

ORDINANCENO.2023-1

(REVISED AS OF JULY 27, 2023)

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE GUALALA COMMUNITY SERVICES DISTRICT
PRESCRIBING CONDITIONS FOR CONNECTION TO AND USE OF WASTEWATER FACILITIES ANDTHE FEES
AND CHARGESFOR SUCH USE.**

The Board of Directors of the Gualala Community Services District does hereby ordain as follows:

ARTICLE I

GENERAL PROVISIONS

1. Purpose

The purpose of this Ordinance is to provide for the beneficial public use of the Gualala Community Services District (GCSD) sewerage facilities through adequate regulation of the construction, connection, and sewer use and to provide for equitable recovery of the District's costs. These regulations are adopted in accordance with the authority granted to the District by California Government Code §61060.

2. Scope

The provisions of this Ordinance shall apply to the direct or indirect discharge of liquid carried wastes to the District facilities. This Ordinance provides for the regulation of sewer construction within the District, the quantity and quality of wastewater discharged, the issuance of permits for connection to the system, the setting of charges and fees related to the construction, operation and maintenance of the facilities, and the provisions for enforcement of this Ordinance.

3. Waste Disposal Policy

Liquid wastes originating within the sewer zones of the District will be accepted into the sewerage system, provided the wastes will not 1) damage structures, 2) create nuisances, 3) threaten public health, unreasonably increase collection, treatment, or disposal costs to the District, 5) interfere with wastewater treatment processes, or 6) exceed quality requirements established by regulatory agencies.

Currently there is no industrial waste contribution to the sewerage system. The future use of the system for industrial wastewater is subject to additional regulation by the District.

4. Short Title

This Ordinance may be cited as the Gualala Community Services District Rate Ordinance.

Revised July 2023

5. Declaration

All connections required hereby shall be made in accordance with the rules, regulations, and Ordinances of the District.

6. Definitions

The definitions given in this part shall be used in the interpretation of this Ordinance, the issuance of permits, the setting and collecting of fees and charges for services and other provisions of this Ordinance, unless another meaning is apparent from the context.

- a) Annexation Fee - shall mean the charge established by the Board for the annexation of areas outside the District into the District.
- b) Average Flow Rate – shall mean the average rate at which wastewater is discharged to a collecting or main line sewer, during a 24-hour period. This flow rate can also be measured as an average dry weather flow (ADWF) rate for summer months and a wet weather flow (PWWF) rate for the winter months.
- c) Board - shall mean the Board of Directors of the Gualala Community Services District.
- d) BOD (Biochemical Oxygen Demand) - shall mean the measure of biologically decomposable organic matter in domestic or industrial wastewater as represented by the oxygen consumed over a 5-day period at 20 degrees centigrade.
- e) Suspended Solids (SS)- shall mean is the amount of tiny solid particles that remain suspended in water and act as a colloid. The measurement of suspended solids is one way of gauging water quality.
- f) Collecting or Main Line Sewer - shall mean the District sewer used to collect and convey septic tank effluent from the on-site systems. This main line may also be called a transmission main which allows for the transmission of waste either through force mains or by gravity flow.
- g) Commercial User - shall mean any non-residential user that the District finds introduces primarily domestic wastewater from sanitary conveniences. Commercial users include mobile home parks, office space, supermarkets, banks, service stations, salons, hotels, restaurants, and hardware stores.
- h) Connection Inspection Fee - shall be the fee established by the Board to cover the cost of administration and inspection of new on-site facilities and connections to the District system following the payment of any required CEF fees.
- i) Discharge - shall mean any person or persons that discharge or cause a discharge to the District facilities.
- j) District - shall mean the Gualala Community Services District.

- k) Domestic Wastewater - shall mean the waterborne wastes produced by normal human living processes. It shall include commercial wastewater but not industrial wastewater.
- l) General Manager - shall mean the manager of the Gualala Community Services District. The General Manager is the authorized representative of the District with respect to the operation and maintenance of the public sewer, the collection of District fees and charges, and the enforcement of District regulations including this Ordinance.
- m) Equivalent Dwelling Unit (EDU) - shall mean the basic unit of service for determining the quantity of wastewater discharged to the system, and the basis for establishing fees for sewer service. An EDU is calculated by dividing the total yearly wastewater flow attributed to the residential customers and then dividing by 12 to acquire the monthly average flow per customer, defined as an Equivalent Dwelling Unit or EDU, for commercial users 1 office space = 1 EDU.
- n) Equivalent Dwelling Unit (EDU) Equivalent- The EDU Equivalent shall be calculated by dividing the total amount of water used by the residential customer for any given year and dividing that by the total amount of residential customers. In 2022 the EDU Equivalent is 122 gallons per day (gpd).
- o) House Connection - shall mean the sewer line that connects a structure to the interceptor tank within the boundaries of the District. It may also mean a sewer line that connects a building to the District's wastewater system if outside the current District service area.
- p) Industrial Wastewater - shall mean all waterborne wastes and wastewater excluding domestic wastewater and uncontaminated water, and shall include all wastewaters from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes not of human origin.
- q) Inspector - shall mean a person authorized by the General Manager to inspect the construction of on-site facilities, collection systems, pumping stations, treatment, storage, and disposal facilities.
- r) Interceptor Tank - shall mean the tank installed on each parcel as part of the on-site facilities to intercept and remove solids by settling or floating and shall include an effluent pump for those parcels that cannot be served by gravity flow from the interceptor tank to the sewer main.
- s) Lateral Sewer - shall mean the sewer connecting an interceptor tank to the collection or main line sewer and shall include both the portions on the private parcel and in the public right of way or easement.
- t) On-Site Facilities - shall mean the house connection, the interceptor tank and that portion of the lateral sewer located on and serving an individual parcel.
- u) Parcel - shall mean a parcel of land as defined in the records of the County Assessor.

- v) Person - shall mean any individual, partnership, firm, association, corporation, or public agency.
- w) Property Owner - shall mean the person or other legal entity holding legal title to the property obtaining sewer service.
- x) Public Sewer - shall mean any sewer dedicated to public use and which use is controlled by the District.
- y) Right of Entry Agreement - shall mean the agreement between a property owner and the District for the construction, installation and operation and maintenance of the on-site facilities.
- z) Septage - shall mean the residual liquid and/or solids pumped from septic tanks or interceptor tanks.
- aa) Septic Tank Effluent - shall mean the effluent from the on-site interceptor tanks, or from private septic tanks not connected to the District collection system.
- bb) Service Zone - shall mean the existing zones established within the District.
- cc) Sewage - shall mean wastewater.
- dd) Sewerage - shall mean all facilities used for collection, conveying, pumping, treating, and disposing of wastewater.
- ee) Sewerage System - shall mean the network of wastewater collection, conveyance, pumping, treating, storage, and disposal facilities owned by the District.
- ff) Solid Waste - shall mean the non-liquid, non-water carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal facilities.
- gg) Suspended Solids (SS) - shall mean the insoluble solid matter suspended in wastewater that is separable by laboratory filtration.
- hh) Treatment Process - shall mean the process by which wastewater for the District sewerage system is treated.
- ii) Uncontaminated Water - shall mean any wasted water not contaminated or polluted with wastewater or other waste products and which is suitable for discharge to a natural or man-made drainage system.
- jj) User - shall mean the discharger or shall mean the legal owner of a parcel served, or any person who has requested the sewer service charge be billed to them.

- kk) Wastewater - shall mean the water carrying wastes derived from human or industrial sources. Rainwater, groundwater, drainage, or uncontaminated water is not wastewater.
- ll) Effluent Disposal Facilities – shall mean all those facilities as described and required by the existing CRWQCB Permit Order No R1-2022-004 and WDID No. 1B89005RMEN, that provides tertiary level treated wastewater to discharge to land disposal irrigation facilities.
- mm) Flat Rate Billing: The flat rate billing eliminates the current method of billing where the water usage is calculated yearly to establish residential sewer fees.
- nn) Interceptor Tank Pump – shall mean the pump that is required to pump wastes from the interceptor to the District’s transmission main(s) and also includes all electrical and controls to operate the interceptor pump.
- oo) Grease Traps – shall mean those approved devices used by the commercial and industrial establishments to remove grease and solids form the waste stream.
- pp) Peak Wet Weather Flow (PWWF)– shall mean the average rate at which wastewater is discharged to a collecting or main line sewer, during a 24-hour period. This flow rate can also be measured as a peak wet weather flow (PWWF) rate for winter months.
- qq) Residential Customer – shall mean any residential user that the District finds introduces primarily domestic wastewater from sanitary conveniences.
- rr) Septage Receiving Facility – shall mean a fixed structure located at the wastewater treatment facility to accept and partially treats any septage waste from pumper trucks prior to discharge to the WWTP.
- ss) Sewer Service Area – shall mean those sewer service zones that are currently being served by the District.
- tt) Tertiary Effluent – shall mean recycled water as described within the Title 22 Engineering Report as prepared by MC Engineering or as described in the CRWQCB Order No. R1-2022-0004.
- uu) Third Part Users – shall mean any potential sewer customer(s) located outside the District’s Service Area that are required to pay all CEF and operation and maintenance fees as established within this ordinance and through third party agreements. These fees are to be fair and equitable and cannot create an economic burden on the existing GCSD Service Area customers.
- vv) Turbidity- shall mean the cloudiness, opacity, or haziness of the suspended particles as found in the wastewater entering or being discharged from the wastewater treatment plant.

ARTICLE II

SEWERAGE SYSTEM

1. District Zones

The District is comprised of four zones as defined in the official map of the District. The District provides sewer service only in Zones 1 and 2. District Zones 3 and 4 are within the districts service area though No sewer service is provided in Zones 3 and 4.

2. Sewerage System

The sewerage system provided in Zones 1 and 2 is a combination of on-site gravity septic tank effluent (STE) and septic tank effluent pumping (STEP) systems discharging to the District collection system. The facilities required to serve a parcel consist of the house connection, an interceptor tank and lateral sewer. The house connection, interceptor tank and a portion of the lateral sewer must be located on the parcel being served. The interceptor tank and effluent lateral are the property of the District. The influent lateral coming from the house, which will include any pipe connected inside the septic tank is the property owner's responsibility to maintain and repair at their expense.

3. Maintenance Responsibility - The District shall be responsible for the maintenance of the interceptor tank and effluent sewer lateral, including annual inspection and removal of accumulated solids. The District shall be entitled to recover the cost of such maintenance, as provided in Article V, below. The property owner shall be responsible for the maintenance of the influent lateral connection. For those systems requiring on-site pumps the property owner shall be responsible for the power costs of the on-site pump and must allow access to GCSD staff. In the event any portion of the sewerage system located on private property is damaged or destroyed as a result of tampering, wildfire, earthquake, severe weather conditions, land subsidence, tree roots, flooding, or other acts of God, the repair and/or replacement of any portions of the sewerage system on private property shall be the sole responsibility of such property owner and shall not be the responsibility of the District.

4. The District reserves the right to assess penalties on any third-party customer(s) discharging their wastewater to the GCSD wastewater treatment facilities if it is found that the quantity and or quality of the third-party wastewater flow is causing serious impacts to the ability of the District to properly treat the influent wastes will be charged accordingly. Those remedies, surcharges, and penalties are as described in Article IV Section 8, below.

5. Ownership and Right of Entry

As a condition of obtaining sewer service the property owner is required to assign ownership of the on-site facilities to the District and to grant to the District a Right of Entry in accordance with the terms and conditions established by the District.

6. Limits of Service

Sewer service may not be provided to areas outside of Zones 1 and 2 except as approved by the Board in accordance with the provisions of this Ordinance, which exceptions include for existing agreements and provisions as made within the current Tri-Party Agreement and any Amendments thereto for those parcels and customers as currently located within the Boundaries of Sonoma County. Sewer service shall be provided only to parcels which are within the District. Parcels outside the District seeking sewer services must first annex to the District at their expense.

7. Public Nuisance

Commencing with the effective date of this Ordinance, the following are hereby declared to be a public nuisance and such uses are hereby prohibited within Zones 1 and 2:

- a) The use of cesspools, septic tanks or leach fields, or any other means of sewage disposal, other than connection to the District system, including any privately engineered system, whether for a single building or multiple buildings.
- b) The continued occupancy or habitation or use of any building which is not connected to the sewerage system in compliance with this Ordinance.

ARTICLE III

SEWER CONNECTIONS

1. Connections Required

Commencing with the effective date of this Ordinance, all buildings within Zones 1 and 2 of the District from which wastewater is generated shall be connected to the District sewerage collection system. Connection may not be required if no public sewer is located within 200 feet of the property line of a parcel.

For all third-party customers, the point of connection shall be at a designated location, as described in subsequent agreements and within the District's Service Area.

Both District Service Area customers and those defined as Third-party customers shall adhere to all requirements as described within Sections 2- 9, below.

2. Permit to Connect

No person or third party shall use, alter, disturb, uncover, make any connections with or opening into any public sewer, appurtenance thereof or on-site system without a written permit authorized by the General Manager of the District.

3. Application Required

Any person proposing to construct or modify any building from which wastewater may be generated shall make an application to the District for a permit to connect to the District system.

4. Permit Application Procedure

Applications for connections to the district system shall be made by the property owner or his or her agent on a form furnished by the District. Each application shall be supplemented by such plans, specifications, analyses of strength and quantity of wastewater to be produced, flow data, and other information as shall be deemed necessary by the General Manager. At the time of filing the application, the applicant shall pay the connection fee established by the District. This application procedure shall be applied to all existing and any future third-party customers.

5. Cost of Sewer Connection

The connection to the public sewer, including the cost of all on-site facilities and the portion of the lateral sewer within a public right-of-way or easement, shall be installed at the sole expense of the owner of the property served. Such connections shall not be made without prior authorization of the General Manager or his representative, receipt of a complete application, and payment of all applicable fees and charges. *The District may, in its discretion, permit the applicant to post a surety bond in an amount equal to all or any unpaid portion of the applicable fees and charges when the District, acting through its Board of Directors, deems it appropriate to do so. Nothing in this section shall require the District to accept any bond in lieu of payment of all applicable fees and charges at the time a completed application is submitted to the District.* (Ordinance 94-7). Along with the applicable CEF fee, a connection inspection fee shall also be paid prior to the start of any construction work.

6. No Vested Interest

The holders of all permits issued hereunder shall always be subject to all applicable District regulations. At no time and in no way shall the holder of any permit acquire or be regarded as having acquired a vested or continuing right to have or maintain continued connection to the District's system.

7. Type of System

Where connection to the public sewer can be made by gravity the on-site system shall be of the gravity septic tank effluent (STE) type. Where gravity service is not possible, the on-site system shall be of the septic tank effluent pumping (STEP) type. The type of on-site system used shall be determined in the sole discretion of the General Manager.

8. Connection Standards

All on-site facilities and connections to the District system shall be in accordance with the standard specifications of the District and the requirements of the connection permit. All connections shall be made gastight and watertight and shall be verified by proper testing. Any deviation from the prescribed standards or procedures must be approved by the General Manager in writing prior to installation. The District reserves the right to reject any or all of the constructed facilities, if it is found that the facilities

fail to meet the District standards. Those third-party future customers shall be required to meet all standards within their jurisdiction in accordance with standard specifications.

9. Inspection

All on-site facilities or sewers to be connected to the District facilities shall be inspected by District personnel at the start of and during construction. No wastewater shall be discharged into the District system prior to obtaining inspection and approval of the construction by the District.

The applicant, or the person doing the work authorized by the applicant, shall notify the District orally or in writing when the work is ready for inspection. Such notice shall be given not less than twenty-four (24) hours before the work is to be inspected. It is required that the person responsible for the work be on the job site at the time of the inspection. Work which cannot be visually inspected will not be accepted.

Following satisfactory completion and inspection, the District will authorize sewer service to the applicant.

ARTICLE IV

SEWER USE REGULATIONS

1. Discharge to Drainage Systems Prohibited

It shall be unlawful to discharge within the District any wastewater or polluted waters into any storm drain or natural channel. All sewage, waste, and wastewater within Zones 1 and 2 shall be discharged to the District sewer system except as hereinafter provided.

2. Discharges Shall Comply

All discharges to the District sewerage system shall comply with the regulations set forth in this Ordinance.

3. Prohibited Discharges

No person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the District sewerage system, the following wastes:

- a) Any wastewater which contains more than 100 milligrams per liter (mg/l) of fat, oil, or grease. At the discretion of the District, if there is a reasonable concern that a property is generating wastewater more than 100 mg/l of fat, oil or grease, a sample will be taken and sent to a certified lab for testing at the owner's expense.
- b) Any wastewater having a Ph lower than 6.0 or higher than 10.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment, or personnel of the sewage system.

- c) Any wastewater containing synthetic detergents in sufficient quantity to injure or interfere with any treatment process or create problems in the treated effluent.
- d) Any wastewater containing suspended solids of such character and quantity that unusual or extraordinary expense is required to manage such materials at the treatment plant.
- e) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions in the sewerage system.
- f) Any wastewater containing toxic or poisonous solids, liquid hazardous in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals, or the local environment, interfere with wastewater treatment processes, cause a public nuisance, or cause any hazardous, conditions to occur in the sewerage system.
- g) Any solids or viscous substances of such quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, process shavings, metal, glass, rags, feathers, tar, plastics, wood, bones, entrails, paper dishes, paper cups, or other similar paper products, either whole or ground coffee.
- h) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, or other uncontaminated water.
- i) Any water added for the purpose of diluting wastewater would otherwise exceed applicable maximum concentration levels.
- j) Any non-biodegradable cutting oils, commonly called soluble oil, form persistent water emulsions.
- k) Any wastewater containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic, or any other objectionable materials toxic to humans, animals, and the local environment, or to biological or other wastewater treatment process.
- l) Any quantities of radioactive materials.
- m) Any wastewater having a temperature higher: than 150 degrees F (Fahrenheit) or 65 degrees C (Celsius).

4. Grease, Oil and Sand Interceptors

Grease, oil, or sand interceptors shall be provided when in the opinion of the General Manager they are necessary for the proper handling of wastewaters containing grease in excessive amounts, or any sand, flammable material, or other harmful materials, except that such interceptors shall not be required for private dwelling units.

All grease interceptor tanks shall be of a type and/ capacity approved by the General Manager prior to construction and shall be located to be easily accessible for inspection and cleaning. The interceptor shall be of substantial construction, made of impervious materials, capable of withstanding abrupt and extreme changes in temperature, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. The cost of installation shall be borne by the customer.

All grease, oil and sand interceptors shall be constructed, operated, and maintained and operate efficiently at all times by the user or property owner, all at the expense of the property owner. The District reserves the right to inspect at any time the constructed grease traps to assure that they are working properly, and no oil and grease is escaping from the grease trap. The district has the right to request that any oil and grease separator not working properly be replaced with an appropriate device, at the expense of the customer.

5. Limitations on Garbage Grinders

Waste from garbage grinders shall not be discharged to the sewerage system except for wastes generated in the preparation of food normally consumed on the premises, such as in a home or restaurant.

6. Prohibition of Liquid Wastes

Liquid wastes that have been collected and held in tanks or containers shall not be discharged to the sewerage system. Wastes in this category shall include but not be limited to:

- a) septic tank pumping's.
- b) chemical toilet.
- c) industrial wastes.
- d) oils and greases.
- e) any other materials not classified as residential sewage, including chemicals and other materials which might directly or indirectly enter the District sewerage system.

7. No Joint Discharge

No person shall discharge any substance directly into a manhole or other opening in the sewerage system; all such discharges shall be through an approved connection to the system.

8. Special Agreements

The General Manager shall have the responsibility to evaluate and the authority to determine whether to permit discharges into the District wastewater treatment system on a case-by-case basis. The Board of Directors shall retain ultimate authority to determine the appropriateness of any discharge into the wastewater treatment system. These regulations are adopted in accordance with the authority granted to the District by California Government Code Section §61060.

No statement contained in this Ordinance shall be construed as preventing any special agreement between the District and any person whereby any wastewater of unusual strength, character or composition may be accepted by the District. Such agreement may be allowed when in the opinion of the Board the circumstances warrant an exception. In the event that any such special agreement involves adding an extraordinary costs to the District, such person shall be required to reimburse the District for all such costs, and to post with the District such bond or other guarantees as are acceptable to the Board prior to discharging any such wastewater into the public sewer. District costs are listed in Article V, Section 1: Sewer Charges and Fees.

If the quality of water received by a third-party from any special arrangements jeopardizes the district's ability to abide by its guidelines set forth in WDR Order No. R1-2002-0004 or California State Title 22 requirements will be required to pretreat their raw wastewater before discharging to the district's wastewater treatment facilities.

ARTICLE V

CHARGES AND FEES

1. Sewer Charges and Fees

The Board shall from time to time establish by Ordinance, Resolution or Order charges and fees for the sewage services provided by the District. Such fees were be based on the rate study prepared for the district by MC Engineering and factors influencing the District costs, including quantity and character of the wastewater, and the effort required for purposes of operation and maintenance, billing, inspection, sampling, monitoring, and administration.

Charges and fees are based upon the four classes of users: (1) residential, (2) commercial, (3) hotels, and Third-Party/ Special Agreements.

A. Residential.

- a. Residential customers will pay a flat rate of \$1,263.53 per year, which will be assessed on the user's property annual tax bills. That rate consists of a sewer fee of \$901.11, maintenance fee of \$56.18, and capital improvement/reserves fee of \$306.24.
- b. Residential customers with two separate septic tanks are charged two times the annual flat rate of \$1,263.53. Residential customers with multiple units on their property that share a single septic tank are charged a single sewer fee and then the maintenance fee and capital improvement/reserves fee multiplied by the number of EDUs. For example, for a customer with three units on its property, the maintenance fee of \$56.18, capital improvement/reserve fee of \$306.24 are totaled and multiplied by three, to equal \$1087.26 ($\$56.18 + \$306.24 = \$362.42 \times 3 = \1087.26). The single sewer fee of \$901.11 is then added to that, to total \$1988.37 for the annual sewer fee for that property.

B. Commercial.

- a. The District will bill commercial properties on a monthly basis, at the minimum rate of \$105.29 per month per EDU or the EDU Equivalent whichever is greater. That rate consists of a minimum sewer fee of \$75.09 per month, maintenance fee of \$4.68 per month, capital improvement/reserve fee of \$25.52 per month. Those fees are multiplied for each EDU or EDU Equivalent, as described in the following paragraph.
- b. The EDU Equivalent is calculated by the total amount of water used by all connected Residential District customers divided by the number of connected residential customers. For 2022, that water usage was 122 gpd. Thus, if a commercial customer uses 366 gallons of water per day for the billing period, the customer will be deemed to have 3 EDUs of use and the monthly fees would be multiplied by three to determine the sewer bill for that month, $\$105.29 \times 3 = \315.87 . The GPD will be determined on a yearly basis beginning July 1, 2023.

C. Hotels and Motels.

- a. Hotels and motels will be billed in the same manner as commercial accounts, but the total monthly bill will be multiplied by the average occupancy rate percentage. GCSD will use the state average when determining the occupancy rate each year. Using the above example, if a hotel has EDU water usage at three units, but had average occupancy during of 70%, then that hotel's bill for that month would be $\$315.87 \times .70 = \221.11 .

2. Other Charges and Fees

- A. Connection Permit Fee – A fee to cover the costs of application processing, user classification and inspection of the permit for connection to the sewerage system. [The fee shall be based on the number of EDUs to be connected to the system].

The connection fee shall be paid in full prior to the issuance of any permit.

- B. Capital Improvement/ Reserve Fee - a charge to recover the cost of replacing the system capacity allocated to each new connection to the system. The charge shall be based on the number of EDUs to be connected to the system. This charge shall apply to:

1. Acreage within Zones 1 and 2 for EDUs in excess of the number of EDUs for which assessments were paid in the original assessment district; and
 - a. All parcels outside of Zones 1 and 2.

For existing buildable parcels, this fee shall be paid at the time the District approves service to the parcel, but no later than the time the connection permit is issued. For subdivisions of acreage this fee shall be paid at the time the District signs the tentative map as agreeing to provide sewer service.

- C. Annexation Fee - a fee to compensate the District for the costs of processing an annexation to the District. The annexation fee shall be paid at the time the petition for annexation is filed with the District and the Local Agency Formation Commission.
- D. Annexation Acreage Fee- a fee per gross acre of land annexed to provide for equitable distribution of the prior costs in forming and administering the District. The minimum fee shall not be less than that of one (1.0) acre. The appeal fee shall be paid prior to filing of the Certificate of Completion of the annexation.
- E. Appeal Fee - a fee to recover the administrative cost of appeal filing. Such a fee, or a portion of the fee, shall be refunded at the discretion of the Board in the event the appeal is granted. The fee shall be paid at the time of filing the appeal.
- F. Maintenance Reimbursement Fee – a charge to cover the cost of maintenance or repair of the on-site facilities.

2. Late Payment

If any fees or service charges are not paid by the due date(s), a penalty of ten (10) percent of the amount due shall be applied as well as one (1.0) percent per month in accordance with California Government Code §61115(a)(3)(C)621. If not paid within six months a lien will be levied on the parcel in arrears. This fee also applies to all third parties and any special agreements. Exceptions may be granted upon board approval.

Proration of Service Charges

Users issued permits shall have the service charge prorated from the first day of the month in which the permit is issued to the last day of the following June. Service charges due hereunder shall be paid prior to issuing a connection permit.

3. Charges May Be Adjusted

No statement or bill shall be conclusive as to the matter set forth therein, nor shall the filing of the same preclude the District from collecting by appropriate action such sum as is actually due and payable under the provisions of this Ordinance.

Users who connect a building to the sewer and then later change their use shall pay an additional connection fee to cover any increased EDU Rating and shall pay said fee prior to the approval of the Building Permit Application by the Mendocino County Department of Public Works. The District will not issue a will - serve letter for any proposed change in use until all applicable fees have been paid to the District. (Ordinance 98-1)

4. Continuity of Services

For the purposes of this Ordinance, each improved property shall be deemed to be fully and continuously occupied from and after the date of issuance of a connection permit. Charges shall not be refunded even though service is discontinued, unless the service is disconnected to the satisfaction of, and with the approval of, the General Manager. In such case the sewer use charge shall cease as of the

end of the month disconnection from the public sewer is completed. Re-establishment of the service shall require the payment of a connection fee. Changes in use may be reviewed periodically by the General Manager and charges revised as required.

5. Changes in Fees or Charges

Any and all of the fees and charges established by this Ordinance may be changed at any time as determined necessary by the Board of Directors, and in accordance with the provisions of Proposition 218.

6. Collection on Tax Rolls

At the direction of the Board of Directors, the General Manager may have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll in a forthcoming fiscal year in the same manner, by the same persons, and at the same time, together with and not separately from, its general taxes in the manner prescribed in Government Code Section 61115(b). In that event, the District shall cause a written report to be prepared and filed by the General Manager, which report shall contain a description of each parcel of real property and the amount of rate or charges for any purposes, or the amount of any delinquencies, in any of those rates or charges for each parcel for the year. (Ord. 2000-1)

7. Monthly Commercial Due Dates

All monthly commercial accounts, third party, or special agreements invoices will be mailed on or around the 5th of every month. The monthly sewer bill will be due by the 20th of every month. If the 20th falls on a weekend or holiday the sewer bill will be due the following regular business day.

ARTICLE VI

ENFORCEMENT

1. Administration and Enforcement

The General Manager shall be responsible for the administration of the sewerage system and with enforcement of all of the provisions of this Ordinance. The General Manager shall be the authorized agent of the District in any enforcement proceedings filed on behalf of the District. The prevailing party in any enforcement proceedings filed on behalf of the District shall be entitled to an award of reasonable attorneys' fees and costs in addition to any other relief that may be granted in such proceedings.

2. Non-Payment of Fees or Charges

Any charge levied by the District pursuant to this Ordinance on any parcel having a connection to the District sewerage system shall constitute a lien upon the property, which lien may be filed with the

County Clerk. The General Manager may, with the authorization of the Board of Directors, take further legal action to foreclose any such lien or otherwise collect any unpaid fees or charges. Any parcel subject to a lien in accordance with this Article shall be required to pay a reasonable administrative charge to release such lien. Furthermore, the General Manager may be authorized to retain the services of a collections agency to assist in the collection of any unpaid fees or charges and may otherwise use any legal means to collect any fee or charge owed to the District.

3. Procedure for Disconnection of Service

In the event of a violation of any provision of this Ordinance the General Manager shall notify, in writing, the person or persons causing, allowing, or committing such violation. Such notice shall specify in writing both the violation and the time after which, upon the failure of such person or persons to prevent or rectify the violation, the General Manager will exercise his authority to disconnect the property served or take other legal action to cure the violation. Such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Gualala, California, addressed to the person or persons to whom notice is given. In the event such violation results in a public hazard or menace, the General Manager may enter upon such premises without notice and do such things as may be necessary to abate such hazard, and the reasonable value of the things done, and the amount expended in so doing shall be a charge upon the owner so in violation.

4. Reestablishing a Disconnected Service

When service has been disconnected as provided in this Ordinance, the General Manager may require that the person or persons who request such service be reestablished furnish a bond in a sum not to exceed Five Hundred Dollars (\$500.00), payable to the District and conditioned upon compliance with the provisions of this Ordinance, before granting permission to make such connection. Before such service will be reestablished, the person or persons making application for such re-establishment of service shall pay all expenses incurred by the District in causing such disconnection and in reestablishing such connection.

5. Termination for Violation of Ordinance

The District may cause to be terminated any sewer service to any parcel if a violation of any provision of this Ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this Ordinance. Before termination of service, the involved user shall be provided notice and an opportunity to be heard, unless an emergency situation exists requiring summary termination in order to protect the public health and safety. This provision is in addition to other statutes, rules, or regulations, authorizing termination of service for delinquency in payment.

6. Penalties

Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1000.00) or by imprisonment in the County Jail for a term not to exceed six months, or by both such fine and imprisonment. A separate offense shall be deemed to have occurred for each and every week during any portion of which any violation is continued and shall be punishable as provided herein. *Furthermore, and in addition to any other remedies provided for the collection of charges in accordance with California Government Code § 61115, the District shall be entitled to an*

award of reasonable attorney's fees and costs as part of any judgment in an enforcement action filed on behalf of the District. In addition, the District may obtain a monetary recovery in a civil action for any and all damages suffered by the District as a result of the actions giving rise to any legal action filed on behalf of the District. The remedies set forth in this Ordinance are cumulative and may be pursued alternatively or consecutively. (Ordinance 98-3)

7. Appeals

- (a) Any user or other person aggrieved by any decision, action, finding, determination, order or directive of the General Manager which is made or authorized pursuant to the provisions of this Ordinance may file a written request with the General Manager for reconsideration thereof within ten (10) days of such decision, action, finding, determination, or order, setting forth in detail the facts supporting the request for reconsideration. The General Manager shall make a final decision within fifteen (15) days after the receipt of such request for reconsideration.
- (b) Any user or other person aggrieved by the final determination of the General Manager may appeal such determination to the Board within fifteen (15) days after notification of the final determination of the General Manager and shall set forth in detail the facts and reasons supporting the appeal in writing. Any such written appeal must be filed with the General Manager and must be accompanied by the appeal fee required by the District. Failure to file a timely written appeal of the General Manager's determination, and pay the required appeal fee, shall result in the denial of the appeal. The appeal shall be heard by the Board at its next regularly scheduled meeting unless otherwise requested by the General Manager or the appellant. The appellant, the General Manager, and such other persons as the Board may deem appropriate, shall be heard at the hearing on such appeal.
- (c) The Board shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the Board for hearing such appeal. The Board shall direct the General Manager to mail a written notice, postage prepaid, to all such aggrieved persons whose addresses are known to the Board, and to publish such notice once in a newspaper of general circulation within the District at least five (5) days prior to the date fixed for such hearing.
- (d) Upon conclusion of the hearing, the Board may affirm reverse, or modify the final determination of the General Manager as the Board deems just and equitable, and in harmony with the provisions of this Ordinance. During the pendency of any such appeal, the final determination of the General Manager shall remain in full force and effect. The Board determination on the appeal shall be final.

8. Collections and Other Court Proceedings

The Board of Directors of the District may authorize the General Manager or a member of the Board by resolution to file legal action in small claims court to collect past due amounts for services rendered by the District. Such small claims actions shall be brought in any appropriate branch of the Mendocino County Superior Court of California. In the event the District's claim exceeds the jurisdiction of the small

claims court, court proceedings may be prosecuted by the District in any appropriate venue in accordance with California law.

Notice of the commencement of court proceedings shall be provided to an adverse party by any means permitted under California law. (Ordinance 95-1)

ARTICLE VII

MISCELLANEOUS

1. Effective Date

This Ordinance shall take effect July 1, 2023.

2. Supersedes

When in effect, this Ordinance shall supersede Ordinance No.1987-02, 1991-11, 1994-7, 1995-1, 98-1, 1998-3,2000-1, 2010-1, 2014-2, and 2016-1

3. Severability

The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, or phrases be declared unconstitutional and/or invalid.

4. Relief on Own Motion

The Board may, on its own motion, find that by reason of exceptional circumstances any provision of this Ordinance should be suspended or modified, order such suspension or modification for such premises during the period of such exceptional circumstances, or any part thereof.

In regular session of the Board of Directors of the Gualala Community Services District, finally passed this 27th day of July 2023, on a regular roll call of the members of said Board by the following vote:

| Directors: | <u>Aye</u> | <u>No</u> | <u>Abstain</u> | <u>Absent</u> |
|-------------|------------|-----------|----------------|---------------|
| Bruce Jones | <u>X</u> | ___ | ___ | ___ |
| Randy Burke | <u>X</u> | ___ | ___ | ___ |
| De Denten | <u>X</u> | ___ | ___ | ___ |

Revised July 2023

John Denten X

Gary Able X

SO, ORDERED

By: Gary Able

Gary Able, President

Gualala Community Services District

ATTEST:

By: Luce B Jones
 Secretary