

ORDINANCE NO. 18.01

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SIERRA LAKES COUNTY WATER DISTRICT
ADOPTING THE DISTRICT CODE**

BE IT ORDAINED by the Board of Directors of Sierra Lakes County Water District, Placer County, California, as follows:

SECTION ONE

The Board of Directors of the Sierra Lakes County Water District (“District”) hereby adopts the District Code attached hereto as Exhibit A and incorporated herein by this reference, containing all District ordinance provisions affecting District Administration, the District’s water and sewer enterprises, use of District property and related matters.

SECTION TWO

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and conditions of any prior District ordinances, resolutions, rules or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

SECTION THREE

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION FOUR

This Ordinance shall be in full force and effect immediately upon adoption. A summary including the names of the Directors voting for and against the Ordinance shall be posted in the District within 15 days of adoption.

SECTION FIVE

This Ordinance shall be posted in three (3) public places in the District within ten (10) days after its adoption and shall become effective thirty (30) days from the date of its adoption.

PASSED AND ADOPTED by the Board of Directors of the Sierra Lakes County Water District, County of Placer, State of California, on this 9th day of February, 2018 at a meeting of the Board by the following roll call vote:

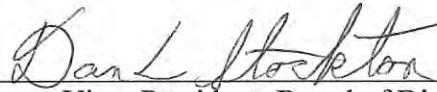
AYES: Directors Stockton, Simpson, Oudegeest and Lindquist

NOES: None

ABSENT: Director Heald

ABSTENTION: None

SIERRA LAKES COUNTY WATER DISTRICT



Vice- President, Board of Directors

ATTEST:



Secretary, Board of Directors

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DIVISION I DEFINITIONS

Section 1.01 Applicant means the owner or his/her authorized agent making application for water and sewer service.

Section 1.02 Board means the Board of Directors of the District.

Section 1.03 Building is any structure that is (a) over one hundred twenty (120) square feet in area or requires a County building permit, (b) used for human habitation or as a place of business or recreation, and (c) contains sanitary sewer and/or water facilities.

Section 1.04 Building Sewer Service is the portion of the sewer pipe beginning at the foundation wall of any building and running to the property line where it is connected to the sewer lateral.

Section 1.05 Building Water Service is the portion of the water pipe beginning at the foundation wall of any building and running to the property line where it is connected to the water lateral.

Section 1.06 Code means the District's Code of Ordinances

Section 1.07 Commercial use of a building or parcel means that its owner or tenant is engaged in a trade or business, including but not limited to hotels, motels, restaurants, stores, service stations, schools, churches, professional offices, recreational activities and government services and facilities.

Section 1.08 Contractor is an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done.

Section 1.09 Cost means the cost of labor, material, transportation, supervision, legal, engineering and all other necessary overhead expenses.

Section 1.10 County means the County of Placer.

Section 1.11 Cross-Connection means any physical connection between the piping system from the District lateral and any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District distribution system.

Section 1.12 Customer is the owner of the premises to which water and sewer service is provided through the District's water and sewer systems and named on the invoice for water and sewer service charges. Residential tenants of an owner may become customers in accordance with Section 5.03(d) of the Code.

Section 1.13 Days means calendar days unless otherwise stated.

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Section 1.14 District means Sierra Lakes County Water District.

Section 1.15 District Code means the codification of all District ordinances.

Section 1.16 District Office means the office of the District located at 7305 Short Road, Soda Springs, California.

Section 1.17 Dwelling or Dwelling Unit means one or more habitable rooms within a building that (a) are designed and/or used as independent living space for one family; (b) have facilities for living, eating and sleeping; (c) have no more than one kitchen and at least one bathroom; and (d) have access to each other from within the building.

Section 1.18 Engineer is the Engineer appointed by and acting for the Board and shall be a California Registered Civil Engineer.

Section 1.19 Fixture Unit is a unit of measure used to express hydraulic loading imposed on water supply and sanitary sewer drainage piping as specified in the Uniform Plumbing Code and California Plumbing Code.

Section 1.20 Garbage is solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 1.21 Guest House means a building (a) with sleeping space; (b) that is detached from a single-family residential dwelling on the same parcel; (c) that may include a bathroom and other living space (but not kitchen facilities); and (d) that shall not be rented or otherwise used for residential occupancy independent from the principal residence. All water and sewer service to the guest house shall be common to, dependent upon and associated with the main dwelling.

Section 1.22 Manager means the General Manager as appointed by the Board.

Section 1.23 Multi-Family Residential Dwelling means: (1) a building or a portion of a building used and/or designed as residences for two or more families living independently of each other; or (2) two or more detached single-family dwellings on a single parcel where all of the single-family dwellings and the lot are under common ownership, provided that one of the units is not a secondary residential dwelling. Multi-Family Residential Dwelling includes halfplex structures (a halfplex is a single dwelling unit that is half of a two-unit building where a property line separates the two units), duplexes, triplexes, and fourplexes (attached dwellings under one ownership with two, three or four dwelling units, respectively, in the same building), and apartments (five or more units under one ownership in a single building).

Section 1.24 Owner means the person owning in fee, or the person in whose name the legal title to the premises appears, by deed duly recorded in the County Recorder's office, or the person in possession of the premises or buildings under claim of, or exercising acts of

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ownership over same for himself, or as executor, administrator, guardian or trustee of the owner. The owner is considered the customer with respect to the responsibilities described in the Code unless agreed to otherwise by the District in accordance with Section 5.03(d).

Section 1.25 Permit means any written authorization required pursuant to any rule, regulation, or ordinance of the Authority having jurisdiction.

Section 1.26 Person means any human being, firm, company, partnership, association, and private, public, or municipal corporation; the United States of America; the State of California; districts; and all political subdivisions and governmental agencies thereof.

Section 1.27 Plumbing System includes all plumbing fixtures including traps, waste and vent pipes and all sanitary sewage and water pipes within the property lines of the premises.

Section 1.28 Premises means a lot or parcel of real property under one ownership. Apartment houses, motels, office buildings and structures of like nature are classified as a single premises.

Section 1.29 Secondary Residential Dwelling means a second permanent dwelling that is accessory to a primary dwelling on a parcel. A secondary residential dwelling may be either a detached or attached dwelling unit which provides complete, independent living facilities for one family. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. All water and sewer service to the secondary residential dwelling shall be independent of the primary dwelling.

Section 1.30 Sewage is any combination of water-carried wastes from buildings and industrial establishments connected to the District's sewer collection system.

Section 1.31 Sewer Cleanout is a capped pipe which provides access to a sewer service or lateral from the ground level to allow cleaning of the pipe.

Section 1.32 Sewer Collection System is all facilities including manholes, cleanouts, gravity mains, forcemains and laterals in streets, highways, alleys and easements for collection, pumping, treating and disposing of sewage under the jurisdiction of the District.

Section 1.33 Single-Family Residential Dwelling means a building designed for and/or occupied exclusively by one family on one parcel. The single-family residential dwelling may have an associated guest house and/or an associated secondary residential dwelling.

Section 1.34 Street is any public highway, road, street, avenue, alley, way, easement or right-of-way.

Section 1.35 Water Conserving Faucet means any faucet equipped with an aerator or other flow reducing device limiting flow to a maximum of 2.2 gallons per minute.

Section 1.36 Water Conserving Shower Head means a shower head equipped with a flow

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reducing device limiting flow to a maximum of 2.5 gallons per minute.

Section 1.37 Water Conserving Toilets means a tank-type toilet designed for a maximum 1.6 gallon flush or a water closet equipped with an approved flushometer valve designed for a maximum 1.6 gallon flush.

Section 1.38 Water Conserving Urinal means a urinal and associated flushometer valve which uses no more than one (1.0) gallon of water per flush.

Section 1.39 Water Curb Stop is a valve located at the property line used to turn off supply to the building water service.

Section 1.40 Water Meter and Meter Box are installed at the property line and used to measure the volume of water used by a residential or commercial building.

Section 1.41 Water Distribution System is all facilities including valves, fire hydrants, curb stops, meter boxes, mains and laterals in streets, highways, alleys and easements for the distribution of water and fire protection under the jurisdiction of the District.

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DIVISION II ADMINISTRATION

Section 2.01 Regular Meetings. The regular meeting of the Board of Directors of the Sierra Lakes County Water District shall be held on the second Friday of each and every calendar month at a time set by the Board.

Section 2.02 Special Meetings. Special meetings of the Board shall be held upon call of the President of the Board, or of a majority of the members thereof, in accordance with the provisions of Government Code section 54956 and other applicable provisions of the Ralph M. Brown Act (Government Code §54950, et seq.).

Section 2.03 Meeting Place. All regular and special meetings of the Board, unless adjourned to or fixed for another place of meeting in a notice to be given thereof, or unless prevented by flood, fire or other disaster, shall be held at the District office.

Section 2.04 Holidays. In the event that any day fixed for a regular meeting of the Board shall fall upon a holiday, then the meeting appointed for such day shall be held on the next day which may not be a holiday, at the same hour specified for the meeting to be held, or at such other date and time as the Board may determine.

Section 2.05 Rules of Proceedings.

- (a) Public Meetings. All sessions of the Board, whether regular or special, shall be open to the public, except as otherwise may be permitted by law.
- (b) Quorum. A majority of the members of the Board shall be present at the meeting to constitute a quorum for the transaction of business.
- (c) Adjournment. When a meeting may not be opened, or further action may not be had at a regularly opened meeting, for want of a quorum, said meeting may be adjourned to a day and hour specified by the Board Members in attendance, and notice of such adjournment shall be given for the time and in the manner provided for calling special meetings, except that the purpose of the adjourned meeting need not be stated unless otherwise required by law.
- (d) Method of Action. The Board shall act only by ordinance, resolution or motion, which, to become effective, shall receive the affirmative vote of a majority of the quorum of the Board. All members of the Board present, including the President, shall be entitled to vote on all matters to come before the Board, unless disqualified by a conflict of interest.
- (e) Recording Vote. Except where action shall be taken by the unanimous vote of all members present and voting, the ayes and noes shall be taken on all actions.
- (f) Ordinances. The enacting clause of all ordinances passed by the Board shall be in these words: "Be it ordained by the Board of Directors of the Sierra Lakes County Water District, Placer County, California, as follows:" All ordinances of the Board shall be signed by the President or the Vice-President when the President is absent, and attested by the Secretary.
- (g) Contracts. Unless otherwise directed and authorized by the Board, all contracts on behalf of the District shall be signed by the President or the Vice-

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President when the President is absent after having been authorized so to do by action of the Board.

- (h) Officers. The Board shall hold a yearly election for the offices of President and Vice-President.
- (i) Secretary. The Board shall appoint a Secretary in accordance with California Water Code § 30017.
- (j) General Manager. The Board shall appoint a General Manger in accordance with California Water Code § 30541.

Section 2.06 Mailing Address. The official mailing address of the District is hereby established as P.O. Box 1039, Soda Springs, California, 95728-1039.

Section 2.07 Official Seal. An official seal shall be, and the same is hereby adopted for the District, to consist of an impression made with a seal press, the inscription of which shall be the following:

SIERRA LAKES COUNTY WATER DISTRICT, PLACER COUNTY
CALIFORNIA, INCORPORATED MARCH 7, 1961. (SEAL)

Section 2.08 Manager - Duties. The Manager shall regularly inspect all property and water and sewer facilities to see that they are in good repair and proper working order and to note violations of any rules, regulations and ordinances of the District.

Section 2.09 Manager - Violations, Repairs.

- (a) The Manager shall promptly report any violation or disrepair of District property or facilities to the Board. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to customers pending action by the Board.
- (b) The Manager shall enforce the provisions of the Code and the provisions of state law which affect the property of the District and the safety and protection of persons thereon.
- (c) In accordance with the provisions of Water Code Section 30547, the Board hereby establishes the position of District Security Officer(s). The Security Officer(s) position(s) shall, if authorized and funded by the Board, be reflected in the annual budget as adopted by the Board. In accordance with Penal Code Section 830.34, the Security Officer(s) shall be peace officer(s) whose primary duty shall be the protection of the properties of the District and the protection of the persons thereon.
- (d) When one or more Security Officer positions are authorized and funded by the Board, the Manager may hire and appoint an employee to serve as Security Officer, which person(s) shall comply with the requirements under the Penal Code for Peace Officer Standards and Training. The District shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Office Standards and Training, pursuant to Title 4 of Part 4 of the California Penal Code.

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Section 2.10 Manager - Supervision. The Manager shall supervise all repair or construction work authorized by the Board and performed by District forces, and perform any other duties prescribed elsewhere in the Code or which shall be hereafter prescribed by the Board.

Section 2.11 Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of the Code is unjust or inequitable as applied to his use, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to him.

If such application be approved, the Board may, by motion, suspend or modify the provision complained of, as applied to such use, to be effective as of the date of the application and continuing during the period of the special circumstances.

Section 2.12 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of the Code should be suspended or modified as applied to a particular premises and may, by motion, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Section 2.13 Words and Phrases. For the purpose of the Code, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; and words used in the masculine gender include the feminine and gender-neutral.

Section 2.14 Separability. If any section, subsection, sentence, clause or phrase of the Code 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 the Code or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed the Code or any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the remaining sections, subsections, sentences, clauses or phrases be declared to be invalid.

Section 2.15 Ruling Final. All rulings of the Manager shall be final unless appealed in writing to the Board within five (5) days. In the event of such an appeal, the Board's ruling in the matter shall be final.

Section 2.16 Interest on Deposit. No interest shall be paid on any deposit made with the District pursuant to the provisions of the District's rules, regulations and ordinances.

Section 2.17 Local Claims Procedures.

- (a) Claims against the District shall be made pursuant to the procedures set out in the California Claims Act (Gov. Code, §810 et seq.)
- (b) Any claim against the District not falling within the scope of the California Claims Act shall be made pursuant to the procedures set out in this Code to

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the extent those procedures do not conflict with any applicable federal or state law.

- (i) Any such claim for money or damages against the District shall be presented to the District within the time limitations and in the manner described in Government Code sections 910 through 915.2.
- (ii) When any such claim required by this Section to be presented within a period of one year or less after its accrual is not presented within the required time, an application for leave to file a late claim may be made and processed in accordance with Government Code section 911.4(b), 911.6 to 912.2, and 946.6. (See Gov. Code, §935(e).) A late claim shall also be subject to Government Code section 946.6. (See Gov. Code, §935(e).)
- (c) Claims against the District shall be subject to the provisions of Government Code section 945.4 relating to the prohibition of lawsuits until the presentation of and action on a claim. No lawsuit for money or damages may be brought against the District on a cause of action for which a claim is required to be presented in accordance with this Section until a written claim therefor has been presented to the District and has been acted upon by the Board, or has been deemed to have been rejected by the Board in the manner described at Government Code sections 910 through 915.2. (See Gov. Code, §935(b).)
- (d) Any lawsuit brought against the District on a claim subject to this Section shall be subject to the provisions of Government Code section 945.6 (lawsuit filing limitations) and 946 (lawsuit barred after claim allowed in full or part). Any lawsuit against the District on a claim subject to this Section must be commenced within the time limitations of Government Code section 945.6. (See Gov. Code, §935(b).)

Section 2.18 Compensation of the Board Members Pursuant to the provisions of California Water Code Section 20200 et. seq, a Director's compensation for each day's attendance at Board meetings and for each day's service rendered as a Director at the Board's request (including attendance at other meetings), shall be set by ordinance following a public hearing per CWC Section 20203:

- (a) In any calendar month, a Director shall be compensated for any Board meeting attended and up to four (4) additional days. Compensation per day shall be at the rate established by the Board, together with any expenses incurred in the performance of the Director's duties required or authorized by the Board. Expenses shall be reported on the form provided by the District. Expenses will be reimbursed at actual cost and mileage will be paid at the IRS approved travel rate.
- (b) Notwithstanding the foregoing, the Board may authorize payment for additional service rendered by a Director as directed by the Board not to exceed a total in any month of ten (10) days. Any such service and additional compensation shall require the express direction of the Board describing the

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service to be provided. To minimize the number of days of meetings attended and services performed, it is recommended that Directors concentrate such activities into a full day of service.

Compensation for a day's service is authorized for all of the following activities:

- (a) attendance at meetings of Board committees;
- (b) attendance at other meetings requiring participation of representatives of the District and/or in meetings with professionals providing services to the District; and
- (c) performance of work on behalf of the District.

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DIVISION III NOTICES

Section 3.01 Notices to Customers. Except as otherwise may be provided in the Code, notices from the District to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification by telephone, fax, electronically or messenger.

All notices shall be deemed to have been received on the date of delivery if delivered personally or three (3) days after mailing if enclosed in a properly addressed and stamped envelope and deposited in a United States Post Office for delivery.

Section 3.02 Notices from Customers. Notices from the customer to the District may be given by him or his authorized representative in writing (1) at the District's Office, (2) by mail or (3) electronically.

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DIVISION IV BILLING AND COLLECTION

Section 4.01 Billing Period and Payment of Bills Annual water and sewer charges are billed on or about July 1st to coincide with the start of the District's fiscal year. Payment is due in four (4) equal quarterly installments, due and payable August 15th, November 15th, February 15th and May 15th.

If any charges or fees are not paid within thirty (30) days after the due date or dates (grace period), a penalty of ten percent (10%) will be added to said charges plus a further penalty of one-half percent (1/2%) per month on the first day of each month following. If the District disconnects service for nonpayment of any charge, rate or fee, a reconnection charge of the actual costs incurred by the District, up to a maximum of \$500.00, may be imposed. District bills for service shall inform the customer of such penalties and reconnection fees.

In the event that any fee or charge for service provided by the District is unpaid sixty (60) days from the due date, the District shall notify the owner that the unpaid fee or charge, as well as the interest thereon, is delinquent and will become a lien on the property if it remains unpaid. (Reference to California Water Code § 31701.6)

In the event that any fee or charge for service provided by the District is unpaid for an additional thirty (30) days from the notice of delinquency (as per above), the District Secretary, or in his absence, the President of the Board, shall cause to be recorded a certificate specifying the amount of such charges and the name and address of the person liable therefore. This certificate shall be recorded with the County Clerk-Recorder.

In the event that any certificate has not been released or discharged within such length of time that it currently shall cease to have the effect of a lien within ten (10) years under California Water Code § 31701.7 or any other law currently or hereafter exacted, the District shall promptly record a new certificate or take other appropriate action to extend the effect of any said certificate.

Any certificate of unpaid charges shall be released and a notice thereof filed in the County Clerk-Recorder's office upon payment in full of the amount of the delinquent payment, together with any accrued interest and a release processing fee in the amount of \$50.00.

Section 4.02 Commencement of Service Charges and Prorated Bills. The annual water and sewer service charges will commence on the date of issuance of the County Certificate of Occupancy but not more than one hundred eighty (180) days after issuance of the District Water and Sewer Connection Permit and be prorated based on a three hundred sixty five (365) day year.

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Section 4.03 Discontinuance of Service. In the event of a violation of any portion of the Code or of its rules and regulations, or of failure to pay applicable service charges when due, the District may disconnect water and sewer service to the premises, in compliance with the procedures contained in Division V of the Code.

Section 4.04 Public Nuisance During Disconnection. During the period of such disconnection, inhabitation of such premises by human beings shall constitute a public nuisance, whereupon the Board may notify the County Environmental Health Department and cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of restoration, the owner shall pay any attorney's fees, costs or expenses incurred by the District to bring such action or proceeding.

Section 4.05 Action at Law. In addition to the right to discontinue any service, the District shall have the right to collect delinquent charges and fees, penalties and interest from the owner at its discretion by an action at law, arbitration or other proceeding.

Section 4.06 Contract. All customers shall be deemed to have contracted with the District for water and sewer service and to have agreed to comply with the Code, rules and regulations of the District in regard thereto, as such may be amended from time to time.

Section 4.07 Investigation Powers. The officers, inspectors, managers and any duly authorized employees of the District shall carry evidence establishing their positions as authorized representatives of the District and upon exhibiting such identification and to the extent permitted by law, shall be reasonably permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

Section 4.08 Attorney's Fees and Costs. In the event that the District is required to bring an action or other proceeding to collect delinquent charges and fees, penalties and interest, or otherwise enforce any ordinance, rule or regulation, the defendant(s) shall pay any attorney's fees, costs or expenses incurred by the District to bring such action or proceeding.

Section 4.09 Lien Recordation. The District shall include a statement on its bill to each owner, or shall provide such statement to each owner by any other means, that any water and/or sewer service charges remaining delinquent for a period of ninety (90) days may become a lien against the property.

Section 4.10 Collection of Delinquent Water and Sewer Service Charges Pursuant to the County Tax Roll. All rates, charges, penalties and interest which remain delinquent as of June 30th of each year and have been delinquent for sixty (60) or more days may be collected in the same manner as the property taxes for the District for the forthcoming fiscal year

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provided that the District shall have given prior notice to the owner.

Section 4.11 Returned Check Charge. Any check which has been received by the District for payment of rates, charges, fees, penalties or other costs of the District as set forth in District ordinances, rules and regulations, and which has been deposited twice and returned to the District unpaid by the bank upon which it is drawn, shall be subject to a charge of the actual costs incurred by the District for the returned check which shall be imposed upon the account to which the payment was originally applied.

Section 4.12 Cumulative Remedies. All remedies set forth by the District for the collection and enforcement of charges, rates, fees, penalties and interest are cumulative and may be pursued alternatively or consecutively.

Section 4.13 Relief from Water and Sewer Service Charges Upon Catastrophic Property Loss.

- (a) When a premises connected to the District's sewer/water systems has been rendered uninhabitable due to a disaster such as fire, flood, explosion, or structural collapse, the owner shall provide the District with written notice thereof and request relief from water and sewer service charges. After receipt of such notice and upon District confirmation that the premises is uninhabitable, the Manager shall waive service charges on such premises for the period of time the premises remains uninhabitable. During the period the premises is considered uninhabitable and service charges have been waived, the owner shall disconnect the water and sewer services at the property line. A premises shall become habitable on the date the County issues a Certificate of Occupancy for the premises or on the date the District determines the premises is habitable. On the date the premises is deemed habitable the owner shall reconnect the water and sewer services at the property line and service charges shall resume based on a prorated amount for the remainder of the fiscal year.

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DIVISION V DISCONTINUANCE OF WATER AND SEWER SERVICE

Section 5.01 Discontinuance of Service - General. Generally, in the event of a violation of any portion of the Code or of a failure to timely (more than sixty (60) days past due) pay applicable charges, rates or fees, the District shall notify the person or persons causing, allowing, or committing such violation, in writing, specifying the violation and that upon the failure of such person or persons to cease or prevent further violation within the time specified in the notice, the District will disconnect service to the premises in question.

Section 5.02 Discontinuance of Residential Service. Residential service shall not be discontinued for nonpayment of any bill in any of the following situations:

- (a) During the pendency of any investigation by the District of a customer dispute or complaint;
- (b) When a customer has been granted an extension of the period for payment of a bill;
- (c) On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer provides proof of inability to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

Residential customers who are 65 years of age or older, or who are dependent adults as defined in Section 15610.23 of the Welfare and Institutions Code shall be notified that they may request the District notify a designated third person when the customer's account is past due and subject to discontinuance of water and sewer service.

Section 5.03 Notice Prior to Discontinuance of Residential Service for Nonpayment.

- (a) At least thirty (30) days before any proposed discontinuance of residential service for nonpayment of a delinquent account, the District shall mail a written notice of the proposed discontinuance, postage pre-paid, to the customer to whom the service is billed. Such notice shall be given at least thirty (30) days after the due date of the District's bill for such service
- (b) In addition to the thirty (30) day notice provided for in Section 5.03(a), the District shall make a reasonable, good faith effort to contact an adult person residing at the premises by telephone or in person at least forty-eight (48) hours prior to any discontinuance of such service, except that whenever telephone or personal contact cannot be accomplished, the District shall give, by mail or by posting in a conspicuous location at the premises, a notice of discontinuance of service, at least forty-eight (48) hours prior to discontinuance.
- (c) Every notice required by this section shall include all of the following information:
 1. The name and address of the customer whose account is delinquent;
 2. The amount of the delinquency;
 3. The date by which payment or arrangements for payment is required in order to avoid discontinuance;
 4. The procedure by which the customer may initiate a complaint or request

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- an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure;
5. The procedure by which the customer may request amortization of the unpaid charges;
 6. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable; and
 7. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.
- (d) Notice to Residential Tenants of Customer:
1. If there is a landlord-tenant relationship between the residential occupants (tenants) and the customer to whom the service is billed for a dwelling, the District shall make every good faith effort to inform the tenants, by means of written notice, when the account is in arrears, that service will be terminated in ten (10) days. The written notice shall further inform the tenants that they have the right to become customers of the District without being required to pay the amount due on the delinquent account. The notice shall be in English and in the languages listed in Section 1632 of the Civil Code.
 2. Where there are multiple tenant units in a dwelling, the District is not required to make service available to the tenants unless each tenant agrees to the terms and conditions of service, and meets the requirements of law and the District's rules. However, if one or more of the tenants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those tenants who have not met the requirements of the District's rules, the District shall make service available to the tenants who have met those requirements. If prior service for a period of time is a condition for establishing credit with the District, residence and proof of prompt payment of rent or other obligation acceptable to the District for that period of time shall be a satisfactory equivalent.

Section 5.04 Notice Prior to a Discontinuance Other than a Discontinuance of Residential Service for Nonpayment. Except as otherwise specifically provided in the Code, at least ten (10) days before discontinuing service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided in Section 5.03, the District shall provide a written notice of discontinuance which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the Manager who is empowered to review disputes and rectify errors and settle disagreements pertaining to such proposed discontinuance of service. The name and phone number of the Manager shall be included in any such notice of proposed discontinuance given to the customer. Any request by

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the customer to have the proposed discontinuance reviewed by the Manager must be in writing and received by the District prior to the date set for discontinuance. Service shall not be discontinued if a request is timely made and while the Manager's decision is pending. If the customer is dissatisfied with the Manager's determination, the customer may appeal the determination to the Board. Such appeal must be made in writing and received by the District within five (5) days of the date of the Manager's determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 5.05 Discontinuance of Service on Weekends, Holidays or After Hours. Service discontinuance by reason of account delinquency shall only be carried out during the business hours when the District's offices are open to the public.

Section 5.06 Amortization of Delinquent Bill for Residential Service. Every complaint or request for investigation by a customer that is made within ten (10) days of receiving the disputed bill and every request by a customer that is made within ten (10) days of the mailing of the notice required by Section 5.03 for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the Manager. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. A customer meeting the requirements detailed in Government Code Section 60372(b)(3) shall be entitled to amortize his unpaid balance if he requests to do so under Government Code Section 60372€. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the Manager may appeal the determination to the Board. Such appeal must be made in writing and received by the District within ten (10) days of the date of the Manager's determination. Service shall not be discontinued pending the Board's decision on a timely filed appeal.

Section 5.07 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills. The Manager is hereby authorized to investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle disagreements pertaining to such matters. The Manager is also authorized upon a proper showing by a customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. At his discretion, the Manager may bring such controversies to the Board for settlement by the Board prior to the discontinuance of any such service.

Section 5.08 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement. If an amortization agreement is authorized, no discontinuance of service shall be effected for any customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a customer fails to comply with an amortization agreement the District shall not discontinue service without giving notice to the customer at least forty eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District. If the property is tenant occupied, the

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District shall comply with notice provisions described in Section 5.03(d) above.

Section 5.09 Procedure on Appeal to Board. If a customer timely files an appeal of a decision of the Manager on discontinuance of service, the Board shall set a hearing not sooner than ten (10) nor more than forty (40) days after receipt of such appeal. Upon setting of such hearing the District shall forthwith give written notice of the time and place thereof to the customer by either first-class mail or personal delivery.

The appeal hearing shall be held before the Board. The customer shall be permitted to present witnesses, documents or other evidence to show good cause why service should not be discontinued. The Board also may examine District records, documents, witnesses or other evidence tending to show that service should be discontinued for one or more of the grounds stated in the notice of disconnection.

Section 5.10 Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

Section 5.11 Reconnection. When service has been discontinued, the customer shall pay any unpaid account balance in full plus a reconnection fee based on the actual costs incurred by the District, not to exceed five hundred dollars (\$500.00), before any discontinued service will be reconnected. Reconnection fees and unpaid account balances shall not be assessed when the customer for whom the reconnection is being made is not part of the same household as the customer who incurred the unpaid account balance that led to the discontinuance of service.

Section 5.12 Unsafe Apparatus. District services may be refused or discontinued without prior notice to any premises where apparatus or appliances are in use which might endanger or disturb service to other customers.

Section 5.13 Cross-Connections. Water service may be refused or discontinued without prior notice to any premises where there exists a cross-connection in violation of local, State or federal laws.

Section 5.14 Fraud or Abuse. Service may be discontinued if necessary to protect the District against fraud or abuse.

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DIVISION VI GENERAL PROVISIONS APPLICABLE TO WATER AND SEWER OPERATIONS

Section 6.01 Design and Construction Standards. Water and sewer facilities within the District shall be designed and constructed in accordance with the applicable provisions of the District's Code, rules, regulations and construction specifications heretofore or hereafter adopted by the District, copies of which are on file in the District office. The Board, Manager or Engineer may permit modifications or may require higher standards where unusual conditions are encountered.

Section 6.02 Exposure of Water and Sewer Service Pipelines. During the period May 1st to October 15th, building water and sewer services leading from the building to the property line may be exposed in accordance with normal construction procedures. From October 16th to April 30th, no such pipeline may be left exposed overnight. Any applicant or owner violating the provisions of this section shall be liable for any damages or expenses suffered by the District by virtue of failure to cap any open pipe and backfill the excavation. The District may close any opening found in violation of this section and charge the applicant or owner for the expense thereof.

Section 6.03 Tampering Prohibited. No 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 water distribution or sewer collection systems. Any person violating this provision shall be subject to the penalties provided by law and shall be liable for any damages or expenses suffered by the District as a result of such violation.

Section 6.04 Erosion Control. Each applicant or owner shall comply with the erosion control measures required by the Placer County Grading Ordinance. A connection to the District's water and/or sewer system shall not be approved and service shall not commence unless the applicant complies with such erosion control measures. In the event that the District incurs costs to enforce such erosion control measures or incurs costs to carry out such measures itself with respect to any applicant or owner activities, the applicant or owner shall be responsible for such costs. The District shall provide the applicant or owner with a bill for the costs, which bill shall be paid within 30 days of its date. Water and sewer service shall not commence until such bill is paid in full.

Section 6.05 Petroleum Storage Tanks. In order to prevent the potential for nuisance, pollution, waste and contamination of the District's drinking water sources, the installation and use of small aboveground tanks or small underground tanks for the storage of petroleum is subject to the following restrictions:

- a) No small underground tanks used for the storage of petroleum shall be installed within the tributary watershed of Lakes Serena or Dulzura;
- b) All existing small underground tanks and piping used for the storage of petroleum shall be tested annually at the owner's expense in accordance with the Non-Visual Monitoring/Qualitative Release Detection Methods provided in Section 2643 of Title 23 of the California Code of Regulations. The annual test results shall be submitted

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- to the District not later than July 1st. Failure to inspect or provide results to the District shall subject the owner to the penalties detailed in this Ordinance;
- c) All existing small underground tanks and piping used for the storage of petroleum shall be upgraded in accordance with the Requirements for Upgrading Underground Storage Tanks provided in Section 2662 and Requirements for Upgrading Underground Piping provided in Section 2666 of Title 23 of the California Code of Regulations;
 - d) All existing small aboveground tanks used for the storage of petroleum products shall include secondary containment systems that meet the requirements of Section 5704.2.9.7 of the California Fire Code; and
 - e) For the purposes of this Section, the following is defined as:
 - (1) "Petroleum" includes crude oil, including heating oil, or any fraction thereof, that is liquid at standard conditions of temperature and pressure. Standard conditions of temperature and pressure for crude oil is 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.
 - (2) "Small aboveground tank" means a tank that is substantially or totally above the surface of the ground with a capacity of 550 gallons or less and not subject to Chapter 6.67 (commencing with Section 25270) of Division 20 of the Health and Safety Code.
 - (3) "Small underground tank" means any one or combination of tanks, including pipes connected thereto, that is used for storage of hazardous substances and that is substantially or totally beneath the surface of the ground with a capacity of 1,100 gallons or less.
 - (4) "Tank" means a stationary device designed to contain an accumulation of hazardous substances that is constructed primarily of non-earthen materials, including, but not limited to, wood, concrete, steel, or plastic that provides structural support.

Section 6.06 Street Excavation Approval. The applicant, owner or contractor must secure approval from the State, County or any other person or agency having jurisdiction to excavate in a public street for the purpose of installing water and/or sewer facilities or making water and/or sewer connections pursuant to the Code.

Section 6.07 Liability. The District and its Board, officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant or owner under the Code. The applicant or owner shall be answerable for, and shall protect, defend, indemnify and save the District and its directors, officers, agents and employees harmless from any and all liability, costs, expenses, damages, claims, demands, causes of action, judgments, and attorney's fees, arising out of or in any way connected with the applicant's or owner's work, except for the sole or active negligence, or willful misconduct of the District. Applicant or owner shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

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DIVISION X GENERAL PROVISIONS

Section 10.01 Applicability of Division. The rules and regulations contained in this Division shall govern all work performed respecting waterworks of the District.

Section 10.02 Purpose. This Division is intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in water facilities hereafter installed, altered or repaired.

Section 10.03 Inspection by District. The Manager or such other person as may be designated by the Manager shall perform the duties of inspecting the installation, connection, maintenance and use of all water laterals and services and other water facility works in the District.

Section 10.04 Pressure Conditions. All water service customers shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Section 10.05 Operation of District Property by District Personnel. No one except an employee or representative of the District shall at any time or in any manner operate or tamper with curb stops, water meters, mainline valves, fire hydrants or any other part of the District's water distribution system.

Section 10.06 Pools and Tanks. When an abnormally large quantity of water is desired for any purpose, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other customers are not inconvenienced thereby.

Section 10.07 Responsibility for Equipment. The owner shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the owner or any tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. It shall be unlawful for any owner of a house, building, or property connected to the District's water distribution system to maintain a water service where leakage is occurring. The District shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on, either originally or when turned on after a temporary shutdown.

Section 10.08 Supply to Separate Structures. Each single family residential dwelling, secondary residential dwelling, multi-family residential dwelling, half-plex, commercial building or other separate structure for which application for water service is made shall have a separate water service. Fire protection for a single family and secondary residential dwellings shall be provided by the building service pipe. Fire protection for a multi-family residential dwelling, half-plex or commercial building shall be provided by a separate dedicated service

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pipe. The water pipe for each service shall be independent of the others and shall not be interconnected. No owner shall supply water to other than the owner's premises.

Section 10.09 Damage to Water System Facilities. The owner shall be liable for any damage to the District's water distribution system when such damage is from causes originating on the owner's premises by an act of the owner or his tenants, agents, employees, contractors, licensees or permittees, including but not limited to the breaking or destruction of locks by the owner or others on or near a service and any damage to a service that may result from hot water or steam from a boiler or heater on the owner's premises. The District shall be reimbursed by the owner for any such damage within thirty (30) days of presentation of a bill.

Section 10.10 Ground-Wire Attachments. No person shall attach any ground wire or wires to any plumbing system which is or may be connected to a service, lateral or main belonging to the District unless such plumbing system is adequately connected to an effective driven ground installation on the premises. The District will hold the owner liable for any damage to its property occasioned by such ground wire attachments.

Section 10.11 Interruptions in Service. The District shall not be liable for damage which may result from an interruption in service from a cause beyond its control. Temporary shutdowns may be made by the District to make improvements and repairs. Whenever possible and as time permits, all customers affected will be notified prior to making such shutdowns. The District shall not be liable for any damages which may result from any such shutdown, whether or not notice is given, or for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

Section 10.12 Meter Installation. A water meter shall be installed as part of all new service connections to the District's water distribution system. Each single-family residential dwelling, each dwelling unit in a multi-family residential dwelling and each space in a commercial building shall be separately metered. The size of the piping, meter and related equipment shall be based upon the demand determined by the water supply fixture unit count and/or fire sprinkler system flow in accordance with Appendix A of the California Plumbing Code, American Water Works Association Manual M22 and other factors deemed relevant by the District.

Section 10.13 Costs of Installation of Building Water Service. All equipment associated with the installation of the water service including piping, valves, fittings, meter box, meter and endpoint shall be approved in advance by the District and supplied and installed by the applicant at his expense.

It shall be the duty of the person doing the work to notify the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours (not including weekends and holidays) before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

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The District reserves the right to determine the location of the meter box as necessary to be accessible to the District. Until the District inspects and approves the installation, water shall not be provided to the premises. Once installed, the meter box and meter shall become the property of the District who shall be responsible for the operation, maintenance, repair and replacement of the meter and related equipment. The remaining components of the building service shall remain the owner's property.

Section 10.14 Testing New Building Water Service. All new building water services shall be tested by the applicant in accordance with District's requirements prior to issuance of a Certificate of Occupancy by the County. The test section shall be from the meter box to the stop & drain valve (inclusive).

Section 10.15 Testing of Existing Water Service and Installation of Meter Box.

- (a) All building water services, stop&drain valves and backflow prevention assemblies (if installed) serving single-family residential dwellings, multi-family residential dwellings and commercial buildings shall be tested for leakage, and a water meter box installed (if not already present), when any of the following conditions occurs:
- (1) Remodeling of the house, building or property resulting in an increase of more than 50% of its habitable space;
 - (2) Installation of additional plumbing fixtures in the house, building or property served;
 - (3) Change of use of the house, building or property serviced from residential to commercial, or from non-restaurant commercial to restaurant commercial;
 - (4) Upon repair or replacement of all or part of the building water service;
 - (5) Upon addition to a structure of living space, construction of a guest house or installation of plumbing in garages;
 - (6) Sale of the house, building or property served (prior to the close of escrow); or
 - (7) Determination of the District that the testing is required for the protection of the public health, safety and welfare.
- (b) The owner shall test the water service in accordance with the District's requirements. If the water service is found to be leaking, the owner shall be responsible for making any necessary repairs or replacement prior to the close of escrow or issuance of a Final Inspection by the County. The costs of repair or replacement shall be borne by the owner. Following any repairs or replacement of the water service the owner shall retest the water service and request a re-inspection of the repair work by the District to verify correction of the leak. Any backflow prevention assembly shall be tested in accordance with Division XIV. The owner shall conduct all required testing, and corrective work and notify the District not less than 24-hours (not including weekends and holidays) prior to such testing and corrective work. Work conducted without such notice shall not satisfy the requirements of this Section.

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- (c) All equipment associated with installation of the meter box including valves, fittings and the meter box itself shall be approved by the District and provided and installed by the owner at the owner's expense. Installation of the meter box shall be in accordance with Section 10.12.
- (d) In the event that installation of the water meter box and/or stop&drain valve is required, and/or testing of the water service would be required during the period of October 16th to April 30th or during such other periods when such work would be impractical due to weather conditions, the owner shall escrow funds (sale) or post a security in a form acceptable to the District in an amount equal to one hundred twenty-five (125%) percent of the District's estimate of the costs of the installation of the water meter box, stop&drain valve, replacement of the water service line and testing. The owner or successor shall install the meter box and stop&drain valve, if required, and request an inspection and test of the water service pipe no later than the following July 1st. Funds escrowed will be released upon written notification by the District to the Title Company holding such funds in the case of the sale of the property.
- (e) The District shall have the power to waive the building water service line testing requirement if the water service line was initially installed within the prior eight (8) year period or tested within a prior five (5) year period. The waiver shall not be available for any service line or stop&drain valve more than 30-years old.
- (f) Nothing herein shall constitute a warranty by the District of the soundness or ability of the water service to accomplish its purpose or remain in compliance with District Code.
- (g) The owner may be required to pay the District the greater of \$50.00 or the actual cost for each re-inspection of an initially failing test conducted pursuant to this Section.

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DIVISION XI WATER CONSERVATION

Section 11.01 Water Conservation and Management Requirements. In order to preserve the natural resources within the District, water conservation must be practiced on a regular, year-round basis. The following water conservation measures shall be observed by customers at all times:

- (a) Water from the District's water distribution system shall not be allowed to pool, pond or run-off of applied areas;
- (b) Water leaks from any and all owner equipment and facilities are prohibited;
- (c) Water shall not be allowed to continually run in any unoccupied premises;
- (d) Potable water shall not be applied to any driveway or sidewalk;
- (e) Using a hose that dispenses potable water to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle, is prohibited;
- (f) Using potable water in a fountain or decorative water feature, unless the water is recirculated, is prohibited;
- (g) Outdoor irrigation during, and 48 hours following, measurable precipitation and at intervals other than as established by the Board is prohibited;
- (h) Irrigation with potable water outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Buildings Standards Commission and the Department of Housing and Community Development is prohibited; and
- (i) Outdoor irrigation of ornamental landscapes or turf with potable water shall be limited to no more than two days per week (Tuesday and Saturday for addresses ending with an odd number and Wednesday and Sunday for addresses ending with an even number).

Section 11.02 Enforcement of District Water Conservation and Management Requirements.

In the event of a violation of one of the requirements of Section 11.01, the District shall provide the customer with written notice of such violation and that he is subject to administrative action up to including discontinuance of service if the violation is not corrected within forty-eight (48) hours of receipt of the notice, notwithstanding any other provision of the Code to the contrary. Such service shall be reconnected only upon payment of the reconnection fee set forth in Section 5.12.

Section 11.03 Water Conservation Requirements for Buildings and Dwellings. For new buildings or dwellings, the following plumbing fixture and device requirements shall be met:

- (a) New Single and Multi-Family Residential Dwellings. Single and multi-family residential dwellings shall be equipped with approved water-conserving devices (toilets, urinals, showers and faucets) as all such devices are defined in Division I; and
- (b) New Commercial Buildings. All new commercial buildings shall be equipped with approved water-conserving devices (toilets, urinals, showers and faucets) as all such devices are defined in Division I. Self-closing valves shall be installed on all bathroom sinks.

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Section 11.04 Water Conservation Requirements for Replacement or Installation of Plumbing Fixtures and Devices in Existing Buildings or Dwellings. All plumbing fixtures and devices replaced or installed in any existing building or dwelling within the District service area shall meet the requirements for that particular dwelling or building as set forth in Section 11.03.

Section 11.05 Installation of Water Conservation Plumbing Fixtures and Devices. Prior to the sale or the remodel of any property triggering a water or sewer service test (Sections 10.15 and 22.17), all installed plumbing fixtures and devices (toilets, kitchen and bathroom faucets and showerheads) shall meet the definitions of Water Conserving Plumbing Fixtures contained within Division I of the Code. The owner shall request an inspection by the District of the plumbing fixtures and devices at least ten (10) days prior to the scheduled date for the close of escrow or at such time as required by the District.

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DIVISION XII FIRE HYDRANTS

Section 12.01 Use of Fire Hydrants. Fire hydrants are for use by the District or by the local organized fire protection agency. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. Unauthorized use of hydrants will be prosecuted according to law.

Section 12.02 Relocation of Fire Hydrant. If an owner or other party desires a change in the size, type or location of a hydrant, he shall bear all costs of such changes, without refund. Any change in the location, type or size of a fire hydrant must be in accordance with all local laws, rules, regulations and ordinances, and must be approved by the local fire protection agency and the District.

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DIVISION XIII APPLICATION, FACILITY FEES, RATES AND CHARGES

Section 13.01 Connection Permit Required. No person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the District's water distribution system or perform any work on any water service until a Connection Permit has been issued by the District pursuant to the District's rules and regulations for the issuance of said Connection Permit, as such may be amended from time to time.

Section 13.02 Application for Connection Permit. Persons desiring a connection to the District's water distribution system shall make application to the District on forms provided by the 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 may be deemed necessary.

Section 13.03 Compliance with Approved Application. After approval of the application and issuance of the Connection Permit, no change shall be made in the location of the water service or meter, materials, or other details from those described in the completed application or as shown on the plans and specifications submitted with the application except with written permission from the District.

Section 13.04 Agreement. The applicant's signature on the application shall constitute an agreement to comply with all of the provisions, terms and requirements of the Code, rules and regulations of the District, as such may be amended from time to time, the construction specifications, and the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Section 13.05 Time Limit on Connection Permit. If connection to the District's water distribution system is not made within the effective period of the Placer County building permit, the Connection Permit shall become void and no further work shall be done unless an extension of time is granted by the Board. The District shall refund the facility fee paid by the applicant less 10% for administrative costs if the Connection Permit is not extended.

Section 13.06 Facility Fee for Connection to District Water System. In addition to all other charges of the District, a water facility fee established by the Board shall be collected for each dwelling unit or the equivalent for a commercial building at the time an applicant submits an application for water service.

Section 13.07 Service Charges. Water service charges established by the Board are hereby imposed upon each dwelling unit or the equivalent for a commercial building receiving water service from the District.

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Determination of the number of dwelling units in a multi-family residential dwelling shall be based on the number of kitchens in the multi-family residential dwelling.

Determination of the equivalent number of dwelling units in a commercial building (including tourist accommodation) shall be based on the total number of water supply fixture units (as defined in the latest edition of the California Plumbing Code), dividing this total by the whole number 24, and rounding to the nearest whole number (to the larger when the result is halfway).

Example: 60 plumbing fixture units

$60/24 = 2.5$ which rounds to 3.0 equivalent dwelling units

Section 13.08 Service Outside of District Boundaries If an owner desires water service for property located outside District boundaries, the owner shall be required to annex that property to the District through procedures of the Placer County Local Agency Formation Commission (LAFCo) prior to being granted water capacity for the property. The applicant shall be responsible for the processing and payment of all fees charged by LAFCo. District charges for its participation in the annexation process are separate from and in addition to the LAFCo charges and shall be paid in full to the District prior to the time that any such annexation is finalized.

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DIVISION XIV

CROSS CONNECTION CONTROL PROGRAM

Section 14.01 Purpose. The purpose of this Division is:

1. to protect the District's water distribution system by isolating contamination within the premises that may occur because of some undiscovered or unauthorized cross-connection on the premises;
2. to eliminate existing connections between the District's water distribution system and other sources of water that are not approved as safe and potable for human consumption;
3. to eliminate cross-connections between the District's water distribution system and sources of contamination; and
4. to prevent the creation of cross-connections in the future.

These regulations are adopted pursuant to the State of California Code of Regulations, Title 17 – Protection of Water Systems. The owner must comply with local, State and federal laws, rules and regulations governing the separation of water systems and/or installation of back flow protective devices to protect the District's water distribution system from the danger of cross-connection.

It is unlawful for any person at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing systems or water fixtures being served by the District's water distribution system and any other sources of water supply or to maintain any sanitary fixture or other appurtenance or fixtures which by reason of their construction may cause or allow the backflow of water or other substances into the District's water distribution system and/or into the plumbing system or fixtures of any connected building in the District.

Section 14.02 District Responsibilities The District shall be responsible for the protection of the water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service. It is the responsibility of the District to evaluate the hazards beyond the service connection in an owner's water system to determine whether pollutants or contaminants are, or may be, handled on the owner's premises in such a manner as to permit possible contamination of the public water system. The District has the right to discontinue service to any owner whose water system may potentially harm or contaminate the water distribution system.

When a hazard or potential hazard to the water distribution system is found or suspected, the owner shall be required to install an approved backflow prevention assembly at each connection to the water distribution system in accordance with District Code and regulations. The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the proper, improper or negligent installation, operations, use, repair or maintenance of, or interfering with, any protective device by any owner or any other person.

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Section 14.03 Owner Responsibilities The owner shall be required to furnish and install, in a manner approved by the District, and keep in good working order and safe condition, any and all backflow prevention assemblies. All backflow prevention assemblies shall be owned and maintained by the owner.

In the event that a backflow prevention assembly is found to be damaged, defective or operating improperly, it shall be repaired or replaced by the owner.

The owner shall not bypass or render inoperative any backflow prevention assembly. If a backflow prevention assembly is temporarily removed for repair or other reason, the owner shall immediately provide and install a replacement assembly and have it tested, at the time of installation by a certified backflow prevention assembly tester.

The owner is to maintain an adequate heat source to any backflow prevention assembly housing in order to prevent cold weather from affecting the operation of the assembly.

Once notified of the need to install a backflow prevention assembly, the owner shall immediately install such approved assembly at the owner's own expense. Failure, refusal or inability on the part of the owner to install, have tested and maintain said assembly shall constitute sufficient grounds for discontinuance of water service to the premises until such requirements have been satisfactorily met.

Section 14.04 Protective Devices Required The protection required to prevent backflow into the water distribution system shall be commensurate with the degree of hazard that exists on the owner's premises. The District shall determine the type of backflow prevention assembly required based on information provided by the applicant or owner.

Section 14.05 Testing and Maintenance All backflow prevention assemblies shall be tested at the time of initial installation, annually to assure proper operation and prior to the close of escrow when the property is sold. In instances where a hazard is deemed great enough, testing may be required at more frequent intervals; such intervals shall be determined by the District.

The owner shall bear all costs of device testing. The cost of any maintenance required as a result of inspections or testing is the responsibility of the owner. Maintenance work shall be performed by private contract. Records of inspections, testing or repairs shall be kept by the District and made available to the appropriate regulatory agencies.

The District shall notify the owner when tests are required. Documentation of a satisfactory test shall be provided by the certified backflow-prevention tester to the District within three (3) days of completion of the test.

If a device is found to be in non-compliance by inspection and/or testing, the owner shall be notified in writing by the District. The owner shall correct any deficiency within fifteen (15) calendar days of notification, at which time the inspection shall be repeated. The District

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shall discontinue water service if a backflow prevention device has failed to be tested properly or is not properly maintained or installed.

Section 14.06 Requirements for the Certification as a Backflow Prevention Tester.

Competency in all phases of backflow prevention device testing and repair must be demonstrated by means of education and/or experience in order to test backflow devices in the District. Such proof of competency shall be submitted in writing to the District prior to testing.

The following are minimum requirements:

- (a) Hold a valid certificate from the American Water Works Association (AWWA) California-Nevada Section; and
- (b) Furnish evidence that the equipment has been calibrated to test such devices. The tester shall be responsible for the competency and accuracy of all tests and reports prepared by him.

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DIVISION XX GENERAL PROVISIONS

Section 20.01 Applicability of Division. The rules and regulations contained in this Division shall govern all work performed respecting sewer construction and disposal of sewage and drainage of premises and connection to the District's sewer collection system.

Section 20.02 Purpose. This Division is intended to provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in sewer facilities hereafter installed, altered or repaired.

Section 20.03 Compliance Required. It is unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in the District except by connection to the sewer collection system in the manner set forth in this Division.

Section 20.04 Inspection by District. The Manager or such other person as may be designated by the Manager shall perform the duties of inspecting the installation, connection, maintenance and use of all lateral sewers, building sewers and other sewer facility works in the District.

Section 20.05 Responsibility for Equipment. The owner shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing sewer service, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the owner or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. It shall be unlawful for any owner of a house, building, or property connected to the District sanitary sewer to maintain the building sewer in a condition where leakage is occurring.

Section 20.06 Supply to Separate Structures. Each single family residential dwelling, secondary residential dwelling, multi-family residential dwelling, half-plex, commercial building or other separate structure for which application for sewer service is made shall have a separate building service. The pipe for each service shall be independent of the others, and not be interconnected. No owner shall supply sewer service to other than the owner's premises.

Section 20.07 Damage to Sewer Facilities. The owner shall be liable for any damage to the District sewer facilities when such damage is from causes originating on the owner's premises by an act of the owner, his tenants, agents, employees, contractors, licensees or permittees, including but not limited to the breaking or destruction of locks by the owner or others on or near a service, and any damage to a service that may result from excavation on the owner's premises. The District shall be reimbursed by the owner for any such damage within thirty (30) days of presentation of a bill.

Section 20.08 Interruptions in Service. The District shall not be liable for damage which may result from an interruption in service from a cause beyond its control. Temporary shutdowns may be made by the District to make improvements and repairs. Whenever possible and as time

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permits, all customers affected will be notified prior to making such shutdowns. The District shall not be liable for any damages which may result from any such shutdown, whether or not notice is given, or for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

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DIVISION XXI USE OF PUBLIC SEWERS

Section 21.01 Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the applicant or owner has complied with the provisions of this Chapter.

Section 21.02 Drainage into Sanitary Sewers Prohibited. No roof, surface or sub-surface 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.

Section 21.03 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 water or wastes heated in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C;
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (c) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference in the treatment process;
- (d) Any gasoline, benzene, naphtha, glycol anti-freeze, fuel oil, or other flammable or explosive liquid, solid or gas;
- (e) Any garbage that has not been properly shredded. Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension;
- (f) Any waste, including oxygen demanding pollutants (Biochemical Oxygen Demand, etc.) released in such volume or strength as to cause inhibition or disruption in the treatment works, and subsequent treatment process upset or loss of treatment efficiency;
- (g) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, diapers, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (h) 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;
- (i) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to human or animals, or creating any hazard in the receiving waters of the sewage treatment plant;
- (j) Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (k) Any noxious or malodorous gas or substance capable of creating a public nuisance;

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- (l) Any septic tank sludge; or
- (m) Any trucked or hauled pollutants.

Section 21.04 Interceptors Required. 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 District and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 21.05 Maintenance of Interceptors. All grease, oil and sand interceptors shall be installed, maintained, repaired and replaced by the owner, at his expense, and be in continuously efficient operation at all times.

Section 21.06 Hot Tubs and Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool or hot tub into the sewer collection system without first giving notice to and receiving written permission from the District.

Section 21.07 Opening of Manholes. No person except District employees shall open or enter, or cause to be opened or entered, any manhole in the sewer collection system.

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DIVISION XXII BUILDING SEWERS AND CONNECTIONS

Section 22.01 Construction Requirements. Construction and inspection of building sewers and lateral sewers shall be in accordance with the requirements of the District and County; in the event of conflict, the more stringent requirement shall apply.

Section 22.02 Sewer Materials. The building sewer shall be installed and constructed pursuant to the District's construction specifications.

Section 22.03 Minimum Size and Slope. The size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the inside diameter be less than four (4) inches for a single family residential dwelling and a secondary residential dwelling or six (6) inches for a multi-family residential dwelling or commercial building. The slope of the pipe shall not be less than one-fourth (1/4) inch per foot for four inch diameter pipe or one-eighth (1/8) inch per foot for six inch diameter pipe.

Section 22.04 Building Sewer. Whenever possible the building sewer service shall be brought to the building at an elevation below the crawlspace. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with fittings.

Section 22.05 Joints and Connections. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with District's construction specifications.

Section 22.06 Backflow Prevention Devices

- (a) Installation Residential and commercial building sewer services are subject to the provisions of California Plumbing Code Section 710.1. Sewer services connected to plumbing fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the portion of the sewer collection system connected to the service shall be protected from the backflow of wastewater by the installation of a backwater valve meeting District requirements. Plumbing fixtures above such elevation shall not discharge through the backwater valve. Services that connect to a shared sewer lateral at the property line may also require the installation of a backflow prevention device to protect private property. The District shall inspect and evaluate the premises and determine which premises require the installation of a backwater valve. The backwater valve shall be installed prior to the connection of a new building service to the lateral at the property line.
- (b) Testing and Maintenance The owner of any premises where a backwater valve is installed, shall have the device tested by a person who has demonstrated competency in testing of backwater valves. Backwater valves must be tested when a sewer lateral test is required in accordance with Division XXII and immediately after installation, relocation, or repair. The District may require a

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more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. All costs of testing, repair, and maintenance shall be borne by the owner.

Section 22.07 Connection to Public Sewer. The connection of the building sewer service to the District's sewer collection system shall be made to the lateral at the property line by placing a cleanout "Y" on its back with the cleanout looking up at the property line. Where there is no properly located lateral or where there is no lateral available, a neat hole may be cut into the top half of the mainline to receive the lateral sewer, with entry in the downstream direction at an angle of about forty five degrees (45°). The invert of the lateral sewer at the point of connection shall be at a higher elevation than the invert of the sewer main. A smooth neat joint shall be made and the connection made secure and watertight.

Section 22.08 All Work to be Inspected. All sewer construction work shall be inspected by the Manager or designee to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's sewer collection system until the work has been completed, inspected and approved by the Manager.

Section 22.09 Notification It shall be the duty of the person doing the work to notify the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours (not including weekends and holidays) before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Section 22.10 Condemned Work When any work has been inspected and the work disapproved, a notice to that effect shall be given instructing the applicant or owner to repair the sewer or other work in accordance with the District's Ordinances, rules and regulations.

Section 22.11 Re-inspection Fee The owner may be required to pay the District the greater of \$50.00 or the actual cost for each re-inspection of an initially failing test conducted pursuant to this Section.

Section 22.12 Old Building Sewers Existing building sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet all requirements of the District.

Section 22.13 Sewer Too Low For all buildings served by the District, the flow of sewage from the building to the sewer lateral connection at the property line shall be by gravity flow. However, when the owner requests and the District finds (on the basis of satisfactory evidence), that it may allow the installation of a private sewage pump to provide for the discharge of the sewage into the collection system, the owner must enter into a recordable agreement with the District before installation of such a pump. The agreement must bind the owner to (a) operate, maintain, repair and replace said pump at his sole expense; (b) indemnify, defend and hold the District harmless from any injury or damage resulting from

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the use and operation of said pump; and (c) other terms and provisions as deemed necessary by the District to protect its water supply and otherwise protect the health and safety of the inhabitants of the District. Board approval of the use of a sewage pump must occur prior to construction of the building foundation.

Section 22.14 All Costs Paid by Applicant All costs and expenses incident to the installation and connection of any sewer or other work for which there is a completed application shall be borne by the applicant. The applicant shall protect, defend, indemnify and hold the District harmless from any liability, claim, cause of action, demand, expense, cost, fine, penalty, attorney's fees, judgments, loss or damage that may directly or indirectly be occasioned by the work, except where caused by the negligence or willful misconduct of the District.

Section 22.15 Maintenance, Cleaning and Testing of Building Sewers.

- (a) The owner served by the District's sewer collection system shall be responsible for the operation and maintenance of the sewer facilities and all devices or safeguards appurtenant thereto located upon the premises.
- (b) The owner served by the District's sewer collection system shall be responsible and liable for all costs involved in the repair of all damages caused by the owner, or agents thereof, to the District's collection system, including, but not limited to, sewer obstructions, wherever located.

Section 22.16 Testing New Building Sewer All new building sewers shall be tested by the applicant by either the air or water method, at the discretion of the District prior to issuance of a Certificate of Occupancy by the County. The test section shall be from the property line cleanout to the foundation cleanout (inclusive).

Section 22.17 Testing of Existing Building Sewer.

- (a) All building sewers (including cleanouts and backwater valve (if installed)), serving single-family residential dwellings, secondary residential dwellings, multi-family residential dwellings and commercial buildings connected to the District's sewer collection system shall be cleaned and tested when any of the following conditions occurs:
 - (1) Remodeling of the house, building or property served resulting in an increase of more than fifty percent (50%) of its conditioned space;
 - (2) Installation of additional plumbing fixtures in the house, building or property served;
 - (3) Change of use of the house, building or property serviced from residential to commercial, or from non-restaurant commercial to restaurant commercial;
 - (4) Upon repair or replacement of all or part of the building sewer;
 - (5) Upon addition to a structure of living space, construction of a guest house or installation of plumbing in a garage;
 - (6) Prior to the close of escrow upon a sale of the house, building or property served or issuance of a Final Inspection by the County; or

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- (7) Upon a determination of the District that the cleaning and testing is required for the protection of the public health, safety and welfare.
- (b) If a cleanout has not been installed at the property line, a cleanout shall be installed prior to cleaning and testing. The owner shall be responsible for such installation.
- (c) The owner shall conduct all required cleaning, testing, and corrective work and notify the District not less than 24-hours (not including weekends and holidays) prior to such cleaning, testing and corrective work. Work conducted without such notice shall not satisfy the requirements of this Section.
- (d) The air test shall consist of plugging each end of the building service and applying a pressure of four pounds per square inch (4.0 psi) to the section under test. The line shall be allowed a maximum loss in pressure of one-half (1/2) psi in five (5) minutes. If the loss exceeds one-half (1/2) psi, the test may be attempted one additional time. A second loss of pressure constitutes a failure of the line.
- (e) The water test shall consist of plugging the downstream end of the building service, placing a section(s) of pipe in the vertical branch of the building cleanout and filling the test section with water such that the depth of water is eight (8) feet to the highest point on the service. Additional cleanouts may have to be installed in steep lines and the line tested in sections. In no case shall the total depth of water exceed fifteen (15') feet to any point in the line. The water level shall remain constant in the pipe for a minimum of five (5) minutes. If the water level drops, the line may be retested one additional time. A drop in the level during the retest constitutes a failure of the line.
- (f) After a second failure, the owner shall cause to be performed corrective work, retesting and any necessary cleaning to be performed and completed within thirty (30) days from the date of the second failure.
- (g) In the event that cleaning, testing and/or corrective work is required during the period of October 16th to April 30th or during such other periods when such work would be impractical due to weather conditions, the owner shall escrow funds (sale) or post a security in a form acceptable to the District in an amount equal to one hundred twenty-five (125%) percent of the District's estimate of the costs of replacing the building sewer including cleanout(s), backwater valve (if required) and testing. The owner or successor shall complete all repairs and testing no later than the following July 1st. Funds escrowed will be released upon written notification by the District to the Title Company holding such funds in the case of the sale of the property.
- (h) The District shall have the power to waive cleaning and testing requirements if the building sewer was originally constructed within the prior eight (8) year period or tested within a prior five (5) year period.
- (i) Nothing herein shall constitute a warranty by the District of the soundness or ability of the building sewer to accomplish its purpose or remain in compliance with District Code.

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DIVISION XXIII APPLICATION, FACILITY FEES, RATES AND CHARGES

Section 23.01 Completed Permit Required. No person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the sewer collection system or perform any work on any sanitary sewer service until a connection permit therefore has been issued by the District pursuant to the District's rules and regulations for the issuance of water and sewer connection permits, as such may be amended from time to time.

Section 23.02 Application for Service Connection. Persons desiring a connection to the sewer collection system shall make application to the District on forms provided by the 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 may be deemed necessary.

Section 23.03 Compliance with Completed Application. After approval of the application, no change shall be made in the location of the sewer pipe or cleanouts, the grade, materials, or other details from those described in the completed application or as shown on the plans and specifications submitted with the application except with written permission from the District.

Section 23.04 Agreement. The applicant's signature on the application shall constitute an agreement to comply with all of the provisions, terms and requirements of the Code, rules and regulations of the District, as such may be amended from time to time and with the plans and specifications that has been filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Section 23.05 Time Limit on Connection Permit. If connection to the District's sewer collection system is not made within the effective period of the Placer County building permit, the connection permit shall become void and no further work shall be done unless an extension of time is granted by the Board. The District shall refund the facility fee paid by the applicant less 10% for administrative costs if the Connection Permit is not extended.

Section 23.06 Facility Fee for Connection to District Sewer System. In addition to all other charges of the District, a sewer facility fee established by the Board shall be collected for each dwelling unit or the equivalent for a commercial building at the time an applicant submits an application for sewer service.

Section 23.07 Service Charges. Sewer service charges established by the Board are hereby imposed upon each dwelling unit or equivalent for a commercial building receiving sewer service from the District. The determination of the number of dwelling units in a multi-family residential

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dwelling and equivalent dwelling units in a commercial building shall be the number established in Section 13.07.

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DIVISION XXIV ESTABLISHING PROCEDURES FOR RELINQUISHING AND ACQUIRING UNUSED SEWER CAPACITY

Section 24.01 Procedures for Relinquishment or Acquisition of Unused Sewer Capacity:

- a. Notification: Any owner who has unused sewer capacity rights may submit a written notification to the District offering to surrender such rights back to the District. Sewer capacity shall be calculated and measured in terms of use by a single family residential dwelling as established in the Service Agreement between the District and the Donner Summit Public Utility District dated January 17, 2017. Any lenders having a secured interest in the property surrendering sewer capacity shall be required to consent to the surrender in writing as a condition of making any such surrender or transfer. The notice offering to surrender sewer capacity shall be on a form provided by the District and shall require the signature of any lender having a secured interest in the property. All signatures on the notice shall be notarized. Subject to the provisions of this ordinance and such requirements as may from time to time be established by the Board, the relinquishment of unused sewer capacity shall, if accepted, be based on a priority established by the date of the filing of the respective notices offering to surrender sewer capacity. The District reserves the right to establish a fee for filing and processing of any such notices offering to surrender sewer capacity, and no notice shall be valid without payment of the fees (if established by the District). The Board may, in its discretion, allow the surrender of sewer capacity on property if a deed restriction, in a form approved by the District, is recorded as to the property creating an environmental restriction that eliminates the ability to develop and use the property in a manner that creates a need for connection to and service by the wastewater treatment plant. Nothing herein shall be construed as obligating the District to acquire any unused sewer capacity and the District may elect to defer consideration of any acquisition of unused sewer capacity to such times when other properties have submitted an application for acquisition of sewer capacity.
- b. Revocation: Once filed, the notice may only be revoked by giving written notice to the District. Any such revocation notice shall not be effective until the day after it is received by the District at the District's office. A revocation notice shall not be effective if the District has previously authorized transfer of the subject sewer capacity to another owner prior to the effective date of the attempted revocation (the day following the actual receipt of the notice by the District) and there is no additional sewer capacity available to transfer to the property requesting sewer capacity.
- c. Assessments: Unused sewer capacity may not be surrendered/relinquished if there is an outstanding sewer assessment lien against the property that is seeking to surrender the sewer capacity. Sewer assessment liens shall be identified and addressed as follows:

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1. Upon receipt of a request to surrender unused sewer capacity, the Manager shall determine the present status of any sewer assessment liens against and secured by the relinquishing property.
 2. No surrender of sewer capacity shall be permitted if there are any unpaid assessment liens on the relinquishing property offering to surrender capacity. The owner requesting the surrender shall as a condition to effectuating a surrender, prepay the assessment with respect to the amount of capacity being relinquished and remove the assessment lien as to the relinquished capacity by complying with the relevant provisions of Streets and Highways Code sections 8766 and 8766.5. In the event that the Board agrees to immediately reimburse the owner for sewer capacity being surrendered, such funds shall be used to prepay the assessment unless the owner has previously prepaid the assessment and extinguished the assessment lien.
 3. Relinquishing owners will be liable for all assessment payments and sewer service fees imposed by the District, including without limitation, fees for ongoing sewer service, operations and maintenance charges or supplemental assessment, until surrender is completed and the District agrees to and acquires the sewer capacity. At the time of the surrender, any fees for the current year shall be prorated through the month of delivery with the entirety of the month favoring the relinquishing property.
- d. Payment to owner: At the time of accepting the relinquishment of the unused sewer capacity the Board may elect to reimburse the owner of the relinquishing property at that time or may elect to defer reimbursement until such time as the unused sewer capacity is reallocated to and paid for by another owner. The reimbursement to the relinquishing owner shall be equal to the amount of the sewer assessment as originally assessed against the relinquishing property for the sewer capacity that is relinquished.

Section 24.02 Acquisition Procedures Any owner who desires to acquire sewer capacity rights may submit a written application to the District offering to acquire such rights. Such application shall be on a form provided by the District and shall be notarized. An application fee which is established by resolution by the Board shall accompany the application. If no capacity is available for a requesting party, the District shall hold the application requesting capacity for two (2) years. As capacity become available, it may be assigned on a first come, first served basis to applicants with valid applications on file. To remain in effect, an application must be renewed every two (2) years. If an application is renewed prior to the expiration date, the applicant will maintain his/her place in line for a future acquisition. The application is transferable if requested in writing to the District by a subsequent purchaser of the acquiring property without losing the original applicant's place in line. Before an owner can acquire capacity, the acquiring property must be zoned by the County to reflect the development which would be consistent with the requested capacity for that property after acquisition.

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Section 24.03 General Procedures All applications to relinquish and/or acquire sewer capacity must be approved by the Board. The District reserves the sole discretion to determine if the surrender of capacity will leave a property without adequate sewer capacity based on the intensity of development permitted for the property under the applicable zoning regulations. All relinquishments and/or acquisitions shall be in compliance with District ordinances, policies and procedures. Relinquishments and acquisitions shall be evidenced by the adoption of a Board resolution identifying the properties relinquishing and/or acquiring capacity and the capacity being relinquished or acquired, which resolution shall be recorded in the official records of the County as a document affecting an interest in real property and to provide constructive notice of the sewer capacity allocated to the involved properties.

Section 24.04 Costs In order to acquire any sewer capacity the acquiring owner shall pay to the District the actual and direct costs of the capacity as originally assessed to the relinquishing owner together with such interest as would have accrued thereon from the date of the original assessment, plus any administrative fees set by the Board, and such additional payment as required to fully reimburse the District for all expenses incurred by the District.

Section 24.05 Connection Costs and Easements An owner acquiring sewer capacity shall be fully liable for all Facility Fees established for connection to the District's sewer collection system and for pipeline installation costs and any other expenses or costs incurred to connect the property to the sewer system. The District reserves the sole discretion to determine if a property can feasibly be connected to the sewer system. If any easements are required in order to connect the acquiring property to the sewer system, the owner acquiring the capacity shall be responsible for obtaining the necessary easements and shall pay whatever costs are required for those easements, including, but not limited to, surveying costs, District staff costs and any attorneys' fees associated with obtaining the easements. The District reserves the right to require that any such easements be granted to and in the name of the District. The legal description of the easements shall be reviewed and approved by the Engineer and shall be on an Easement Deed in a form approved by District's Counsel.

Section 24.06 Service Outside of District Boundaries If an owner desires sewer service for property located outside District boundaries, the owner shall be required to annex that property to the District through procedures of the Placer County Local Agency Formation Commission (LAFCo) prior to being granted sewer capacity for the property. The applicant shall be responsible for the processing and payment of all fees charged by LAFCo. District charges for its participation in the annexation process are separate from and in addition to the LAFCo charges and shall be paid in full to the District prior to the time that any such annexation is finalized.

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DIVISION XXX GENERAL PROVISIONS

Section 30.01 The provisions and restrictions established by this Division shall apply to all persons coming on to and/or using District property, except property leased to the Serene Lakes Property Owners Association, for any purpose. The District may establish reasonable and appropriate fees, as it deems necessary, to cover the costs incurred to administer any and all Sections of this Division.

Section 30.02 No person shall leave any trash, garbage, litter, ashes, or waste product of any nature, or any construction material or debris on District property. Any person controlling or owning an animal that defecates on District property shall immediately remove the animal waste from the District property.

Section 30.03 Dogs and other pet animals must be leashed at all times while on District lands. Dogs observed molesting or menacing any person or wildlife will be referred to the County Animal Control.

Section 30.04 No person shall leave unattended overnight (defined as the period from sunset to sunrise) any equipment, boat or personal property on real property owned by the District, unless expressly authorized in writing or as otherwise allowed in Sections 30.05 and 30.06, by the Board. Any unauthorized equipment, boats or personal property left unattended overnight on District property may be immediately removed from District property by District personnel or licensee. Any personal property removed shall be inventoried and stored by the District or licensee for a period of not less than thirty (30) days, during which time the Owner thereof or duly authorized and authenticated agent may secure the return of the removed item(s) upon presentation of satisfactory proof of ownership and payment of a reasonable removal and impound fee. The amount of said fee may be modified from time to time as the Board determines is reasonable and appropriate to cover the costs incurred by the District or licensee. Large items (such as but not limited to boats) may be charged such extraordinary removal and impound fees as may be representative of the costs incurred by the District or licensee. After said thirty (30) day period, the District or licensee may dispose of the equipment, boat or personal property left on District property in violation of this Division.

Section 30.05 Notwithstanding the provisions of Section 30.04, above, non-trailerred boats including canoes, kayaks, paddle boats, paddle boards, fishing and sailing boats (herein referred to as vessels) less than 18-feet in overall length (10-feet double hull) may be stored at designated sites on District properties between May 1st and October 15th of each year. An owner desiring to leave any vessel unattended on District property shall be required to register the vessel annually with the District or licensee providing the name of the owner and identifying information. The District reserves the right to restrict the number of vessels that may be registered by any one residential parcel and the total number stored on any District property. Vessel storage at District owned lake access sites shall be in accordance with the following requirements as established for each site:

- Day Use: day use storage is limited to vessels actively used during daylight hours, overnight storage is prohibited.

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- Short-Term: short-term storage permits overnight storage of vessels at designated locations for a maximum of three consecutive days while the Serene Lakes property owner or renter is in residence. Day use storage is allowed at access sites where short-term storage is permitted.
- Seasonal: seasonal storage permits storage of vessels at a District designated location for the period from June 1st to October 15th. Day use storage is allowed at access sites where seasonal storage is permitted.

Vessel storage on District property located lakeward of private property is limited to a maximum of two (2) vessels at any one time by the adjacent owner or renter while in residence. Vessels must be stored entirely out of the water and away from areas of riparian vegetation where possible. When the owner or renter is not in residence, all but one of the vessels must be removed entirely from District property.

The District may immediately remove any permitted vessel left on the District property during the period of October 16th to April 30th per Section 30.04. The vessel's owner shall be responsible for the costs, including but not limited to the reasonable costs of District personnel and administrative costs, incurred by the District in removing, storing the vessel for a period not less than thirty (30) days and subsequently disposing of the vessel left on District property in violation of this Division.

Section 30.06 Storage of portable personal property on District property located lakeward of private property by the adjacent owner or renter is limited to the period while the adjacent owner or renter is in residence. Personal property may not be stored or used in areas with riparian vegetation. When the adjacent owner or renter is not in residence, the personal property must be removed entirely from District property.

Notwithstanding the provisions of Section 30.04, above, the District may remove and immediately discard and/or dispose of any personal property left on District property by non-adjacent property owners, when it reasonably appears that the personal property has a value of less than One Hundred Dollars (\$100.00), including but not limited to chairs, tables, coolers and other picnic equipment.

Section 30.07 No person shall light a fire on District property, including but not limited to camp fires or barbeques.

Section 30.08 Use of District property for gatherings of more than 10 people is prohibited. Overnight camping is prohibited on District property.

Section 30.09 Hunting, trapping, chasing, molesting, harming, removing, killing or otherwise disturbing wildlife on District property is prohibited at all times unless expressly authorized in writing by the Board. Damaging or destroying the habitat of any species of wildlife and the removal or destruction of native plants, bird or reptile eggs is prohibited. Fishing is allowed in accordance with applicable California Department of Fish and Wildlife regulations. No person or group shall stock the lakes with fish or otherwise introduce aquatic plant or animal species

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without prior notice to the Board. Written proof of the issuance of permits and/or waivers from regulatory agencies shall be provided to the District prior to stocking.

Section 30.10 The discharge of firearms or projectile weapons, such as slingshots, spears or bows and arrows, on District property is prohibited.

Section 30.11 Hazardous activities of any kind are prohibited on District property. These activities are defined as those activities that might constitute or contribute to any hazard to property, persons, wildlife or habitat. Such activities include, but are not limited to, the use of fireworks or other explosives, use of remote-controlled craft and launching of missiles.

Section 30.12 Lake access across District property is limited to designated locations. Swimming or wading (humans or pets) in any portion of Lake Serena (northerly lake) is prohibited at all times.

Section 30.13 Maintenance or placement of privately owned structures, including but not limited to recreation facilities, piers, docks, walkways, driveways and landscaping on District property is prohibited unless expressly permitted by the District in writing. Construction of any kind, unless specifically authorized in advance in writing by the Board is prohibited. Prohibited activities include, but are not limited to, excavations, ground clearing or grading, import of any earth materials, erection of permanent or temporary structures and fences, erection of signs and posting of bills, notices or posters. See Attachment "A" regarding construction and maintenance of piers and docks.

Section 30.14 Maintenance, removal or replacement of District property, facilities or equipment shall only be performed by District personnel or by parties providing such services under contract as approved by the Board or Manager.

Section 30.15 Maintenance, removal, pruning or otherwise cutting vegetation and trees on District property shall only be performed by District personnel or by parties providing such services under contract as approved by the Board or Manager unless expressly authorized in writing by the Board or Manager.

Section 30.16 No motorized vehicles whatsoever including boats (except with electric motors), automobiles, trucks, motorcycles, snowmobiles, bicycles or all-terrain vehicles are allowed on District property (excepting paved areas adjacent to the District's offices or other designated areas) unless required for management activities authorized by the Board or Manager.

Section 30.17 Commercial activities of any kind are prohibited on District property unless express authorized in advance and in writing by the Board.

Section 30.18 Pursuant to the provisions of the California Water Code Section 31106, it shall be a misdemeanor for any person to violate any provision of this Division.

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DIVISION XXXI ENFORCEMENT OF DIVISION XXX THROUGH LEVY OF ADMINISTRATIVE FINES

Section 31.01 Purpose

The purpose of this Division is to establish the authority and basis for issuing administrative citations in order to encourage and enforce compliance with the provisions of Division XXX of the Code. The procedures established by this Division for the enforcement of Division XXX shall be in addition to criminal, civil or any other legal remedies established by law which may be pursued to address violations of the Code. Violations of Division XXX shall be considered major or minor in nature.

- A. Major violations include actions that are permanent, destructive, life-threatening and/or have the potential to adversely affect water quality such as, but not limited to:
- a. lighting of fires when the local area fire danger is rated by the United States Forest Service as moderate or greater;
 - b. overnight camping on District property when the activity is located within 20-feet horizontally of the spillway water level of Lakes Serena and Dulzura;
 - c. hunting, trapping, chasing, molesting, harming, removing or killing wildlife;
 - d. discharge of firearms;
 - e. use of fireworks or explosives when the local area fire danger is rated by the United States Forest Service as moderate or greater;
 - f. construction or installation of structures with permanent foundations;
 - g. excavation, ground clearing, grading or import of earth material within 20-feet horizontally of the spillway water level of Lakes Serena and Dulzura; and
 - h. pruning of any tree greater than four-inches diameter more than eight-feet above ground level; cutting or removal of any tree greater than four-inches diameter; pruning, cutting or removal of riparian vegetation within 20-feet horizontally of the spillway water level of Lakes Serena and Dulzura.
- B. Minor violations are generally those that are temporary and/or non-destructive and not included in the list of major violations.
- C. The final determination of the significance of a violation shall be at the sole discretion of the District.

Section 31.02 Authority

The Manager may employ the provisions of this Division to secure compliance with Division XXX. This Division provides for administrative citations and fines/penalties which are in addition to all other legal remedies, criminal or civil, which may be pursued by the District. The use of this Division shall be at the sole discretion of the Manager or such individual as the Manager may designate to be the Security Officer as provided in Division II.

- A. Any person violating any provision of Division XXX may be issued an administrative citation by the Manager as provided in this Division.
1. Each and every day a correctable and/or temporary violation of Division XXX is found to exist shall constitute a separate and distinct offense for which an administrative citation may be issued and a separate fine imposed. Where the violation involves the unauthorized change to or use of District property

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(including but not limited to the unauthorized installation of any improvement or placement of a structure, fixture or material of any kind on District property), each day that the change or use remains shall constitute a separate violation as to which a separate fine may be imposed, unless otherwise stated in the Code.

2. Where a violation of Division XXX consists of the removal, cutting or trimming of trees or vegetation from District property which removal, cutting or trimming is not otherwise authorized by the District, the cutting and/or trimming of each individual tree or plant shall be deemed to be a separate and distinct offense for which an administrative citation may be issued and a separate fine imposed unless otherwise stated in the Code.
3. An administrative penalty shall be assessed by means of an administrative citation issued by the Manager and shall be payable directly to the District.
4. Issuance of an administrative citation shall not limit, or be deemed a waiver of, the use of any other available enforcement remedy.
5. Administrative penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Division.

Section 31.03 Procedures

A. Upon discovering any violation of Division XXX, the Manager may issue an administrative citation to each responsible person or persons and/or the owner in the manner prescribed in this Division. Citations may be issued to multiple parties depending upon the nature and circumstance of the violation.

B. The Manager shall attempt to identify the owner, business owner, business manager, or responsible party in order to issue an administrative citation. A copy of the administrative citation may be personally served upon the owner, business owner, business manager, or responsible party, or when such person or persons cannot be located, the administrative citation may be served by mailing same to the appropriate party or parties as set forth below.

C. If the Manager personally serves the administrative citation, the Manager will attempt to obtain the signature of the person listed on the citation. If any person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings. Alternatively, an administrative citation may be issued and served by first class mail, postage prepaid, including a copy of the certificate of mailing to the person or persons determined to be responsible for the violation of Division XXX.

D. Provided that an administrative citation is properly issued to a responsible person, the failure of any person with an interest in the violation to receive notice shall not affect the validity of any proceedings taken under this Division.

Section 31.04 Contents of Notice of Administrative Citation.

A. The administrative citation shall refer to the date and location, including, if applicable with regard to any privately owned property, the parcel number used by the County on the current roll, of the violation(s) and the approximate time the violation(s) was observed.

B. The administrative citation shall refer to the provisions of Division XXX violated and describe how Division XXX was violated.

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C. Where the administrative citation pertains to an ongoing/continuing violation, the administrative citation shall describe the action required to correct the violation(s), shall require the responsible person to correct the violation(s) immediately, and shall state the consequences of failure to correct the violation(s), including but not limited to issuance of further administrative citations and/or other applicable enforcement provisions provided for by law.

D. The administrative citation shall state the amount of fine/penalty imposed for the violation(s). The fine/penalty for a correctable and/or temporary violation shall start on the day the responsible person(s) receives notice and shall continue each day until the violation is corrected to the District's satisfaction.

E. The administrative citation shall specify a deadline for payment of the penalty and state that the penalty shall be paid to the District by mailing the appropriate amount to the District Office at P.O. Box, 1039, Soda Springs, California 95728, or alternatively by delivering same to the District Office located at 7305 Short Road, Soda Springs, California 95728.

F. The administrative citation shall provide notice of the right to appeal, including the time within which the administrative citation may be contested by submitting a request for hearing on the form established by the District.

G. The administrative citation shall contain the signature of the Manager or Security Officer and the signature of the responsible person if that person can be located and if his signature can be secured.

Section 31.05 Appeal of Administrative Citation

A. A person served with an administrative citation issued pursuant to this Division may file an appeal within twenty (20) calendar days from the date of service.

1. The appeal shall be made in writing on the form to be provided by and available from the District and submitted to the Board or its designee, and shall include both a mailing address at which the appellant agrees to accept service of notice as well as such other required information as the Board may establish.
2. Upon the filing of a proper appeal, fines shall be suspended pending the outcome of the appeal.
3. After receiving the written notice of appeal, the Manager shall appoint a hearing officer from a list of individuals available to serve as hearing officers, which list shall be established by the District, and shall direct scheduling of an appeal hearing before the selected hearing officer. Hearing officers shall be current or former members in good standing of the California State Bar. The hearing officer shall set the appeal in an expeditious manner with the goal of the hearing being set within forty-five (45) days from the receipt of the appeal.
4. Written notice of the date, time and place of the hearing shall be served on the person appealing the administrative citation at least twenty (20) calendar days prior to the date of the hearing by personal service or by first class mail, postage prepaid, including a copy of the certificate of mailing. Service shall be deemed effective upon either personal service on the individual or entity or by depositing the notice in the mail, first class.

B. The appeal hearing shall be conducted pursuant to the following procedures:

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1. The Manager or the appellant may request and shall be granted a continuance of the appeal hearing once without prejudice for a period not to exceed twenty-eight (28) days provided, however, that the request for such continuance shall only be effective if made no less than five (5) full days (120 hours) in advance of the appeal hearing. All requests shall be made in writing by facsimile or e-mail to the hearing officer, with a copy to the District, and the hearing officer shall immediately notify the parties to the appeal of the continuance and the rescheduled hearing date. Any additional continuance may be authorized by the hearing officer only upon a showing of good cause by the party requesting the continuance or due to the hearing officer's schedule.
 2. The appeal hearing shall be heard either at the offices of the District, or at such other location directed by the hearing officer with the agreement of the parties.
 3. No person shall serve as a hearing officer if that person has a direct conflict of interest as defined in Government Code section 87100. If a hearing officer becomes aware of such a conflict after being so appointed, the hearing officer shall promptly notify the Manager in order to allow for the appointment of a new hearing officer.
 4. No party shall submit any evidence or written briefs prior to the hearing, nor shall there be any *ex parte* communication between the hearing officer and either the appellant or the Manager. The decision of the hearing officer shall be based solely on the evidence presented at the hearing.
 5. Prior to receiving any oral testimony, the hearing officer shall administer an oath, and all testimony shall be made under penalty of perjury.
 6. All testimony and oral presentation shall be preserved verbatim either by electronic or stenographic recording.
 7. All exhibits and other matters introduced and admitted at the appeal hearing shall be duly marked and maintained as a part of the hearing record.
 8. The hearing officer shall set the order of presentation of evidence by the parties as well as time limits upon the presentation of evidence and argument. If no time limit is set, the time limit shall be thirty (30) minutes for appellant, including appellant's witnesses and thirty (30) minutes for the Manager, including the Manager's witnesses. If additional time is extended for either party, then equal time shall be extended to the other party. In addition to the presentation of any oral testimony, all parties shall be entitled to introduce relevant written documents into evidence.
- C. At the conclusion of the hearing the hearing officer shall, based on the evidence submitted at the hearing determine whether the person receiving the administrative citation committed, maintained, or permitted a violation(s) of the Code.
- D. The decision of the hearing officer shall be subject to judicial review pursuant to the provisions of Section 53069.4 of the Government Code, if and only if an appeal is timely filed with the Placer County Superior Court Clerk, together with the applicable appeal fee, within twenty (20) days after service of the decision of the hearing officer by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. Any person filing an appeal shall serve a copy of the notice of appeal in person or by first class mail on the Board with a

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copy to the Manager. Within fifteen (15) days from a request from the Court, the Manager shall forward to the Court the file of the hearing, together with the notice of violation of the code, the notice of code violation hearing before a hearing officer, and the decision of the hearing officer. If an appeal is not timely filed in accordance with this subsection, all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceedings, determinations or actions taken.

Section 31.06 Penalties Assessed.

A. The penalties assessed for a violation of Division XXX or applicable state code or regulation for which an administrative citation is issued shall be as set forth in this section, unless otherwise specified by some other provision of the Code or by applicable provisions of state law. An administrative citation may be issued for one or more violations, and each violation included in an administrative citation shall be subject to a separate penalty.

B. If, following the issuance of an administrative citation, the responsible person and/or owner fails to correct any ongoing violation, subsequent administrative citations may be issued for the same violation.

C. The penalties assessed for major violations shall not exceed the following amounts:

1. First administrative citation: \$1,000.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D
2. Second administrative citation for a repeat violation within a one (1) year period: \$2,000.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D.
3. Third or subsequent administrative citation for a repeat violation within a one (1) year period: \$5,000.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D

The penalties assessed for minor violations shall not exceed the following amounts:

1. First administrative citation: \$200.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D
2. Second administrative citation for a repeat violation within a one (1) year period: \$400.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D
3. Third or subsequent administrative citation for a repeat violation within a one (1) year period: \$1,000.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D

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- D. In accordance with the provisions of Government Code Section 53069.4, where the violation constitutes an infraction under applicable state or local law, the penalties assessed for each violation shall not exceed the following amounts:
1. First administrative citation: \$100.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D.
 2. Second administrative citation for a repeat violation within a one (1) year period: \$200.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D.
 3. Third administrative citation for a repeat violation within a one (1) year period: \$500.00 per violation described in the citation and for each subsequent day a correctable and/or temporary violation is not corrected per Section 31.04.D.
- E. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the District.

Section 31.07 Failure to Pay Fines/Penalties.

The failure of any person to pay the administrative fine/penalties assessed by an administrative citation within the time specified on the citation shall result in the District pursuing such legal remedy to collect the administrative fines/penalties, including without limitation, the initiation of a civil action on behalf of the District to recover any unpaid fines, as the Board may deem appropriate.

Sierra Lakes County Water District
Division XXX
Indemnity and Hold Harmless Agreement

This Indemnity and Hold Harmless Agreement (the "Agreement"), dated as of the ____ day of 20__, is entered by and between _____ ("Indemnitor"), and the Sierra Lakes County Water District, a California Special District ("Indemnitee"). This Agreement is entered into with respect to and in consideration for the recitals set forth below and constitutes an agreement for indemnity and hold harmless between the parties.

RECITALS

- 1.1 On _____ Indemnitor requested a permit from Indemnitee for the construction and or use of a pier/dock located at Lake Serena or Dulzura, the underlying property being owned by the Indemnitee. A true and correct copy of that application is attached hereto as Exhibit A and incorporated by reference herein as if fully set forth.
- 1.2 In consideration of being permitted to enter and use the Indemnitee's property for the purpose of constructing, maintaining and using a pier or dock in any way, the undersigned hereby agrees to the following:

INDEMNITY

- 2.1 The Indemnitor hereby releases, waives, discharges and covenants not to sue Indemnitee, its directors, officers, employees, or authorized volunteers for all liability for any loss or damage, and any claim or demands therefor on account of injury to any person or property or resulting death, related to the Indemnitor's use of the property for the construction, maintenance and use of a pier/dock.
- 2.2 The Indemnitor hereby agrees to indemnify, defend and hold harmless the Indemnitee and each of them from any loss, liability, damage or cost they may incur due to the presence of the Indemnitor or general public in, upon or about the property or in any way using the pier/dock. The Indemnitee shall have the right to accept or reject any legal representation that Indemnitor proposes to defend the indemnified parties.
- 2.3 The Indemnitor hereby assumes full responsibility for any risk of bodily injury, death or property damage they may incur due to the presence of the Indemnitor or general public upon or about the property or in any way using the pier/dock.
- 2.4 The Indemnitor shall provide proof of liability insurance in the form of a certificate delivered to the Indemnitee. Certificates and insurance policies shall include an endorsement stating that the Indemnitee and its Board, agents, representatives, employees, consultants, and volunteers are named as additional insured. The Indemnitee retains the right to review said liability insurance policy with respect to the terms of coverage.

GENERAL PROVISIONS

- 3.1 This Agreement contains the entire agreement between the parties relating to the indemnity of Indemnitee by Indemnitor and all prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged herein.

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Division XXX
Indemnity and Hold Harmless Agreement**

- 3.2 No modification, waiver, amendment, discharge or change of this Agreement shall be valid unless the same is in writing and signed by the party against whom the enforcement of such modification, waiver, amendment, discharge or change is or may be sought.
- 3.3 All of the terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by, the parties hereto and their respective legal representatives, successors and assigns. This agreement shall be recorded in the official records of Placer County.
- 3.4 This Agreement shall be construed and enforced in accordance with the laws of the State of California. Venue for any action shall be the Placer County Superior Court. The Indemnitor further expressly agrees that the foregoing Agreement is intended to be as broad and inclusive as is permitted by the laws of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.
- 3.5 Each individual executing this Agreement represents, warrants, and covenants that he or she is authorized to execute this agreement on behalf of himself or herself. The undersigned has read and voluntarily signs this Agreement, and further agrees that no oral representations, statements or inducement apart from the foregoing written agreement have been made.
- 3.6 This Agreement may be signed in counterparts.

This agreement is to set forth the terms and conditions concerning the required indemnification.

Dated: _____ Indemnitor: _____
By: _____
Its: _____

Sierra Lakes County Water District, Indemnitee:
Dated: _____ By: _____
Its: Board President

Sierra Lakes County Water District
Attachment “A” Division XXX
Piers and Docks on District Property

1. All piers and docks located on or over District property (i.e. the Lake Parcel) shall be annually permitted by the District. An annual fee, as the Board determines is reasonable and appropriate to cover the costs incurred by the District, shall be charged to all pier and dock owners.
2. The owners of all piers and docks shall indemnify and hold the District harmless from any third party suit or claim arising out of the construction, maintenance or use of the structure located partially or fully on District property. An Indemnification and Hold Harmless Agreement between the Owner and District shall be executed prior to issuance of the annual permit. The Owner shall provide proof of liability insurance naming the District, its Board, agents, representatives, employees, consultants, and volunteers as additional insured.
3. All piers and docks shall be inspected by the District on an annual basis to confirm the structure is in an acceptable and functioning condition. All noted deficiencies shall be corrected within 60 days of notification and a re-inspection made by the District. The District reserves the right to remove non-maintained structures, including obtaining any required permits from regulatory agencies, at the owner’s expense. Acceptable and functioning condition is defined as:
 - no broken or compromised structural members and decking;
 - all structural and attaching hardware is in place, functional and not corroded;
 - all pier supports are in contact with the lake bottom;
 - all dock floats are watertight; and
 - the deck is reasonably level.
4. Piers and docks that existed prior to the District taking ownership of the Lake Parcel (January 28, 2013) are considered “grandfathered” and may remain in place subject to the following requirements:
 - all piers and docks shall be subject to the annual permitting, Indemnification and Hold Harmless agreement and inspection/maintenance requirements described in the preceding Sections; and
 - all piers (supported by posts or columns that require a fixed footing on the lake bottom) shall be modified and/or replaced with a removable pier or dock (floating) no later than September 1, 2019.
5. All new piers and docks shall be set back a minimum of 20-feet from the lakeward extension of the residential side lot lines unless precluded by parcel geometry or necessary for environmental protection. No new pier or dock shall extend more than 15-feet lakeward from the high-water line (i.e. dam spillway elevation) nor be greater than four feet in width without the approval of the Board. No more than one pier or dock is allowed per parcel. The construction of shared piers and docks is encouraged; the setback requirement from the extension of the common lot line is not applicable.
6. No new construction or structural maintenance of existing piers, docks or connecting walkways (except that done in response to District notification) shall be done without prior approval of the District. Any additional regulatory permits, approvals and/or fees required for construction are the responsibility of the owner. Written proof of the issuance of other permits and/or waivers from regulatory agencies shall be provided to the District prior to starting work.

Sierra Lakes County Water District
Attachment “A” Division XXX
Piers and Docks on District Property

7. Construction and maintenance of all piers, docks and connecting walkways located on District property shall be in accordance with the following minimum requirements:
- new piers and docks shall not utilize a fixed footing(s);
 - the construction of sidewalls or roofs on piers and docks is prohibited, handrails are permitted;
 - construction or repair plans shall be submitted to the District for review and approval. At a minimum the drawings shall include:
 - a site plan.
 - elevations/sections of the pier or dock.
 - construction details as required to show the scope of work.
 - proposed materials and finishes;
 - excavation for the repair of pier footings shall be limited to period(s) when the water level is below the elevation of the lake bottom at the location of the footing(s);
 - connecting walkways crossing areas of sensitive riparian vegetation shall be elevated to the maximum extent possible;
 - all construction materials to be non-toxic, i.e. no wood stains/preservatives, all structural supports/hardware to be stainless, galvanized, corrosion-resistant or non-painted steel or aluminum;
 - all visible portions of the pier or dock above the water line shall be non-reflective earthtone colors to the extent possible; and
 - the use of Best Management Practices (i.e. erosion control and similar measures) related to water quality protection both during and post-construction is required.