

February 9, 1993

The Honorable Board of Supervisors
County of San Luis Obispo
San Luis Obispo, CA

Subject: Public Hearing to Consider an Ordinance to Modify Ordinance 2317 and to Prohibit the Discharge of Brine Waste into the County Service Area No. 18 Sewage Facilities, Supervisorial District No. 4

Honorable Board:

Summary

On November 13, 1992, the California State Regional Water Quality Control Board, Central Coast Region, issued Cease and Desist Order 92-144. The order cited several years of CSA No. 18's non-compliance with waste discharge requirements. Specifically, the District has been unable to meet the discharge limits established for Total Dissolved Solids (TDS), Sodium and Chloride.

Recommendation

That your Board

1. Approve the attached proposed Negative Declaration (92-278).
2. Adopt the attached ordinance to modify Ordinance 2317 - prohibiting the discharge of brine waste into the CSA #18 sewage system and establishing supplemental water quality service charges.
3. Direct the County Engineer to prepare a report specifying the actual supplemental water quality service charges to be billed to non-exempt buildings or non-exempt lots for costs incurred through April 1, 1993, and to report to the Board on April 13, 1993 for confirmation of the report and Board direction to send out bills to property owners.

Discussion

The District's inability to meet waste discharge requirements for TDS, Sodium and Chloride results from the discharge of brine waste into its sewage system. The brine waste is a product of self-regenerating water softeners, which are household/customer

appliances. Since brine waste is of a strong salt nature, and since the salts become "dissolved solids" (rather than "suspended solids") the CSA No. 18 conventional treatment system is unable to remove the constituents from the effluent discharge. A conventional waste water treatment system treats the organic and inert suspended solids and does little to change the quantity of dissolved solids.

The attached ordinance would effectively repeal grandfather provisions in Ordinance 2317, which was adopted by your Board on July 28, 1987. In 1987, when the ordinance was adopted, and approximately when the District began providing service, it was known that TDS, Sodium and Chloride had been a problem in the Country Club area of San Luis Obispo. At that time, the ordinance, which established the original rules and regulations of the District, addressed the problem by prohibiting the installation of new self-regenerating water softeners, but it provided a grandfather exemption by not requiring the removal of existing self-regenerating water softeners.

Since 1987, the County Engineering Department has pursued voluntary efforts to remedy the problem. In December 1987, a survey of 390 property owners was mailed, with less than a 25% response. Of the 94 responses, 4 homeowners indicated that they used a self-regenerating water softener. Thus, the survey did not obtain great details on which customers might be using the self-regenerating water softeners. In November 1990, staff of the Regional Water Control Board increased their expressions of concern on the problem. In May 1991, a two year compliance deadline began. In November 1991, education material was sent to homeowners to increase County efforts. In addition, in 1991, Yost Management, the managers of the homeowners association, began notifying and monitoring the homeowners in the new development. Through wastewater quality analysis in the collection system, it was determined that the problem had been substantially remedied in the new development. The problem in the pre-1987 development, which was provided grandfather privileges, did not, however, improve.

Since the establishment of the original rules and regulations, it has become apparent that the problem has not sufficiently diminished, and compliance with the waste discharge requirements has not been attained. Despite significant new development in the Country Club area, non-compliance within the pre-1987 development area has not been sufficiently diluted, as might have been expected. Consequently, it is necessary at this time to modify Ordinance 2317, and to entirely prohibit the discharge of brine waste into the CSA No. 18 sewage facilities.

The enforcement of the ordinance modifications is based on the supplemental water quality service charge. The service charge is intended to ensure compliance by allocating costs of the enforcement program to property owners. It recognizes, however, that many property owners are not contributing to the problem, and provides an exemption process. If a property owners desire to be exempt, then they must allow an inspection so that the County can

gain satisfaction that they are not discharging salt brine into the public sewer. Ultimately, if compliance with Cease and Desist Order 92-144 is not attained, then the proposed ordinance would have the non-exempt buildings and non-exempt lots pay for all fines and penalties levied by the Regional Water Quality Control Board. The end result would then be that users of self-regenerating water softeners could face extensive costs associated with operating those appliances, and they would hopefully then seek alternatives.

On November 24, 1992, Engineering Staff attended a public meeting at the San Luis Obispo Golf and Country Club. At the meeting, they made a presentation to property owners regarding the nature of the problem, the proposed ordinance, and the ability of property owners to obtain exemptions from the proposed supplemental service charge. Since the meeting, County Engineering has performed inspections on about 205 properties, or nearly 50% of the properties that may be subject to the supplemental service charge. Of the 205 inspections, three property owners were denied an exemption, at this time, since they had a self-regenerating water softener connected to their plumbing and discharging into the sewage system. Those who were denied were notified that upon the disconnection of their self-regenerating water softener, they could request a reinspection and obtain an exemption.

The level of community response to the proposed ordinance has been promising. It indicates that there are a substantial number of property owners who are not contributing to the salt brine problem, and it is even more clear that they do not want to be subject to potentially significant fines and penalties.

If staff recommendations are adopted by your Board, property owners will be notified. Those who have not yet requested an inspection (in order to be exempt from the supplemental service charge), will have until April 1, 1993 to disconnect any self-regenerating water softener that they might have, and obtain an inspection by County Engineering. Costs incurred prior to April 1, 1993 will then be allocated to non-exempt properties and a report will be submitted to your Board on April 13th for confirmation of the first charges to be levied.

May 10, 1993 is the date, under the Cease and Desist Order, that the system must meet waste discharge requirements. Consequently, a short time period has been provided between the levy of the first supplemental charges and the date upon which fines and penalties from the State may be incurred. Thus, upon receiving their first charge, non-exempt property owners will still have a short time period (approximately two weeks) for action prior to being responsible for potentially significant fines and penalties from the State.

Other Agency Involvement

County Counsel has reviewed the ordinance, and approved it as to legal form and effect. The Environmental Coordinator's Office prepared the attached negative declaration. The Regional Water Quality Control Board imposed the Cease and Desist Order.

In addition to other agencies with direct involvement, there are also other wastewater treatment agencies facing similar issues. Non-compliance with TDS, sodium and chloride standards has been problematic for many agencies on the Central Coast, as well as agencies throughout the State and the western United States. The City of Santa Maria and the Laguna County Sanitation District in Santa Barbara County represent two agencies currently implementing ordinances. In both of those cases, the agencies have been legally challenged on their action. The legal action has been challenged by the water softening industry and local citizens. The challenges are based on the belief that local agencies do not have the ability to regulate water softeners to the extent stipulated by those two agencies, and the attached proposed ordinance. Nevertheless, based on Cease and Desist Order 92-144, it is necessary to pursue resolution to the problem or face potentially significant fines from the Regional Water Quality Control Board.

Financial Considerations

Non-compliance with the Cease and Desist Order of the Regional Water Quality Control Board can result in significant fines and penalties. In the report of the staff of the Regional Board, it was noted that the amount of the fines that could be imposed exceed \$193,000,000. Engineering Department staff find it difficult to attempt to estimate the actual level of fines that might be imposed if the effluent is not brought into compliance with the Regional Board's discharge requirements.

Respectfully,

CLINTON MILNE
County Engineer

Attachment

cc: Regional Water Quality Control Board, Attn Bill Leonard

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ORDINANCE NO. 2597

AN ORDINANCE AMENDING ORDINANCE NO. 2317 OF
THE COUNTY OF SAN LUIS OBISPO TO REGULATE USE OF
WATER SOFTENING SYSTEMS OR DEVICES AND DISCHARGE
OF BRINE WASTE INTO THE PUBLIC SEWER
OF COUNTY SERVICE AREA NO. 18

The Board of Supervisors of the County of San Luis Obispo, acting on behalf of County Service Area No. 18, ordains as follows:

SECTION 1. Article 2 of San Luis Obispo County Ordinance No. 2317 (as amended by San Luis Obispo County Ordinance No. 2335) is amended as follows:

Section 2.6 Country Club: The San Luis Obispo Golf and Country Club, Inc., or that property known as San Luis Obispo County Assessor's Parcel Number 044,571,025.

Section 2.24 School: The Los Ranchos Elementary School, or that property known as San Luis Obispo County Assessor's Parcel Number 044,381,006.

SECTION 2. Article 2 of San Luis Obispo County Ordinance 2317 is amended to add the following sections:

Section 2.31 Brine Waste: A concentrated solution of dissolved solids produced as a result of the regeneration of the exchange bed of a water softening system or device that has been used to soften water.

Section 2.32 Water Softening System or Device: Any apparatus which removes compounds of calcium or compounds of magnesium from the water supply.

SECTION 3. Article 9 of San Luis Obispo County Ordinance 2317 is amended to add the following section:

Section 9.2 (13): Any brine waste that was produced by a water softening system or device or any brine waste otherwise produced.

SECTION 4. Section 9.6 of San Luis Obispo County Ordinance 2317 is amended to read as follows:

Section 9.6: Every water softening system or device located on any lot or in any building shall be of the type which does not cause brine waste to be discharged into the public sewer, and shall be plumbed so that water passing through said water softening system or device does not serve any toilet or urinal, or any hose bib, pipeline or fixture supplying water for irrigation or other exterior purposes. No person shall cause or permit brine waste produced by water softening systems or devices to be discharged into the public sewer.

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SECTION 5. Article 11 of San Luis Obispo County Ordinance 2317 is amended to add the following section:

Section 11.10 Supplemental Water Quality Service Charge: A supplemental water quality service charge is hereby levied and imposed upon each building or lot within the District, having any connection with the public sewer or otherwise discharging wastewater which ultimately passes through the public sewer, and upon the owner thereof; except that each building or lot whose owner proves to the satisfaction of the County Engineer that any water softening systems and devices located on the lot or in the building does not cause brine waste to be discharged into the public sewer shall be exempt from said supplemental water quality service charge. Any exemption from the supplemental water quality service charge that any property owner obtains from the County Engineer shall be in writing on an official County form and shall be subject to periodic reevaluation as determined by the County Engineer, and said exemption can be at any time revoked by the County Engineer if the property owner who was previously granted the exemption is not able to continue to prove to the satisfaction of the County Engineer that any water softening systems or devices located on the property owner's lot or in the property owner's building does not cause brine waste to be discharged into the public sewer. A building or lot for which an exemption has been issued and for which an exemption remains valid shall be known as an "exempt building" or "exempt lot"; all other buildings or lots shall be known as a "non-exempt building" or an "non-exempt lot". The amount of the supplemental water quality service charge that is hereby levied and imposed on any non-exempt building or non-exempt lot within the District and upon the owner thereof, shall be that amount set forth below but shall not exceed the proportionate share of each non-exempt building or non-exempt lot of the costs that the County of San Luis Obispo incurs or has incurred or bears as a result of any action of the California Regional Water Quality Control Board, Central Coast Region, such actions including Cease and Desist Orders and other enforcement actions of said Board, and, particularly, as a result of Cease and Desist Order 92-144 issued by the California Regional Water Quality Control Board, Central Coast Region. The proportionate share of each non-exempt building or non-exempt lot shall be calculated on the basis that each non-exempt building or non-exempt lot shall be considered to be one unit, the San Luis Obispo Golf and Country Club, Inc., if non-exempt, shall be fifteen units, and the Los Ranchos Elementary School, if non-exempt, shall be considered to be four units. Said costs will include, but not be limited to, costs associated with Administrative, Accounting, Engineering, Enforcement, Legal, Water Quality and other efforts associated with pursuing compliance with Cease and Desist Order 92-144, along with any liabilities, fines, penalties, charges or other levies or assessments paid by the County of San Luis Obispo to the Regional Water Quality Control Board, or any other agencies or persons relating to Cease and Desist Order 92-144. On and after April 1, 1993, said supplemental water quality service charge is hereby established for fiscal year 1992-93, and for each and every fiscal year thereafter until modified by the San Luis Obispo County Board of Supervisors, in accordance with the following schedule.

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SCHEDULE OF ANNUAL SUPPLEMENTAL WATER QUALITY SERVICE CHARGES FOR
NON-EXEMPT BUILDINGS AND NON-EXEMPT LOTS

Single Family Residence	\$ 5,000.00
San Luis Obispo Golf and Country Club	\$ 75,000.00
Los Ranchos Elementary School	\$ 20,000.00

SECTION 6. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Telegram Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 2nd day of February, 1993 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 9th day of February, 1993 by the following roll call vote, to wit:

- AYES: Supervisors Ruth Brackett, David Blakely, Laurence L. Laurent, Evelyn Delany, Chairperson Harry L. Ovitt
- NOES: None
- ABSENT: None
- ABSTAINING: None

HARRY L. OVITT

Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

FRANCIS M. COONEY

County Clerk and Ex-Officio Clerk
of the Board of Supervisors, County of
San Luis Obispo, State of California

[SEAL]

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APPROVED AS TO FORM
AND LEGAL EFFECT
JANUARY 26 1993
AMES B. LINDHOLM, JR. **b**
COUNTY COUNSEL
SAN LUIS OBISPO COUNTY
BY [Signature]
DEPUTY COUNTY COUNSEL **7**

12/21/87

COUNTY SERVICE AREA NO. 18
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

ORDINANCE NO. 2335

AN ORDINANCE AMENDING AND ADDING CERTAIN SECTIONS TO
AN ORDINANCE ESTABLISHING THE COUNTY SERVICE AREA NO. 18
SEWER USE ORDINANCE AND DISTRICT
RULES AND REGULATIONS

The Board of Supervisors of the County of San Luis Obispo, on behalf of County Service Area No. 18, do ordain as follows:

SECTION 1. That Article 2 of SECTION 1 of ORDINANCE NO. 2317 entitled, "An Ordinance Establishing the County Service Area No. 18 Sewer Use Ordinance and District Rules and Regulations," is hereby amended to read as follows:

"ARTICLE 2. DEFINITIONS

2.1 Apartment: A single family residence as defined herein, which is part of or located in a multiple family dwelling as defined herein.

2.2 Board of Supervisors: The Board of Supervisors of the County of San Luis Obispo.

2.3 Building: Any structure within District, used for human habitation, or as a place of business, recreation, and/or any other wastewater generating activity and containing any fixture(s) as defined herein.

2.4 Building Sewer: That portion of a sewer beginning two (2) feet from any building and extending to and including its connection to a public sewer.

2.5 Cleanout: A branch fitting installed in a sewer for the purpose of providing access for cleaning.

- 2.6 Country Club: The San Luis Obispo Golf and Country Club, Inc.
- 2.7 County: The County of San Luis Obispo.
- 2.8 County Engineer: The County Engineer of the County of San Luis Obispo.
- 2.9 District: San Luis Obispo County Service Area No. 18.
- 2.10 Fixture: Any sink, tub, shower, toilet, grease, oil or sand interceptor, garbage grinder, dish or clothes washer, or any other wastewater collecting, generating, treating or conveying device, discharging to the public sewer.
- 2.11 Garbage: Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of agricultural products.
- 2.12 Garbage Grinder: A device designed and used to grind or otherwise treat garbage so that it can be disposed of through the public sewer.
- 2.13 Grease, Oil, or Sand Interceptor: A device designed and installed on private property to accumulate grease and volatile liquids prohibiting them entering into the public sewer system.
- 2.14 Lateral Sewer: That portion of a public sewer lying within a public right of way or easement, which connects, or is intended to connect, a building sewer to a main sewer.
- 2.15 Lewis System: An existing sewage system within CSA No. 18 serving, or available to, some 52 single family residences or lots within the southerly portion of the District, comprising Tract No. 265, Tract No. 486 (Unit 3), Tract No. 906, and two, non-tract properties identified by Assessor's Parcel Numbers 44-181-10 and 44-181-17.
- 2.16 Lot: Any piece or parcel of land within the District, bounded, defined, or shown upon a plot or deed recorded in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building is located upon more than one such parcel of land, all under one ownership, the term "lot" shall include all such parcels of land.
- 2.17 Main Sewer: That portion of a public sewer, excluding lateral sewers, the purpose of which is to accept wastewater and convey it to the wastewater treatment plant.

- 2.18 Manhole: A structure for the purpose of providing access of a human to a buried public sewer.
- 2.19 Multiple Family Dwelling: A building or group of buildings designed as, and occupied or suitable for occupancy as, a home or living quarters, either permanently or temporarily, by more than a single family, including buildings designated as apartment houses, apartment buildings, duplexes, triplexes and condominiums, but not including motels, hotels, dormitories, or trailer courts.
- 2.20 Permit: Any written authorization required pursuant to this Ordinance.
- 2.21 Person: Any human being, individual, firm, company, partnership, association, corporation, government agency or other entity.
- 2.22 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 2.23 Public Sewer: That portion of a sewer lying within a public right of way or easement, and maintained by and subject to the jurisdiction of the County on behalf of the District.
- 2.24 School: The Los Ranchos Elementary School.
- 2.25 Sewer: A pipe or conduit for carrying wastewater.
- 2.26 Shall, Will and May: Shall and will are mandatory; may is permissive.
- 2.27 Single Family Residence: A building or portion thereof, or a group of buildings, designed as and occupied or suitable for occupancy in whole or in part as a home or living quarters, either permanently or temporarily, by a single family and its guests and/or servants.
- 2.28 UPC: The Uniform Plumbing Code, Current Edition, as published by the International Association of Plumbing and Mechanical Officials.
- 2.29 Wastewater: Any water-carried wastes, and the water carrying such wastes, from buildings as defined herein.
- 2.30 Wastewater Treatment Plant: The arrangement of ponds, plumbing, devices and structures used for treating wastewater generated within the District, and including the lot upon which such plant is situated."

SECTION 2. That Article 3.2 of SECTION 1 of ORDINANCE NO. 2317 entitled, "An Ordinance Establishing the County Service Area No. 18 Sewer Use Ordinance and District Rules and Regulations," is hereby amended to read as follows:

"3.2 Pursuant to authority of Health and Safety Code Section 5009, the Board of Supervisors hereby finds and declares the maintenance or use of cesspools, septic systems, drywells and other local means of wastewater disposal within the District to be a public nuisance, and finds it to be in the public interest that buildings to which a public sewer is available be required to connect thereto."

SECTION 3. That Article 8.1 of SECTION 1 of ORDINANCE NO. 2317 entitled, "An Ordinance Establishing the County Service Area No. 18 Sewer Use Ordinance and District Rules and Regulations," is hereby amended to read as follows:

"8.1 In the event that real property is annexed to the District, no building within said annexed territory shall be connected to the public sewer unless and until the County Engineer determines that such connection complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986, and with this Ordinance."

SECTION 4. That SECTIONS 3 and 4 of Ordinance No. 2317 entitled, "An Ordinance Establishing the County Service Area No. 18 Sewer Use Ordinance and District Rules and Regulations," are hereby renumbered as SECTIONS 4 and 5 as follows:

"SECTION 4. If any portion of this Ordinance or the application thereof is held to be invalid for any reason, the validity of all remaining portions and applications shall be unaffected and shall remain in full force and effect.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, with the names of the members of the Board of Supervisors voting for and against this Ordinance, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California."

SECTION 5. That a new SECTION 3 is hereby added to Ordinance No. 2317 entitled, "An Ordinance Establishing the County Service Area No. 18 Sewer Use Ordinance and District Rules and Regulations," to read as follows:

"SECTION 3. The fees and charges, as established by Articles 4 and 11 of SECTION 1 of this Ordinance, may be modified from time-to-time by Resolution of the Board of Supervisors."

SECTION 6. If any portion of this Ordinance or the application thereof is held to be invalid for any reason, the validity of all remaining portions and applications shall be unaffected and shall remain in full force and effect.

SECTION 7. This Ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, with the names of the members of the Board of Supervisors voting for and against this Ordinance, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, this 26th day of January, 1988 by the following roll call vote, to-wit:

AYES: SUPERVISORS James Johnson, Evelyn Delany, Jerry Diefenderfer,
Carl Hysen and Chairman William B. Coy
NOES: None
ABSENT: None

WILLIAM B. COY

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

FRANCIS M. COONEY

Clerk and ex-officio Clerk, County
of San Luis Obispo, State of California

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: December 21, 1987

Co. Eng. 0854x 0048x

~~ORDINANCE~~
CSA NO. 18¹ REVISIONS

underlined = added

slashed = ~~deleted~~

- 2.6 Country Club: The San Luis Obispo Golf and Country Club, Inc.
- 2.7 County: The County of San Luis Obispo.
- 2.8 County Engineer: The County Engineer of the County of San Luis Obispo.
- 2.9 District: San Luis Obispo County Service Area No. 18.
- 2.10 Fixture: Any sink, tub, shower, toilet, grease, oil or sand interceptor, garbage grinder, dish or clothes washer, or any other wastewater collecting, generating, treating or conveying device, discharging to the public sewer.
- 2.11 Garbage: Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of agricultural products.
- 2.12 Garbage Grinder: A ~~unit~~ device designed and used to grind or otherwise treat garbage so that it can be disposed of through the public sewer.
- 2.13 Grease, Oil, or Sand Interceptor: A device designed and installed on private property to accumulate grease and volatile liquids prohibiting them entering into the public sewer system.
- ~~2.14~~ 2.14 Lateral Sewer: That portion of a public sewer lying within a public right of way or easement, which connects, or is intended to connect, a building sewer to a main sewer.
- ~~2.15~~ 2.15 Lewis System: An existing sewage system within CSA No. 18 serving, or available to, some 52 single family residences or lots within the southerly portion of the District, comprising Tract No. 265, Tract No. 486 (Unit 3), Tract No. 906, and two, non-tract properties identified by Assessor's Parcel Numbers 44-181-10 and 44-181-17.
- ~~2.16~~ 2.16 Lot: Any piece or parcel of land within the District, bounded, defined, or shown upon a plot or deed recorded in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building is located upon more than one such parcel of land, all under one ownership, the term "lot" shall include all such parcels of land.

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2116 2.17 Main Sewer: That portion of a public sewer, excluding lateral sewers, the purpose of which is to accept wastewater and convey it to the wastewater treatment plant.

2117 2.18 Manhole: A structure for the purpose of providing access of a human to a buried public sewer.

2118 2.19 Multiple Family Dwelling: A building or group of buildings designed as, and occupied or suitable for occupancy as, a home or living quarters, either permanently or temporarily, by more than a single family, including buildings designated as apartment houses, apartment buildings, duplexes, triplexes and condominiums, but not including motels, hotels, dormitories, or trailer courts.

2119 2.20 Permit: Any written authorization required pursuant to this Ordinance.

2120 2.21 Person: Any human being, individual, firm, company, partnership, association, corporation, government agency or other entity.

2121 2.22 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

2122 2.23 Public Sewer: That portion of a sewer lying within a public right of way or easement, and maintained by and subject to the jurisdiction of the County on behalf of the District.

2123 2.24 School: The Los Ranchos Elementary School.

2124 2.25 Sewer: A pipe or conduit for carrying wastewater.

2125 2.26 Shall, Will and May: Shall and will are mandatory; may is permissive.

2126 2.27 Single Family Residence: A building or portion thereof, or a group of buildings, designed as and occupied or suitable for occupancy in whole or in part as a home or living quarters, either permanently or temporarily, by a single family and its guests and/or servants.

2127 2.28 UPC: The Uniform Plumbing Code, Current Edition, as published by the International Association of Plumbing and Mechanical Officials.

2128 2.29 Wastewater: Any water-carried wastes, and the water carrying such wastes, from buildings as defined herein.

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~~2.29~~ 2.30 Wastewater Treatment Plant: The arrangement of ponds, plumbing, devices and structures used for treating wastewater generated within the District, and including the lot upon which such plant is situated."

3.2 Pursuant to authority of Health and Safety Code Section 4762 5009, the Board of Supervisors hereby finds and declares the maintenance or use of cesspools, septic systems, drywells and other local means of wastewater disposal within the District to be a public nuisance, and finds it to be in the public interest that buildings to which a public sewer is available be required to connect thereto."

8.1 In the event that real property is annexed to the District, no building within said annexed territory shall be connected to the public sewer unless and until the County Engineer determines that such connection complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986, and with this Ordinance."

SECTION ~~3~~ 4. If any portion of this Ordinance or the application thereof is held to be invalid for any reason, the validity of all remaining portions and applications shall be unaffected and shall remain in full force and effect.

SECTION 45. This Ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, with the names of the members of the Board of Supervisors voting for and against this Ordinance, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California."

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SECTION 3. The fees and charges, as established by Articles 4 and 11 of SECTION 1 of this Ordinance, may be modified from time-to-time by Resolution of the Board of Supervisors."

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ORDINANCE NO. 2317
COUNTY SERVICE AREA NO. 18
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

ORDINANCE NO. 2317

AN ORDINANCE ESTABLISHING THE COUNTY SERVICE AREA NO. 18
SEWER USE ORDINANCE AND DISTRICT
RULES AND REGULATIONS

The Board of Supervisors of the County of San Luis Obispo, on behalf of County Service Area No. 18, do ordain as follows:

SECTION 1. That there is hereby established a County Service Area No. 18 Ordinance, pursuant to the authority of California Health and Safety Code Sections 4766 and 5470 through 5474.10, to read as follows:

ARTICLE 1. GENERAL PROVISIONS

1.1 The provisions of this Ordinance shall apply to any building or lot, as defined herein, connected to or eligible for connection to the public sewer for and within County Service Area No. 18 (CSA No. 18), or to which said public sewer is available.

1.2 A violation of any provision of this Ordinance is a misdemeanor punishable by fine not to exceed Three Hundred Dollars (\$300.00), imprisonment not to exceed six (6) months, or both.

ARTICLE 2. DEFINITIONS

2.1 Apartment: A single family residence as defined herein, which is part of or located in a multiple family dwelling as defined herein.

2.2 Board of Supervisors: The Board of Supervisors of the County of San Luis Obispo.

2.3 Building: Any structure within District, used for human habitation, or as a place of business, recreation, and/or any other

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wastewater generating activity and containing any fixture(s) as defined herein.

2.4 Building Sewer: That portion of a sewer beginning two (2) feet from any building and extending to and including its connection to a public sewer.

2.5 Cleanout: A branch fitting installed in a sewer for the purpose of providing access for cleaning.

2.6 Country Club: The San Luis Obispo Golf and Country Club, Inc.

2.7 County: The County of San Luis Obispo.

2.8 County Engineer: The County Engineer of the County of San Luis Obispo.

2.9 District: San Luis Obispo County Service Area No. 18.

2.10 Fixture: Any sink, tub, shower, toilet, grease, oil or sand interceptor, garbage grinder, dish or clothes washer, or any other wastewater collecting, generating, treating or conveying device, discharging to the public sewer.

2.11 Garbage: Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of agricultural products.

2.12 Garbage Grinder: A unit designed and used to grind or otherwise treat garbage so that it can be disposed of through the public sewer.

2.13 Lateral Sewer: That portion of a public sewer lying within a public right of way or easement, which connects, or is intended to connect, a building sewer to a main sewer.

2.14 Lewis System: An existing sewage system within CSA No. 18 serving, or available to, some 52 single family residences or lots within the southerly portion of the District, comprising Tract No. 265, Tract No. 486 (Unit 3), Tract No. 906, and two, non-tract properties identified by Assessor's Parcel Numbers 44-181-10 and 44-181-17.

2.15 Lot: Any piece or parcel of land within the District, bounded, defined, or shown upon a plot or deed recorded in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building is located upon more than

one such parcel of land, all under one ownership, the term "lot" shall include all such parcels of land.

2.16 Main Sewer: That portion of a public sewer, excluding lateral sewers, the purpose of which is to accept wastewater and convey it to the wastewater treatment plant.

2.17 Manhole: A structure for the purpose of providing access of a human to a buried public sewer.

2.18 Multiple Family Dwelling: A building or group of buildings designed as, and occupied or suitable for occupancy as, a home or living quarters, either permanently or temporarily, by more than a single family, including buildings designated as apartment houses, apartment buildings, duplexes, triplexes and condominiums, but not including motels, hotels, dormitories, or trailer courts.

2.19 Permit: Any written authorization required pursuant to this Ordinance.

2.20 Person: Any human being, individual, firm, company, partnership, association, corporation, government agency or other entity.

2.21 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

2.22 Public Sewer: That portion of a sewer lying within a public right of way or easement, and maintained by and subject to the jurisdiction of the County on behalf of the District.

2.23 School: The Los Ranchos Elementary School.

2.24 Sewer: A pipe or conduit for carrying wastewater.

2.25 Shall, Will and May: Shall and will are mandatory; may is permissive.

2.26 Single Family Residence: A building or portion thereof, or a group of buildings, designed as and occupied or suitable for occupancy in whole or in part as a home or living quarters, either permanently or temporarily, by a single family and its guests and/or servants.

2.27 UPC: The Uniform Plumbing Code, Current Edition, as published by the International Association of Plumbing and Mechanical Officials.

2.28 Wastewater: Any water-carried wastes, and the water carrying such wastes, from buildings as defined herein.

2.29 Wastewater Treatment Plant: The arrangement of ponds, plumbing, devices and structures used for treating wastewater generated within the District, and including the lot upon which such plant is situated.

ARTICLE 3. SEWER CONNECTION AND ABANDONMENT OF LOCAL
WASTEWATER DISPOSAL SYSTEM REQUIRED

3.1 For the purposes of this Article a public sewer shall be deemed to be available to a lot or building if said public sewer is operating and is installed in a public right of way or easement adjacent to said lot or to the lot upon which said building is located.

3.2 Pursuant to authority of Health and Safety Code Section 4762, the Board of Supervisors hereby finds and declares the maintenance or use of cesspools, septic systems, drywells and other local means of wastewater disposal within the District to be a public nuisance, and finds it to be in the public interest that buildings to which a public sewer is available be required to connect thereto.

3.3 When a public sewer becomes available to a building, said building shall be connected to said public sewer within sixty (60) days after said public sewer is available, and any cesspool, septic system, drywell or other local means of wastewater disposal situated on the lot occupied by said building, shall be abandoned as provided in Article 3.6, below, unless a variance is granted by the Board of Supervisors.

3.4 Any newly-constructed building to which a public sewer is available shall be connected to said public sewer prior to its use for human occupancy, unless a variance is granted by the Board of Supervisors.

3.5 Variances referred to in Articles 3.3 and 3.4 may be granted only after written application to the Board of Supervisors by the owner of the building, setting forth the basis for such request. Variances may be granted only upon affirmative showing that extreme

hardship will accrue to the owner and/or occupant of said building if required to connect said building to the public sewer and, also, that no health hazard, hardship or inequity to any other lots or buildings or the owner(s) or occupant(s) thereof, or to the District or the County will result from the granting of such variance.

3.6 When any building with a local wastewater disposal system(s) is connected to the public sewer, the owner of said building shall, within thirty (30) days from the date of connecting to said public sewer, abandon said local wastewater disposal system(s) in the manner prescribed by the County Building Department in accordance with the UPC.

ARTICLE 4. PERMITS AND FEES

4.1 It shall be unlawful for any person other than the County to make any connection with any public or building sewer, or to construct or alter any public or building sewer within the District, without first obtaining a permit from the County for such work.

4.2 It is the intent of this Article 4 that, in each instance in which connection of a building to the public sewer is desired, the owner of the lot upon which said building is located shall make his or her own arrangements with a licensed contractor to perform the work, and shall submit satisfactory evidence to the County that such arrangements have been made prior to issuance of any permit called for by this Ordinance.

4.3 The following procedures will be followed in obtaining any required permit(s) for any work involving a public or building sewer:

- (1) Said lot owner, or said lot owner's authorized representative, shall make written request, either in person or by mail, to the County Engineer for a sewer service availability letter. Said request shall include both the owner's and the representative's name(s), both the owner's mailing address and the service address, and the Assessor's Parcel Number (APN). Said availability letter shall be provided only after payment of any required connection fees.

- (2) Said lot owner, or said lot owner's authorized representative, shall then make application in writing to the County Building Department, giving, along with said availability letter and said evidence of arrangements with a licensed contractor, such other information as the County Building Department may require, on forms furnished by the County Building Department for that purpose.
- (3) If the work to be performed thereunder is to be done according to the regulations contained in this Ordinance and otherwise provided by law governing the construction of such work, a permit shall be issued after payment of any required inspection fees.

4.4 Nothing contained in this Article shall be deemed to require an application for, or the issuance of, a permit for the purpose of removing stoppages or repairing leaks in a building sewer, except when it is necessary to replace any part of such sewer.

4.5 The following fees shall be paid by applicants for permits:

- (1) The connection fee required under Article 4.3 (1), above, shall be that amount, as determined by the County Engineer, at the time of the request for said availability letter, which will provide an equitable apportioning of the capital costs of the sewer system.
- (2) The inspection fee shall be that fee prescribed by the Board of Supervisors and in effect at the time of application for a permit under Article 4.3(2) above, and collected by the County Building Department for such services.
- (3) When the work to be done requires cutting into and installing a connection fitting in the main sewer, the fee for this portion of the work shall be two hundred (\$200) dollars payable to the County Engineer. Any such cut and fitting installation will be made by the District personnel, only after all appropriate connection and/or

permit fees have been paid, and after the trench has been prepared (including any necessary safety provisions) by the permittee's contractor. The fee for this portion of the work is in addition to all other required fees of whatever kind.

- (4) When any portion of the work is to be performed within the limits of a public right of way or public sewer easement, an encroachment permit shall be obtained from the County Engineer only after payment of the fees prescribed by the Board of Supervisors and in effect at the time.

4.6 It is the intent of the County to allocate the costs of providing sewer service equitably throughout the District by the application of these regulations and, notwithstanding any provisions of the foregoing Articles, the County may in any instance increase or decrease the fee to be charged for any extraordinary service to achieve such objective.

ARTICLE 5. PUBLIC SEWER EXTENSIONS

5.1 Any person desiring an extension of the public sewers of the District to serve a building or a group of buildings within the District shall make application as follows:

- (1) Any person desiring an extension of the public sewer system to serve a building or a group of buildings within the District shall make a written application to the County Engineer, including therewith a preliminary investigation of the feasibility of said extension prepared by a Civil Engineer registered in the State of California. Said preliminary investigation shall include an estimate of the cost of said extension, including any necessary repairs to affected roadways.
- (2) The County Engineer shall review said application and investigation and, if said County Engineer determines that the requested extension is feasible financially and technically for the District, and that the extension will not impose any burden or hardship on the District or the

County, and that connection of such extension complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986, then the applicant may submit improvement plans and specifications for the proposed extension, prepared by a Civil Engineer registered in the State of California, for review by the County Engineer.

- (3) If the County Engineer approves said improvement plans, the applicant may construct said extension, subject to such terms and conditions as the County Engineer may prescribe.
- (4) Before commencing any work on said extension, the applicant shall execute and file a written agreement with the County whereby the applicant agrees to complete all required improvements at said applicant's sole expense and to the satisfaction of the County Engineer, within the time period specified in the agreement. At the time of filing said agreement, applicant shall also deposit with the County Engineer securities in the amount of not less than one hundred fifty (150%) percent of the applicant's engineer's estimate of the costs of said improvements, as approved by the County Engineer. Said securities may be bonds or certificates of deposit payable to the County, issued by issuing agents acceptable to the County, or cash. The applicant further agrees to provide the County Engineer with detailed records of the actual, total, final costs of all improvements authorized in the agreement. The agreement shall also provide for inspection of all improvements by the County Engineer or his designated representative, and reimbursement to the County Engineer, by the applicant, for the costs of said reviews, approvals and/or inspections. The improvements agreement may also provide for the construction of the improvements in units or

stages, and for an extension of the specified time period under conditions therein specified. No extension of time shall be granted except upon certification by the County Engineer that such extension is justified.

- (5) The County Engineer will invoice the applicant for all costs incurred in the performance of any reviews, approvals and/or inspections under this Article. Any amount unpaid thirty (30) days after the date of the invoice shall bear interest at twenty percent (20%) per annum or the maximum rate permitted by law, whichever is less, beginning thirty (30) days after the date of the invoice.
- (6) No hookup of the extension to the public sewer shall occur until all improvement work has been completed to the satisfaction of the County Engineer, nor until after all charges have been paid by the applicant in accordance with the provisions of this Ordinance.

5.2 The County may approve refund agreements with persons who have paid for extensions to the public sewer. Said agreements shall provide for reimbursement of portions of the costs borne by said persons for said sewer extensions, at such time within ten (10) years of the completion of said extensions as money is paid to the County for connections of other buildings to said sewer extensions, as provided for in Article 5.3, below.

5.3 No building shall be connected to an extension to the public sewer within ten (10) years of the completion of said extension, until the owner of said building has paid to the County a proportional share, as determined by the County Engineer, of the cost of said sewer extension.

ARTICLE 6. INSPECTIONS

6.1 All work done under the provisions of this Ordinance shall be subject to inspection by the County. Notice must be given in writing to the County by the person, firm or corporation doing said work, or causing same to be done, immediately after said work is

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ready for inspection. Until the time of the inspection all work shall remain uncovered and convenient for the inspector's examination. If any such work is enclosed or covered in any way whatsoever, so as to tend to obstruct a thorough inspection of the work, said obstruction must be removed upon notice so to do from the County, before an inspector shall be required to inspect the work. When, upon examination by the inspector, it appears that any such work is defective, either in its construction or material, the same shall be made to conform to the requirements set forth in this Ordinance, in default whereof the permit therefor shall be revoked by the County and subject work shall be discontinued immediately.

6.2 When it appears to the satisfaction of the County that any work authorized by this Ordinance has been constructed according to, and meets the requirements of, all provisions of this Ordinance and other applicable laws, and that all the fees for the doing and inspection thereof have been paid, the County shall cause to be issued to the person, firm or corporation constructing such work a certificate of final inspection, which certificate shall recite that such work as has been done pursuant to the permit, has been constructed according to the provisions of this Ordinance, and that said work is in sanitary condition. The County shall not issue such certificate of inspection unless all requirements of this Ordinance have been met.

ARTICLE 7. BUILDING SEWERS

7.1 Every building in which a fixture is installed or located shall be separately and independently connected with the public sewer, except that, on a case by case basis, the County Engineer may approve the connection of more than one building to the public sewer by a common building sewer, if the County Engineer determines that requiring a separate and independent connection would cause or aggravate a hardship, and that such approval is consistent with good engineering practice and will impose no burden or hardship on the District or the County.

7.2 The requirements for building sewers as set forth in the latest adopted version of the UPC shall apply in the District and are incorporated herein by reference. However, where the requirements of this Ordinance are more restrictive than said UPC, this Ordinance shall apply.

7.3 Building sewers will be placed on a uniform slope of not less than one-fourth (1/4) of an inch per foot, except that when it is determined by the County Engineer that such slope cannot be obtained without unusual hardship to the building owner, then a slope of not less than one-eighth (1/8) of an inch per foot may be used if the County Engineer also determines that no burden or hardship will be imposed on the District or the County by allowing the lesser slope.

7.4 No portion of a building sewer, or its connection to the public sewer, will be covered or concealed in any manner until it has been inspected and approved by the County.

ARTICLE 8. ANNEXATIONS

8.1 In the event that real property is annexed to the District, no building within said annexed territory shall be connected to the public sewer unless and until the County Engineer determines that such connection complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986.

8.2 In the event that connection of a building within the annexed territory is allowed, the County Engineer shall use the same criteria used to establish the proportional charges against the lots originally within the District, and determine the amount of an equivalent charge for each annexed lot to which the public sewer is to be extended. When the cost of extending the public sewer to a particular lot is less than said equivalent charge, then an in-lieu fee shall be charged for extending the public sewer to said lot. Said in-lieu fee shall be equal to the difference between the actual cost of extending the public sewer to said lot and the aforesaid equivalent charge, except that an estimate of the costs may be used in computing the in-lieu fee, subject to adjustment when actual

costs have been determined. The in-lieu fee shall be paid before a permit is issued for connection of said building to the public sewer.

ARTICLE 9. PROHIBITED DISCHARGES

9.1 No person shall discharge or cause to be discharged any rainwater, stormwater, surface water, groundwater, roof runoff, swimming pool water, sub-surface drainage, cooling water or industrial process waters into the public sewer.

9.2 No person shall discharge or cause to be discharged any of the following described wastewaters, wastes or substances to any public sewer:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any wastewaters, wastes or substances containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) Any wastewaters, wastes or substances having a pH lower than 5.5, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and/or personnel of the County.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater treatment or collection facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paper materials such as newspapers, dishes, cups, milk containers, and meat processing wastes such as animal skins, intestines, fleshings, and paunch materials retained on a screen having eight (8) meshes per inch each way.

- (5) Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit.
- (6) Any wastewaters, wastes or substances which may contain more than one hundred (100) parts per million, by weight, of fat, oil, grease, or wax.
- (7) Any wastewaters, wastes or substances containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (8) Any noxious or malodorous gas or other substance capable of creating a public nuisance either by itself or by interaction with other substances.
- (9) Any domestic or other wastewaters, wastes or substances obtained from a local wastewater disposal system.
- (10) Any wastewaters, waste or substances which causes discoloration differing from that caused by domestic sewage.
- (11) Any radioactive wastewaters, wastes or substances.
- (12) Any wastewaters, wastes or substances containing constituents which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the State Water Resources Control Board, the California Regional Water Quality Control Board or any other Local, State or Federal regulatory agency.

9.3 Grease, oil and sand interceptors shall be provided when, in the opinion of the County Engineer, they are necessary for the proper handling of wastewaters, wastes or substances containing grease in excessive amounts, or containing any sand, or other harmful ingredients; except that such interceptors shall not be required for a single family residence. All interceptors shall be of a type and capacity approved by the County Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

9.4 Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

9.5 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times.

9.6 Any water softener originally installed in a building after the effective date of this Ordinance, and any water softener installed in a building after the effective date of this Ordinance to replace an existing water softener, shall be of the type which is regenerated at a location where salt brines or other waste substances resulting from said regeneration are not discharged into the public sewer, and shall be plumbed so that water passing through said water softener does not serve any toilet or urinal, or any hose bib, pipeline or fixture supplying water for irrigation or other exterior uses. No person shall cause or permit salt brines or other substances resulting from said water softener regeneration process to be discharged into the public sewer.

ARTICLE 10. CONSTRUCTION, DEBT SERVICE AND O & M FUNDS

10.1 As an aid to budget planning and control of the District cash flow and accounting, a Construction Fund, a Debt Service Fund and an Operations and Maintenance (O & M) Fund are hereby established for County Service Area No. 18.

10.2 The Construction Fund will, as a minimum, consist of two accounts; a Construction In Progress Account and an Equity Account. The Construction Fund will be used for, among other purposes, receipts and dispersals of all of the District monies and other assets as follows:

(1) Receipts

- (a) all receipts of monies and other assets collected under the provisions of this Ordinance, except collections under Article 4, above.
- (b) receipts from the Clean Water Grants Program.

- (c) proceeds from CSA No. 18 Revenue Bond sales.
- (d) receipts from the owners or developers of that certain subdivided real property situated within the County and known as Tracts No. 1013 and No. 1241.
- (e) earnings of the Construction Fund.
- (f) other, future monies and assets as approved and directed by the Board of Supervisors.

(2) Dispersals

- (a) to the Debt Service and O & M funds as required.
- (b) payments of all costs of design and construction of the public sewers being constructed by the County, and administration thereof.
- (c) payments for expansions and/or extensions of the public sewers and the wastewater treatment plant, and modifications and/or replacements thereto as may be approved and/or directed by the Board of Supervisors.

10.3 The Debt Service Fund will be used for paying the Revenue Bond interest and principal amounts when due, and for maintaining stipulated reserve balances:

(1) Receipts

- (a) portions of the collected sewer service charges as allocated to debt service by the Revenue Program for the District as established, and as modified from time to time, by the Board of Supervisors.
- (b) earnings of the Debt Service Fund.

(2) Disbursements

- (a) Revenue Bond payments.
- (b) early bond retirement.
- (c) other transfers as authorized by the Board of Supervisors.

- (3) A Designated Special Reserve Account within the Debt Service Fund is hereby established at ten percent (10%) of the original Revenue Bond proceeds, and will be maintained at ten percent (10%) of the value of those

bonds outstanding, or at a level established by the Board of Supervisors.

10.4 The O & M Fund will, as a minimum, have two accounts; an O&M Account, and a Reserve Account. The O&M Fund will be used for the following purposes:

(1) Receipts

- (a) portions of the collected sewer service charges as allocated to the O&M Fund by the Revenue Program for the District as established, and as modified from time to time, by the Board of Supervisors.
- (b) earnings of the O&M Fund.
- (c) such other monies and other assets as the Board of Supervisors may from time to time direct.

(2) Disbursements

- (a) payments of all O&M costs as may be budgeted for this Fund, and other disbursements as approved and directed by the Board of Supervisors.
 - (b) payments to the Debt Service Fund as necessary to maintain a prudent balance therein.
- (3) A reserve Account is hereby established within the O&M Fund and will be maintained at a level as established, and as modified periodically, by the Board of Supervisors.

10.5 If the Board of Supervisors determines that other forms of segregation and/or other methods of application of the District funds will be more appropriate, then the procedures set forth by this Article 10 may be revised by Resolution. Any such revision(s) must provide for, as a minimum, the same degree of audit tracking as provided for under Articles 10.1, 10.2, 10.3 and 10.4, above.

ARTICLE 11. SEWER CHARGES

11.1 There is hereby levied and imposed upon any building or lot within the District, having any connection with the public sewer or otherwise discharging wastewater which ultimately passes through the public sewer, or to which a public sewer is available according to Article 3.1 of this Ordinance, and upon the owner thereof, an annual

sewer service, standby, or immediate availability charge (all collectively referred to herein as sewer charges). Said annual sewer charges are as follows:

<u>Building Classification</u>	<u>Charge</u>
(1) Single Family Residence (1 unit equivalent):	
(a) Category I - units outside of Tracts No. 1013 and No. 1241 which were not connected to the Lewis system or to which the Lewis system was not available.	\$ 537.30
(b) Category II - units which have been connected to the Lewis System or to which the Lewis System has been available.	474.28
(c) Categories III & IV - units within Tracts No. 1013 or No. 1241.	117.12
(2) School (7 unit equivalents)	3,409.76
(3) Country Club (20 unit equivalents)	10,160.44
(4) Any Lot which is not connected but to which a public sewer is available	60.00

or the maximum
allowed by law

11.2 For any building connected to the public sewer, but for which a specific classification for sewer charges has not been set forth in Article 11.1, above, the County Engineer shall determine such a rate as in his sole discretion he deems most applicable for the use being made of the building in relation to the uses being made of classified buildings and the rates fixed for said classified buildings. Such rate is hereby levied and imposed upon said unclassified building and the owner of such building as though said building had been classified and set forth in Article 11.1, above.

11.3 Whenever requested in writing by the County Engineer, information necessary to the accurate computation of a sewer charge for a particular building or lot shall be furnished to the County Engineer by the owner of such building or lot.

11.4 In the event of failure of a building owner to furnish such information when requested and within the time allowed, the County Engineer may compute a rate based on such information as he finds reasonably available and such computation shall be conclusive and final.

11.5 Sewer charges under this Ordinance may be fixed and collected in accordance with Section 25210.77a of the Government Code of the State of California as follows:

- (a) Once a year the Board of Supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in the ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the Clerk of the Board of Supervisors.
- (b) Upon the filing of such report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The Clerk shall publish a notice of such hearing as provided in Section 6066 of said Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published in the County.
- (c) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by resolution, shall confirm the report.
- (d) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge

shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such charge; except that if for the first year such charge is levied the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

- (e) Whenever a railroad, gas, water, or electric utility right-of-way or electric line right-of-way is included within such service area, or zone thereof, the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the charges authorized only if, and to the extent that, it is found that it will benefit from the particular extended service, and the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the same penalties, and the same procedure and sale, in case of delinquency as other properties in such service area or zone. In determining whether or not the railroad, gas, water, or electric utility right-of-way or electric line right-of-way benefits from the extended service, its use as a right-of-way for a railroad, gas, water, or electric utility shall be presumed to be permanent.

11.6 The County may also elect to have such sewer charges collected by any means authorized in the applicable sections of the Government Code and/or the Health and Safety Code of the State of California. Such charges shall be delinquent on the date indicated in the bills rendered therefor, after which date a delinquent penalty, calculated at twenty percent (20%) per annum or at the maximum rate allowable by law, whichever is less, shall be due and payable with the delinquent charges upon which they are imposed.

11.7 The County hereby elects to have said sewer charges collected semi-annually, in advance, on the County tax roll in the same manner as its general taxes, as an alternative to other methods of collection prescribed herein.

11.8 The County hereby elects to have delinquent sewer charges collected on the County tax roll in the same manner as its general taxes, as an alternative to other methods of collection prescribed herein, pursuant to Health and Safety Code Sections 5473 and 5473a.

11.9 As an alternative to any other procedures provided for herein, the County may file an action at law to collect any delinquent sewer charges and penalties thereon. In the event of such an action at law, the County may also pray to the Court that favorable judgment therefor shall include the costs of the suit and reasonable attorney's fees arising from such action.

ARTICLE 12. ENFORCEMENT

12.1 As an alternative to any other measure provided by law for enforcing the provisions of this Ordinance, the County may terminate sewer service to the building, structure or lot in question. Upon termination, the County Engineer or his representative shall estimate the cost of termination and reconnection to the public sewer and the building owner shall deposit this amount with the County Engineer before being reconnected. The County shall refund any part of the deposit remaining after payment of all costs of termination and reconnection.

12.2 Any person, who by reason of special circumstances believes that the application of any of the provisions of this Ordinance to him is unjust or inequitable, may make written application to the

Board of Supervisors for relief therefrom. Said application shall set forth all of the special facts and circumstances and shall request the specific relief or modification desired. The Board of Supervisors upon receipt of such application and after such investigation as deemed necessary, may take action to grant such relief or modification as it finds appropriate. The Board of Supervisors, on its own motion and without application, may, when special circumstances make the application of any provision(s) of this Ordinance unjust or inequitable, modify or suspend any such provision(s) for the period during which the special circumstances exist.

SECTION 2. All monies, securities and/or equities collected under the provisions of this Ordinance will be deposited into the CSA No. 18 Construction Fund. (See Article 10 of SECTION 1, above.)

SECTION 3. If any portion of this Ordinance or the application thereof is held to be invalid for any reason, the validity of all remaining portions and applications shall be unaffected and shall remain in full force and effect.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, with the names of the members of the Board of Supervisors voting for and against this Ordinance, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, this 28th day of July, 1987, by the following roll call vote, to-wit:

AYES: Supervisors William B. Coy, James Johnson, Jerry Diefenderfer,
NOES: None Evelyn Delany, Chairman Carl Hysen
ABSENT: None

CARL HYSEN

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

FRANCIS M. COONEY

Clerk and ex-officio Clerk, County
of San Luis Obispo, State of California

BY: VICKI M. SHELBY
(SEAL) Deputy Clerk-Recorder

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: July 10, 1987

Co. Eng. 7780X 0048x