

OLIVEHURST PUBLIC UTILITY DISTRICT

AMENDED ORDINANCE NO. 209

AN ORDINANCE AMENDING ORDINANCE NO. 209,
ADOPTED FEBRUARY 19, 2009,
REGULATING THE USE OF PUBLIC SEWERS; KNOWN AS THE
"OLIVEHURST PUBLIC UTILITY DISTRICT SEWER USE ORDINANCE"

ARTICLE I. DEFINITIONS

For purposes of this ordinance, the following words, phrases, and abbreviations shall have the meanings respectively ascribed to them in this section unless the context specifically indicates otherwise.

"Applicant" shall mean the Owner of the premises to be served by the sewer for which a Permit is requested, or his authorized agent.

"Board" shall mean the Board of Directors of the District.

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

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

"Contractor" shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the Permit.

"County" shall mean the County of Yuba, California.

"District" shall mean Olivehurst Public Utility District, Yuba County, California.

"District Engineer" shall mean the Civil Engineer appointed by and acting for the Board.

"District Inspector" shall mean the District Chief Plant Operator, his assistant, or the District's Engineering representative.

"Fixture Units" shall mean fixture unit load values for drainage piping and shall be computed from Tables 1 and 2 of Chapter 4 of the Uniform Plumbing Code adopted herein.

"Garbage" shall mean solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

"General Manager" shall mean the District's General Manager or his authorized representative.

"Lateral Sewer" shall mean the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

"Main Sewer" shall mean a District owned Sewer designed to accommodate more than one lateral sewer.

"Outside Sewer" shall mean a sanitary sewer beyond the limits of the District not subject to the control or jurisdiction of District.

"Owner" shall mean the owner of the premises to which the permitted sewer service is being provided. "Applicant" and "Owner" shall be the same on initial permitting and installation of service. The obligations set forth herein applicable to Applicant/Owner shall apply to successors and assigns.

"Permit" shall mean the written authorization required pursuant to this or any other regulation of District for the installation of any sewage works and the connection thereof to the Public Sewer.

"Person" shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions and governmental agencies.

"Plumbing Inspector" shall mean the County's Chief Building Inspector or his representative.

"Plumbing System" shall mean all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three (3) feet outside the building wall.

"Private Sewer" shall mean a sewer serving an independent sewage disposal system not connected with a Public Sewer and which accommodates one or more buildings or industries.

"Public Sewer" shall mean a sewer lying within a street right-of-way and which is controlled by or under the jurisdiction of the District.

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage Works" shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Side Sewer" shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

"Storm Sewer or Storm Drain" shall mean a sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

"Street" shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

ARTICLE II. GENERAL PROVISIONS

Sec. 201. Governing Rules and Regulations.

This ordinance and the rules and regulations contained herein respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewerage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise. If this ordinance conflicts with the provisions of any other ordinance of the District governing sewer construction or connection, adopted prior hereto, the provisions hereof shall govern. Without limiting the generality of the foregoing, Ordinance No. 169 is hereby expressly rescinded.

Sec. 202. Purpose.

This Ordinance is intended to provide rules and regulations for the use and construction of sanitary sewer facilities existing and hereafter installed, altered or repaired within the District. This ordinance is intended to assure efficient operation and protection of public sewerage facilities, to protect the public health and safety, to provide for enforcement and penalties for violations, and to define responsibility for sanitary sewer maintenance. A copy of this ordinance shall be provided to any Applicant/Owner upon request.

Sec. 203. Short Title.

This Ordinance shall be known as the "SEWER USE ORDINANCE" of the Olivehurst Public Utility District.

Sec. 204. Relief on Own Motion.

The Board may, on its own motion, find that by reason of special circumstances a variance must be authorized from a provision or provisions of this Ordinance as applied to a particular premises and may, by resolution, order such variance for such premises during the period of such special circumstances, or any part thereof. Variance of any provision hereof shall not serve as a precedent for any further variance, each of which shall be judged on its own facts.

Section 205. Permissible Discharges

Wastewater may be discharged into Public Sewers for collection, treatment, and disposal by the District provided that such wastewater discharge is in compliance with this Ordinance and/or conditions of any wastewater discharge permit; and further provided that the User pays all applicable District sewer fees and charges including any penalties or charges assessed under this Ordinance.

ARTICLE III. UNIFORM PLUMBING CODE

Sec. 301. Uniform Plumbing Code Adopted.

All that certain current issue of the plumbing code, entitled "INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS UNIFORM PLUMBING CODE," is hereby adopted as the Uniform Plumbing Code of the Olivehurst Public Utility District, to which reference is herein made and which is herein adopted by reference. Said code shall be referred to herein as the "Code."

In case of conflict between the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code and this Ordinance, this Ordinance shall take precedence over and be used in lieu of such conflicting portions.

Sec. 302. Administrative Authority.

Wherever the term "Administrative Authority" is used in this ordinance it shall be construed to mean only those persons duly authorized by the Board of Directors to administer the Code as follows:

Administration of this ordinance and enforcement of regulations thereunder shall be under the direction of the General Manager or his delegated representatives.

Plumbing and drainage systems within any building in the District shall be inspected by the Plumbing Inspector.

Building or house sewers, mains and laterals outside of the building plumbing and drainage system shall be inspected by the District Inspector.

The interpretation of technical provisions of this Ordinance, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of the Ordinance shall be made by the District.

ARTICLE IV. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Sec. 401. Permit Required.

In accordance with Article VII of this Ordinance, no person shall construct, repair or alter a side sewer or make a connection, directly or indirectly, with, or discharge wastewater to, any Public Sewer, or any other District owned Sewer, without first obtaining a Permit from the District and paying all District fees and connection charges as required.

Sec. 402. Construction Requirements.

Construction of Public Sewers and building sewers shall be in accordance with the applicable requirements of the "Standards and Specifications of the Olivehurst Public Utility District" for sanitary sewers.

Sec. 403. Building Sewers.

Building sewers shall not be connected to the Public Sewer unless such building sewers meet the requirements of this Ordinance. Applicants shall, by submitting their application for service, agree that the District may, at all reasonable times, go upon Applicants premises to insure that the side and building sewers are properly maintained, repaired, and replaced, including such repair and replacement by District, if necessary, under Section 410 of this Ordinance.

Sec. 404. Separate Side Sewers.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no side sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Sec 405. Sewer Too Low.

In all buildings in which any building sewer is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the District, and discharged to the Public Sewer at the expense of the Owner.

Sec. 406. Connection to Public Sewer.

The connection of the building sewer into the Public Sewer shall be made at the lateral or tee, if such lateral or tee is available at a suitable location. Where no properly located tee or lateral is available, a neat hole may be cut into the main sewer to receive the lateral sewer. A tee saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the lateral sewer at a minimum of three (3) feet from the point of connection shall be at a higher elevation than the crown of the main sewer. The connection to the main sewer shall be made in accordance with the "Standards and Specifications of the Olivehurst Public Utility District" and in the presence of the District Inspector and under his supervision and direction. Any connection made without prior notice to and approval from District is subject to immediate disconnection and capping without notice, and at the Applicant's expense. Any damage to the main sewer shall be repaired at the cost of the applicant to the satisfaction of the District Inspector.

Sec. 407. Backflow Prevention Devices--Maintenance.

Where a sewer serves plumbing fixtures that are located less than one (1) foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from backflow of sewage by installing a backflow prevention device of an approved type and in the manner prescribed by the "Standards and Specifications of the Olivehurst Public Utility District". Any such backflow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant. The maintenance of the backflow device shall be the sole obligation of the permittee or his successor in interest. The District shall be under no obligation to ascertain that the backflow device continues in operating condition.

Sec. 408. Maintenance of Side Sewer.

Side sewers installed without a cleanout located at the point where the building sewer connects to the lateral sewer shall be maintained by the Owner of the property served thereby.

Sec. 409. Installation of Disconnect Cleanouts.

- (A) Where a proposed sewer serves plumbing drainage fixtures with drain openings that will be open to the atmosphere the sewer service and utility sewer main shall be protected from inflow or flooding by installing a disconnect cleanout device of an approved type and in the manner prescribed by the "Standards and Specifications of the Olivehurst Public Utility District". "Area subject to flooding" for purposes of this section shall mean any area that is known to the District to be vulnerable to flooding or has a history of flooding. The cost of installation of any such disconnect cleanout device shall be borne by the Owner, and shall be installed at the direction of the General Manager in a location within the District's easement or public right-of-way. The installed disconnect cleanout device shall become property of the District. Thereafter, the normal maintenance and operation of the disconnect cleanout device shall be the sole obligation of the District. (B) If in the opinion of the General Manager the nature and quality of the sewage from a proposed use has the potential to have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public, the local environment or create a public nuisance, the General Manager shall require the installation of a disconnect cleanout device of an approved type and in the manner prescribed by the "Standards and Specifications of the Olivehurst Public Utility District". The cost of installation of any such disconnect cleanout device shall be borne by the Owner, and shall be installed at the direction of the General Manager in a location within the District's easement or public right-of-way. The installed disconnect cleanout device shall become property of the District. Thereafter, the normal maintenance and operation of the disconnect cleanout device shall be the sole obligation of the District.

Sec. 410. Responsibilities for Laterals and Unaccepted Infrastructure

- A. The Owner of the property that is served shall be responsible for the proper installation and ongoing maintenance of building and side sewers and cleanouts, and for obtaining the necessary construction and encroachment permits. In the event that the Owner, upon notification by District, fails to properly install, maintain, replace or repair such building and side sewers, then District may, in addition to its authority to disconnect such service, enter upon the Owner's premises to inspect, repair, or replace as necessary any such side or building sewer. The costs of District incurred thereby shall be the responsibility of the Owner, and upon Owner's failure to pay such costs upon invoicing by District, said charges shall be added to the monthly sewer service bill of the District and shall be subject to collection in the same fashion as delinquent sewer service charges.
- B. The Owner of the property that is served shall be responsible for the proper installation and ongoing maintenance of building and side sewers and cleanouts, and for obtaining the necessary construction and encroachment permits. In the event that the Owner, upon notification by District, fails to properly install, maintain, replace or repair such building's side sewers and laterals, then District may, in addition to its authority to

disconnect such service, enter upon the Owner's premises to inspect, repair, or replace as necessary any such side sewer or laterals. The costs of District incurred thereby shall be the responsibility of the Owner, and upon Owner's failure to pay such costs upon invoicing by District, said charges shall be added to the monthly sewer service bill of the District and shall be subject to collection in the same fashion as delinquent sewer service charges.

C. **Developer shall be responsible for** all infrastructure that has been put in place that ties into the District's wastewater system that the District has not accepted, such as main lines going between different developing areas that are being used that pass through undeveloped areas that have infrastructure in them that is attached to the District's system. All stub-out, manholes and laterals in the undeveloped areas must be inspected and maintained so as not to allow inflow and infiltration issues by the Developer. In the event that a Developer, upon notification by District, fails to properly install, maintain, replace or repair such mains, stub-outs, manholes or laterals, then District may, in addition to its authority to disconnect such service, enter upon the Developer's premises to inspect, repair, or replace as necessary any such unaccepted infrastructure. The costs of District incurred thereby shall be the responsibility of the Developer, and upon Developer's failure to pay such costs upon invoicing by District, said charges shall be paid before any connection fee permits shall be issued. Access to any unaccepted main lines being used to transport sewage to the District's sewer treatment plant must include road access for heavy equipment vehicles (such as large sewer vacuum trucks). Such access road will need to be able to allow access of said vehicles to work on the unaccepted main line during winter months if needed. **OPUD reserves the right to withhold future entitlements until any such matters are fully resolved to its satisfaction.**

ARTICLE V. PUBLIC UTILITY DISTRICT SEWER CONSTRUCTION

Sec. 501. Permit Required.

In accordance with Article VII of this Ordinance, no person shall construct, extend or connect to, directly or indirectly, or discharge to, any Public Sewer without first obtaining a Permit from the District and paying all fees and connection charges to the District as established by the District. The provisions of this Section requiring a Permit shall not apply to contractors constructing sewers and appurtenances under direct contract with the District.

Sec. 502. Plans, Profiles and Specifications Required.

The application for a Permit shall be accompanied by complete plans, profiles and specifications, except that such plans, profiles and specifications for minor construction such as lateral sewer connections may, at the discretion of the District Engineer, not be required. Plans, profiles, and specifications shall comply with all applicable ordinances, rules and regulations of District, shall be prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the District Engineer or his designate who shall approve them as filed or require them to be modified as deemed necessary for proper installation. When the District Engineer is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, except as otherwise provided

herein, the District Engineer shall authorize the issuance of the Permit, which shall be required prior to issuance of a building permit to be issued by Yuba County. No Permit shall be issued without payment of all connection charges, fees and furnishing bonds as required by the District. The Permit shall prescribe such terms and conditions as the District Engineer finds necessary in the public interest.

Sec. 503. Easements or Rights-of-Way.

In the event that an easement is required for the extension of the Public Sewer or the making of connections, the applicant shall procure and have accepted by the District Engineer or his designate a proper easement or grant of right-of-way sufficient in law to allow unrestricted access thereto for the laying and maintenance of such extension or connection by District.

Sec. 504. Persons Authorized to Perform Work.

Only properly licensed contractors shall be authorized to perform the work of Public Sewer construction, or connections to Public Sewers, within the District. All terms and conditions of the Permit issued to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with Public Sewer construction.

Sec. 505. Grade Stakes.

Grade and line stakes shall be set by Licensed Surveyor or Registered Civil Engineer prior to the start of work on any Public Sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

Sec. 506. Protection of Excavation.

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and the County or any other person having jurisdiction thereover.

Sec. 507. Design and Construction Standards.

Minimum standards for the design and construction of sewers within the District shall be in accordance with the "Standards and Specifications of the Olivehurst Public Utility District", heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings showing the actual location of all mains, structures, T's laterals and cleanouts shall be filed with the Districts before final acceptance of the work.

"As-built" or "Record" drawings shall be submitted to the District in two formats: Electronic file in AutoCAD and hard copy in either paper or Mylar.

Sec. 508. Completion of Sewer Required.

Before any acceptance of any sewer line by the District and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the "Standards and Specifications of the Olivehurst Public Utility District" and to the satisfaction of the District Engineer.

Sec. 509. Improvement Security.

Prior to clearance of a Permit for Public Sewer construction, the applicant shall furnish to the District a faithful performance and payment bond, cash, or other improvement security acceptable to the District Board, in the amount of the total estimated cost of the work. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the Permit and, unless more stringent requirements are otherwise specified by the District Board, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year from and after the date of acceptance of the work by the District Board. In those cases where the sewer facilities are installed as part of a larger development, said bond may be incorporated into a subdivision bond furnished to the County, provided that such blanket security is presented to and approved by the District, and specifies therein that it applies to the sewer facilities installed, and performance of all terms and condition of the Permit.

Sec. 510. Financing--General.

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

ARTICLE VI. USE OF PUBLIC SEWERS

Sec. 601. Drainage into Sanitary Sewers Prohibited.

No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or subsurface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

No User shall discharge any wastewater directly into a manhole or other opening in the District sewerage system other than through sewer laterals or other sewer connection approved by the District, unless a Permit has been obtained for such discharge. A Permit will be issued only for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Ordinance and no other alternative is reasonably available in the opinion of the District.

Sec. 602. Types of Wastes Prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been 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-half inch in any dimension.
- E. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- F. Any wastes with a pH high enough to cause alkaline incrustations on sewer walls.
- G. 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 human or animals, create any hazards in the receiving waters of the sewage treatment plant, or cause a public nuisance.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Waste not conforming to Section 607 of this Ordinance.
- J. Any solids or viscous substances of such size or in such quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.
- K. Any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water.
- L. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.
- M. Any non-biodegradable cutting oils, commonly called soluble oil, which form persistent water emulsions.
- N. Any excessive concentrations of non-biodegradable oil, petroleum oil or refined petroleum products.
- O. Any waste with an excessively high concentration of cyanide.
- P. Any unreasonably large amounts of un-dissolved or dissolved solids.
- Q. Any wastes containing over 0.1 milligram/liter of dissolved sulfides.
- R. Any substance promoting or causing the promotion of toxic gases.
- S. Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.
- T. Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds.
- U. Any excessive amounts of de-ionized water, steam condensate or distilled water.

- V. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between 50° F and 100° F.
- W. Any wastes containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic or any other objectionable materials toxic to humans, animals, the local environment or to biological or other wastewater treatment processes.
- X. Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.
- Y. Any single pass cooling water.
- Z. Any excessive quantities of radioactive material wastes.
- AA. Recognizable portions of the human anatomy.
- BB. Discharge from salt (sodium chloride) regenerated water softeners.
- CC. Swimming pool contents.

Sec. 603. Regulated Discharges

No person shall discharge or cause to be discharged to any Public Sewer which directly or indirectly connects to the District's sewerage system any wastes, if in the opinion of the District such wastes may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public, the local environment or create a public nuisance. The District, in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

The District shall from time to time prepare a list of the maximum permissible quantities or concentrations of certain constituents in industrial wastewater flows and otherwise issue detailed directions for meeting the requirements of this Section. Said limitations on quantities and concentrations shall be at least as stringent as state and federal standards.

No person shall discharge wastewater to a District Facility which exhibits any characteristic which is specifically prohibited by an action of the District Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board by Resolution.

Sec. 604. Prohibition of Medical Wastes.

Hospitals, clinics, offices of medical doctors, and convalescent homes:

- (A) May discharge, through a District's approved grinder installation with inlet size and design features suitable for its intended use and so constructed that all particles pass through a maximum 3/8 inch opening, wastes of the following categories:
 - (1)Wet organic kitchen wastes from food preparation and disposal but excluding all paper and plastic items.
 - (2)Disposable hypodermic needles, syringes and associated articles following their use.
 - (3)Infectious wastes, defined as:
 - (a) Laboratory and surgical operating room wastes except as excluded in (B) (2) below.
 - (b) Wastes from outpatient areas and emergency rooms similar to those included in (a) above.

- (c) Equipment, instruments, utensils and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by Public Health Agencies. **(B)** Shall not discharge to the sewer by any means:
- (1) Solid wastes generated in the rooms of patients who are not isolated because of a suspected or diagnosed communicable disease.
 - (2) Recognizable portions of the human anatomy.
 - (3) Wastes excluded by other provisions of this Ordinance except as specifically permitted in (A) above.
 - (4) All solid wastes not included in (A) above.

Nothing in this Section shall be construed to limit the authority of the Health Officer of Yuba County to define wastes as being infectious and, with the concurrence of the General Manager of the District, to require that they be discharged to the sewer.

Sec. 605. Interceptors Required. [\(Requires a Permit from the District through the District's F.O.G. Program\)](#)

Grease, oil and sand interceptors shall be provided when in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the "Standards and Specifications of the Olivehurst Public Utility District", and shall be so located as to be readily and easily accessible for cleaning and inspection.

Sec. 606 Maintenance of Interceptors.

All grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times. **Manifest of the material being hauled off after cleaning shall be kept available for reviewing during the District's annual inspections.**

Sec. 607. Preliminary Treatment of Wastes.

The admission into the Public Sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 602, or (d) having an average daily flow greater 300 gallons, shall be subject to the review and approval of the District. Where necessary in the opinion of the District, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 602, or (c) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and no construction of such facilities shall be commenced until said approvals are obtained in writing.

No User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations

contained in the National Pretreatment Standards, in any other pollutant-specific limitation developed by the District or State, with this Ordinance, or the User's Permit, or to establish an artificially high flow rate for permit mass emission rates. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in production, will not be considered an excessive discharge hereunder.

Sec. 608. Maintenance of Pretreatment Facilities.

Where preliminary treatment facilities are required or otherwise provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

Sec. 609. Measurements and Tests.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 602 and 607 shall be determined in accordance with standard methods and shall be determined upon suitable samples taken. 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 side sewer is connected.

User shall provide pollution prevention plans, and/or pollution prevention audits, and/or waste management plans, to identify and quantify waste streams, identify and evaluate source reduction measures. Evaluation and implementation measures may include, but are not limited to, input changes, operational improvements, production process changes, product reformulation, product substitution, recycling, inventory control, employee education and training, and other steps as necessary to avoid or reduce waste produced.

Sec. 610. Special Agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern and subject to such terms and conditions as might be required by District. Said terms and conditions shall be at least as stringent as state and federal standards.

ARTICLE VII. PERMITS AND FEES

Sec. 701. Application for Permit and Payment of Charges.

Any person legally entitled to apply for and receive a Permit shall make such application on forms provided by District for that purpose. The Applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The District may require plans, specifications or drawings and such other information as it may deem necessary.

In the event the Applicant is required to provide plans, specifications or drawings and information as a condition to the issuance of the Permit, the Applicant shall pay all engineering, legal, administrative and other expenses and charges to the District prior to the issuance of the Permit.

If the General Manager determines, after consultation with the Engineer, that the plans, specifications, drawings and other information furnished by the Applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the District, he or his designate shall issue the Permit upon payment of the charges and fees established by the District.

Sec. 702. Compliance with Permit.

After approval of the application, evidenced by the issuance of the 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's General Manager or other authorized representatives.

Sec. 703. Fees and Charges—Permit, Inspection and Construction.

Schedules of capacity fees, including connection fees, for both the wastewater treatment facility and collections systems have been established in all service areas of the District and are available at the District office. A deposit of 5% of the cost of the water/wastewater portion of the project shall be collected by the District prior to any review of the applicant's Permit documents. This deposit will cover review and inspections costs incurred by the District.

Sec. 704. Fees--Annexation Charges.

If, prior to the issuance of a Permit, or as a condition thereof, the lands subject to the Permit must be annexed into the District, the owner or owners of lands within areas proposed to be annexed to the District shall deposit with the District a sum to be fixed by the District prior to the commencement of proceedings by the Board on the proposed annexation. The amount to be fixed by the District shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the District in preparing and examining maps, legal descriptions, and other documents in relation thereto, complying with LAFCo conditions, and other expenses regularly incurred in connection therewith.

Sec. 705. All Work to be Inspected.

All sewer construction work shall be inspected by the District Inspector to ensure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's Public Sewer until the work covered by the Permit has been completed, inspected and approved by the District Inspector. All sewers shall be tested for leakage in the presence of the District Inspector per "Standards and Specifications of the Olivehurst Public Utility District" and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the District Inspector shall issue a notice of satisfactory completion. Inspection and acceptance of work later found to be defective shall not relieve the Owner from the obligation to undertake repair or replacement thereof.

Sec. 706. Non-Conforming Work.

When any work has been inspected and the work is not approved, notice to that effect shall be given instructing the Owner of the premises, or the agent of such Owner, to repair the sewer or other work authorized by the Permit in accordance with the ordinances, rules and regulations of the District.

Sec. 707. All Costs Paid by Owner.

All cost and expenses incident to the installation and connection of any sewer or other work for which a Permit has been issued shall be borne by the Owner. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 708. Liability.

The District and its officers, agents and employees shall not be responsible for any liability or injury or death to any person or damage to any property arising from or growing out of the performance of any work by the Applicant or Owner of the property, including any work done under a Permit. The Applicant and Owner shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents, or employees, including all fines and penalties imposed by any regulatory authority, and including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of this work or any failure which may develop therein.

ARTICLE VIII. ENFORCEMENT

Sec. 801. Violation.

Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Sections 508 and 901 hereof, shall be served by the General Manager or other authorized person with written notice stating the nature of the violation and specifying a time limit, consistent with the severity of the violation and its likely consequences, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the General Manager of any defect arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

Sec. 802. Disconnection.

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

Sec. 804. Public Nuisance; Abatement.

During the period of such disconnection, habitation of such premises by human beings may, in the opinion of the public health officer of the County of Yuba, constitute a public nuisance, and the District shall notify the County Health Officer so that he may consider initiation of actions for the abatement for the occupancy of said premises by human beings during the period of such disconnection.

Sec. 805. Means of Enforcement Only.

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty. In accordance with the provisions of Section 16472.5 of the Public Utilities Code, the District is empowered to correct the violation of this ordinance, and to enter on private property to investigate and correct violations hereof in accordance with law.

Sec. 806. Liability for Violation.

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

ARTICLE IX. MISCELLANEOUS PROVISIONS

Sec. 901. Protection from Damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewage works. Any person violating this provision shall be subject to the penalties provided by law.

Sec. 902. Powers and Authorities of Inspectors.

The officers, inspectors, manager and any duly authorized employees of the District shall wear or carry an official badge of office or other evidence establishing his position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

Sec. 903. Separability.

If any section, sub-section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

Effective Date and Publication. This Amended Ordinance shall take effect on August 1, 2019. The District Clerk shall post copies of this Ordinance at two public places in the District.

PASSED AND ADOPTED THIS 18th DAY OF JULY, 2019.

OLIVEHURST PUBLIC UTILITY DISTRICT

By: Mary Jane Griego
Board President

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: Deirdre Joan Cox
Legal Counsel

I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 19th day of August, 2019, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Elizabeth Mallen
Board Clerk

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: May 16, 2019

Item description/summary:

Amend Sewer Ordinance 209 known as the "**Olivehurst Public Utility District Sewer Use Ordinance**": Staff proposes to amend Ordinance 209 to clarify the District's ability to self-perform corrective work on various portions of its sewer system that have either not yet been dedicated or on which work has commenced but not been completed. With a rise in Inflow and Infiltration mostly in the newer areas of the District's sewer system, it is important to clarify and confirm the ability of the District to take corrective action and seek reimbursement from the responsible Developer or Owner. The proposed Amendment clarifies obligations of permit holders and ensures they are on notice from the outset of their commencement of work of their obligation to either complete their work through the dedication to the District or reimburse District staff for their work to do so. This revised Ordinance furthers District Strategic Plan Goal 5.4 Efficient Asset Management. It is recommended that the Ordinance be introduced with a first reading by title only at the District's June 20, 2019 meeting and that the second reading occur at the District's July 19, 2019 meeting. The Board Clerk will be responsible for the required publication of the revised Ordinance prior to its effective date. It is anticipated Revised Ordinance 209 will have an effective date of August 1, 2019.

Fiscal Analysis:

The amended Ordinance clarifies the District's ability to collect fees from responsible parties for the District's work to correct issues on those aspects of its sewer system for which a dedication has not yet been accepted or for which work was commenced and not completed, thereby facilitating the District's ability to manage and/or reduce inflow and infiltration into its system.

Employee Feedback

Employee feedback is positive.

Sample Motion:

That the Board of Directors introduce, read by title only, and waive further reading of Revised Sewer Ordinance 209 known as the "**Olivehurst Public Utility District Sewer Use Ordinance**"

Prepared by:

Greg Axline CPO WWTF
