement imposed by the district engineer that is greater than or in addition to the above shall be the controlling requirement. (Ord. 1 §5.6, 1979)

4.04.430 Admission of wastes. The admission into the public sewers of any waters or

wastes having (a) a five-day BOD (biochemical oxygen demand) greater than four hundred parts per million by weight, or (b) containing more than three hundred fifty parts per million by weight of suspended solids, (c) exerting a fifteen-minute chlorine demand in excess of twenty parts per million, or (d) containing any quantity of substance having the characteristics described in Section 4.04.410, shall be subject to the review and approval of the district engineer. (Ord. 1 §5.7, 1979)

4.04.440 Suspension of service. When deemed necessary by the district engineer or the county health officer for the preservation of public health or safety for the protection of public or private property, he may suspend sewer service to any person or persons using the sanitary sewer system in a manner or way as to endanger the public health or safety or public or private property, and in this regard sever from the public sewer all pertinent connections thereto. If such endangerment shall be imminent, then the district engineer or the county health officer may act immediately to suspend sewer service without giving advance notice or warning whatsoever to the person or persons. (Ord. 1 §5.15, 1979)

4.04.445 Private Sanitary Sewer Systems.

- A. All sewer lines, lift stations, and appurtenances from the building wall to and including the connection to the public sewer main are the property of the owner of the parcel upon which the connected building sites. All property owners whose properties are connected to a public sewer main or otherwise connected to the District's sewer system by sewer lateral shall, at their own expense, maintain the private sanitary sewer collection system and private sewer lateral in a fully functioning condition and ensure the lines are free of cracks, fractures, voids, leaks, inflow or infiltration of extraneous water, exfiltration of sewage, root intrusion, obstructions, offset joints, sub-standard materials, faulty mainline connections or other defects identified by the District. Property owners shall ensure that lines drain freely to the sewer main without excessive sags that collect grease and sediments. Owners shall also ensure that pump or lift stations are maintained in proper working order.
- B. Owners of Private sewers shall ensure that they are maintained per Section 04.04.466
- C. Private Sewer Repair.
1. Should more than two overflows occur within a six-month period, it is required that the private sewer be video recorded and repaired or replaced and certified in writing, by a licensed plumber, to be in good working condition and free of obstructions and/or breaks.
 2. Before close of escrow, (in transfer of title sales only) any property that includes buildings or structures, connected to a private sewer later, construction more than 20 years before the date of sale and has not had its sanitary sewer system inspected and approved by District within the past 20 years shall have the sanitary sewer system video inspected and evaluated by a licensed plumber, using the District's current inspection report. The District shall determine if the private sewer is in good working order and free of the conditions listed in subsection (C)(3) below. The testing, inspection and repair shall be the responsibility of the seller; and shall be nontransferable to the buyer. The District will not assume responsibility for the costs of testing, inspection, or repair. Requirements of this ordinance must be disclosed by the seller to the buyer in a timely manner prior to the close of escrow. The District shall have ten working days from the date of the plumber's inspection report

and video submittal to provide review comments to the plumber. If the District finds that the submitted video and inspection report are not complete or do not meet District standards, the District shall have ten working days from the date of completed resubmittal to provide review comments.

- a. Option to Transfer Seller's Responsibility to Buyer. Before the sale of property, the seller and buyer of the property may mutually agree to transfer the responsibility for making any needed repairs to the private sewer lateral in compliance with this chapter, to the buyer. In the event the buyer agrees to assume responsibility for repairing the private sewer lateral, the seller shall provide the inspection video and inspection form (reviewed by the District) to the buyer, which indicates the repairs needed to meet the District's standards. The buyer shall then complete the repairs to meet the District's standards no later than ninety calendar days after the date the Transfer of Responsibility is accepted by the District. Before the time of sale, the seller and buyer shall complete the following procedures:
 - i. Both the seller and buyer shall sign a Transfer of Responsibility to Repair Form certifying that the seller has completed an inspection, obtained repair requirements from the District, and that the buyer has assumed responsibility for these required repairs; and
 - ii. The signed Transfer of Responsibility to Repair Form must be accepted by the District before the close of escrow and included in the real estate transfer documentation.

Verification of Compliance.

The seller (or buyer if a valid Transfer of Responsibility to Repair Form exists) shall verify compliance with this chapter by obtaining a completed County of Santa Cruz Sanitation District Permit, stamped and signed by the District Inspector.

3. The private sewer must be replaced or repaired if a licensed plumber or the District encounters any of the following during inspection: obstructions, root intrusion, offset or leaky joints, cracks, fractures, voids, breaks, significant sags, damaged or defective cleanouts, inflow and infiltration of extraneous water, exfiltration of sewage, older pipe materials that are known to be inadequate, appurtenances and materials that are defective or substandard, damaged sewer main connections, other defects identified by the District, inadequate lift or pump stations, and inadequate alarm systems for overflows.
4. An existing private sewer lateral may only be connected to by a new or existing building when video inspection of the private sewer lateral has shown, to the satisfaction of the District Engineer, that none of the conditions in (C)(3) of this section are present. (Ord. F-15§3, 2012) See Section 4.04.240 for additional requirements and exceptions.
5. Before the District will permit a building remodel or building addition, the

applicant must provide to the District a video and inspection report for the existing private sewer lateral completed by a licensed plumber per current District requirements. The District will determine if the remodeled building or building addition may be permitted or if repairs or replacement of the existing private sewer lateral are required prior to permitting. Conditions in subsection (C)(3) above are grounds for repairs

Exceptions:

- a. If the applicant can provide documentation proving the entire existing private sewer lateral was constructed and approved by inspection by the District with the twenty years prior to the application date, a video and video inspection report will not be required.
- b. This section does not apply to remodels that do not consist of the following:
 - i. an increase in the square footage of the building; or
 - ii. an increase in the previously permitted plumbing fixture units within the building.

D. Cleanout and Overflow Devices. A cleanout and overflow device approved by the District Engineer shall be installed and maintained, at the sole expense of the property owner, on all private sewer laterals. In general, the overflow device shall be located as close to the building wall as practical. The installation of the devices shall be required as follows:

1. When building a new structure on a property with an existing sewer system, or when otherwise proposing to connect a previously unconnected structure to an existing private sewer;
 2. As a condition of approval of any major building remodel project. A major building remodel project increases the square footage of the building or increases the previously permitted plumbing fixture units within the building;
 3. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
 4. Whenever the District finds that a sewage spill emanating from a private sewer system presents a threat to public health, even if it has not flowed across a property line.
- E. The District may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according Section 4.04.446 (B)(2)
- F. The District may impose civil administrative penalties against a property owner who fails to comply with the escrow requirements of Section 3.04,445(C)(2) according to the following: Any person who intentionally violates the escrow requirements of this chapter or any regulations of the District is guilty of a misdemeanor and shall be

punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed thirty days, or both. Fines assessed by any judgement made by the District as a result of noncompliance with this code shall be paid to the District within fifteen days of the date of the assessment.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the sewer system to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

G. The District may disconnect any premises from the public sewer if required repairs are not made. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the public sewer. In the event such arrearages are paid, and premises are reconnected to the public sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action.

4.04.446 Private Sewer Maintenance.

A. Property Owners shall be responsible for the maintenance, repair and proper operation of the private sewer laterals and/or private sanitary sewer collection system that connects the sanitary sewer building drain(s) to the public sewer main, including the connection, regardless of whether any part of the private sewer lateral or private sanitary sewer collection system is located on private property or within the public right-of-way. The District shall have no responsibility or obligation for the maintenance, repair, or proper operation of such private sewer lateral or private sanitary sewer collection system. Property owners shall ensure that private sewers are maintained to prevent sanitary sewer overflows and limit exfiltration of sewage, inflow, and infiltration of extraneous water.

1. Owners of private sanitary sewer collection systems shall clean the entire system, once annually, at the minimum, to ensure the line is free of obstructions. Prior to cleaning, the owner shall notify the District and obtain approval. Records of said cleanings shall be retained by the owner and furnished to the District upon request.

2. Owners of private sanitary sewer collection systems shall obtain video inspections and inspection reports meeting the District's current requirements on all the private sewers in their entire system (laterals and private sewer collection lines) by January 1, 2023. All videos and inspection reports shall be provided to the District. The District will determine any necessary repairs/replacement and provide notice to the property owner. This video inspection/District review process shall be repeated every twenty years (at minimum).

Exemption:

Those portions of the private sanitary sewer collection systems which the owner can prove to the District have been constructed, inspected and approved by the District inspector within the twenty years prior to January 1, 2023, do not require submission of videos and inspection reports to the District on January 1, 2023. However, when videos of

the private sanitary sewer collection system are required by the District for the next twenty-year video cycle, these previously un-videoed portions of the system will require videos and inspection reports, along with the rest of the system.

3. Owners of private sanitary sewer collection systems shall prepare a maintenance program for the system addressing the operation, maintenance, and inspection of the lines, pump stations, and appurtenances in the system. A document outlining said program shall be provided to the District prior to July 1, 2024, or as required by the District Engineer. The document shall contain a schedule to complete all repairs deemed necessary by the District based on the District's review of the previously submitted videos and inspection reports as outlined in Section 4.04.466 (A)(2). The maintenance program and repair schedule shall be updated at least every twenty years, or more frequently as needed.

4. Building owners shall have the private sewer lateral serving their building inspected by a licensed plumber using video inspection every ten years (at minimum) to ensure that the lateral is in good condition. Videos and corresponding inspection reports shall be retained by the owner and furnished to the District upon request.

5. Owners of private pump stations shall inspect and maintain the system annually (at minimum) to ensure that pump station failure does not result in a sanitary sewer overflow. The District may request maintenance and repair records at any time.

6. Maintenance of all private sewers (private sewer laterals and private sanitary sewer collection systems) shall include but not be limited to:

- a. removing grease, settled debris, roots, and other obstructions;
- b. replacing failed or deteriorating pipe segments or appurtenances;
- c. repairing or eliminating non-watertight joints;
- d. repairing or replacing pipe segments containing voids, cracks, or fractures;
- e. correcting offset joints;
- f. repairing connections to the public sewer main;
- g. eliminating sags;
- h. replacing materials or appurtenances not meeting current District standards, as deemed necessary by the District; and
- i. removing any non-sanitary sewer connections from the building sewer.

7. The property owner shall be responsible for clearing any and all obstructions in the private sewer lateral and/or private sanitary sewer collection system immediately upon discovery and/or notification by the District. Prior to any cleaning or repair work on the private sewer, the owner shall notify the District and gain necessary approvals.

B. Sanitary Sewer Overflows from Private Sewers.

1. Corrective Action.

If a building drain, private sewer lateral, or private sanitary sewer collection system is not operating properly and causes the discharge of wastewater to any location outside of the building, it is considered a sanitary sewer overflow. Any sanitary sewer overflow condition shall constitute a public nuisance to be abated by the property owner. The following procedure shall take place:

- a. The property owner shall:
 - 1) take immediate action to stop the overflow immediately and have sewer blockages, breaks, and other deficiencies permanently repaired by a licensed plumber; and
 - 2) notify the District within twelve hours upon discovery or occurrence of the overflow.
- b. The District shall request abatement of the overflow and inspection of the private sewer by serving a Notice of Violation (N.O.V.) to a property owner, or posting the N.O.V. conspicuously on, or in front of, the building. The N.O.V. shall be deemed effective immediately upon service and begin the timeline for correcting and abating the sanitary sewer overflow.
- c. Within seventy-two hours of service or posting of the N.O.V., the property owner shall have a licensed plumber inspect the private sewer (lateral and private collection lines, as needed) internally by a closed-circuit television camera to determine the cause of the overflow and identify remedial actions needed to bring the condition of the private sewer up to District standards. The property owner or licensed plumber shall submit to the District the video and a written inspection report describing the cause of the overflow and the remedial actions taken to repair the private sewer. The District shall evaluate the report and video and make a determination as to the acceptability of the remedial actions and whether additional remedial actions, including full or partial replacement of the private sewer lateral and/or private sanitary sewer collection system, shall be taken.
- d. Within fourteen calendar days after service of the N.O.V., the property owner must have obtained all required permits and completed all necessary repairs to bring the condition of the private sewer up to District standards and submit evidence of the repair or corrective action to the District.

2. Penalties for Non-Compliance/Abatement by the District.

In addition to exercising any other remedies, if the corrective action is not completed within the required timeframes, the District may notify the owner of the private sewer of its intent to record an abatement order and may thereafter abate the nuisance at the owner's expense, including assessing an administrative fee to reimburse the District for all related administrative costs. The property owner may also be assessed civil penalties for failure to comply in the amount of a minimum of \$500 or as otherwise set by Board resolution for each day the violation continues after expiration of:

- a. the fourteen day deadline specified above; or
- b. other deadline for repair or corrective action as set by the District.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the private sewer to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

3. Appeal.

Any appeal of an abatement order will be in accordance with Article I and as described herein. In the event that the District Engineer notifies the owner of its intent to record an abatement order and charge costs for abatement, enforcement, and/or assess civil penalties to the property owner, the property owner may request an appeal hearing in writing to the Secretary of the board in accordance with the provisions of Article I and payment of an appeal fee as set by the District within ten calendar days from the date of service of the notice of intent to record the order. Absent such an appeal, the abatement order shall constitute a final administrative decision confirming such costs, and a lien or special assessment on the property may be recorded with the County Recorder without further hearing for failure to pay within sixty days. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.

4. Disconnection.

In addition or alternative to any of the foregoing remedies, the District may disconnect any premises from the public sewer if remedial actions to correct sanitary sewer overflows are not timely taken in accordance with this code and the directions of the District Engineer, and/ or costs of abatement, including fees and penalties, are not paid. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the public sewer. In the event such arrearages are paid and premises are reconnected to the public sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action. (Ord. 96 §1, 2021: Ord. 91 §8, 2019)

Article VI. Treatment of Waters and Waste

4.04.450 Preliminary treatment and control--Exemptions. Whenever deemed necessary by the district engineer to meet the requirements of Section 4.04.410, a connector shall, at his

own expense, provide such preliminary treatment or take such other measures as shall be required to change the characteristics, contents, or rate of discharge of waters or wastes to be deposited in the public sewers of the district. Facilities for preliminary treatment required hereunder shall be subject to the approval of the district engineer and shall be maintained and operated in a satisfactory and effective manner at the sole expense of the connector. A connector may be exempt from the preliminary treatment requirements if he can verify to the satisfaction of the district engineer through a certified laboratory test or valid documentation that the amount of prohibited waste discharged will be less than that allowed by district ordinance. (Ord. 1 §5.8, 1979)

4.04.460 Preliminary treatment facilities--Approval for construction--Maintenance.

A. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval by the district engineer, and no construction of such facilities shall commence until the approvals are obtained in writing.

B. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 1 §5.10, 1979)

4.04.470 Preliminary treatment facilities--Minimum requirements. In compliance with Sections 4.04.430 and 4.04.450 of this chapter, the district engineer shall require minimum preliminary treatment facilities to be provided by the connector as follows:

A. Separators. All wastes, other than sewage from residential premises, which contain or are likely to contain oil or grease in excessive amounts, or any flammable substance, sand or other harmful ingredient, shall be passed through a suitable separator before discharge to a public sewer. The separator shall be of a type and capacity approved by the district engineer and shall be so located as to be readily accessible for cleaning and inspection. Interceptors shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter.

B. Screens. All wastes resulting from the wholesale processing of fruits, vegetables and other agricultural produce shall be passed through suitable screens before discharge to a public sewer. The fine screen shall have openings of not more than 1/32 inch, unless otherwise permitted by the district engineer. In addition, a coarse screen approved by the district engineer shall be permanently fixed in the user's discharge line. Such coarse screen shall only be removed by district personnel.

C. Standards for Grease Interceptors for Establishments with Food Service. Such establishments shall include but not be limited to: restaurants of all types, hospitals, convalescent homes and school cafeterias. The type of interceptor required shall be determined by the nature of the establishment where it will be used. Factors considered include type of food served, nature of waste discharged, operating hours, seating capacity and type of appliances used. The size interceptor required shall be as determined by the district engineer.

1. Interior Cast Iron Grease Trap. At the district engineer's discretion, the user may install a suitable grease trap inside the building served if the establishment does not have a garbage grinder or dishwasher and the grease waste generated is minimal. Size and specifications for cast-iron-type grease traps shall be as

determined by the district engineer.

2. Exterior Pre-Cast or Poured-in-Place Concrete Type Interceptors. A concrete interceptor shall be installed by all other businesses with food service facilities where a grease trap is not adequate. The interceptor shall be located outside the building so that it is readily accessible for cleaning and inspection. Sizes and design specifications for concrete interceptors shall be as determined by the district engineer. All drains from the kitchen area shall be connected to the grease interceptor. All restrooms shall be plumbed separately and connected to the building sewer downstream of the grease interceptor.

D. Clarifiers for Automotive Service Businesses. A clarifier shall be installed in all existing and proposed automotive service businesses which have drains from service facilities other than toilets and hand wash basins connected to the sanitary sewer system. These businesses include, but are not strictly limited to, service stations, garages, car washes and steam cleaners. The clarifier shall be sized according to the specifications as determined by the District Engineer. (Ord. 1 §5.9, 1979)

4.04.480 Control manholes. The district engineer may require the connector, if its sewer will carry industrial wastes, to install a suitable control manhole in the sewer to facilitate observation, sampling and measuring of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with the plans approved by the district engineer. The manhole shall be installed by the users at their expense and shall be maintained by them so as to be safe and accessible at all times. (Ord. 1 §5.11(part), 1979)

4.04.490 Measurements and tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Section 4.04.410 of this chapter shall be determined in accordance with standard sanitary engineering methods at the control manhole provided for pursuant to Section 4.04.480 of this chapter or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the private sewer is connected. (Ord. 1 §5.12, 1979)

4.04.500 Abandoned interceptors. Abandoned interceptors shall be pumped and filled as required for abandoned septic tanks pursuant to the California Plumbing Code and applicable county ordinances. (Ord. 91 §9, 2019; Ord. 1 §5.11(part), 1979)

4.04.510 Special treatment agreements with district. No statement contained in this chapter shall be construed as preventing the district from making any special agreement or arrangement with connectors whereby waste of unusual strength or character may be received for treatment, provided that any abnormal costs of conveyance and treatment of the waste shall be borne entirely by the connector entering into such agreement. (Ord. 1 §5.13, 1979)

4.04.520 Right of entry for inspection. The district engineer or his designated representative shall have the authority, when in the performance of his duty and upon first presenting his credentials and identifying himself as an employee of the Davenport County Sanitation District to the person apparently in control of the premises, if available, to enter upon any premises within the district which is connected to the sewer system, to inspect the sewer facilities of the property; provided, however, that the district engineer or his designated representative shall not enter the dwelling of any person or other enclosed area of the premises without permission or an inspection warrant. (Ord. 1 §5.14, 1979)

4.04.530 Noncompliance--Lien. Should any discharger fail to install the proper preliminary treatment facility within six months of first being notified, the district may contract the necessary work. Such charges for the necessary work shall constitute a lien against the lot or parcel of land for which the preliminary treatment facility was installed, upon recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the district's bills to the property owner shall give notice of the lien provided by this section. (Ord. 1 §5.16, 1979)

Article VII. Repayment Fees Where Main Sewer Constructed by Other Than District

4.04.540 Definitions. Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this article, have the meanings respectively ascribed to them by this section:

"Repayment fee" means that amount collected by the district for each connection made to the line installed, which fee shall be 1.25 times the repayment rate and be for the purpose of reimbursing the installer of such sewer line as provided hereunder.

"Repayment rate" means the total cost of constructing the sewer line divided by the total number of connections to the sewer line as computed by district engineer.

"Reimbursable portion" means the total number of connections to the sewer line, as computed by district engineer, less the number of connections to be made by the installer as computed by the district engineer. (Ord. 1 §7.1, 1979)

4.04.550 Conditions. A private party or parties who construct any sewer line three hundred feet or more in length which will be of use to and benefit properties of others shall be entitled to reimbursement of a portion of the actual costs of the construction when the following requirements have been met:

- A. Prior to construction of the sewer line, the board agrees to repayment for the reimbursable portion of the work;
- B. The construction of the line is completed in accordance with plans and specifications approved by the district engineer and is inspected and accepted by the district engineer;
- C. The party claiming reimbursement provides satisfactory evidence to show the actual cost of construction including engineering costs. (Ord. 1 §7.2, 1979)

4.04.560 Agreement with district. After all requirements have been met, the district engineer shall determine the total number of connections which can reasonably be made to the line including those to be made by the installer, and the repayment rate shall be computed by dividing the total actual cost of construction including engineering costs by the total number of connections. Upon determination of the number of connections, the repayment rate and the reimbursable portion as provided for hereunder, the installer shall enter into an agreement with the district upon the terms, conditions and provisions set forth in Sections 4.04.570 through 4.04.590 of this chapter. (Ord. 1 §7.3, 1979)

4.04.570 Payment. Prior to acceptance by the district engineer of a line installed pursuant to this article, the district engineer may authorize connections to the line so long as he is satisfied that the number of such connections will not exceed the total number of connections which can

be reasonably made to the line. Such connections may be made upon the payment of the amount set by the district engineer as the estimated repayment fee for connection to the line. The repayment fee for any connection made to such a line shall be in an amount equal to 1.25 times the repayment rate, and the amount shall be determined after acceptance by the district engineer of the line installed pursuant to this article. Upon the completion of the project, a party paying an estimated repayment fee shall pay the additional amount of an underpayment if the final repayment fee is determined to be in excess of the estimated repayment fee, or shall receive a refund of an overpayment if the final repayment fee is determined to be less than the estimated repayment fee. Twenty percent of the amount of the final repayment fee shall be deposited in the operating fund of the sanitation district and the remainder shall be deposited in the trust fund account. The repayment fee shall be in addition to regular standard connection fees applicable. (Ord. 1 §7.4, 1979)

4.04.580 Time of payment to installer. The installer of the line shall be paid on April 1st and October 1st of each year (or as soon thereafter as may be practical) all funds contained in the trust fund account established for the line. (Ord. 1 §7.5, 1979)

4.04.590 Termination of payments to installer. When the total amount paid to any installer of a line subject to repayment pursuant to this article shall equal the repayment rate multiplied by the number of connections made by the installer, or when ten years have elapsed subsequent to the date of the acceptance of the line, whichever shall first occur, all payments to such installer shall cease and the 80 percent portion of all sums collected thereafter pursuant to this article shall be deposited in the capital improvement fund of district. (Ord. 1 §7.6, 1979)

4.04.600 Appeal of number of connections. In the event that any person is dissatisfied with the determination of the total number of connections which can be made to the line, that person may appeal therefrom within fifteen days after receipt of such determination by filing written notice of appeal, stating the grounds thereof, with the board. At the next regular meeting of the board, the board shall hear such appeal and make its determination which shall be final for the purposes of the application of this article. (Ord. 1 §7.7, 1979)

4.04.610 No right created. No right, title or interest is hereby created. This article may be modified or repealed at any time without affecting any property right. No property right shall become vested by operation of this article. No liability of any kind shall be incurred by the district by reason of any amendment to, or repeal of, this article. (Ord. 1 §7.8, 1979)

Article VIII. Repayment Fees Where Main Sewer Constructed by District

4.04.620 Applicability of fee. Any person, firm or corporation which connects to or uses the extension or enlarged capacity of the sewer main shall pay, in addition to the regular connection fee charged by the district, the fee as determined in this chapter by the district engineer. The fee shall be paid at the time necessary building permits are obtained or prior to the time the connection is Made if no building permits are required. (Ord. 1 §8.3, 1979)

4.04.630 Extended or enlarged sewers--Constructed when. The district may extend or enlarge the capacity of certain portions of sewer mains necessitated by road or freeway construction or reconstruction, or other reasons, which extension or enlarged capacity will serve future users. (Ord. 1 §8.1, 1979)

4.04.640 Repayment plan. The district engineer shall prepare a repayment plan to recover the cost of the extension or enlarged capacity, which shall determine the fee to be collected from future users or the extension or enlarged capacity. The fee may be computed on either a per

connection or gallonage basis, whichever is determined to be most equitable by the district engineer. (Ord. 1 §8.2, 1979)

Article IX. Annexations

4.04.650 Conditions. The owners of property petitioning for annexation shall, as a condition precedent thereto, pay to the district the following sums:

A. Annexation Fee. An amount instituted to equalize the financial standing of properties being annexed to those already within the district which have annually been paying fees for the basic system;

B. Processing Fee. An amount established by the state which the State Board of Equalization must charge for processing filings. (Ord. 1 §9.1, 1979)

4.04.660 Fees. The following amounts shall be paid to the district at the time an application for annexation is filed:

A. Annexation Fee. One dollar and fifty cents per one hundred square feet of area to be annexed;

B. Processing Fee. As established by state legislation. If the annexation is denied, the fees will be refunded to the applicant. (Ord. 1 §9.2, 1979)

4.04.670 Rights reserved. The board reserves the right to provide for additional terms and conditions at or before any meeting or public hearing on any annexation. (Ord. 1 §9.3, 1979)

Chapter 4.08

Sewer Service and Connection Charges

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Article I. General Provisions

4.08.010 Title citation. The ordinance codified in this chapter may be cited as the "Davenport County Sanitation District Sewer Charge Ordinance." (Ord. 6 §1.1, 1983)

4.08.020 Purpose and authority. The ordinance codified in this chapter is adopted pursuant to the authority of Article 4 (commencing with Section 4738) of Chapter 3 and Section 5470 through and including Section 5473.11 of Article 4 of Chapter 6, of Part 3, Division 5 of the Health and Safety Code of the state of California for the purpose of establishing, prescribing and fixing charges for services and facilities furnished by the district and charges for the privilege of connecting to the sewage facilities of the district. In addition, this chapter establishes procedures for the collection of charges, and prescribes penalties and remedies. (Ord. 6 §1.2, 1983)

4.08.030 Definitions. Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section.

"Board" means the Board of Directors of the district.

"Charges" includes fees, tolls, rates and rentals.

"Commercial facility" means any structure, premises or facility which is not a residential facility or a school.

"District" means the Davenport County Sanitation District.

"District engineer" means the director of the department of public works of the county of Santa Cruz or any person designated by the board.

"Residential facility" means:

1. Any single-family residence or other detached structure designed for occupation by one family;
2. Any habitation unit or room or suite of rooms designed for occupation by one family in a duplex, condominium, apartment house or other multiple-dwelling unit; and
3. Any separate space of a mobile home park or travel trailer court.

"Secretary" means the clerk of the Board of Directors.

"Sewer service charge" shall mean a charge for services or facilities furnished by the district in connection with its works including charges for the use and maintenance of the district works.

"Works" shall include sewage treatment plants, intercepting and collecting sewers, outfall structures, sewers, force mains, pumping stations, ejector stations, aerated lagoons and all other appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage. (Ord. 6 §1.3, 1983)

4.08.040 Appeal from determinations of district engineer. In the event that any person is dissatisfied with any determination made by the district engineer under this chapter, appeal therefrom may be taken within fifteen days after receipt of information concerning such determination from the district engineer by filing written notice of appeal, stating the grounds thereof, with the board. (Ord. 6 §1.4, 1983)

4.08.050 Payment under protest. Any person may pay the charges established in this chapter under protest and bring an action against the board in the superior court to recover any

money which the board refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code insofar as those provisions are applicable. (Ord. 6 §1.5, 1983)

4.08.060 Use of proceeds. Revenues derived under the provisions of this chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the works of the district, to repay principal and interest on bonds issued for the construction or reconstruction of such works, including revenue bonds issued pursuant to Chapter 5 (commencing with Section 4950) of Part 3, Division 5 of the Health and Safety Code, and to repay federal or state loans or advances made to the district for the construction or reconstruction of works; provided, however, that such revenue shall not be used for the acquisition or construction of new laterals as distinguished from main trunk, interceptor and outfall sewers. (Ord. 6 §1.6, 1983)

Article II. Connection Charges

4.08.070 Establishment of connection charges. Sewer connection charges are established in the amounts set forth in this article for the privilege of connecting to the district works. (Ord. 6 §2.1, 1983)

4.08.080 Amount of connection charge--New facilities. The amount of the connection charge shall be determined in accordance with the following schedule:

A. For each new residential facility, including new facilities added to existing multiple dwellings, three thousand dollars plus one hundred fifty dollars per fixture unit where the number of fixture units exceeds eighteen, as determined and defined under the most recent published California Fixture Unit Values (DFU) Table.

B. For each new commercial facility, twelve dollars multiplied by the estimated number of gallons of sewage discharged per day of average daily flow; provided, however, that the connection charge shall be not less than three thousand dollars, and, provided further, that in the event that the quality of waste discharged by a commercial facility is of such a character that it will impose a more than normal maintenance and operation burden on the District works, the amount of the connection charge for such commercial facility shall be determined by the board.

C. For each new public facility, including new facilities added to existing public facilities, the connection charge shall be based on the commercial facility rate, except that the board may, by resolution, amend, modify, or waive connection charges for a particular public facility.

D. For any sewer connection permit issued for each residential structure identified as an accessory structure by the County Planning Department, specifically intended for (1) one or two person households meeting the Income and Asset Guidelines requirements established by the Board of Supervisors resolution for lower income households; (2) senior households where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines

requirements for moderate or lower income households; or (3) one or two persons sharing residency with the property owner and who are related by blood, marriage or operation of law, or have evidence of a stable family relationship with the property owner; and (4) meeting all other requirements as specified by County Ordinance No. 4282; the connection charges will be as follows:

1. One-third for one bedroom; or
2. Two-thirds for two bedrooms

of the new residential connection charge described in Section 4.08.080 paragraph A of District Code for sewer connection charges. (Ord. 91 §10, 2019: Ord. 47 §1, 1994: Ord. 39 §2.2, 1993, Ord. 6 §2.2, 1983)

4.08.090 Amount of connection charge--Expanded facilities. The connection charge for additions to existing residential facilities shall be one hundred fifty dollars per additional fixture unit and applied to the sum of existing and proposed fixture units in excess of eighteen fixture units connected under the terms of this chapter. The connection charge for expansion of uses by existing commercial facilities shall be twelve dollars per additional gallon per day discharge with no minimum charge. (Ord. 39 §2.2 1993 Ord. 6 §2.3, 1983)

4.08.100 Removal of fixtures--Disallowance of credits. No reimbursement shall be given for removal of existing fixture units of flow contributors. (Ord. 6 §2.4, 1983)

4.08.110 Flow rate determination by district engineer. The District Engineer shall determine flow rates to be applied to each facility under this article based on the California Plumbing Code or flow data provided by the owner of the facility and acceptable to the District Engineer. (Ord. 91 §11, 2019: 6 §2.5, 1983)

4.08.120 Blank

4.08.130 Time of payment. Connection charges shall be due and payable at the time necessary building permits are obtained or, where no building permit is required, prior to actual connection to the district's works. For mobile home parks, connection charges shall be paid, prior to the time of the first connection of a mobile home space, for the total number of mobile home spaces permitted by the terms of the use permit for the mobile home park. The charge to be paid is the charge that is applicable at the time that the charge is paid and the permit obtained. (Ord. 6 §2.7, 1983)

4.08.140 Special circumstances for payment. When the Board of Directors determines that special circumstances exist with respect to the establishment or collection of the sewer service connection charges specified in this article, the board may enter into an agreement with any person obligated to pay such charges, providing for the establishment or collection of such sewer service connection charges in an amount or manner different from that prescribed by this article; specifically, the agreement may provide that the person obligated to pay such charges shall construct various sewer public works on behalf of the district, in lieu of payment of part or all of the required connection charges. The district engineer is authorized to negotiate a proposed agreement, when he determines that special circumstances exist, but any agreement negotiated

by the district engineer must be approved by the board before becoming effective. (Ord. 16 §1, 1985: Ord. 6 §2.8, 1983)

Article III. Sewer Service Charges

4.08.150 Establishment of sewer service charges. The District Board of Directors shall establish sewer service charges by resolution, and in so doing shall distinguish the different classes of service made available and set sewer service charges appropriate to each class of service. Charges may be fixed and revised from time to time with the objective that the District sewer system shall be operated on a sound economic basis. The fees and charges established by the resolution shall take effect beginning July 1st following the adoption of the resolution by the Board. (Ord. 108 §1, 2024: Ord. 6 §3.1, 1983)

4.08.160 Amount of charge--Residential facilities. A sewer service charge shall be fixed by resolution from time to time for each residential facility. (Ord. 108 §1, 2024: Ord. 107 §1, 2024: Ord. 104 §1, 2023: Ord. 99 §1, 2022: Ord. 97 §1, 2022: Ord. 94 §1, 2020: Ord. 90 §1, 2019: Ord. 88 §1(part), 2018: Ord. 85 §1(part), 2016: Ord. 83 §1(part), 2015: Ord. 81 §1(part), 2014: Ord. 78 §1(part), 2013: Ord. 75 §1(part) 2011: Ord. 74 §1(part), 2010: Ord. 72 §1(part), 2010: Ord. 70 §1(part), Ord. 68 §1 (part), 2008; (Ord. 66 §1 (part), 2007; Ord. 64 §1 (part), 2006: Ord. 62 §1 (part), 2005: Ord. 60 Ord. §1(part), 2004: Ord. 58 §1(part), 2003: Ord. 56 §1(part), 2002: Ord. 53 §1(part), 1999: Ord.51 §1 (part), 1996: Ord. 49 §1 (part), 1995: Ord. 44 §1 (part), 1994: Ord. 41 §1 (part), 1993: Ord. 36 §1(part), 1992: Ord. 34 §1(part), 1991: Ord. 29 §1(part), 1990: Ord. 27 §1(part), 1989: Ord. 24 §1(part), 1988: Ord. 22 §1(part),1987: Ord.18 §1(part), 1986: Ord. 14 §1(part), 1985: Ord. 11 §1(part), 1984: Ord. 6 §3.2, 1983)

4.08.170 Amount of charge--Commercial facilities.

A. The sewer service charge for each commercial facility or for each separate business within such a facility shall be fixed by resolution from time to time and computed by the District Engineer, based upon the previous calendar year's water use from October through September.

B. In the event that the quality of waste discharge by a commercial facility is of such a character that, in the opinion of the District Engineer, it will impose a more than normal maintenance and operation burden on the District works, the amount of the sewer service charge for such commercial facility shall be determined by the Board and subsection (A.) of this section shall not be applicable to such facility. (Ord. 108 §1, 2024: Ord. 107 §1, 2024: Ord. 104 §1, 2023: Ord. 102 §1, 2022: Ord. 99 §1, 2022: Ord. 97 §1, 2022: Ord. 94 §1, 2020: Ord. 90 §1, 2019: Ord. 88 §1(part), 2018: Ord. 85 §1(part), 2016: Ord. 83 §1(part), 2015: Ord. 81 §1(part), 2014: Ord. 78 §1(part), 2013: Ord. 75 §1(part), 2011 Ord. 74 §1(part) 2010, Ord. 72 §1 (part), 2010: Ord. 70 §1 (part), 2009: Ord. 68 §1 (part), 2008; Ord. 64 §1 (part), 2006: Ord. 62 §1 (part), 2005: Ord. 60 §1 (part), 2004: Ord. 58 §1 (part), 2003: Ord. 56 §1 (part), 2002: Ord. 53 §1 (part), 1999): (Ord.51 §1 (part), 1996: Ord. 49 §1 (part), 1995: Ord. 44 §1 (part), 1994: Ord. 41 §1 (part), 1993: Ord. 36 §1(part), 1992: Ord. 34 §1(part), 1991: Ord. 29 §1(part), 1990: Ord. 27 §1(part), 1989: Ord. 24 §1(part), 1988: Ord. 22 §1(part), 1987: Ord. 18 §1(part), 1986: Ord. 14 §1(part), 1985: Ord. 11 §1(part), 1984: Ord. 6 §3.3, 1983)

4.08.180 Amount of charge--School facilities.

- A. A sewer service charge shall be fixed by resolution from time to time for each school, based on ADA (average daily attendance), including night and adult classes for the school during the school year.
- B. All schools have the option to pay an alternative fee of the annual flat rate plus the commercial rate for hundreds of cubic feet of water used (HCF) if they can provide the District with the previous calendar year's domestic water use for October through September, excluding irrigation water, or provide the winter water use and the corresponding number of school days during the winter billing period. (Ord. 108 §1, 2024: Ord. 107 §1, 2024: Ord. 104 §1, 2023: Ord. 99 §1, 2022: Ord. 97 §1, 2022: Ord. 94 §1, 2020: Ord. 90 §1, 2019: Ord. 88 §1(part), 2018: Ord. 85 §1(part), 2016: Ord. 83 §1(part), 2015: Ord. 81 §1(part), 2014: Ord. 78 §1(part), 2013: Ord. 75 §1(part), 2011 Ord. 74 §1(part) 2010, Ord. 72 §1 (part), 2010: Ord. 70 §1 (part), 2009: Ord. 68 §1 (part), 2008; Ord. 66 §1 (part), 2007; Ord. 64 §1 (part), 2006; Ord. 62 §1 (part), 2005: Ord. 60 §1(part), 2004: Ord. 58 §1(part), 2003: Ord. 56 §1 (part), 2002: Ord. 53 §1 (part), 1999): (Ord. 51 §1 (part), 1996: Ord. 49 §1 (part), 1995: Ord. 44 §1 (part), 1994: Ord. 41 §1 (part), 1993: Ord. 36 §1(part), 1992: Ord. 34 §1(part), 1991: Ord. 29 §1(part), 1990: Ord. 27 §1(part), 1989: Ord. 24 §1(part), 1988: Ord. 22 §1(part), 1987: Ord. 18 §1(part), 1986: Ord. 14 §1(part), 1985: Ord. 11 §1(part), 1984: Ord. 6 §3.4, 1983)

4.08.190 Vacancy factor. A vacancy factor is included in the amounts of the sewer service charges set forth in this article and, therefore, sewer service charges shall not be stopped and started as a facility becomes vacant. (Ord. 6 §3.5, 1983)

4.08.200 Metered water. Where sewer service charges are based upon the amount of water used by a commercial facility, such amount shall be the volume of water consumed by the facility as indicated by a meter for the facility. Where such metering is not provided or where newly constructed facilities are involved, the volume of water consumed by the commercial facility shall be determined on the basis of a reasonable estimate thereof made by the district engineer. (Ord. 6 §3.6, 1983)

Article IV. Billing and Collection of Sewer Service Charges

4.08.210 Billing. In the event that the district does not elect, pursuant to Section 4.08.250(A), of this chapter, to collect current sewer service charges on the tax roll, the district shall bill for such charges. The regular billing period for sewer service charges shall be for each calendar month, annually or as determined by the board. Schools and other public institutions may also be required to pay annually. (Ord. 6 §4.1, 1983)

4.08.220 Opening and closing bills. Opening and closing bills for less than the normal billing period shall be for not less than one month. (Ord. 6 §4.2, 1983)

4.08.230 Period of billing. Amounts of sewer service charges covering the period from the time of connection through the thirtieth day of the following June shall be added to the next billing period. (Ord. 6 §4.3(part), 1983)

4.08.240 Method of billing. When charges are not collected on the tax roll, the district shall provide bills for the billing period covered thereby. Each such bill shall bear the time period covered thereby and the amount due for such period. The charges represented by each such bill shall be due and payable on the first day of the month of the billing period covered

thereby, except as otherwise provided. (Ord. 6 §4.3(part), 1983)

4.08.250 Collection of charges with general taxes.

A. Collection Upon Board Approval. The District may, by resolution approved by a two-thirds vote of the members of the Board, elect to have sewer service charges collected on the tax roll of the County of Santa Cruz, State of California, in the manner provided pursuant to California Health and Safety Code Sections 5471 through 5473.11. This election may be amended by the District, by a resolution approved by two-thirds vote of the members of the Board. (Ord. 108 §2, 2024)

B. Report. In the event of an election by the board pursuant to subsection (A) of this section, the district shall cause a written report to be prepared and filed with the secretary, which report shall contain a description of each parcel of real property receiving services and facilities and the amount of the current and/or delinquent sewer service charges for each parcel computed in conformity with the provisions of this chapter. The real property may be described by reference to county assessor's maps or by reference to plats or maps on file with the secretary.

C. Notice. The secretary shall cause notice of the filing of the report referred to in subsection (B) of this section and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in the Santa Cruz Sentinel, a newspaper of general circulation, printed and published in the county within which the district is located.

D. Hearing. At the time of the hearing, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time.

E. Final Determination of Charges. Upon the conclusion of the hearing on the report, unless protest is made by the owners of a majority of the separate parcels of property described in the report, the board will adopt, revise, change, reduce or modify any sewer service charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final.

F. Filing of Report with County Auditor. On or before the tenth day of August in each year following the final determination of the board, the secretary shall file with the auditor a copy of the report with a statement endorsed thereon over her signature that it has been finally adopted by the board, and the auditor shall enter the amounts of the sewer service charges against the respective lots or parcels of land as they appear on the current assessment roll.

G. Parcels Not on Roll. If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the sewer service charges, as shown on the report.

H. Parcels Outside the District. Where any such parcels are outside the boundaries of the district, they shall be added to the assessment roll of the entity for the purpose of collecting such sewer service charges.

I. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the sewer service charge has been imposed as of noon on the first Monday

in March immediately preceding the date of levy. The tax collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land

J. Tax Bill. Thereafter, the amount of the sewer service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

K. Collection. All laws applicable to the levy, collection and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such sewer service charges.

L. Compensation of County. The tax collector may, in his discretion, issue separate bills for such sewer service charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the district in an amount to be fixed by agreement between the board of supervisors and the Board of Directors of the district. The compensation shall not exceed one percent of all money collected. The compensation shall be paid into the county salary fund. (Ord. 6 §4.4--4.15, 1983)

4.08.260 Collection with utility services furnished by another entity. The board may provide for the collection of sewer service charges with the rates for any other utility service furnished by a publicly or privately owned public utility with the written consent and agreement of the public utility owner which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement may provide that the district sewer service charges shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. Such agreement may provide for compensation to such other utility owner for making such collections, and for discontinuance of the other utility service in the event that all or part of the district sewer service charge is not paid. (Ord. 6 §4.16, 1983)

4.08.270 Collection with utility services furnished by district. The board may provide that the sewer service charges shall be collected with the rates for any other utility service rendered by the district and that all the rates shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. (Ord. 6 §4.17, 1983)

Article V. Penalties and Remedies for Nonpayment and Delinquency
of _____ **Sewer**
Service and Connection Charges

4.08.280 Delinquency--Defined--Penalty and interest. All charges (other than sewer service charges for which provision is made, prior to delinquency for collection thereof on the tax rolls on which general district taxes are collected) which are not paid on or before the twentieth day following the date such charge was due and payable shall be delinquent and a penalty of twenty percent of the charge shall be imposed on the twenty-first day following the date such charge was due and payable. In addition, a penalty of one and five-tenths percent (1.5%) per month of the basic charge plus the twenty percent penalty shall be imposed on the thirtieth day following the date such charge was due and payable and on

each thirtieth day thereafter until there is payment in full of the charge plus all penalties.
(Ord. 6 §5.1, 1983)

4.08.290 Delinquent charges--Lien. If charges remain delinquent for a period of sixty days, the charges shall constitute a lien against the lot or parcel of land against which same was imposed, upon recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the district's bills to each property owner shall give notice of the lien provided by this section. (Ord. 6 §5.2, 1983)

4.08.300 Delinquency--Disconnection. The district may disconnect any premises from the sewer system if charges are not paid after they shall have become delinquent. The district engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and premises are reconnected to the sewer system, the district engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 6 §5.4, 1983)

4.08.310 Habitation after disconnection to constitute public nuisance--Abatement. During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the district reasonable attorney's fees and costs of suit arising in the action. (Ord. 6 §5.5, 1983)

4.08.320 Unpaid charges--Collection by suit. The district may collect unpaid charges by suit, in which event it shall have judgment for the cost of the suit and reasonable attorneys' fees. (Ord. 6 §5.3, 1983)

4.08.330 Collection of delinquent charges--Other remedies. The district may provide otherwise for the collection of delinquent charges. All remedies provided in this chapter for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the district determines. (Ord. 6 §5.6, 1983)

Article VI. Refunds

4.08.340 Sewer service charge refunds. If a parcel is not physically connected to the District sewer system or is charged incorrectly, the owner who paid the sewer service charge may file a claim for a refund of overpaid charges.

No refund of an overpayment of sewer service charges shall be allowed in whole or in part unless a claim for refund is submitted to the District within a period of three years from the last day of the calendar month following the period for which the overpayment was made. Upon the submission of such a claim and when determined that an overpayment has been made, the District Engineer shall authorize a refund by the District for a period not to exceed five years. (Ord. 108 §1, 2024; Ord. 60 §1(part), 2004)

Ordinance List and Disposition Table

Ordinance Number

1. Sewer service rules and regulations (4.04)
2. Adds §6.9 to Ord. 1, sewer regulations (Repealed by 38)
3. Collection of capital improvement service charges (Special)
4. Collection of capital improvement service charges (Special)
5. Collection of service charges (Special)
6. Sewer service and connection charges (4.08)
7. Water service and connection charges (3.08)
8. Water service rules and regulations (3.04)
9. Collection of service charges (Special)
10. Amends §6.9 of Ord. 1, sewer regulations (Repealed by 38)
11. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
12. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
13. Collection of service charges (Special)
14. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
15. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
16. Adds §2.8 to Ord. 6, sewer service and connection charges (4.08)
17. Adds §2.8 to Ord. 7, water service and connection charges (3.08)
18. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
19. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
20. Amends §2.6 of Ord. 6, sewer service and connection charges (4.08)
21. Amends §2.6 of Ord. 7, water service and connection charges (3.08)
22. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
23. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
24. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
25. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
26. Adds Article V (§§5.1—5.9) to Ord. 8, water service rules and regulations (3.04)
27. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
28. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
29. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
30. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
31. Amends §6.2 of Ord. 1, sewer service rules and regulations (4.04)
32. Amends §3.1 of Ord. 8, water service rules and regulations (3.04)
33. Amends §2.2 of Ord. 7 water service and connection charges (3.08)
34. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
35. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
36. Amends §§3.2, 3.3 and 3.4 of Ord. 6, sewer service and connection charges (4.08)
37. Amends §§3.2, 3.3 and 3.4 of Ord. 7, water service and connection charges (3.08)
38. Repeals Ords. 2 and 10 (Repealer)
39. Amends §§2.2 and 2.3, and deletes §2.6 of Ord. 6, water service and connection charges (3.08)
40. Amends §§2.2 and 2.3, and deletes §2.6 of Ord. 7, sewer service and connection charges (4.08)
41. Amends §§3.2 and 3.3 of Ord. 36, water service and connection charges (3.08)
42. Amends §§2.2 and 2.3, and deletes §2.6 of Ord. 37, sewer service and connection

- charges (4.08)
43. Adopts the Davenport County Sanitation District Code (1.01)
 44. Amends §§4.08.160, 4.08.170 and 4.08.180, sewer service charges (4.08)
 45. Amends §§3.08.160, 3.08.170 and 3.08.180, water service charges (3.08)
 46. Amends §3.08.080, adds (D)(1) and (D)(2), water service charges (3.08)
 47. Amends §4.08.080, adds (D)(1) and (D)(2), sewer connection charges (4.08)
 48. Amends §§3.08.160, 3.08.170 and 3.08.180, water service charges (3.08)
 49. Amends §§4.08.160, 4.08.170 and 4.08.180, sewer service charges (4.08)
 50. Amends §§3.08.160, 3.08.170 and 3.08.180, water service charges (3.08)
 51. Amends §§4.08.160, 4.08.170 and 4.08.180, sewer service charges (4.08)
 52. Amends Ordinance No. 13 providing for the collection of sewer service charges on the tax roll
 53. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 water service charges
 54. This ordinance number not issued
 55. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 4.08.180 water service charges
 56. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 57. Amends District Code Title 3, Chapter 3.078, Article III, Section 3.08.160 through 3.08.180 water service charges
 58. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges and adds Section 4.08.340 sewer service charge refunds
 59. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 4.08.180 water service charges and adds Section 3.08.240 water service charge refunds
 60. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 61. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 4.08.180 water service charges
 62. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 63. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 64. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 65. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 66. Amends District Code Title 4, Chapter 4.08, Article III, Section 4.08.160 through 4.08.180 sewer service charges
 67. Amends District Code Title 3, Chapter 3.08, Article III Sections 3.08.160 through 3.08.180 water service charges
 68. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 69. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 70. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through

- 4.08.180 sewer service charges
71. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 72. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 73. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 74. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 75. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 76. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 77. Amends Sections 4.04.030 and 4.04.270 and adding to Sections 4.04.445, 4.04.446 and 4.04.447 regarding definitions, plans, specifications and construction, private sanitary sewer system maintenance and repair, and enforcement response and fines
 78. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 79. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 80. Amends Section 2 of Ordinance No. 52, Collection of Sewer and Water Service Charges on the Tax Roll for Davenport County Sanitation District
 81. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 82. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 83. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 84. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 85. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 86. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 87. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 88. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 89. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 90. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 91. Adds District Code
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Title 4, Chapter 4.04, Article II, Sections 4.040.190 General Regulations for
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- Title 4, Chapter 4.04, Article III, Section 4.040.240 General Regulations for Building Sewers
- Title 4, Chapter 4.04, Article V, Section 4.04.445 Use of Sewers
- Title 4, Chapter 4.04, Article IV, Section 4.04.446 Use of Sewers
- Title 4, Chapter 4.04, Article VI, Section 4.04.500 Treatment of Waters and Waste
- Title 4, Chapter 4.08, Article II, Sections 4.08.080 and 4.08.110 Connection Charges
92. Amends District Code Title 3, Chapter 3.04, Article I, Section 3.04.020 General Provisions, Title 3, Chapter 3.04, Article II, Sections 3.04.140, 3.04.170, and 3.04.190 Water Service Regulations, Title 3, Chapter 3.04, Article III, Section 3.04.260 Equipment and Facilities
 93. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 94. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 95. Unknown
 96. Amends District Code Title 4, Chapter 4.04, Article V, Section 4.04.446 private sewer maintenance
 97. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 98. District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 99. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 100. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 101. Amends District Code Title 3, Chapter 3.08, Article III, Section 3.08.205 Bulk Water Charges
 102. Amends District Code Title 4, Chapter 4.08, Article III, Section 4.08.170 water service charges-commercial facilities
 103. Amends District Code Title 3, Chapter 3.04, Article I, Section 3.04.020 general provisions, Title 3, Chapter 3.04, Article III, Sections 3.04.260 through 3.04.270, Equipment and Facilities
 104. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 105. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 106. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.160 through 3.08.180 water service charges
 107. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.160 through 4.08.180 sewer service charges
 108. Amends District Code Title 4, Chapter 4.08, Article III, Sections 4.08.150 through 4.08.180 sewer service charges, Title 4, Chapter 4.08, Article IV, Section 4.08.250 collection of charges, Title 4, Chapter 4.08, Article IV, Section 4.08.340 sewer service charge refunds
 109. Amends District Code Title 3, Chapter 3.08, Article III, Sections 3.08.150 through 3.08.180 sewer service charges, Title 3, Chapter 3.08, Article IV, Sections 3.08.250 collection of charges with general taxes, Title 3, Chapter 3.08, Article IV, Section 3.08.340 water service charge refunds

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